

May 10, 2016 – Regular Meeting

The regular meeting of the Gardiner Town Board was held this evening at the Gardiner Town Hall at 7 PM. Supervisor Majestic presided with Councilwoman Walls and Councilmen Dukler, Hinson & Reynolds present. There were approximately 10± audience members.

ANNOUNCEMENTS

- May 14 – Friends of the Library Annual Plant Sale at the Gardiner Town Hall
- May 14 Gardiner Cupcake Festival
- May 15 Burning Ban ends

UTILITY COMPANY SMART METERS

Resolution No. 64 Town of Gardiner Consumers’ Option to Elect to Not Use Smart Meters and Not Be Charged A Fee - Offered by Councilwoman Walls

Whereas, The Gardiner Town Board is supportive of NYS Assembly Bill A4354 and NYS Senate Bill S5083, an act to amend the public service law, in relation to providing consumers the option to elect not to use transmitting utility meters; and

Whereas, it is the intention of the Town Board to allow Gardiner residents to retain their Electro-Mechanical Analog Utility Meter and not be charged a fee; therefore

Section 1. Definitions

Utility Consumer: Means New York State utility rate payer and non-ratepayer occupants, including, but not limited to renters, business owners and any other consumer of electric, utility services.

Utility Provider: Means an electric company, whether owned privately or publicly, or by another utility providers or other third party contractors/sub-contractors for such purpose.

Electro-Mechanical Analog Utility Meter: Means an Electro-Mechanical Analog Utility Meter, ANSI approved (hereinafter referred to as “Analog Utility Meter”) relating to, or denoting a mechanical device that is electrically operated. This is a purely mechanical device, using no electronic components, no switch mode power supply, no transmitter, no antenna and no radio frequency emissions.

Transmitting Smart Digital Utility Meter: Means any metering device with electronic components and/or any electric or battery operated meter that is capable of measuring, recording and sending data from a utility consumer or member to a public utility, municipality or cooperative association in a manner utilizing one-way communication, two-way communication or a combination of one-way and two-way communication with any entity or device. Common names include, but are not limited to, AMR, ERT, AMI, LAN, Network, bubble-up, wake-up, “smart meter”, and Power Line Carrier PLC.

Non-Transmitting Digital Utility Meter: Means the digital utility meter currently being offered, with a fee, to residential Utility Consumers, by Central Hudson. It is an electronic digital meter that s the basic platform for the advanced Transmitting Smart Digital Utility Meter system. A meter that the Utility Provider can, at any time, without permission of the Utility Consumer, upgrade to an advanced Transmitting Smart Digital Utility Meter. It may or may not contain a transmitter.

Trojan Utility Meter: Means Transmitting Smart Digital Utility Meter or any type of transmitter concealed under an Analog Utility Meter face.

Section 2. Resolution

A resolution petitioning the NYS Public Service Commission to order Central Hudson, an electric utility provider, to allow Utility Consumers to retain an analog utility meter and/or

replace any digital meter previously installed, (transmitting or non-transmitting), with a remanufactured, ANSI approved, analog utility meter with no fees or penalties. Further, Central Hudson shall provide Utility Consumer a 30-day written notice in advance of installing any type digital meter, at no additional charges (monthly or otherwise). In addition, Central Hudson must fully inform Utility Consumers of their right to retain their analog utility meter. If a Utility Consumer decides to retain their analog utility meter they will not incur any fees or penalties. Central Hudson will also allow Utility Consumer to request removal of a previously installed digital meter with a remanufactured, ANSI approved, analog utility meter, for any reason, with no fees or penalties for such removal.

Section 3. Purpose

- A. All Utility Consumers shall have the right to retain their analog utility meter at no cost. Each Electric Utility Provider and the New York State Public Service Commission shall adhere to a “no question asked”, no fee and no time limit imposed to Utility Provider for retaining an analog Utility Meter.
- B. Electric Utility Providers shall maintain a reasonable supply of refurbished analog utility meters in stock for the Opt-Out Program.
- C. Where Electric Utility Provider have already installed non-analog transmitting smart digital utility meter(s) or non-transmitting smart digital utility meter(s), Utility Providers shall be required to replace installed transmitting digital utility meter(s) or non-transmitting smart digital utility meter(s), with manufactured, ANSI approved, analog utility meter(s), within one week of the Utility Consumer’s request. Each Utility Provider and the New York State Public Service Commission shall adhere to a “no questions asked”, no fee and no time limit imposed by Utility Provider for reinstalling an analog utility meter.
- D. In the future, the Electric Utility Consumer’s analog utility meter needs repair or has to be replaced for any reason, said Utility Consumer would have the right to a remanufactured , ANSI approved, analog utility meter.
- E. Provide Electric Utility Consumer with prior written notice indicating when a transmitting smart digital utility meter-ERT or non-transmitting digital utility meter will be installed and inform them if their rights of refusal.
- F. Electric Utility Providers shall be prohibited from penalizing or charging Utility Consumers for any reason of the above request. Prohibited actions include, but are not limited to, interrupting or threatening to interrupt Utility Consumers’ service or any other form of intimidation.
- G. The use of Trojan utility meters by Electric Utility Providers shall be prohibited.

Be It Resolved, the Gardiner Town Board adopts this resolution in its entirety, and further more
Be It Resolved, the Gardiner Town Board petitions the Public Service Commission to implement this resolution in its entirety and furthermore,

Be It Resolved, the Gardiner Town Board instructs the Town Clerk to send a certified copy of this resolution to:

Kathleen Burgess, Secretary, Public Service Commission
3 Empire State Plaza, 19th Floor
Albany, NY 12223-1350

Be It Resolved. The Gardiner Town Board instructs the Town Clerk to send a certified copy of this Resolution to the following individuals:

Hon. Mike Hein, Ulster County Executive
Hon. Kenneth J. Ronk, Jr., Chairman, Ulster County Legislature

Hon, Kevin Cahill, 103rd Assembly District
Hon. John J. Bonacic, 42nd Senatorial District
NYS Public Service Commission
Central Hudson Gas & Electric.

Seconded by Councilman Dukler and carried.

TIME CLOCK POLICY

Resolution No. 65 – Amending the Town of Gardiner Employee Manual – Time Clock Policy
Offered by Councilwoman Walls

BE IT RESOLVED that the Town Board of the Town of Gardiner, a New York State Municipal Corporation, amends the Town of Gardiner Employee entitled Employment Practices Compliance Manual

1. Section 3.4 Time Records amended as follows:

3.4.1 Individual Time Records: All employees are required to complete an individual time record showing the daily hours worked and authorized paid leave taken. Each employee must comply with the following procedures:

All time worked, including the beginning and ending time, must be recorded at the time kiosk;

All paid and unpaid leaves of absence must be recorded;

Employees must complete their own time record and sign verifying it;

The time records must be verified and signed again by the Town Supervisor

The Department Head is to submit time records to the Bookkeeper by Friday at 4:00 pm.

3.4.2 Correction of Errors: An employee must immediately bring errors in time records to the attention of the Department Head who will investigate the matter and initial the correction once the error has been verified.

3.4.3 Falsification of Time Records: An employee who falsifies or alters the employee's own time record or the time record of another employee, or completes a time record for another employee, may be subject to disciplinary action. In justifying circumstances where an employee is not able to complete the employee's own time record, the Department Head may complete the time record on behalf of the employee.

Seconded by Councilman Hinson and carried.

HEALTH INSURANCE BUY OUT

Resolution No. 66 –Amending the Town of Gardiner Employee Manual – Health Insurance Buyout

Offered by Councilman Dukler

BE IT RESOLVED that the Town Board of the Town of Gardiner, a New York State Municipal Corporation, amends the Town of Gardiner Employee Manual entitled Compensation and Benefits Manual and dated May 5, 2015 as follows:

1. Section 5.3.2 Amount of Buyout amended as follows:

Amount of Buy-Out: If the employee is eligible for individual coverage, the employee will receive an amount equivalent to forty percent of the Town's annual premium contribution for individual coverage. If the employee is eligible for dependent coverage, the employee will receive an amount equivalent to forty percent of the Town's annual contribution for dependent coverage.

Seconded by Councilwoman Walls and carried.

POST OFFICE DRIVEWAY MARKING AND PARKING LIMIT

Resolution No. 67 – Driveway Marking and 15 Minute Parking Signs on Main Street

Offered by Councilwoman Walls

WHEREAS, the Town of Gardiner has designated parking spots on Main Street, on the south side from Sand Hill Road to Arch Street and on the north side from Dusinger Road to Second Street; and

WHEREAS, the parking spaces appear confusing at designated driveway locations; and

WHEREAS, parking in front of the post office has become difficult and a safety concern;

NOW, THEREFORE, THE TOWN BOARD FINDS AS FOLLOWS:

1. “15 Minute Parking Signs” will help to improve parking and safety in front of the post office.
2. That designated 15 Minute Parking in front of the Post Office be limit to Post Office hours.
3. Marking of designated driveway locations will alleviate confusion of parking spaces
4. Given that this is a State Route, the Town Board respectfully requests that the State Department of Transportation review the proposed change, at their earliest convenience, and inform the Town if signs can be posted and striping can be completed at driveway locations.

Seconded by Councilman Dukler and carried.

JUSTICE COURT

Councilwoman Walls discussed with the town judges the office hours they have proposed.

Justice Blatchly feels that only 28 hours total is need to complete the work. A motion was made by Councilwoman Walls, seconded by Councilman Dukler and carried, accepting and approving the staffing plan and court schedule for the Gardiner Justice Court as submitted by Justices Blatchly and Rich on April 26, 2016.

HIGHWAY SUPERINTENDENT TERM LENGTH

Superintendent of Highways Stiscia presented the Town Board with research of how many towns in Ulster County have a 4 year term versus 2 year term. Although Councilman Hinson is not in favor of increasing the term he is in favor of allowing the residents to make this choice. Board members agreed to move forward with the process of increasing the term.

MASS GATHERING PERMIT – SUNFLOWER FESTIVAL

Liz Glover-Wilson and Lucia Civile were present to discuss the application for a Mass Gathering Permit for the Sunflower Festival to be held at the Tuthilltown Distillery on August 13.

The festival is an art festival including food, crafts and music and will be held between the hours of 10 am and 8 pm. There were many questions including projected attendance, parking, adequate toilet facilities, liquor license and security. Supervisor Majestic will send a list of concerns to Ms Glover-Wilson for her to address in writing.

TRANSFER STATION

Board members discussed at length acceptable and unacceptable items to be taken at the transfer station. At this point it was agreed to hold off on furniture, mattresses, baby items, used lumber and combustible items. These items will be taken as refuse but will not be given or sold to members of the community.

With regard to staffing – 5 interviews were conducted this morning with 2 others previously. Board members need to decide if this will be a part time or full time position and if it will also include building/grounds maintenance. Further discussion of hiring will continue in executive session.

TRANSFER STATION AD-HOC COMMITTEE

The Ad Hoc Committee for the transfer station shall consist of 5 people with different backgrounds and a cross-section of skills and abilities. This committee will help create the management plan and set up implementation of the programs.

SUPERVISOR MONTHLY REPORT

The April Supervisors report was accepted as presented on motion of Councilman Dukler, seconded by Councilman Reynolds and carried.

CLAIMS

Claims for the month of April were approved for payment on motion of Councilwoman Walls, seconded by Councilman Dukler and carried. They are listed on Abstract #4 as follows: General Fund voucher #146-190 \$48568.94; Highway Fund voucher #85-106 \$13409.78; Sewer District voucher #9-10 \$2299.50.

BUDGET TRANSFER AND SUPPLEMENTAL APPROPRIATIONS

Resolution No. 68 – Budget Transfer in General Fund – Offered by Councilwoman Walls Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, General Fund, is hereby amended to provide for the transfer of \$52.00 from Acct No. 00.01.1110.401 CE Justice Misc. to Acct No. 0.01.1110.422 CE Justice Program Support, \$58.00 from Acct No. 00.01.1330.103 PS Tax Collector Clerk to Acct No. 00.01.1330.401 CE General Misc., \$85.00 from Acct No. 00.02.3620.421 CE Bldg. Dept. Office Supplies to Acct No. 00.02.3620.422 CE Bldg. Dept. Software, \$33.20 from Acct No. 00.07.8020.41 CE Office Supplies to Acct No. 00.07.8020.438 CE Advertising and \$204.87 from Acct No. 00.07.8160.468 CE Education & Outreach to Acct No. 00.07.8160.401 CE Misc. Landfill.
Seconded by Councilman Dukler and carried.

Resolution No. 69 – Budget Transfer in Highway Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Highway Fund, is amended to provide for the transfer of \$ 2,000.00 from Acct No. 01.04.5110.400 CE Contract Expense to Acct No. 01.04.5110.460 Outside Professional Service.
Seconded by Councilwoman Walls and carried.

Resolution No. 70 – Budget Transfer in Highway Fund – Offered by Councilman Dukler Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Highway Fund, is amended to provide for the transfer of \$ 20,000.00 from Acct No. 01.04.5112.336 Permanent Improvements to Acct No. 01.04.5110.400 CE Contract Expenses.
Seconded by Councilwoman Walls and carried.

Resolution No. 71 – Supplemental Appropriation in Highway Fund – Offered by Councilman Dukler

Resolved, pursuant to Section 122, Town Law, the 2016 Annual Budget, Highway Fund, is amended to provide for a supplemental appropriation of \$ 110,000.00 from Acct No. 01.04.5110.400 CE Contract Expenses.

Further Resolved, said money to be taken from the Unreserved Fund Balance in the Highway Fund.

Seconded by Councilwoman Walls and carried.

PRIVILEGE OF THE FLOOR

Jack Habersberger – has a concern with the bridge construction/road closure and the Sunflower Festival.

EXECUTIVE SESSION

A motion was made by Councilwoman Walls, seconded by Councilman Dukler and carried, to enter into executive session at 8:45 PM for the purposes of discussing a particular person leading to employment.

LEAVE EXECUTIVE SESSION AND RETURN TO REGULAR SESSION

On motion of Councilwoman Walls, seconded by Supervisor Majestic and carried, the Board left executive session and entered into regular session at 9:25 PM.

TRANSFER STATION EMPLOYEE

On motion of Councilwoman Walls, seconded by Councilman Dukler and carried, the Supervisor was authorized to hire a part time transfer station attendant to work 3 ½ days per week to manage the transfer station at the rate of pay discussed in executive session. Councilman Hinson voted nay.

ADJOURNMENT

On motion of Councilman Dukler, seconded by Councilman Reynolds and carried, the meeting was adjourned at 9:30 PM.

Respectfully submitted,

Michelle L. Mosher
Town Clerk