

January 8, 2013 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 7 PM at the Gardiner Town Hall. Present were Supervisor Zatz and Councilmen Koenig, Mele, Reynolds and Wiegand. There were approximately 11± audience members.

**TICHELI CERTIORARI SETTLEMENT**

**Resolution No. 43** - Tax Certiorari Settlement Edward Ticheli

Offered by Councilman Mele

Whereas, Edward Ticheli and Hadria Lawner commenced a tax certiorari proceeding against the Town of Gardiner for the year 2012 with respect to Tax Map parcel 93.3-1-28.100; and

Whereas, the house on the premises in question has been shown to suffer from extraordinary levels of methane gas contamination which has reportedly made the house thereon uninhabitable, and the petitioners have requested that the Certificate of Occupancy for the premises be withdrawn, and have agreed not to occupy the house; and

Whereas the Town Assessor and attorney for the Town have recommended the case be settled as follows:

	Present Assessment	New Assessment	
SBL 93.3-1-28.100	\$460,000	\$110,000.00	and

Whereas the Town Board has reviewed the proposed Stipulation of Settlement and has found it to be satisfactory,

Be It Resolved, that the Town Board of the Town of Gardiner hereby approves the terms of said Stipulation and the attorney for the Town is authorized to sign said stipulation settlement of settlement on behalf of the Town of Gardiner.

Seconded by Councilman Koenig and carried.

**BONDING FOR HIGHWAY EQUIPMENT**

**Resolution No. 44** - \$400,000 BAN – Offered by Councilman Koenig

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF GARDINER, ULSTER COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$400,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE PURCHASE OF TWO TRUCKS AND EQUIPMENT FOR THE HIGHWAY DEPARTMENT AND THE PREPARATION OF PLANS FOR THE CONSTRUCTION OF A NEW HIGHWAY GARAGE AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Gardiner, Ulster County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purposes (hereinafter referred to as "purposes") to be financed pursuant to this resolution are as follows: (a) the purchase of two (2) MACK cabs and chassis with multipurpose dump bodies and with front plows, wing plows and hitch assemblies for the highway department, each at an estimated maximum cost of \$195,565; (b) the purchase of other construction and maintenance equipment for the highway department, at an estimated maximum cost of \$870; and (c) the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for the construction of a new highway garage, at an estimated maximum cost of \$8,000.

SECTION 2. The Town Board plans to finance the total cost of said purposes by the issuance of serial bonds of the Town in an amount not to exceed \$400,000, hereby authorized to be issued therefor pursuant to the Local Finance Law.

SECTION 3. It is hereby determined as follows:

(a) The purpose referred to in item (a) of Section 1 above, for which \$391,130 of said serial bonds are authorized to be issued, is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and the period of probable usefulness of said purpose is fifteen (15) years.

(b) The purpose referred to in item (b) of said Section 1, for which \$870 of said serial bonds are authorized to be issued, is an object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and the period of probable usefulness of said purpose is five (5) years.

(c) The purpose referred to in item (c) of said Section 1, for which \$8,000 of said serial bonds are authorized to be issued, is an object or purpose described in subdivision 62a of paragraph a of Section 11.00 of the Local Finance Law, and the period of probable usefulness of said purpose is five (5) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purposes set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution, and any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

(1) Such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

SECTION 11. The Town Clerk is hereby authorized and directed to publish this resolution, or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in The Daily Freeman, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication.

SECTION 12. This resolution shall take effect immediately upon its adoption.

### **RESERVE FUNDS**

Supervisor Zatz spoke about establishing a reserve fund for health insurance. After some research he found that health insurance is specifically excluded from reserve funds.

### **SIDEWALK UPDATE**

Engineers Brinier & Larios is currently filing for permits with NYS DOT.

### **COMMITTEE & COMMISSION VACANCIES**

Supervisor Zatz announced many vacancies on Town committees and commissions. Each vacancy will be posted on the website. Applications will be accepted by the Town Board. Interviews will be early February. Please contact The Town Supervisor via e-mail if interested in serving. Vacancies are as follows: 1 Planning Board, 1 Zoning Board of Appeals, 1 alternate Open Space Commission, 1 Board of Assessment Review, 1 Parks and Recreation Commission, 1 Environmental Conservation Commission.

Board members discussed allowing sitting members, who are still interested in serving and the Town Board is supportive to the sitting member, re-appointing him/her and by-passing the interview process. In order to do this the vote must be unanimous. Councilman Mele is concerned with the view of always using the same people. He suggested advertising the term expirations, perhaps with a list on the website. If we do not hear from anyone prior to the expiration, then move ahead with re-appointment.

### **WASTE MANAGEMENT UPDATE**

Councilman Reynolds believes he will have a full report by next month's Town Board meeting.

### **ZONING ADVISORY COMMITTEE**

So far there have been two (2) meetings and another is scheduled for next week. They are making progress, focusing on water in the hamlet and throughout the Town and removing some of the impediments in the law directed towards businesses.

### **PLANNING BOARD/BUILDING DEPT HANDBOOK**

Councilman Wiegand is moving steadily ahead with the draft of a handbook to guide residents on the processes of filing application with the Planning Board and the Building Dept.

### **SURPLUS TOWN PROPERTY**

Review of the surplus town owned property within the Town is moving ahead very slowly. It was suggested setting up a committee to review the feasibility of using the property located on Sand Hill Road as a river access. The property located off of Dusenberre Road known as paper road North Street should be addressed by an engineer to see if a parking lot would be possible.

**CELL TOWER UPDATE**

Councilman Reynolds has spoken to a town board member in the Town of Roxbury, NY regarding the cell tower constructed in their town. Discussion among Board members included working with a new wireless company, revising our local law for wireless telecommunications and where the town stands with the contract they are currently engaged in with Wireless Edge.

**CLAIMS PARTIAL DECEMBER 2012**

Partial claims for the month of December 2012 were approved for payment on motion of Councilman Mele, seconded by Councilman Koenig and carried. They are listed on Abstract #12 as follows: General Fund voucher #505-555 \$28,163.77; Highway Fund voucher #307-316 \$8,270.69; Sewer District #1 voucher #53-57 \$5,275.39; Sidewalk Phase #1 voucher #5 \$468.99; Sidewalk Phase #2 voucher #5 \$370.26.

**BUDGET TRANSFERS – PARTIAL DECEMBER 2012**

**Resolution No. 46** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$1.91 from Acct No. 00.07.8020.460 CE Town Planner to Acct No. 00.07.8020.421 CE Misc., \$216.00 in Acct No. 00.07.8160.414 CE Coupon/Permits to Acct No. 00.07.8160.410 CE County Haulage and \$80.00 from Acct No. 00.07.8160.414 CE Coupon/permits to Acct No. 00.07.8160.401 CE Misc. Seconded by Councilman Wiegand and carried.

**Resolution No. 47** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$900.00 from Acct No. 00.04.5132.412 CE Electric to Acct No. 00.04.5132.413 CE Repairs, \$60.00 in Acct No. 00.04.5132.438 CE Electric to Acct No. 00.04.5132.410 IT Support, \$1300.00 from Acct No. 00.04.5132.414 CE Fuel to Acct No. 00.04.5132.413 CE Repairs, \$400.00 from Acct No. 00.04.5132.489 CE Salt Shed to Acct No. 00.04.5132.413 CE Repairs and \$20.00 from Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.438 CE Legal Notice. Seconded by Councilman Wiegand and carried.

**Resolution No. 48** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$24.00 from Acct No. 00.01.1410.403 Town Clerk Conference to Acct No. 00.01.1410.421 Town Clerk Office Supplies, \$82.00 in Acct No. 00.01.1220.403 CE Conference to Acct No. 00.01.1220.421 CE Office Supplies, \$61.00 from Acct No. 00.01.1355.401 CE Misc to Acct No. 00.01.1355.421 CE Office Supplies, \$200.00 from Acct No. 00.02.3510.460 CE Vet Service to Acct No. 00.02.3510.412 CE Electric and \$13.88 from Acct No. 00.07.8020.421 CE Office Supplies to Acct No. 00.07.8020.401 CE Legal Misc. Seconded by Councilman Wiegand and carried.

**Resolution No. 49** - Transfer within Sewer Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$1600.00 from Acct No. 03.07.8110.465 CE Septic Cleaning to Acct No. 03.07.16781100.468 CE Repairs. Seconded by Councilman Wiegand and carried.

**Resolution No. 50** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$72.00 from Acct No. 00.01.1620.412 CE Electric to Acct No. 00.04.5182.401 CE

Street Lighting, \$38.63 in Acct No. 00.07.8020.103 PS Clerk to Acct No. 00.07.8020.401 CE Misc, \$90.00 from Acct No. 00.07.8010.103 CE Clerk to Acct No. 00.07.8010.401 CE Misc, \$632.00 from Acct No. 00.01.1620.412 CE Electric Building to Acct No. 00.07.8010.401 CE Outside Professional Service, \$1500.00 from Acct No. 00.01-1620.414 CE Building Oil to Acct No.00.07.8160.410 CE County Haulage and \$1000.00 from Acct No. 00.01.1680.499 CE Data Processing to Acct No. 00.07.8160.410 CE County Haulage. Seconded by Councilman Wiegand and carried.

**Resolution No. 51** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$72.00 from Acct No. 00.01.1620.412 CE Electric to Acct No. 00.04.5182.401 CE Street Lighting, \$38.63 in Acct No. 00.07.8020.103 PS Clerk to Acct No. 00.07.8020.401 CE Misc, \$90.00 from Acct No. 00.07.8010.103 CE Clerk to Acct No. 00.07.8010.401 CE Misc, \$632.00 from Acct No. 00.01.1620.412 CE Electric Building to Acct No. 00.07.8010.401 CE Outside Professional Service, \$1500.00 from Acct No. 00.01-1620.414 CE Building Oil to Acct No.00.07.8160.410 CE County Haulage and \$1000.00 from Acct No. 00.01.1680.499 CE Data Processing to Acct No. 00.07.8160.410 CE County Haulage. Seconded by Councilman Wiegand and carried.

**Resolution No. 52** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$4000.00 from Acct No. 00.09.9730.701 Debt Service Int. to Acct No. 00.07.8160.410 CE County Haulage, \$1628.00 in Acct No. 00.09.930.701 Debt Service Int. to Acct No. 00.07.8020.404 CE Engineer, \$2372.00 from Acct No. 00.09.9720.702 CE Debt Service Int. to Acct No. 00.07.8020.404 CE Engineer, \$434.00 from Acct No. 00.09.9720.702 Debt Service Int. to Acct No. 00.04.5132.413 CE Repairs, \$601.00 from Acct No. 00.01.1420.468 Attorney/Cell Tower to Acct No.00.01.1420.460 General Attorney and \$60.00 from Acct No. 00.01.1620.412 CE Electric to Acct No. 00.01.1620.415 CE Building & Grounds. Seconded by Councilman Wiegand and carried.

**Resolution No. 53** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$160.00 from Acct No. 00.02.3510.460 CE Vet Service to Acct No. 00.01.3510.402 CE Mileage, \$38.00 in Acct No. 00.01.1670.421 CE Office Supplies to Acct No. 00.01.1670.423 CE Postage and \$31.00 from Acct No. 00.07.8020.103 PS Clerk to Acct No. 00.07.8020.401 CE Misc. Seconded by Councilman Wiegand and carried.

**Resolution No. 54** - Transfer within Highway Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$400.00 from Acct No. 01.08.9089.802 Meal Allowance to Acct No. 01.08.9089.800 Uniform Rentals. Seconded by Councilman Wiegand and carried.

**Resolution No. 55** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$32.00 from Acct No. 00.02.3310.431 Traffic Control Sign Maintenance to Acct No. 00.02.3310.201 Sign Purchase. Seconded by Councilman Wiegand and carried.

**Resolution No. 56** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$631.00 from Acct No. 00.07.8010.401 CE Misc to Acct No. 00.07.8010.404 CE Outside Professional Service, \$697.38 in Acct No. 00.07.8160.401 CE Permits & Coupons to Acct No. 00.07.8160.410 CE Haulage and \$2000.00 from Acct No. 00.01.1440.460 CE Engineer Outside Service to Acct No. 00.01.1420.468 CE Attorney/Cell Tower.

Seconded by Councilman Wiegand and carried.

**Resolution No. 57** – Supplemental Appropriation in General Fund – Offered by Councilman Koenig

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for supplemental appropriations in the amount of \$3905.00 in Acct No.

00.04.5132.413 CE Repairs) and \$5000.00 in Acct No 00.07.8020.404 CE PB Engineer Outside Professional.

Further Resolved, said moneys to be taken from the General Fund Unreserved Fund Balance.

Seconded by Councilman Reynolds and carried.

**CLAIMS PARTIAL DECEMBER 2012**

Partial claims for the month of December 2012 were approved for payment on motion of Councilman Mele, seconded by Councilman Koenig and carried. They are listed on Abstract #13 as follows: General Fund voucher #556-575 \$28,908.39; Highway Fund voucher #317-325 \$36,593.65; Sewer District #1 voucher #58-61 \$4,975.57; Gardiner Light District voucher #2 \$390.03; Sidewalk Phase #1 \$1,357.62; Sidewalk Phase #2 \$863.94.

**BUDGET TRANSFERS – PARTIAL DECEMBER 2012****Resolution No. 58** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$1.00 from Acct No. 00.02.3620.403 Conference & Education to Acct No. 00.02.3620.101 PS Inspector, \$48.00 in Acct No. 00.04.5010.402 CE Mileage to Acct No. 00.04.5010.103 PS Clerk, \$131.00 from Acct No. 00.07.8791.422 Open Space Commission to Acct No. 00.07.8790.420 CE ECC, \$325.00 from Acct No. 00.07.8160.103 PS Transfer Station Assistant to Acct No. 00.07.8160.102 PS Transfer Station and \$221.00 from Acct No 00.08.9040.800 CE Workers Comp to Acct No. 00.08.9055.800 CE Disability

Seconded by Councilman Wiegand and carried.

**Resolution No. 59** - Transfer within General Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$131.00 from Acct No. 00.01.1110.102 PS Court Officer to Acct No.

00.01.1110.101 PS Justices, \$108.00 in Acct No. 00.01.1355.103 PS Fieldworker to Acct No. 00.01.1355.101 PS Assessor, \$560.00 from Acct No. 00.01.1620.413 CE General Repairs to Acct No. 00.01.1620.476 CE Elevator Repairs, \$182.00 from Acct No. 00.02.3510.401 CE Supplies to Acct No. 00.02.3510.101 PS Dog Warden, \$37.00 from Acct No. 00.02.3620.403 Conference & Education to Acct No. 00.02.3620.103 PS p/t Clerk and \$152.20 from Acct No. 00.01.1220.402 CE Mileage to Acct No. 00.01.1220.103 PS Bookkeeper.

Seconded by Councilman Wiegand and carried.

**Resolution No. 60** - Transfer within Sewer Fund – Offered by Councilman Mele

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$1102.00 from Acct No. 03.07.8110.465 CE Septic Cleaning to Acct No.

03.07.8110.465 CE Repairs, \$290.00 in Acct No. 03.07.8110.465 CE Septic Cleaning to Acct No.

03.07.8110.461 CE Lab Cost, \$288.00 from Acct No. 03.07.8110.465 CE Septic Cleaning to Acct No.

03.07.8110.499 CE Repairs, \$400.518.00 from Acct No. 03.07.8110.469 CE Outside Professional Service to Acct No. 03.07.8110.499 CE Service Contract and \$76.00 from Acct No. 03.07.8110.467 CE System Revitalization to Acct No. 03.07.8110.499 CE Service Contract.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 61** - Transfer within Highway Fund – Offered by Councilman Mele  
Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$196.00 from Acct No 01.04.5110.113 PS p/t Regular to Acct No. 01.04.5110.101 PS MEO Powers, \$101.00 in Acct No. 01.04.5110.113 PS p/t Regular to Acct No. 00.01.04.5110.102 PS MEO Aube, \$101.00 from Acct No 01.04.5110.113 PS p/t Regular to Acct No. 01.04.5110.103 PS Otis, \$101.00 from Acct No 01.04.5110.113 PS p/t Regular to Acct No. 01.04.5110.105 PS Keegan, \$101.00 from Acct No 01.04.5110.113 PS p/t Regular to Acct No. 00.04.5110.106 PS Stiscia and \$101.00 from Acct No. 01.04.5110.113 PS p/t Regular to Acct No. 01.04.5110.110 PS DePiero.  
Seconded by Councilman Wiegand and carried.

**Resolution No. 62** - Transfer within Highway Fund – Offered by Councilman Mele  
Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Highway Fund, is hereby amended to provide for the transfer of \$32,000.00 from Acct No 01.04.5112.359 Permanent Improvements Black Hawk Trail to Acct No. 01.04.5130.200 Misc. Equipment Purchase.  
Seconded by Councilman Wiegand and carried.

**PRIVILEGE OF THE FLOOR**

**Jack Habersberger** – asked if the Choice Care Card allows for a carryover of remaining funds. Asked if a life expectancy analysis has been done on the older highway trucks.

**ADJOURNMENT**

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

Respectfully submitted,

Michelle L. Mosher  
Town Clerk