

April 2, 2013 – Workshop Meeting

The Workshop Meeting of the Gardiner Town Board was held this date at the Gardiner Town Hall at 6:15 PM. Present were Supervisor Zatz and Councilman Mele, Reynolds and Wiegand. Councilman Koenig was absent. Attorney David Murphy was present for executive session.

### **EXECUTIVE SESSION**

The Town Board entered immediately into executive session with attorney Murphy to discuss ongoing litigation and a personnel matter.

### **REGULAR SESSION**

At 7:20 PM the Town Board entered regular session. There were approximately 12± audience members.

### **ANNOUNCEMENTS**

April 19 – Women Helping Women Dance featuring the Mustangs from 6:30 -10:30 PM. Sponsored by the Gardiner Day Committee. All proceeds go to benefit the Battered Women’s Shelter of Kingston.

May 14 – Senior Expo by the Gardiner Livable Community. 2:00 PM the Gardiner Town Hall.

April 20-21 – Annual Earth Day Clean up Weekend. Contact the Town Supervisor for more info.

May 3 – SVFD annual spring Penny Social. Doors open at 6:00 PM.

### **BURNING BAN**

A burning ban is in effect from March 15 through May 14, 2013. Absolutely no open burning allowed during this period.

### **MASS GATHERING PERMIT CUPCAKE FESTIVAL**

The annual cupcake festival will be held at Wright’s Farm on May 18 from 12:00 PM to 6:00 PM.

Board members have received a copy of the plan for the day detailing the activities, parking, emergency management, traffic control, etc. Mr. Boylan commented that signage is the key to traffic flow. “No Parking” signs will be set up all along Route 208 leading up to the event. Board members were all in agreement with the plan and on motion of Councilman Mele, seconded by Councilman Reynolds and carried, the following permit was granted.

**Resolution No. 72** – Cupcake Festival Mass Gathering Permit

**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**, the Gardiner Cupcake Festival Committee has proposed to hold an event known as “Gardiner Cupcake Festival” on Saturday May 18, 2013 on property know as Wright’s Farm in the Town of Gardiner which is reasonably expected to attract more than 1000 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, the provision of toilet facilities, and copies of notice sent to area police agencies, fire departments and rescue squads, 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 “Gardiner Cupcake Festival” to be held on Saturday May 18, 2013, between the hours of 12:00 P.M. and 6:00 P.M. on property know as Wright’s Farm in the Town of Gardiner in accordance with the application presented to the Town and subject to the following conditions.

1. Provide a certificate of insurance naming the Town of Gardiner.

**MINUTES**

On motion of Councilman Mele, seconded by Councilman Wiegand and carried, minutes of January 8, February 5 and February 12 were approved as written.

**HANDBOOK FOR BUILDING DEPT AND PLANNING BOARD**

Supervisor Zatz handed out to Board members a draft handbook created by Councilman Wiegand explaining the process of obtaining a building permit and guidance for an applicant of the Planning and Zoning Board of Appeals. Councilman Wiegand would like to have an in depth discussion at next week's meeting.

**IT TUESDAY**

Supervisor Zatz has announced that the first Tuesday of each month will be designated IT Tuesday. All town departments will be checking the status of their computers whether it be hardware, software or backup systems to be sure all are in proper working order.

The Town has received a contract to have all Town computer software backed up through Carbonite Backup. Cost is \$229.00 annually. A motion was made by Councilman Mele, seconded by Councilman Reynolds and carried, authorizing this expense.

**ULSTER COUNTY TRANSPORTATION COUNCIL & ULSTER COUNTY PLANNING BOARD**

The Town has received correspondence requesting representation for both of the above captioned boards. Councilman Mele stated that it may be possible for him to attend the UCPB meetings. He will know better next week.

**MITCHELL SUBDIVISION – STREET NAME**

**Resolution No. 73** - Acceptance of Street Name in the matter of Mitchell Subdivision

Offered by Councilman Wiegand

WHEREAS, the Town of Gardiner Planning Board has reviewed the application of **MITCHELL SUBDIVISION** and

WHEREAS, the Planning Board requested that the street of the proposed subdivision be named, and

WHEREAS, an application has been sent to Ulster County Real Property for street name approval and E-911 approval

WHEREAS, the applicant has provided the following street name(s) for the proposed subdivision:

**BALLY CASTLE LANE**

Now, Therefore, Be It Resolved, that the Town Board of the Town of Gardiner approves the name(s)

**BALLY CASTLE LANE**

For the **MITCHELL SUBDIVISION** and directs the Town Clerk to forward this resolution to the Planning Board.

Seconded by Councilman Mele and carried.

**SUMMER RECREATION 2013**

Registration for the 2013 summer recreation program will begin shortly. The program this year runs from July 1 through August 9. Camp fees remain the same as last year - \$375 for first child in a family and \$350 each additional child, \$425 for non-residents. This year there will be the option for returning campers to register by mail. All other campers must register on either May 3 from 4-6 PM or May 5 from 10 AM -12 PM.

**SIDEWALK UPDATE**

Bid award will take place next Tuesday at the Regular Meeting. Lowest bidder was PE Colucci for both phases of the project. Work should begin at the end of the month starting at the Gardiner Reformed Church.

**HIGHWAY TRUCK UPDATE**

The trucks are currently on the assembly line. Bonding is still waiting. Due to the late delivery of the new trucks, the property and casualty insurance premium will be lower than quoted. It has been reduced to \$27,000 from \$30,000.

**TRANSFER STATION**

Councilman Reynolds has spoken to the director of UCRRA who has offered help in the clean up effort at the transfer station. Supervisor Zatz suggested that he speak with Matt Aube and Merry McCall on coordinating equipment with UCRRA and Paul Colucci who has also offered help. New signs need to be put up. One stating that No Cash is Accepted and the transfer station will be closed every day for a half hour lunch.

**PERMISSIVE REFERENDUM PETITION – OLD LIBRARY/FIREHOUSE**

The Town received, on March 28, a petition signed by 153 residents for a permissive referendum on the sale of the old library/firehouse. The petition was sent to attorney Paul Kellar for review and he found some faults with the petition. The Town Clerk was advised to reject the petition based on his findings. Based on this the following document was prepared:

A petition having been filed with me, as Town Clerk of the Town of Gardiner by certain individuals seeking a permissive referendum with respect to the determination of the Town Board of the Town of Gardiner to “put the old firehouse/library on the market for sale” and the undersigned having examined the twelve pages of said petition, I make the following findings and determination:

1. The total number of signatures presented in said petition was 153 which equals approximately 7% of the total vote cast for Governor in the Town of Gardiner in the last general election held for the election of state officers.
2. The petition was filed within thirty days of the vote by the town Board to “ put the old firehouse/library on the market for sale”
3. The signators did not state: “I am a registered voter of the Town of Gardiner and my present place of residence is truly stated opposite my signature”.
4. The signators did not set forth their respective election districts.
5. The pages of the petition do not contain at the bottom of each sheet a signed statement of a witness who is a duly qualified voter of the State of New York or the statement of a notary public or commissioner of deeds setting forth the text required by the NY State Election Law.
6. Case law of the State of New York provides that a petition for referendum comply with the requirements of NY Town Law and NY Election Law.

**CONCLUSION**

Based on the petition’s infirmities set forth above and based upon the applicable case law requiring adherence to the statutory requisites, I hereby determine that the petition submitted to me requesting that a referendum be held regarding the Gardiner Town Board’s vote to “put the old firehouse/library on the market for sale” fails to meet the statutory requirements and is void and invalid.

Councilmen Mele and Wiegand each stated that they would take into consideration the 153 signatures on the petition.

**PRIVILEGE OF THE FLOOR**

John Habersberger – asked if the petition that was handed back to Pam O’Dell included the findings and determination.

Jim Freer – asked if an extension can be given on the petition.

Beth Freer - questioned the guidelines for validating/witnessing the signatures.

Supervisor Zatz explained to Mrs. Freer the process and to contact the Board of Elections to obtain any guidance on how to file a petition.

David Straus – asked if the Town is looking to network the computers in the future.

**ADJOURNMENT**

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the meeting was adjourned at 8:10 PM.

Respectfully submitted,

Michelle L. Mosher  
Town Clerk