

The Gardiner Town Board met in executive session at 6:15 PM at the Gardiner Town Hall. Supervisor Katz presided with Councilmen Wiegand & Finger, Councilwoman Lemmon and Councilperson Kern present. At 6:15 PM a motion was made by Councilman Finger, seconded by Councilman Wiegand and carried, to enter into executive session.

LEAVE EXECUTIVE SESSION AND BEGIN REGULAR SESSION

On motion of Councilman Finger, seconded by Councilman Wiegand and carried, the Board left executive session at 6:50 PM and entered into regular session. There were approximately 22± audience members present.

ANNOUNCEMENTS

October 10 – Classics Under the Gunks 9 AM to 4 PM. Kiernan farm.

October 17 – Gardiner Association of Business 2nd Annual Art in Gardiner. See website for more information.

PUBLIC HEARING CONTINUATION – ETHICS LAW

Councilman Finger advised the Board of the determination of the Ethics Board regarding the four (4) following issues – language for gifts, Section 26.6(d) the prohibition of political officers serving on the Board, citizens other than municipal employees filing a complaint and advisory opinions. The Ethics Board unanimously agreed that advisory opinions would not be included. There are other resources to seek advisory opinions. No changes were made to Section 26.6(d) but this was discussed at length as well as who can make a complaint. Councilwoman Lemmon suggested adding language for gifts to the employee manual. Ms. Lemmon was reminded that elected officials are not required to abide by the employee manual.

Also discussed at great length was who should be allowed a copy of a recommendation of the Ethics Board concerning a complaint. Recently the Town Clerk received a FOIL letter requesting a copy of the Ethics Board recommendation on a specific complaint. This decision is an intra-agency document and is not subject to the FOIL law according to Section 87 (2) (g) of the Freedom of Information Law. The requester was the complainant and was denied a copy. He may appeal the decision. Comments from the audience were as follows:

Marion Kells – feels all involved parties should receive a copy of the decision. Each complaint and the outcome should be addressed with each party involved.

Mike Yukoweic – preposterous that the Town Board is afraid of the Ethics Law. They are exposing themselves to accusation of wrong doing.

Kathy Hudson – once an intra-agency document has been shared with a citizen it no longer is confidential.

John Habersberger – anyone who makes a complaint can announce their complaint to the world

Pam O'Dell – what happens if the Town Board decides not to act on an opinion/recommendation of the Ethics Board.

Supervisor Katz stated that he would like to continue the public hearing to the next meeting.

2010 BUDGET

Board members were given copies of the tentative budget. Supervisor Katz announced there would be no discussion tonight, only a review by the Board. After a quick but thorough discussion a motion was made by Councilperson Kern, seconded by Councilwoman Lemmon and carried, to accept the tentative budget, with a few revisions, as the preliminary budget.

SCHEDULE 2010 BUDGET PUBLIC HEARING

On motion of Councilperson Kern, seconded by Councilman Finger and carried, a public hearing was scheduled for Monday October 19 at 7 PM.

MASS GATHERING PERMIT – WRIGHT’S FARM CONCERT IN THE ORCHARD

Resolution No. 120 – Offered by Councilman Wiegand

Whereas , the Town of Gardiner has adopted certain rules and regulations governing outdoor musical entertainment, amusement and assemblies in order to provide for public order and the protection of safety, health and well-being of persons and property within the Town known as Chapter 107 of the Municipal Code, and

Whereas, Wright’s Farm has proposed to hold an event known as “Concert in the Orchard” on Sunday October 11, 2009, at the premises known as Wright’s Farm, 699 Route 208 in the Town of Gardiner which is reasonably expected to attract more than 500 persons, and

Whereas, the applicant has provided the Town Board with information concerning the purpose of the event, the hours of operation, the provision of adequate off-street parking and toilet facilities, evidence of compliance with the Department of Agriculture regulations and proof of adequate liability insurance, and

Whereas, the Town Board is satisfied that adequate provisions have been made by the applicant and that planned event will not disturb the public order and safety, then

Resolved, the Town Board of the Town of Gardiner hereby grants a permit for an outdoor assembly known as “Concert in the Orchard” to be held on Sunday October 11, 2009 between the hours of 12:00 P.M. and 6:00 P.M. at Wright’s Farm, 699 Route 208 in accordance with the application presented to the Town.

Seconded by Councilperson Kern and carried.

NEW PARADIGM-WAYBRIDGE – RETURN OF MAINTENANCE BOND

Resolution No. 121- Offered by Councilwoman Lemmon

RESOLVED, pursuant to Section 44.6 of the Municipal Code, the Town Board of the Town of Gardiner upon the recommendation of the Superintendent of Highways does hereby refund, release and return the unexpended portion of a maintenance Bond posted by New Paradigm on or about April, 2008, for the public highway(s) named **Sheldon Road Ext.**

FURTHER RESOLVED, that this refund shall include the unexpended portion of the original maintenance bond in the amount of \$18,750 together with any interest accrued during the period of the bond, and

FURTHER RESOLVED, the Supervisor is hereby authorized and directed to act on behalf of the Town in the above matter.

Seconded by Councilman Finger and carried.

SURPLUS HIGHWAY BID

Supervisor Katz read the proposed legal notice for sealed bids for surplus highway equipment. A bid opening is scheduled for November 5, 2009. Scott Bittner requested that the Highway Superintendent require minimum bids on each piece of equipment. Mr. Haynes declined that request. A motion was made by Councilman Wiegand, seconded by Councilman Finger and carried, authorizing the Superintendent of Highways to advertise this bid opening.

BUILDING & PARK FEES

Supervisor Katz would like to form a committee to review the Building Department fees and the Parks & Recreation fees. He is recommending the following persons to serve: Hank Vance, Mike Boylan, an architect, a builder and a member of the Parks & Recreation Committee. He will also join the committee. The plan is to obtain fees from surrounding towns and make a recommendation to the Town Board.

CELL TOWER UPDATE

Supervisor Katz was informed that the Article 78 filed against the Town regarding the cell tower was won by Sensible Wireless for Gardiner. He has no other information at this point and does not know how the Town's attorney will proceed.

WALKWAY OVER THE HUDSON CELEBRATION

Councilperson Kern reported that the Walkway over the Hudson Celebration was a wonderful experience. All Towns participating had banners and it made for a delightful day. Cost for the Town for the bus totaled \$100. If anyone is interested, Meadow will be selling the banners.

RE-SCHEDULE OF TOWN MEETING

Due to Election Day the November workshop meeting has been re-scheduled to Thursday November 5 at 7 PM.

MINNEWASKA STATE PARK MASTER PLAN PUBLIC HEARING

Supervisor Katz announced that a public hearing will be held on the Minnewaska State Park Master Plan Thursday October 22 at SUNY New Paltz Lecture Center. Mr. Katz plans to attend to bring up the hazardous condition at the park entrance when it gets backed up.

PRIVILEGE OF THE FLOOR

John Habersberger – asked what the total was for the grants requested on the sidewalk project. What happens if the cost of construction exceeds the amount budgeted. Does the Town go for a bond?

Pam O'Dell – asked what the total cost is of the sidewalk project. Asked what the balance of the reserve funds were and how much of the reserve will go towards the budget.

Marion Kells – asked where are the state and federal governments getting their money to fund the grants.

ADJOURNMENT

On motion of Councilperson Kern, seconded by Councilman Wiegand and carried, the meeting was adjourned at 9:05 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk