

November 8, 2006 – Workshop Meeting & Budget Public Hearing

Supervisor Zatz presided over this workshop meeting of the Gardiner Town Board held at the Gardiner Meeting Hall at 7:00 PM. Also present were Councilmen Katz and Bialecki & Councilwomen Lemmon and Kern. There were approximately 18± audience members.

ANNOUNCEMENTS

December 2 - Poinsettia & Wreath Sale sponsored by the Friends of the Library

December 3 – “Harps for Heaven” Concert performed by Laura Majestic at the Gardiner Reformed Church

Shawangunk Valley Fire Department – Free smoke detectors and home assessment provided.

HEALTH INSURANCE

Brad Palmiter of Palmiter Benefits Group was present to review the health insurance plans offered to the Town for 2007. The current plans will be discontinued and 4 options were presented to the Town. Each plan will now have a \$100/person/year deductible for prescription benefits and a \$500 deductible/per person/year hospital admittance. One plan has a \$500/person/admittance deductible. Board members are considering this particular plan along with a health savings account for each employee of \$800 to offset the deductibles and other costs. Board members discussed this at length. Decisions were tabled to next weeks meeting.

PUBLIC HEARING – BUDGET 2007

The Town Clerk read the legal notice for the public hearing at 7:50 PM. Supervisor Zatz opened the hearing to the public for questions or comments.

Mike Calderone – asked about the unexpended balances in both the general fund and the highway fund.

Superintendent Haynes – Was disappointed the Town Board decreased the salary request for his clerk by 4%. He asked the Board to reconsider and increase her salary to \$26,349. Board members agreed.

Rich Koenig – asked why there was no line for Rail Trail maintenance. Not needed for this year

Pam O’Dell – questioned the building improvements line, town hall rental line and the Library fuel item line. Supervisor Zatz explained that building improvements may be needed, even though the building is new we would like to keep up with maintenance, the town hall rental line will not be need as the town intends to move in January and fuel item for the Library was set by the Library. They control their budget.

Marion Kells – asked what the entertainment line was for. Fireworks.

Kathy Hudson – requested the planning board secretary hours increase to fulltime or get an assistant.

Tony Osborne – asked what the \$3,500 fee for Mohonk Preserve was for. It was explained that this is a revenue – Mohonk Preserve gave us the \$3,500.

Mike Calderone – asked what the tax increase would be for 2007.

Tony Osborne – asked what Home Relief was. Supervisor Zatz explained it is a social services line giving assist to those in need in our community. Required by law.

There were no other questions or comments. Board members agreed to keep the public hearing opened to next week.

PUBLIC HEARING CONTINUATION – AR-80 MORATORIUM EXTENSION

Supervisor Zatz read the recommendations from both the County Planning Board and the Town Planning Board. Both gave favorable recommendations. On motion of Councilman Katz, seconded by Councilwoman Lemmon and carried, the public hearing was closed at 8:30 PM.

ADOPT LOCAL LAW # 10-2006 - EXTENSION OF AR-80 MORATORIUM

On motion of Councilwoman Lemmon seconded by Councilman Katz and carried, Local Law #10-2006 was adopted as written.

A LOCAL LAW EXTENDING THE NINE-MONTH MORATORIUM IN THE AR-80 ZONING DISTRICT ON THE FILING, ACCEPTANCE, AND/OR APPROVAL OF APPLICATIONS FOR APPROVAL OF MAJOR SUBDIVISIONS.

Be it enacted by the Town Board of the Town of Gardiner as follows:

SECTION I – FINDINGS AND PURPOSE

The Town Board of the Town of Gardiner declares the following with respect to this Local Law:

- A. By Local Law 4 of 2006, the Town Board of the Town of Gardiner enacted a nine-month moratorium on the processing and issuance of approvals on certain residential projects within the AR-80 zone. This Local Law was adopted on February 7, 2006 and thereafter filed with the New York Secretary of State on February 14, 2006. The Local Law expires nine months after its filing date with the Secretary of State.
- B. Thereafter, the Zoning Advisory Committee (“ZAC”) conducted a process to prepare a proposed zoning amendment for the AR-80 district. The ZAC hired a professional planner/attorney who met regularly with the ZAC to prepare a draft zoning amendment.
- C. At this juncture the ZAC has completed much of its task of preparing a draft zoning amendment. However, the draft zoning amendment is not yet complete and has not been forwarded to the Town Board for its consideration.
- D. The ZAC needs additional time to complete its task and thereafter, the Town Board will require time to consider the proposed zoning amendment.
- E. The Town Board is desirous of adopting a zoning amendment after properly completing the local law process. The Town Board is aware that the moratorium in the AR-80 district will expire and the expiration may come prior to the consideration of a zoning amendment.
- F. The Town Board is desirous of proceeding with the review and processing of the zoning amendment in an appropriate and deliberate manner free from any race to diligence or timing concerns raised by the possible expiration of the moratorium.
- G. The Town Board has determined that the moratorium and this amendment are actions Exempt from the State Environmental Quality Review Act (“SEQRA”) pursuant to 6 NYCRR § 617.5(30).
- H. Accordingly, the Town Board desires to extend the current moratorium by six months.

Based on the foregoing, Local Law No. 4 of 2006 is hereby amended as follows:

I. Section III, entitled “Scope of Moratorium” is deleted in its entirety and replaced with:

SECTION III- SCOPE OF MORATORIUM

Subject to the exceptions set forth below and pending adoption of related amendments to the Zoning Law and the Subdivision Regulations of the Town of Gardiner Municipal Code, there shall be, for the AR-80 District, a moratorium on the acceptance, review, processing and approval, conditional approval, conditional approval with modifications or denial of major subdivisions (including sketch plans, preliminary and/or final subdivision plats) as defined in Chapter 188 of the Town Code, by any board, agency, department or official of the Town of Gardiner. This moratorium will expire after a period of six (6) months from the effective date of the Local Law extending the moratorium.

II. Section V, entitled “Duration” is deleted in its entirety and replaced with:

SECTION V – DURATION

The provisions of this Local Law shall be in effective for a period of six (6) months from the effective date of the Local Law extending the moratorium unless earlier repealed, modified, extended or supplemented by passage of a further Local Law by the Town of Gardiner.

III. Any section of Local Law No. 4 of 2006 not amended herein remains in full force and effect.

SEVERABILITY

If any section or subsection, paragraph, clause, phrase or provision of this Amendment to Local Law No. 4 of 2006 be adjudged invalid for any reason or shall be deleted or subsequently repealed, the same shall not affect the validity of this Local Law as a whole or any part or provision hereof other than the part to be adjudged to be invalid and/or deleted and/or subsequently repealed.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law of the State of New York.

APPOINTMENT OF PLANNING BOARD MEMBER

Before appointing a new member, comments from the Town Board were as follows: Councilman Katz does not believe Joe Hayes is the proper appointment. Although he is very knowledgeable, his business is in California and he spends six weeks there in the summer and flies out there once a month.

Councilwoman Lemmon believes both Joe Hayes and Jim Wild are qualified. Supervisor Zatz stated that Joe Hayes is very talented and will emerge as a real leader in the community. However Jim Wild has attended every meeting and site visit since his appointment as alternate. He is insightful and knowledgeable and uniquely qualified as a Planning Board member. He has demonstrated he is a team player.

On motion of Councilwoman Lemmon, seconded by Councilwoman Kern, Joe Hayes was appointed as Planning Board member to fill the term vacated by Alan Goodman, term to expire on 04/01/2011. Councilman Bialecki voted aye, while Supervisor Zatz and Councilman Katz voted nay. Motion carries. Jim Wild will remain as the alternate.

LIBRARY BOARD OF TRUSTEES APPOINTMENT

Patti Eakin has resigned from the Library Board of Trustees. Glenn Gidaly has been appointed by the Trustees to fulfill her term which will expire August 2007.

SCHEDULE PUBLIC HEARING – HR ZONING AMENDMENT

Board members scheduled a public hearing for December 5, 2007 at 7:30 PM for a Zoning Amendment in the Hamlet Residential (HR) zone to allow for Libraries to be permitted by right. Each Board member received a copy of the law for their review.

TOLL BROTHERS BOND REDUCTION

Toll Brothers has requested a reduction in their performance bond and have sent a revised Highway Construction Agreement and revised Letter of Credit. Their attorneys have indicated that town attorney Paul Kellar has reviewed the document and has agreed to the reduction. Board members would like Mr. Kellar's comments addressed to them in writing. Approval was tabled until next week.

MINUTES

Minutes of September 5 and September 13, October 3 and October 10 were approved as written on motion of Councilman Bialecki, seconded by Councilman Katz and carried.

HIGHWAY INVENTORY OF PERMANENT IMPROVEMENTS

Superintendent Haynes presented to Board members a proposed list of roads for general repairs and permanent improvements for 2007. Councilman Bialecki has concerns with Mr. Haynes' assessment of which roads to repair. Superintendent Haynes replied he is trying to bring up the standards of the roads.

ZONING ADVISORY COMMITTEE UPDATE

Councilman Bialecki reported that the committee is now meeting once a week. They are currently discussing procedural plans and a draft will be presented to the committee next week. Councilman Bialecki posted a current draft of the map and explained the proposed uses for each area. He stated that the committee has agreed to divide the AR-80 district into two districts. He reviewed the RA district which will be less concentrated and the SR district which will be more suburban. He also stated that they are proposing substantial changes and expansion of the HR district.

PRIVILEGE OF THE FLOOR

Tony Osborne – stated that it is sad that short term residents are appointment to the boards far greater than long term residents. Also asked for an update of the Cell Tower project. This will be discussed in detail next week.

ADJOURNMENT

All business was concluded this evening and on motion of Councilman Katz, seconded by Councilwoman Lemmon and carried, the meeting was adjourned at 9:35 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk