

September 12, 2005 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this Monday September 12, 2005 at 7:00 PM at the Gardiner Meeting Hall. The change in date was due to a Primary Day to be held on the regularly scheduled meeting date. Present were Supervisor Zatz, Councilmen Fischer, Bialecki, Richards and Councilwoman Lemmon. Attorney David Brennan was also present. Approximately 32± audience members were also present.

ANNOUNCEMENTS

September 19 – Open Space Committee community wide meeting St. Charles Church Hall at 7:00 PM.

October 1 – Healing Hands for Katrina victims – fundraising event to be held on the Town Meeting Hall property from 11:00 AM to 5:00 PM.

October 4 – Kevin Cahill Constituents Day Gardiner Meeting Hall 6:00 PM.

October 22 – Health Fair – working together with Assemblyman Cahill’s office to get a number of organizations from the area to provide free health screenings and information.

PRIVILEGE OF THE FLOOR

TRANSFER STATION

Councilman Richards – requested the Town Board to consider the selling of transfer station permits at the transfer station as well as the Town Hall. A motion was made by Councilman Richards, seconded by Councilman Bialecki and carried to allow for the sale of transfer station permits at the transfer station. After some discussion the Board voted as follows Councilman Fischer, Bialecki and Councilwoman Lemmon all voted nay, Councilman Richards voted aye and Supervisor Zatz chose not to vote. Motion fails.

FINANCIALS

Councilman Fischer – read a statement regarding the 2004 year end report. The report was filed late and as a member of the Town Board he feels that he should be informed of any financial problems. He stated he became aware of three letters from the State Comptrollers Office sent to the town about the late filing of the report. He asked Supervisor Zatz why he did not inform the Town Board of the late filing, why he never responded to the three letters, why it took six months for the Town Board to get copies of the letter and asked if any other correspondence on town matters have been received that the Town Board has not been informed about. Supervisor Zatz responded that the letters received were standard form letters and were given to the bookkeeper for filing. He has been in contact with the State Comptrollers Office and in fact requested an audit since we have had three bookkeepers in one year. We are currently going through a risk assessment from the State Comptrollers Office which covers procedures and processes. Supervisor Zatz also commented that a large amount of correspondence comes through his office and finds it impossible to provide the Board with every piece of correspondence that comes through. He has invited and again invites the Board to come into the Town Hall to review all that goes on, on a daily basis. Discussion continued at great length and ended with a motion by Councilman Bialecki, seconded by Councilman Fischer to table all financials for this evening. Supervisor Zatz and Councilman Richards voted nay, Councilwoman Lemmon abstained. Motion fails.

SUPERVISOR MONTHLY REPORT

A motion was made by Councilman Richards to accept the Supervisor report for the month of August. No second, motion fails.

2004 ADJUSTMENTS

Supervisor Zatz explained that many errors were found preventing the year end report to be filed on a timely basis. Former bookkeeper Carol Lohrman who returned to help with the filing process, corrected the errors made and presented the Supervisor with a resolution correcting these errors. Councilman Richards made a motion to accept these adjustments. No second, motion fails. All budget transfers and claims also were not approved.

HEALTH INSURANCE

Brad Palmiter of Palmiter Benefits Group was present to discuss the health insurance and presented options to the Board. They will review the various plans and consider them for the budget process.

OHIOVILLE ACRES

The applicant of Ohioville Acres appeared before the Town Board requesting a zoning change of use in the AR-80 District. They are requesting a 2 acre commercial parcel in a proposed cluster development to be located on South Ohioville Road for the purpose of creating a small convenience store area. The Planning Board is in favor of this stating that they feel it is a positive change. The applicant and the Planning Board are asking the Town Board what their position is on this proposal. Supervisor Zatz spoke to attorney Paul Kellar. Mr. Kellar's opinion is that this is spot zoning. He advised that the Board not act in an advisory capacity. Councilwoman Lemmon would like to obtain the opinion of either Peter Fairweather or Joel Russell and Councilman Bialecki would like to get more information via a developed site plan.

NYSCA GRANT

The Town has received a grant in the amount of \$10,000 from the New York State Council of the Arts. Councilwoman Lemmon would like to hire landscape architect Stephan Yarabek of Hudson & Pacific Designs to create a landscape plan for the hamlet. An additional \$5,000 grant was received by the Gunk Foundation. The total cost for Mr. Yarabek's services would be \$22,000. With the \$15,000 received in grant money, Councilwoman Lemmon would need an additional \$7,000. Ms Lemmon would like to split the difference between the Hamlet Reserve Fund and the Parks & Recreation Fund. After some discussion, Councilwoman Lemmon agreed to put together a proposal.

MORATORIUM EXTENSION LOCAL LAW

Supervisor Zatz presented the Board with a three month extension of the current moratorium law for their review. A public hearing will be set at the next meeting.

PARKING LAW AMENDMENT

Attorney David Brennan is reviewing the current parking law and will provide the Board with recommendations to revise it.

BIO-DIESEL PILOT PROGRAM

On motion of Councilman Richards, seconded by Councilwoman Lemmon and carried, the Highway Department will take the 1997 5-ton truck and use it for a bio-diesel pilot program. This program will replace diesel fuel with used cooking oil. This can result in a great deal of savings in fuel costs. Councilman Fischer voted nay.

MINUTES

The minutes of August 9 and September 6 were approved as written on motion of Councilman Richards, seconded by Councilman Bialecki and carried. Councilman Fischer and Councilwoman Lemmon voted nay.

TOWN HALL UPDATE

Supervisor Zatz projected onto the wall a sketch plan and floor plan for the addition to the town hall for office space. He explained that he would like to use green power i.e. geo-thermal for the heating as in the meeting hall and possibly consider solar for the meeting hall in the future. The drawings were provided by Kim Hoover and Joseph Trapani, architects who have volunteered their time for this project, at a great savings to the town. Councilman Bialecki thanked them for their volunteering.

PUBLIC HEARING CONTINUATION ARR-200 ZONING

On motion of Councilman Bialecki, seconded by Councilwoman Lemmon and carried the public hearing was closed at 9:25 PM. Board members discussed having attorney David Brennan and consultant Joel Russell review all correspondence pertaining to the public hearing and the Planning Board comments and provide the board with a summary of their review. Also discussed was whether some of the comments were worth incorporating into the law and the validity of the protest petition. Joel Russell will be consulted. Supervisor Zatz reminded the Board that a super majority vote was needed to adopt the law. Questions arose about the viability of the law and the defensibility of the law. There was a lengthy discussion on which way to go. On motion of Councilman Bialecki, seconded by Councilwoman Lemmon and carried, the Board directed counsel to review the comments and prepare a summary of both public comments and Planning Board comments. Councilman Richards voted nay.

TOWN WIDE ZONING

Board members discussed town wide zoning. Now that they are nearing the end of the ARR-200 zoning amendment law, it is time to consider the rest of the town. Councilwoman Lemmon suggested reinstating the Zoning Advisory Committee and the Town Board beginning their role. Supervisor Zatz commented that the next step does not have to mirror the ARR-200 law. He suggested looking to Joel Russell for a draft of a law for the Town Board to review and edit. It was suggested that the new committee should include a Planning Board member and Zoning Board of Appeals member as well as members from the four corners of the community. An ad will be placed in the newspaper for volunteers.

ADJOURNMENT

On motion of Councilman Richards, seconded by Councilwoman Lemmon and carried, the meeting was adjourned at 10:20 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk