

December 12, 2006 – Regular Meeting

The regular meeting of the Gardiner Town Board was held at the Gardiner Meeting Hall at 7:00 PM. Supervisor Zatz presided with Councilwomen Lemmon and Kern and Councilmen Katz and Bialecki. There were approximately 60± audience members.

ANNOUNCEMENTS

December 16 – Gardiner Fire Department Ladies Auxiliary Holiday Festival at the Gardiner Firehouse from 5:00 PM to 10:00 PM.

December 17 – Year of the Library Event Swing & Sway with Sammy Kaye. 3:00 PM at the New Paltz High School Auditorium.

January 2, 2007 – Town of Gardiner Organizational Meeting 7:00 PM.

December 25, 2006 and January 1, 2007 – Town Offices closed for the respective holidays.

HIGHWAY BID OPENING

A bid opening was scheduled for tonight at 7:05 PM for highway materials to be used from January 1, 2007 to December 31, 2007. The Town Clerk read the legal notice. Five bids were received and Board members agreed to turn them over to the Superintendent of Highways Charles Haynes for his recommendation of award. Bids will be awarded at the next scheduled meeting. Bids received were as follows: Grosso Materials, Callanan Industries, International Salt Co., 209 Sand and Gravel, TJ's Excavation and Trucking and Scott Barclay Trucking.

PUBLIC HEARING CONTINUATION – LOCAL LAW #12-2007 – AMENDING ZONING USE INDEX

Councilman Bialecki recused himself. Supervisor Zatz reminded all that the purpose of this law is to amend the use index in the HR district to allow libraries by right.

Councilwoman Lemmon read a letter she received from Barbara Sammons who was unable to attend this meeting.

Louise Trancynger – feels that the Library Board will do everything possible to please their neighbors. Asked the Town Board to adopt the local law.

Rich Koenig – he feels that the town adopted this local law the correct way last year.

Yvonne Allenson - grant funding can be finicky. Funding was lost in New Paltz for the gymnasium at the college due to litigation. She hopes that one group will not be pitted against another from this issue.

Linda Geary – spoke about several issues such as funding, super majority vote, special use permit, planning and review of the project.

Barbara Sides – informed the Board that a \$96,000 will be applied for. The deadline for the application is December 29 and the application must include the building permit.

Alan Straus – is concerned about the change and how it will impact the area in the future as well as his future rights.

David Straus – the Library is an important contribution to the Town.

Sharon Gillespie – not protesting the Library construction. Her concern is with future expansion.

Goia Shebar – we need the process to go forward expeditiously. Vote yes to adopt the law allowing the use by right.

CLOSE PUBLIC HEARING

On motion of Councilman Katz, seconded by Supervisor Zatz and carried, the public hearing was closed at 7:30 PM.

Questions on the petition presented to the Town and the claim of a super majority was addressed by way of opinion letter from attorney Paul Kellar. He stated that the zoning amendment addresses the entire HR district not a specific parcel. Therefore the petition should have had signatures from 20% of the HR district residents. The petition has signatures from 20% of the residents around the parcel the Library intends to build on.

Secondly a super majority vote is required under the same auspices, a protest by petition of 20% of the residents of the HR district.

SEQR REVIEW AND NEGATIVE DECLARATION

Board members reviewed the SEQR short form as required and determined that there would not be an negative impact on the environment from this project. On motion of Councilman Katz, seconded by Councilwoman Kern and carried, a Negative Declaration on the environmental impact was declared.

Councilman Katz stated the Library has conducted a completely transparent process. Was distressed at the vindictive nature of the comments last week.

Councilwoman Kern stated that she appreciates the concerns of the residents, but she feels this is an eleventh hour opposition.

Councilwoman Lemmon feels we should be focusing on the use table itself not funding. Although sympathetic to the neighbors she feels that the Library is key to the hamlet revitalization and concluded that it should be a use by right.

Supervisor Zatz agrees funding is not the issue although funding increase with the change. He reviewed the timeline of the project from 2002 to the present site plan review. He believes trustees will take residents concerns very seriously just as the Planning Board will.

ADOPT LOCAL LAW #12 – 2006 AMENDING USE INDEX ALLOWING PUBLIC LIBRARIES BY RIGHT

On motion of Councilman Bialecki seconded by Councilman Katz and carried, Local Law #11-2006 was adopted as follows:

SECTION 1 - TITLE. This local law shall be known as “A Local Law Amending the Use Index and Bulk Use Tables of the Code of the Town of Gardiner to Allow Public Libraries to Be Permitted by Right in the Hamlet-Residential (HR) Zone of the Town.” **SECTION 2 - AUTHORITY.** This Local Law is enacted pursuant to Municipal Home Rule Law Section 10 and Article XI of the Code of the Town of Gardiner, New York. **SECTION 3 - PURPOSE.** The intention of this Local Law is to amend the Use Index and Bulk Use Tables of the Town Code of the Town of Gardiner to allow public libraries to be permitted by right in the Hamlet-Residential zone of the Town of Gardiner. **SECTION 4.** The Use Index, Section 1 of the Zoning Code of the Town of Gardiner in the Hamlet Residential District is hereby amended by: A. Adding to “Uses Permitted by Right” a subparagraph 8 entitled “Public Libraries.” That Bulk Group shall be designated as Bulk Group r; and B. Deleting from “Uses by Special Permit” Item 10 entitled “Public Libraries, Bulk Group x.” **SECTION 5.** The Bulk requirements of Attachment F of Chapter 220 of the Code of the Town of Gardiner in the Hamlet Residential District are amended by: A. Adding public libraries to the uses permitted by right under Use Group r; and B. Deleting public libraries from the uses allowed by special permit under Use Group x. **SECTION 6 - EFFECTIVE DATE.** This Local Law shall take effect immediately upon the filing in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

RESERVE FUND RESOLUTIONS

Resolution No. 132 – Snow Removal Fund #21 – Offered by Councilwoman Kern

Resolved, that pursuant to General Municipal Law the Town Board of the Town of Gardiner does hereby appropriate and pay \$10,000 from highway unexpended surplus funds of the Town of Gardiner into the Snow Removal Fund #21.

Seconded by Councilman Bialecki and carried.

Resolution No. 133 – Highway Equipment Fund – Offered by Councilman Katz

Resolved, that pursuant to General Municipal Law the Town Board of the Town of Gardiner does hereby appropriate and pay \$25,000 from highway unexpended surplus funds of the Town of Gardiner into the Highway Equipment Fund #22.

Seconded by Councilwoman Kern and carried.

SEWER DISTRICT RESERVE FUND

Prior to adopting this resolution Councilman Katz stated that \$10,000 per year over the next three years will add up to enough money to replace the other two sand beds with reed beds. He also stated that he would like to put the pumping of the septic tanks out to bid.

Resolution No. 134 – Sewer District Repair Fund #23 – Offered by Councilwoman Kern

Resolved, that pursuant to General Municipal Law the Town Board of the Town of Gardiner does hereby appropriate and pay \$10,000 from sewer unexpended surplus funds of the Town of Gardiner into the Sewer District Repair Fund #23.

Seconded by Councilman Katz and carried.

SCENIC BY-WAY RESOLUTION

Supervisor Zatz presented a resolution to designate an alternate route of the Scenic By-Way on Route 44/55 from the intersection of Route 208 to Route 299. This was discussed at length and a motion was made by Councilwoman Lemmon, seconded by Councilman Katz to table this resolution for future research.

Councilwoman Kern also voted aye with Supervisor Zatz and Councilman Bialecki voting nay. Motion carries.

OPEN SPACE PLAN

Lewis Eisenberg, Chairman of the Open Space Committee, was present and stated that comments have been received by both the Ulster County Planning Board and the Town Planning Board. The committee is ready to implement all recommendations to the plan. He and Board members reviewed comments from both boards. The committee is looking for authorization to set up a subcommittee, with a mission statement, to assist the Town Board plan. The next steps are to put the comments on the website, have Behan Associates draft a document with changes, schedule a public hearing and possibly do a SEQR review again.

A public hearing was scheduled for January 9, 2007 at 7:15 PM.

SCHEDULE PUBLIC HEARING FOR A LOCAL LAW FOR SENIOR EXEMPTION

A public hearing for a local law for the income level on the senior exemption for taxes was scheduled for January 9, 2007 at 7:05 PM.

MINUTES

Minutes of October 16, October 23, November 6 and November 8 were approved as written on motion of Councilwoman Lemmon, seconded by Councilman Bialecki and carried.

SUPERVISOR REPORT

On motion of Councilman Katz, seconded by Councilman Bialecki and carried, the November Supervisor Report was accepted as presented.

CLAIMS

Claims for the month of November were approved on motion of Councilwoman Kern, seconded by Councilman Bialecki and carried. They are listed on Abstract # 12 as follows: General Fund voucher #805-874 \$44,924.07; Highway Fund voucher #273-281 \$4,807.97; Sewer District #1 voucher #62-66 \$4,494.20; Gardiner Light District voucher #10 \$266.63; Library Fund voucher #109-117 \$1,810.73; Capital Town Hall voucher #80-101 \$71,830.92.

BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS

Resolution No. 135 – Supplemental Appropriation in the General Fund – Offered by Councilman Katz

Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$1,586.00 in Acct No. 00.05.6140.401 Home Relief, \$385.00 in Acct No. 00.06.7110.413 Park Repairs, \$775.00 in Acct No. 00.07.8160.401 Transfer Station Misc

and \$1,283.00 in Acct No. 00.07.8160.410 Transfer Station Haulage. Further resolved, said moneys to be taken from the unexpended balance in the General Fund. Seconded by Councilman Bialecki and carried.

Resolution No. 136 – Supplemental Appropriation in the General Fund – Offered by Councilman Katz Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$120.00 in Acct No. 00.01.1620.103 Laborer/Capital Town Hall Non-Prevailing Rate, \$136.00 in Acct No. 00.01.1620.103 Electric, \$2,200.00 in Acct No. 00.01.1620.448 Rent and \$105.00 in Acct No. 00.07.8160.413 Transfer Station Porta-Potty. Further resolved, said moneys to be taken from the unexpended balance in the General Fund. Seconded by Councilwoman Kern and carried.

Resolution No. 137 – Supplemental Appropriation in the General Fund – Offered by Councilman Bialecki Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$420.00 in Acct No. 00.01.1620.106 PS Buildings & Grounds, \$6,212.00 in Acct No. 00.01.1420.460 Attorney Professional Service, and \$5,752.00 in Acct No. 00.01.1620.102 Laborer Capital Town Hall. Further resolved, said moneys to be taken from the unexpended balance in the General Fund. Seconded by Councilman Katz and carried.

Resolution No. 138 – Transfer within General Fund – Offered by Councilman Katz Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$780.00 from Acct No. 00.01.1355.403 Assessors Conference to Acct No. 00.01.1355.201 Assessors Equipment, \$156.00 from Acct No. 00.01.1410.203 Town Clerk Equipment to Acct No. 00.01.1410.402 Town Clerk Mileage, \$470.00 from Acct No. 00.01.1410.203 Town Clerk Equipment to Acct No. 00.01.1410.422 Program Support and \$191.00 from Acct No. 00.01.1410.203 Town Clerk Equipment to Acct No. 00.01.1410.499 Town Clerk Software. Seconded by Councilman Bialecki and carried.

Resolution No. 139 – Transfer within Library Fund – Offered by Councilwoman Kern Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Library Fund, is hereby amended to provide for the transfer of \$ 340 from Acct No 19.06.7410.410 Books to Acct No. 19.06.7410.457 Cleaning. Seconded by Councilwoman Lemmon and carried.

Resolution No. 140 – Transfer within Highway Fund – Offered by Councilman Bialecki Resolved, pursuant to Section 112, Town Law, the 2006 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$17,818.00 from Acct No 01.04.5112.328 Lake Road to Acct No. 01.04.5112.331 Michelle Drive. Seconded by Councilwoman Kern and carried.

Supervisor Zatz announced that this would be the last meeting of the year. The Town has converted to accrual accounting and there will no longer be a need for a year end meeting.

ADJOURNMENT

On motion of Supervisor Zatz, seconded by Councilwoman Kern and carried, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk