

The Town Board met this month for one meeting. Supervisor Katz called the meeting to order at 7 PM with Councilmen Finger & Wiegand, Councilwoman Lemmon and Councilperson Kern present. There were approximately 9± audience members present.

ANNOUNCEMENTS

Gardiner Association of Business Trees of Giving display will continue through the end of this week at the Gardiner Library.

TOWN HALL HOLIDAY CLOSINGS

The Town Hall will be closed for December 24 and 25 for the Christmas holiday and December 31 and January 1, 2010 for the New Year's holiday.

SWEARING IN CEREMONY

Supervisor Katz has scheduled the swearing in ceremony for newly elected officials for January 5, 2010 at 6 PM here at the Town Hall. Light refreshments will follow. The Organizational Meeting will begin that evening at 7 PM.

APPOINTMENT TO THE LIBRARY BOARD OF TRUSTEES

On recommendation of the Library Board of Trustees, Michael Vance was appointed to a 5 year term on motion of Councilman Wiegand, seconded by Councilperson Kern and carried.

APPOINTMENT TO THE OPEN SPACE COMMISSION

On motion of Councilperson Kern, seconded by Councilman Wiegand and carried, Greg Finger was appointed to the Open Space Commission effective upon his resignation as a Town Board member. Sadell Cantor was appointed as the alternate on motion of Councilwoman Lemmon, seconded by Councilperson Kern and carried. Councilman Finger recused himself from discussion and voting on his appointment and stated that he did not participate in the interviews.

Councilwoman Lemmon stated that she has been aware of a lack of quorum and an attendance problem with this commission. Present commission members did not agree with this statement.

SEQR REVIEW & NEGATIVE DECLARATION – SIDEWALKS PHASE II

The Town Board reviewed the SEQR form for the Sidewalk project and determined that the project will not have a negative impact on the environment. On motion of Councilman Finger, seconded by Councilperson Kern and carried, the Board accepted a Negative Declaration.

SIDEWALK CONSTRUCTION PROJECT BUDGET

Resolution No. 142 – Offered by Councilman Finger

WHEREAS, the Town of Gardiner has been awarded state and federal grants to construct sidewalks and accompanying amenities (hereinafter “Improvements”) in the Hamlet of Gardiner, New York; and

WHEREAS, said work has been divided into Phase I and Phase II Improvements; and

WHEREAS, due to the fact that the projects for Phase I and Phase II Improvements are funded with grants from New York State and the federal government, requiring that cash flow needs during the planning phase be met with loan advances from the General Fund that will be repaid to the General Fund upon receipt of the grant funds from New York State and the federal government; and

WHEREAS, the Town of Gardiner has already expended certain sums of money from the General Fund to implement Phase I Improvements, such sums to be reimbursed upon receipt of the grant funds from New York State and the federal government;

NOW, THEREFORE, be it resolved by the Town Board of the Town of Gardiner as follows:

1. The capital budget for the Phase I Improvements is approved as follows:

Phase I Improvements:

Revenue:

34-4589	Federal Transportation (80%)	\$356,800.00
34-3589	NYS - Transportation-Marchiselli (15%)	\$ 66,900.00
34-3590	NYS Greenway Council Grant	\$ 5,000.00
34-5031	Transfer from General Fund	<u>\$ 17,300.00</u>
		446,000.00

Appropriations:

34-04-5410-420	Sidewalks - Design and Right of Way	\$ 66,000.00
34-04-5410-425	Sidewalks - Construction & Inspection	<u>\$380,000.00</u>
		\$446,000.00

Phase II Improvements:

Revenue:

35-4589	Federal Stimulus Funds	\$893,000.00
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Appropriations:

35-04-5410-420	Design & Inspection	\$104,000.00
35-04-5410-425	Survey and Right of Way	\$ 50,000.00
35-04-5410-430	Construction of Sidewalks	<u>\$739,000.00</u>
		\$893,000.00

2. The Supervisor hereby is authorized to temporarily advance from surplus General Funds of the Town such sums as may be necessary to pay for the cost of the Phase I and Phase II Improvements pursuant to Section 9-a of the General Municipal Law of the State of New York;

3. The temporary advance will be repaid as soon as the grant funds heretofore approved for the Phase I and Phase II Improvements are received from New York State and the federal government.

4. In that monies to be obtained from the New York State and federal government grants will not be raised from any taxes on the properties comprising the base of properties on which the monies in the General Fund are raised, the repayment for the temporary advances need not include any amount of interest reasonably estimated to have been earned on the investment of monies in the General Fund had such advance not been made.

5. With respect to such funds as may have been heretofore advanced from the General Fund for Phase I Improvements, such advances are hereby ratified and approved as temporary advances to be repaid as soon as the grant funds for the Phase I and Phase II Improvements are received from New York State and the federal government.

Seconded by Councilman Wiegand and carried.

SUPERVISOR'S MONTHLY REPORT

The Supervisor November report was accepted as presented on motion of Councilwoman Lemmon, seconded by Councilman Wiegand and carried.

CLAIMS

The claims were approved for payment on motion of Councilman Wiegand, seconded by Councilperson Kern and carried. They are listed on Abstract # 11 as follows: General Fund voucher #627-652 \$69,070.88; Highway Fund voucher #263-287 \$54,362.65; Sewer District #1 voucher #62-65 #2,775.61; Capital Transfer Station voucher #20 #11,135.03; Library Fund voucher #171-186 \$3,465.20.

BUDGET TRANSFERS AND SUPPLEMENTAL APPROPRIATIONS**Resolution No. 143** – Supplemental Appropriation General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$135.00 in Acct No. 00.02.3120.101 PS Public Safety and \$150.00 in Acct No. 00.07.8090.435 CE Empire Zone.

Further Resolved, said monies to be taken from the Unexpended Balance in the General Fund.

Seconded by Councilman Finger and carried.

Resolution No. 144 – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for transfers in the amount of \$729.00 from Acct No. 00.01.1620.401 CE Misc to Acct No. 00.01.1620.413 CE Repairs \$61.80 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.423 CE Postage, \$318.48 from Acct No. 00.01.1680.401 CE Broadband to Acct No. 00.01.1680.421 CE Office Supplies, \$34.15 from Acct No. 00.02.3510.403 CE Dog Control Conference to Acct No. 00.02.3510.411 CE Cell Phone, \$84.84 from Acct no. 00.02.3620.401 CE Misc Expense to Acct No. 00.02.3620.421 CE Office Supplies Building Dept. and \$20.00 from Acct No. 00.07.8160.415 CE Trailer Rental to Acct No. 00.07.8160.413 CE Porta Potty.

Seconded by Councilman Finger and carried.

Resolution No. 144 – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for transfers in the amount of \$99.23 from Acct No. 00.01.1110.403 CE Justice Conference to Acct No. 00.01.1110.421 CE Justice Office Supplies, \$590.00 from Acct No. 00.01.1410.403 CE Conference Town Clerk to Acct No. 00.01.1410.422 CE Software Support, \$50.00 from Acct No. 00.01.1420.401 CE Codification to Acct No. 00.01.1420.403 CE Registrar Vital Statistics, \$708.50 from Acct No. 00.01.1420.401 CE Codification to Acct No. 00.01.1420.468 CE Cell Tower, \$820.78 from Acct no. 00.01.1420.401 CE Codification to Acct No. 00.01.1420.475 CE Solar Farm and \$366.55 from Acct No. 00.01.1440.461 Engineer Transfer Station to Acct No. 00.01.1440.460 Professional Services.

Seconded by Councilman Finger and carried.

Resolution No. 146 – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for transfers in the amount of \$264.27 from Acct No. 00.01.1110.403 CE Justice Conference to Acct No. 00.01.1110.102 PS Court Officer, \$343.10 from Acct No. 00.01.1220.201 CE Equipment over \$500 to Acct No. 00.01.1220.401 CE Misc Expense, \$135.98 from Acct No. 00.01.1220.201 CE Equipment over \$500 to Acct No. 00.01.1220.403 CE Mileage, \$105.47 from Acct No. 00.06.7110.101 PS Park Personnel to Acct No. 00.06.7110.401 CE Park Misc, \$482.50 from Acct no. 00.06.7110.101 PS Park Personnel to Acct No. 00.06.7110.413 CE Park Repairs and \$62.40 from Acct No. 00.07.8160.415 CE Trailer Rental to Acct No. 00.07.8160.103 PS Station Assistant.

Seconded by Councilman Finger and carried.

Resolution No. 147 – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for transfers in the amount of \$129.90 from Acct No. 00.04.5010.421 CE Office Supplies to Acct No. 00.04.5010.412

CE Broadband \$87.22 from Acct No. 00.04.5010.421 CE Office Supplies to Acct No. 00.04.5010.411 CE Cell Phone, \$150.00 from Acct No. 00.04.5010.421 CE Office Supplies to Acct No. 00.04.5010.423 CE Conference, \$45.32 from Acct No. 00.02.3510.403 CE Dog Control Conference to Acct No. 00.02.3510.411 CE Cell Phone, \$84.84 from Acct no. 00.04.5010.421 CE Office Supplies to Acct No. 00.04.5010.401 CE Misc Expense and \$237.50 from Acct No. 00.07.8020.401 CE Misc Expense to Acct No. 00.07.8020.404 CE Engineer.

Seconded by Councilman Finger and carried.

Resolution No. 148 – Transfer within General Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, General Fund, is hereby amended to provide for transfers in the amount of \$343.10 from Acct No. 00.01.1220.201 Eq capital over \$500 to Acct No. 00.01.1220.401 CE Misc Expense \$61351.98 from Acct No. 00.01.1220.201 EQ Capital over \$500 to Acct No. 00.01.1220.402 CE Supervisor Mileage and \$242.50 from Acct No. 00.07.8020.460 CE Town Planner to Acct No. 00.07.8020.404 CE Office Supplies, \$34.15 from Acct No. 00.02.3510.403 CE Dog Control Conference to Acct No. 00.02.3510.411 CE Engineer.

Seconded by Councilman Finger and carried.

Resolution No. 149 – Transfer within Highway Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, Highway Fund, is hereby amended to provide for transfers in the amount of \$463.59 from Acct No. 00.01.?????5140.100 Brush & Weeds to Acct No. 00.?????.5130.200 Misc Equipment and \$118.88 from Acct No. 00.08.9060.800 Health Insurance to Acct No. 00.01.9060.801 Health Insurance Retirees.

Seconded by Councilman Finger and carried.

Resolution No. 150 – Transfer within Capital Transfer Station Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, Capital Transfer Station Fund, is hereby amended to provide for a transfer in the amount of \$7,798.20 from Acct No. 00.01.1620.450 CE Purchase Trailer to Acct No. 00.01.1620.465 CE Contingency.

Seconded by Councilman Finger and carried.

Resolution No. 151 – Transfer within Sewer Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, Sewer Fund, is hereby amended to provide for transfers in the amount of \$828.75 from Acct No. 03.07.8110.469 CE Outside Professional Services to Acct No. 03.07.8110.465 Septic Cleaning, and \$108.08 from Acct No. 03.07.8110.469 CE Outside Professional Service to Acct No. 03.07.8110.401 CE Misc. Sewer Expenses.

Seconded by Councilman Finger and carried.

Resolution No. 152 – Transfer within Library Fund – Offered by Councilwoman Lemmon

Resolved, pursuant to Section 112, Town Law, the 2009 Annual Budget, Library Fund, is hereby amended to provide for transfers in the amount of \$120.00 from Acct No. 19.06.7410.452 Building Repairs to Acct No. 19.06.7410.451 Custodial Supplies, \$200.00 from Acct No. 19.06.7410.452 Building Repairs to Acct No. 19.06.7410.800 Office Supplies and \$100.00 from Acct No. 19.06.7410.410 Books to Acct No. 19.06.7410.413 Periodicals.

Seconded by Councilman Finger and carried.

UPDATE ON THE BUSINESS DEVELOPMENT COMMITTEE

Councilman Wiegand stated that they have changed their focus to supporting existing business rather than attracting new ones. They will work toward encouraging tourism and how to best and most efficiently attract tourists. The committee would like to develop a website to encourage visits to Gardiner and they are currently looking at signs, logos and tag lines. A focal point must be set up with information and direction within the Town. The Route 44/55 and Rail Trail intersection seems to be the most logical point.

PRIVILEGE OF THE FLOOR

Henry Tortora – how much will the tax increase be and how much of the sidewalk project will be covered by grants.

Councilman Lemmon – questioned the status of the old Library building. Supervisor Katz stated that the Fire Dept. would provide labor for the demolition to see the condition of the building. Once this is done the Town Board will determine whether to renovate or demolish.

Pam O'Dell – would like to see formal minutes of the Open Space Commission

Councilperson Kern – recommended having an amnesty for electronics at the transfer station. Asked what the next course of action would be to appoint Councilman Finger to the OSC. Does he need to resign?

John Habersberger – cell tower status? Supervisor Katz is meeting with the legal team next week about an appeal.

Councilwoman Lemmon – before making a decision to move forward with the cell tower, she would like a complete rundown of all expenses to date.

John Habersberger – questioned why Councilman Finger needed to resign prior to sitting on the OSC.

Kathy Hudson – discussed and recommended shared services.

THANK YOU

Supervisor Katz thanked Councilman Finger and Councilperson Kern for their service and hard work for the Town.

ETHICS RULING

A ruling has been given to the Town Board regarding an alleged Ethics violation stating they found no violation. One member, Gerald Pratt dissented on the ruling. Board members discussed at length whether to release any information on the decision. They agreed that more research needed to be done on who to and how a decision is released.

ADJOURNMENT

On motion of Councilperson Kern, seconded by Councilman Wiegand and carried, the meeting was adjourned at 8:20 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk