

The Town Board met this evening in workshop session together with the Planning Board and the Zoning Board of Appeals. The meeting was called to order at 7:00 PM by Supervisor Katz. Also in attendance were Councilmen Koenig, Mele & Wiegand and Councilwoman Lemmon. There were approximately 28± audience members.

Planning Board members present – Chairman Michael Boylan, Paul Muessig, Paul Colucci, Joseph Hayes, Mon Dorris, John Friedle, Kathy Hudson and alternate Mark Rausher. Consultant Jim Freiband was also present.

Zoning Board of Appeals members present – Chairman Michael Beck, Paul Schwartzberg, Laura Wong-Pan and Peter Beuf.

### **ANNOUNCEMENTS**

October 13 – Rabies Clinic 4 PM to 6 PM Gardiner Fire Dept.

October 23 – Harvest Doo-Wop dance sponsored by the Gardiner Day Committee 8 PM at the Gold Fox Restaurant

December 3 – Annual Tree Lighting. More information to come.

### **NOVEMBER WORKSHOP MEETING**

Due to a conflict with Election Day on November 2, the workshop meeting for November has been re-scheduled for November 3.

### **JOINT MEETING WITH PLANNING BOARD & ZONING BOARD OF APPEALS**

Supervisor Katz explained that the current zoning law was adopted two (2) years ago. The three (3) boards discussed the technical and conceptual purpose of the zoning law. Mr. Katz wishes to identify areas of the law in question and appoint a committee to review the law and propose changes by the end of the year. Points that were made included sections of the law that have not even been applied to date and the learning curve the Planning Board should be allowed until they can come up to speed. Problems they are facing are processing problems, they need more comprehensive instructions, multiple review and memos from the planner, and a tendency for multiple appearances before the Board. Costs are a concern to the applicants, as they are not aware of what additional costs may be incurred throughout the process. There is a need for a clerk to be available daily at the Town Hall to address any questions an applicant may have. They discussed allowing for additional engineers for any given project and the process an applicant goes through between the Planning Board, the Zoning Board of appeals and the Building Inspector. Boards would like to see a checklist for applicants guiding them through the process and the agencies they will need to appear before.

A committee has been put together to include Hank Vance, Councilman Mele, two (2) Planning Board members and one (1) Zoning Board of Appeals member.

### **LIBRARY BOARD APPOINTMENT**

On recommendation of The Library Board of Trustees Peter Beuf was appointed to fill the vacancy left by Fred Mayo's resignation, for a term to expire August 1, 2013. On motion of Councilman Koenig, seconded by Councilwoman Lemmon and carried, Barbara Sides was re-appointed to another term to expire on August 1, 2015.

The Library Board of Trustees would like to create an additional position as allowed by their by-laws. Long time volunteer George Weiss is interested in filling this position. It has always been the custom of the Town Board to interview candidates before appointing them to a position. Supervisor Katz will schedule an interview.

**RESOLUTION - SCENIC MEADOWS SUBDIVISION**

An agreement has been reached between the Town and the property owners of the Scenic Meadow Subdivision, to pay all outstanding Planning Board fees. A wire transfer will be made to the Town Clerk's account in the amount of \$20,500. On motion of Councilman Wiegand, seconded by Councilwoman Lemmon and carried, the Board adopted the following resolution, subject to the receipt of the wire transfer.

**Resolution No. 128 – Scenic Meadows Surety Extension**

**WHEREAS**, the Scenic Meadows Subdivision has previously petitioned the Town Board of the Town of Gardiner for relief from Subdivision Law §188-15, which among other things requires the posting of security for subdivisions improvements; and

**WHEREAS**, said request was granted for a period of two years with an expiration of November 7, 2010 and Scenic Meadows requests that the Town Board extend the approval for one year; and

**WHEREAS**, the Scenic Meadows Subdivision was approved on or about 2007, by the Planning Board and the subdivision map filed in the County Clerk's Office in or about December 2007; and

**WHEREAS**, contemporaneous thereto, Scenic Meadows posted a letter of credit in the amount of \$585,000.00 to secure the installation of the required infrastructure and improvements. The security requirement is in place to provide a sum of money to ensure all improvements are installed, particularly in the case where lots are sold to individuals prior to the completion of all of the improvements; and

**WHEREAS**, the Scenic Meadows subdivision is separated from the existing road by a substantial stream which requires the installation of a bridge to reach the building lots; and

**WHEREAS**, as a result there is a natural barrier that prevents lots from being constructed upon prior to the installation of improvements; and

**WHEREAS**, on November 16, 2008, the Town Board passed a resolution which allowed Scenic Meadows to cancel its letter of credit on the following terms:

- 1) Scenic Meadows will provide a security interest in the property to the Town;
- 2) Within two years of the date of this resolution the letter of credit will be restored;
- 3) Scenic Meadows will pay all required taxes on the parcels;
- 4) Scenic Meadows will pay the expenses of the Town associated with the review and implementation of this matter;
- 5) Scenic Meadows will indemnify the Town against all claims, expenses, causes of action and the like associated with this matter.

**WHEREAS**, Scenic Meadows provided the Town with a Declaration of Covenants and Restrictions on the property to provide security to the Town which was duly filed in the Ulster County Clerk's Office; and

**WHEREAS**, the Declaration of Covenants and Restrictions does not permit Scenic Meadows to sell lots until the letter of credit is replaced; and

**WHEREAS**, due to the continued economic climate, Scenic Meadows has not been in a position to build the subdivision. However, Scenic Meadows has secured a Third-Party Purchaser for the entire property and desires to effectuate the transfer of the project; and

**WHEREAS**, in order to allow the Third-Party Purchaser time to develop the project, Scenic Meadows has requested that the Town Board extend for one year the cancelation of the letter of credit; and

**WHEREAS**, Scenic Meadows has provided to the law firm of Young, Sommer...LLC the amount of \$20,500.00 which is being held in escrow to pay any outstanding invoices associated with the original engineering and/or legal review of the subdivision and the release of such escrow to the Town has been authorized in writing by Scenic Meadows to pay said amounts; and

**WHEREAS**, the amount held in escrow will also be utilized to pay the expenses of the Town associated with the review and implementation of this request; and

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE TOWN BOARD OF GARDINER, ULSTER COUNTY, NEW YORK:**

THAT THE, the Town Board of the Town of Gardiner determines that the adoption of this Resolution will not result in any significant adverse environmental impacts; and IS FURTHER RESOLVED, that the Town Board permits Scenic Meadows to continue the cancellation of its letter of credit on the following terms:

- 1) Scenic Meadows will provide a recorded, revised Declaration of Covenants and Restrictions to the Town;
- 2) Within one year of the date of this resolution the letter of credit will be restored in an amount to be determined;
- 3) The letter of credit amount will be reviewed by the Town Designated Engineer to ensure that, due to the passage of time, the amount of the letter of credit is sufficient to fund the construction of the infrastructure, improvements and related matters;
- 4) Scenic Meadows or its successor will pay all outstanding real property or other taxes in the future due on the parcels;
- 5) Scenic Meadows or its successor will pay any other expenses of the Town associated with the review and implementation of this matter not covered by the escrow amount;
- 6) Scenic Meadows will indemnify the Town against all claims, expenses, causes of action and the like associated with this matter.

**IS FURTHER RESOLVED**, that failure by Scenic Meadows or its successor to comply with the terms of this resolution will result in the Town Board rescinding this resolution and taking such further action as is necessary, to be determined by the Town Board; and

**IS FURTHER RESOLVED**, that the revised Declaration of Covenants and Restrictions and indemnity are subject to review and approval by the Attorney for the Town; and

**IS FURTHER RESOLVED**, that the Town Supervisor, after review and approval by the Attorney for the Town, is authorized and directed to take such actions, including signature of any necessary documents, required to effectuate this resolution; and

**IT IS FURTHER RESOLVED**, that the Town's Consultants and the Town Clerk are directed to take such actions as are necessary and appropriate to implement this resolution.

**RESOLUTION - PART TIME ASSESSORS CLERK/FIELDWORKER**

**Resolution No. 129** – Part time Assessors Clerk/Fieldworker - Offered by Councilwoman Lemmon  
The Town Board hereby authorizes and consents to the appointment of Monique Moran as Part Time Clerk/Assessor Fieldworker, to receive a salary of \$15.00 per hour to be paid bi-weekly and to serve at the pleasure of the Assessor.

Further Resolved, that Monique Moran shall not be eligible for certain insurance benefits as a part-time employee of the Town.

Seconded by Councilman Mele and carried.

**NORTH STREET**

Paul Colucci presented a proposal to the Town Board for a parking lot to be located at the North Street parcel. Board members agreed that they had already decided to declare this surplus property and hold off on the bidding process for sixty (60) days. On motion of Councilman Wiegand, seconded by Councilman Mele and carried, Board members agreed to put this out to bid at the discretion of the Town Board.

**RESOLUTION - JUSTICE COURT GRANT**

**Resolution No. 130** – Justice Court Grant - Offered by Councilman Wiegand

**WHEREAS**, there is available grant moneys through the New York State Unified Court System to assist in the operation of the town justice courts; and

**WHEREAS**, the Town Board of the Town of Gardiner and the Justice Court of the Town of Gardiner are in agreement that this grant would benefit the operation of the Justice Court and should be applied for; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor of the Town of Gardiner is hereby authorized to sign the grant application and all subsequent documents with respect to the grant, as needed.

Seconded by Councilwoman Lemmon and carried.

**BUDGET 2011**

Supervisor Katz will have a revised tentative budget for the Board by the end of this week. Budgets from both fire departments were received. The Library has not submitted their budget to date since the treasurer's brother and father have passed away over the last week. Budget will be discussed at next week's meeting.

**PRIVILEGE OF THE FLOOR**

**Linda Geary** – Publically thanked Councilman Koenig and Councilman Mele for their hard work installing screening and light shields at the Library. Both put in a large amount of time on very hot summer days and personal finances to allow for privacy to the adjacent property owners. A thank you was also extended to George Majestic and Gordon Pine for their work as well.

Commented that the white roof on the pole barn at the park is the next area that needs screening. Asked if the Town would be willing to plant trees along the barn to provide shielding.

**Pam O'Dell** – asked for a cell tower update.

**Supervisor Katz** – the project award will be announced at next week's meeting.

**David Bird** – asked for a sidewalk update.

**Supervisor Katz** – we are close to going out to bid on Phase II, hopefully by the end of the year. We may have both phases beginning construction by spring.

**EXECUTIVE SESSION**

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the Board entered into executive session at 8:50 PM for the purposes of discussing a contract. They will return to regular session only to adjourn.

**LEAVE EXECUTIVE SESSION AND ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilwoman Lemmon and carried the meeting was adjourned at 9:10 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk