

November 13, 2012 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at 6:45 PM at the Gardiner Town Hall. Present were Supervisor Zatz and Councilman Koenig, Mele, Reynolds and Wiegand.

EXECUTIVE SESSION

On motion of Councilman Mele, seconded by Councilman Koenig and carried, the Board entered into executive session at 6:45 PM for the purposes of discussing litigation.

LEAVE EXECUTIVE SESSION

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the Board left executive session at 7:10 PM.

REGULAR SESSION

At 7:10 PM the Board entered into regular session. There were approximately 15± audience members.

NO PARKING

Supervisor Zatz announced that parking is banned in the Town from November 15 through April 1 during snowstorms from 9:00 PM to 7:00 AM.

PUBLIC HEARING – LOCAL LAW TAX CAP OVERRIDE

At 7:20 PM the Town Clerk read the legal notice for the Local Law on the tax cap override. Supervisor Zatz opened the hearing to audience members for questions and/or comments.

Jack Habersberger – asked what the tax increase will be. Supervisor Zatz stated 6%.

Councilman Wiegand – stated that the increase was due to employee raises and the purchase of the new highway vehicles.

Jack Habersberger – suggested deleting the confidential secretary salary and the funding for open space.

David Straus – 2% cap on taxes is unrealistic. Town Board has been diligent with keeping budget increases at a minimum.

Christine Kucker – commented that residents are suffering financially largely due to taxes and the fiscal condition of our country. An increase of 6% is just not an increase that should be considered at this time.

Brian Stiscia – commented that it is not the Town taxes, but the school and County taxes that have created such a heavy burden to taxpayers.

Mike Kruglinski – Agrees with Mr. Stiscia. The Town does very well with holding the line.

Jack Habersberger – believes a 6% increase is excessive.

There being no other questions or comments, Supervisor Zatz stated he would move on with the agenda but would allow any further comment if there should be any.

MINUTES

Minutes of October 9, October 19 and October 23 were approved as written on motion of Councilman Koenig, seconded by Councilman Mele and carried.

HIGHWAY ROAD MATERIAL BIDS

A notice has been published requesting bids for highway materials for salt and sand for 2013. Bids will be accepted until 3 PM December 4 and will be publicly opened at the workshop meeting that evening at 7 PM.

CELL TOWER UPDATE

The Town Board has received a letter from Wireless Edge withdrawing their application and vacating the approvals received from the Planning Board regarding their application. Town Board accepts their withdrawal, however they indicated that Wireless Edge is interested in other areas of the Town.

CLOSE PUBLIC HEARING – LOCAL LAW TAC CAP OVERRIDE

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the public hearing for the tax cap override local law was closed at 7:35 PM.

ADOPTION OF LOCAL LAW

Tax Cap Override – Offered by Councilman Wiegand

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Gardiner pursuant to General Municipal Law § 3-c, and to allow the Town of Gardiner to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Gardiner, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Seconded by Councilman Reynolds and carried.

AWARD OF HIGHWAY TRUCK BIDS

Superintendent of Highways Charlie Haynes recommended the following bids for the new trucks for the Highway Dept.

Amthor Welding - Dump body and multipurpose bodies for a total of \$185,123.00

Mid Hudson Mack – 3 Cab & Chassis for a total of \$320,178.54

On motion of Councilman Koenig, seconded by Councilman Wiegand and carried, Mr. Haynes was authorized to order the new trucks.

Supervisor Zatz will contact Key Bank for a proposal on bonding two (2) trucks and will get a breakdown of unexpended funds to finance the third truck.

SUPERVISOR MONTHLY REPORT

On motion of Councilman Wiegand, seconded by Councilman Koenig and carried, the October Supervisor’s report was accepted as presented.

CLAIMS

Payment of claims for the month of October were approved on motion of Councilman Wiegand, seconded by Councilman Koenig and carried. They are listed on Abstract #10 as follows: General Fund voucher #390-431 \$28,041.96; Highway Fund voucher #238-271 \$112,951.27; Sewer District #1 voucher #39-45 \$7,7145.30.

Resolution No. 86 - 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 \$20,000.00 from Acct No. 01.04.5110.400 CE General Repairs to Acct No.01.04.5130.431 Machinery Equipment Repair.

Seconded by Councilman Wiegand and carried.

Resolution No. 87 - Transfer within General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$669.99 from Acct No. 00.01.1680.499 CE IT Computer Repairs to Acct No.00.01.1220.201 EQ Capital Equipment, \$330.00 in Acct No. 00.01.1220.441 CE Telephone to Acct No. 00.01.1220.105 PS Confidential Secretary, \$80.00 from Acct No. 00.01.1110.403 CE Justice Conference to Acct No. 00.01.1110.421 CE Justice Office Supplies, \$17.70 from Acct No. 00.01.1410.424 CE Code Books to Acct No. 00.011410.421 CE Office Supplies, and \$70.00 from Acct No. 00.02.3620.411 Building Cell Phone to Acct No. 00.02.3620.421 Building Office Supplies.

Seconded by Councilman Koenig and carried.

Resolution No. 88 - Transfer within General Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$87.00 from Acct No. 00.07.8020.421 CE Office Supplies to Acct No.

00.07.8020.401 CE Misc., \$235.60 in Acct No. 00.07.8020.438 CE Advertising. to Acct No. 00.07.8020.404 CE Engineering, \$285.09 from Acct No. 00.07.8020.460 CE Town Planner to Acct No. 00.07.8020.404 CE Engineering and \$41.00 from Acct No. 00.07.8160.414 CE Coupon/Permit to Acct No. 00.07.8160.401 CE Misc.

Seconded by Councilman Koenig and carried.

Resolution No. 89 - Transfer within Sewer Fund – Offered by Councilman Wiegand

Resolved, pursuant to Section 112, Town Law, the 2012 Annual Budget, Sewer Fund, is hereby amended to provide for the transfer of \$375.00 from Acct No. 03.07.8110.468 CE Repairs to Acct No.03.07.8110.401 Misc. Expense.

Seconded by Councilman Koenig and carried.

Resolution No. 90 – Supplemental Appropriation in General Fund – Offered by Councilman Wiegand

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 \$1800.00 in Acct No.

00.01.1220.105 PS Confidential Secretary, \$157.00 in Acct. No. 00.07.8790.460 CE ECC, \$3,000.00 in Acct No. 00.01.1420.460 CE General Attorney, \$3,000.00 in Acct No. 00.01.1420.468 PS CE Attorney/Cell Tower and \$1,000.00 in Acct No. 00.07.8160.103 PS Transfer Station Asst.

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

Seconded by Councilman Koenig and carried.

2013 BUDGET

Board members discussed using the tax stabilization fund to help reduce the 2013 budget from a 6% increase to a 4% increase. Supervisor Zatz calculated the exact percentage of the increase and found

that it was actually a 10% increase. In light of this, Board members agreed to postpone the adoption of the budget so they may recalculate to further reduce budget lines. They all agreed to hold a special meeting on Thursday November 15 at 7:00 PM.

PRIVILEGE OF THE FLOOR

David Straus – spoke in favor of additional funds for the Environmental Conservation Commission, despite the high increase in the budget.

Jack Habersberger – suggested the Town Board work out a lease agreement for private property to construct the Cell Tower.

Wayne Otis – suggested selling additional surplus highway equipment for additional funding to reduce the budget.

ADJOURNMENT

On motion of Councilman Wiegand, seconded by Councilman Mele and carried, the meeting was adjourned at 9:00PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk