The Town Board met in Regular Session this evening at the Gardiner Town Hall at 7:00 PM. Present were Supervisor Hartner and Councilmembers Carucci, Ulvestad, Scandinaro and Clements. There were approximately 10± audience members.

ANNOUNCEMENTS

Ulster County Emergency Services noted that September marks the 25th anniversary of the 9/11 attacks, a time to honor first responders, families, and others affected. They also advised that the anniversary may present an increased risk of violence or threats and asked municipalities to report any notable local events or concerns within their jurisdictions. Their contact information is available through the Ulster County Department of Emergency Services.

Assemblywoman Sarahana Shrestha will present on "How Universal Health Care Would Save Ulster County $61.01 Million" at SUNY New Paltz, Lecture Center 102, on September 1 at 6:00 PM, with additional presentations scheduled in other towns throughout Ulster County.

The supervisor announced there is a vacancy on the ZBA effective September 1st.

Councilmember Clements informed the Board that, on July 25, the USDA approved a disaster designation for farmers, making low-interest loans available to those impacted by the April freeze that damaged crops. Councilmember Clements also requested that the Board adopt roll-calling. She stated that at the July meeting, there were two items for which she did not have an opportunity to appropriately cast her vote.

PUBLIC HEARING FOR THE ESTABLISHMENT OF REMOTE VOTING BY TOWN BOARD MEMBERS

At 7:05 PM the Town Clerk read the public hearing notice for the proposed local law. Supervisor Hartner opened the hearing to the public for any questions and/or comments.

Richard Cerruto – Inquired if law was allowable under New York's restrictions. Suggested making sure not violating any provisions of the law requirements.

APPROVAL TO ADVERTISE FOR BIDS FOR REQUIRED IMPROVEMENTS TO THE WASTEWATER TREATMENT PLANT

Resolution No. 25 - Offered by Councilmember Carucci;

WHEREAS, the Town of Gardiner Sewer District No. 1 has determined that improvements to the Wastewater Treatment Plant are necessary; and

WHEREAS, Rennia Engineering Design, PLLC has prepared plans, specifications and bid documents for the Wastewater Treatment Plant 2026 Improvements Project, Contract No. 26-002; and

WHEREAS, the Town Board has reviewed such bidding documents and finds them to be in the public interest to solicit competitive bids for the project;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner hereby approves the bidding and contract documents for the Wastewater Treatment Plant 2026 Improvements Project, Contract No. 26-002; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to advertise for sealed bids in accordance with the Advertisement for Bids and the requirements of New York State law; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Clerk, and Town Engineer are authorized to take such further actions as may be necessary to carry out the bidding process, including the issuance of addenda, receipt of bids, and presentation of bid results to the Town Board for consideration of award as described in the document titled Gardiner Wastewater Treatment Plant 2026 Improvements available in the online Agenda Packet related to this meeting.

Seconded by Councilmember Scandinaro and carried.

APPROVAL OF PILOT AGREEMENT WITH 262 LIBERTYVILLE, LLC

Resolution No. 26 - Offered by Councilmember Carucci;

WHEREAS, New York State Real Property Tax Law ("RPTL") Section 487 exempts from taxation the increase in value to real property by reason of inclusion of qualified solar or wind energy systems or farm waste energy systems unless a county, city, town, village, or school district opts out of said exemption (the "Exemption"); and

WHEREAS, RPTL Section 487 provides that a county, city, town, village or school district that has not acted to opt out of the Exemption may require the owner of a property which includes a solar or wind energy system meeting the requirements for the Exemption to enter into a contract for Payments in Lieu of Taxes ("PILOT"); and

WHEREAS, NY 262 Libertyville, LLC (the "Company") has submitted a Notice of Intent to The Town of Gardiner, Ulster County, and the New Paltz Central School District (collectively, the "Taxing Jurisdictions") that it plans to build and operate a "Solar Energy System" as defined in RPTL Section 487(1)(b) with an expected nameplate capacity ("Capacity") of approximately 1.98 Megawatts AC ("Project") that meets the requirements for the Exemption on a parcel of land located within the Town of Gardiner at 262 Libertyville Road, (Tax Map No. 86.3-2-2.221) (the "Property"); and

WHEREAS, the Company has submitted, or will submit, to the assessor of the Town a Form RP-487 (Application for Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems), demonstrating the Project's eligibility for the Exemption; and

WHEREAS, the Town has not opted out of RPTL Section 487; and

WHEREAS, pursuant to RPTL Section 487(9)(a), the Taxing Jurisdictions have indicated their intent to require a Payment in Lieu of Taxes ("PILOT") Agreement with the Company, under which the Company (or any successor owner of the Project) will be required to make annual payments to the Town; and

WHEREAS, subject to approval of the Form RP-487, the increase in assessed value attributable to the Project will be exempt from real property taxation pursuant to RPTL Section 487, and the Company will make payments to the Taxing Jurisdictions pursuant to the PILOT in lieu of such taxes; and

WHEREAS, the Taxing Jurisdictions and the Company have negotiated a PILOT that provides for annual payments by the Company (or any successor owner of the Project) to the Taxing Jurisdictions during the fifteen (15) years term of the Exemption as detailed in the PILOT; and
WHEREAS, the Town Board has reviewed the proposed PILOT Agreement and finds it to be in the best interest of the Town.
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner hereby approves the Payment In Lieu of Taxes (PILOT) Agreement between the Taxing Jurisdictions and NY 262 Libertyville LLC, as presented; and
BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute the PILOT Agreement on behalf of the Town and to take such further actions and execute such additional documents as may be necessary or appropriate to effectuate the purposes of this Resolution; and
AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to file the executed PILOT Agreement in the Town's official records.
Seconded by Councilmember Scandinaro and carried.

APPROVAL OF HOST COMMUNITY BENEFIT AGREEMENT WITH 262 LIBERTYVILLE, LLC

Resolution No. 27 - Offered by Councilmember Scandinaro;
WHEREAS, NY 262 Libertyville, LLC (the "Company") has submitted a Notice of Intent to The Town of Gardiner, Ulster County, and the New Paltz Central School District (collectively, the "Taxing Jurisdictions") that it plans to build and operate a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") 487(1)(b) with an expected nameplate capacity ("Capacity") of approximately 1.98 Megawatts AC ("Project") that meets the requirements for the Exemption on a parcel of land located within the Town of Gardiner at 262 Libertyville Road, (Tax Map No. 86.3-2-2.221) (the "Property"); and
WHEREAS, the Company has submitted or will submit to the Assessor of the Town an RP-487 Application for Tax Exemption of Solar or Wind Energy Systems or Farm Waste Energy Systems, demonstrating its eligibility for a real property tax exemption pursuant to RPTL Section 487; and
WHEREAS, pursuant to RPTL Section 487(9)(a), the Taxing Jurisdictions and the Company have agreed to enter into a PILOT Agreement (the "PILOT") under which the Company (or any successor owner of the Project) will be required to make annual payments to the Town; and
WHEREAS, the Town and the Company have negotiated a Host Community Benefit Agreement (the "HCBA") pursuant to which the Company will provide annual host community benefit payments to the Town for a fifteen (15) year term in connection with the development and operation of the Project; and
WHEREAS, the Town Board has reviewed the proposed HCBA and finds that the payments and benefits to be provided thereunder are in the best interests of the Town and will help mitigate impacts associated with the Project while providing a direct economic benefit to the Town and its residents; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner hereby approves the Host Community Benefit Agreement between the Town and NY 262 Libertyville, LLC, in substantially the form presented to the Town Board; and be it further
BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute the Host Community Benefit Agreement on behalf of the Town and to take such further actions and execute such additional documents as may be necessary or appropriate to effectuate the purposes of this Resolution; and
AND BE IT FURTHER RESOLVED, that the Town Clerk is directed to file the executed PILOT Agreement in the Town's official records.
Seconded by Councilmember Carucci and carried.

APPROVAL TO ADVERTISE FOR BIDS FOR REPLACEMENT OF THE ROOF OF THE COURT BATHROOMS

Resolution No. 28 - Offered by Councilmember Carucci;
WHEREAS, the Town of Gardiner has identified the need to replace the failed low-slope roof system located above the bathroom section of the Court portion of the Gardiner Town Hall, located at 2340 Route 44/55, Gardiner, New York; and
WHEREAS, bid specifications and bid forms have been prepared for the removal and replacement of the existing roof system and installation of a new commercial-grade EPDM roofing system, together with related repairs and ancillary work as described in the bid documents; and
WHEREAS, the Town Board finds that it is in the best interests of the Town to obtain competitive sealed bids for such work pursuant to applicable provisions of New York State law;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner hereby approves the bid specifications and bid documents for the Town Hall Court Wing Roof Replacement Project; and
BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to advertise for sealed bids for said project, with such advertisement to be published and made available in accordance with New York State law and Town procurement requirements; and
BE IT FURTHER RESOLVED, that the deadline for submission of bids and public bid opening shall be established by the Town Clerk at a date and time no less than fifteen (15) business days following the publication of the advertisement for bids; and
BE IT FURTHER RESOLVED, that the Town Clerk, Town Supervisor, Building Inspector, and any other appropriate Town officials are authorized to take all actions necessary to facilitate the bidding process, including the issuance of addenda and responses to bidder inquiries; and
BE IT FURTHER RESOLVED, that all bids received shall be submitted to the Town Board for review and award at a future Town Board meeting, and the Town Board reserves the right to reject any or all bids and to award the contract to the lowest responsive and responsible bidder determined to be in the best interests of the Town.
Seconded by Councilmember Ulvestad and carried.

EXECUTE AGREEMENT BETWEEN THE TOWN OF GARDINER AND KINGDOM SUPPORT SERVICES

On the motion of Councilmember Carucci, seconded by Councilmember Clements, and carried, to approve the Agreement between the Town of Gardiner and Kingdom Support Services dated July 31, 2026.

CLOSE PUBLIC HEARING AND ADOPTION OF LOCAL LAW ESTABLISHING REMOTE VOTING FOR TOWN BOARD MEMBERS

On the motion of Councilmember Carucci, seconded by Councilmember Ulvestad, and carried, the Public Hearing was closed at 7:50 PM.

On the motion of Councilmember Scandinaro, seconded by Councilmember Carucci, and carried, to adopt Local Law 3 of 2026 entitled, A Local Law Authorizing Remote Participation and Voting via Videoconferencing for Town Board Members in Extraordinary Circumstances. Councilmember Clements opposed.

Be it enacted by the Town Board of the Town of Gardiner, County of Ulster, State of New York as follows:

§ 41-1. Authority.

A. This chapter is adopted pursuant to Municipal Home Rule Law §10 and Public Officers Law Article 7, including §103-a.

B. The purpose of this chapter is to establish procedures governing participation by members of the Town Board through videoconferencing in a manner that preserves public access to meetings while recognizing that extraordinary circumstances may occasionally prevent a member from attending in person.

§ 41-2. Legislative Intent.

A. The Town Board of the Town of Gardiner recognizes:
(1) The importance of conducting public business in an open and accessible manner;
(2) That Public Officers Law §103-a authorizes public bodies to permit members to participate in meetings by videoconference under locally adopted written procedures;
(3) The need to preserve in-person access as the primary means of public participation;
(4) The need to provide elected officials the ability to represent their constituents in Town Board decisions on days which, due to extraordinary circumstances, they are unable to attend a particular Town Board meeting in person, but the meeting is being "broadcast" on videoconference and the Town Board member is able to participate in the videoconference.
(5) The need of the public to be represented by their elected officials at Town Board Meetings.

B. It is the intent of this chapter that remote voting by videoconferencing:
(1) Be used only in limited and appropriate circumstances, and
(2) Not replace the expectation of physical attendance by Town Board members, and
(3) Be consistent with the written procedures established by the Town Board.

§ 41-3. Authorization.

The Town Board hereby authorizes Town Board Members to participate and vote by videoconferencing at all public meetings, subject to the provisions of this chapter.

§ 41-4. Quorum Requirement.

A meeting utilizing videoconferencing shall be valid only if:

A. A quorum of members is physically present at one location within the Town;

B. Such location is open to the public and properly noticed;

C. Town Board Members attending remotely from a private location shall not be counted toward a quorum; and

D. If at any time a quorum is no longer physically present, the meeting shall be adjourned.

§ 41-5. Remote Participation and Voting by Members.

A. A Town Board Member may participate and vote by videoconferencing from a private location only if the member is unable to be physically present due to extraordinary circumstances. For the purposes of this chapter, extraordinary circumstances include but are not limited to:

(1) Disability;

(2) Illness;

(3) Caregiving;

B. It is understood that remote voting is a permitted accommodation, not a right; and shall not be used for convenience, vacation, or routine or avoidable scheduling conflicts.

C. A Town Board Member wishing to exercise the accommodation of participating and voting in a Town Board meeting remotely must notify the Town Supervisor as soon as practicable prior to the meeting, must state the general nature of the extraordinary circumstances, and must confirm that they will have the capacity to attend the meeting via videoconference in its entirety.

D. The Town Supervisor (or presiding officer) shall determine whether a request for remote voting satisfies the "extraordinary circumstances" standard.

E. A member participating remotely pursuant to this section may fully participate and vote in all matters before the Town Board.

F. With the exception of Executive Sessions, throughout a public meeting attended by a Town Board Member via videoconference, the remote board member must be heard while speaking during the videoconference, have his or her face fully visible to the audience, and must be identified by their full name on the video screen.

G. The Town Board Member attending remotely must have a stable audio-visual connection throughout the meeting. If the audio or video connection is lost such that the member can no longer be seen or heard, the member shall be deemed absent for the duration of such interruption and may resume participation upon restoration of the connection.

§ 41-6. Meetings Presided Over by Town Supervisor.

A. A Town Supervisor participating remotely pursuant to this chapter may preside over the meeting by videoconference provided that all requirements of this chapter and Public Officers Law §103-a are satisfied.

B. If the Supervisor is unable to effectively preside over the meeting because of technical difficulties or other circumstances, the Deputy Supervisor (or presiding officer) shall serve as presiding officer until such time as the Supervisor resumes the chair.

§ 41-7. Public Access.

A. When videoconferencing is used, the public shall be able to attend the meeting:

(1) In person at the designated public meeting location; and

(2) Via videoconference in real time.

B. Where public comment is permitted, the Town shall provide a reasonable opportunity for public participation via videoconference.

§ 41-8. Notice.

A. Notice of any meeting utilizing videoconferencing shall include:

(1) A statement that videoconferencing will be used; and

(2) The physical meeting location.

B. Further, the agenda must be posted on the Town website before the meeting and must include the link and/or URL for accessing the videoconference, and for accessing all available documents related to the meeting agenda.

C. The posted agenda must also indicate if the meeting will have a Public Comment Period (also known as Privilege of the Floor), and when in the agenda it will occur.

§ 41-9. Recordings and Minutes.

Meetings conducted using videoconferencing shall be recorded and made publicly available on the Town website as soon as practicable. Minutes shall be posted on the website following a subsequent Board vote of approval and shall identify which members participated in person and remotely.

§ 41-10. Severability.

If a court of competent jurisdiction determines that any part of this chapter or the application thereof is invalid, such determination shall not affect the remaining provisions of this chapter.

§ 41-11. Written Procedures.

This chapter is intended to satisfy the requirement of Public Officers Law §103-a, that the Town establish written procedures governing member participation and public attendance at meetings conducted by videoconferencing. These procedures and the full text of this chapter shall be posted on the Town's official website in accordance with Public Officers Law §103-a, under the heading of Municipal Code.

§ 41-12. Effective Date.

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

REVISION OF ASSESSOR MEMORANDUM OF UNDERSTANDING

Agenda item was tabled for a future meeting.

SENIOR ACCOUNT CLERK SALARY ADJUSTMENT

Resolution No. 29 - Offered by Councilmember Carucci;

WHEREAS, the Town Board appointed Donna Daley to assume the responsibilities of Municipal Bookkeeper following the retirement of the prior Municipal Bookkeeper; and

WHEREAS, the Town Board has further reviewed the responsibilities associated with the position, the employee's qualifications and experience, and the Town's operational needs; and

WHEREAS, the Town Board finds that an adjustment to the compensation associated with these responsibilities is appropriate;

NOW, THEREFORE, BE IT RESOLVED, that the annual salary of Donna Daley, Senior Account Clerk, is hereby established at $64,000 per year ($35.16 per hour), effective 8-12-26; and

BE IT FURTHER RESOLVED, that the Town Supervisor and Town personnel responsible for payroll administration are authorized and directed to take all actions necessary to implement this resolution.

Seconded by Councilmember Scandinaro and carried.

APPOINTMENT OF FULL-TIME ADMINISTRATIVE ASSISTANT

Resolution No. 30 - Offered by Councilmember Scandinaro;
WHEREAS, the Town Board of the Town of Gardiner has determined that it is in the best interest of the Town to fill the position of Administrative Assistant; and
WHEREAS, Kelly Tenedini has been selected and is qualified to serve in this position;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardinerhereby appoints Kelly Tenedini to the position of full-time Administrative Assistant, effective August 26, 2026; and
BE IT FURTHER RESOLVED, that Ms. Tenedini shall be compensated at the hourly rate of $24.96 per hour; and
BE IT FURTHER RESOLVED, that Ms. Tenedini shall be eligible for all benefits afforded to full-time employees in accordance with applicable Town policies, collective bargaining agreements, and governing law.
Seconded by Councilmember Carucci and carried.

AUTHORIZATION CONCERNING A PERSONNEL MATTER

Resolution No. 31 - Offered by Councilmember Carucci;
WHEREAS, the Town Board has reviewed a proposed response concerning a personnel matter; and
WHEREAS, the Board wishes to authorize the Town Supervisor to execute and submit such response on behalf of the Town;
NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor is authorized to execute and transmit the Town's response to the employee grievance and related correspondence necessary to communicate the Town's position regarding the matters addressed therein.
Seconded by Councilmember Scandinaro and carried.

NOTICE OF PLANNING BOARD'S INTENT TO SERVE AS LEAD AGENCY FOR OHIOVILLE ACRES, PLANNED DEVELOPMENT DISTRICT

On the motion of Councilmember Scandinaro, seconded by Councilmember Carucci, and carried, the Town Board hereby acknowledges receipt of the Notice of Intent to Serve as Lead Agency dated July 27, 2026, regarding the Ohioville Acres, Professional Development District (PDD). The Town Board finds that questions exist concerning the current status of prior approvals, the scope of any vested rights or lack thereof, changes in environmental conditions and regulatory standards since completion of the 2007 Environmental Impact Statement process, and the Town Board's continuing governmental interests relating to public infrastructure, utilities, and other municipal responsibilities.
The Town Board hereby directs the Supervisor to request the Town Attorney to evaluate: whether the Town Board qualifies as an involved agency under SEQRA; whether the Town Board possesses a reasonable basis to seek Lead Agency designation; the legal implications of the current SEQRA recirculation process; and any actions necessary to preserve the Town Board's rights under SEQRA. The Town Board further reserves all rights pending receipt of legal advice and authorizes the Supervisor to communicate the foregoing to the Town of Gardiner Planning Board. No determination regarding involved agency status is being made by this motion.

APPROVAL OF AUGUST WARRANT

On the motion of Councilmember Scandinaro, seconded by Councilmember Carucci, and carried, to approve the August warrant, dated August 12, 2026, for a total of $158,116.91.

ESTABLISHMENT OF ESCROW ACCOUNT #PB26-04

On the motion of Councilmember Carucci, seconded by Councilmember Ulvestad, and carried, to authorize the Bookkeeper to establish escrow account No. PB26-04, for P.E. Colucci, LLC. In the amount of $4,000.00 with a minimum replenishment of $1,500.00.

ESTABLISHMENT OF ESCROW ACCOUNT #PB26-05

On the motion of Councilmember Carucci, seconded by Councilmember Clements, and carried, to authorize the Bookkeeper to establish escrow account No. PB26-05, for Rusi Holding Corp. In the amount of $5,000.00 with a minimum replenishment of $1,500.00.

AUTHORIZATION FOR THE RELEASE OF ESCROW #PB26-03

On the motion of Councilmember Carucci, seconded by Councilmember Ulvestad, and carried, to authorize the Bookkeeper to release the remaining escrow balance for the Nilsen Lot Line Revision, Project ID PB26-03, in the amount of $1,615.69.

APPROVAL OF JULY 14TH MINUTES

On the motion of Councilmember Ulvestad, seconded by Councilmember Carucci, and carried, to approve the July 14th Minutes. Councilmember Clements abstained.

B.E.S.S. UPDATE

Councilmember Ulvestad provided a brief update on the status of the proposed Battery Energy Storage System (B.E.S.S.) local law. He stated that he is currently working on the draft local law and hopes to have it ready for attorney review by September or October. Once the draft has been vetted, he anticipates forwarding it to the Gardiner Planning Board and the Ulster County Planning Board for review. Councilmember Ulvestad asked Board members to send any comments to him by email as soon as possible so they may be considered and incorporated into the proposed law before it is sent to the attorney.

PUBLIC COMMENT

Alyce Dolce – Thanked Councilmember Ulvestad for working on the BESS Law and doing a great job.
Stef Kotso - BESS related to Data Centers, Suggested looking at Mayfield, NY Local Law.
Joan Parker – Suggested using the funds from the Host Community Benefit to aid in reducing greenhouse gas.
Tom Penichter – BESS Law is important; concerns of mega warehouse data centers; law should be written more generically with increased set backs.

ADJOURNMENT

On the motion of Councilmember Carucci, seconded by Councilmember Scandinaro, and carried, the meeting was adjourned at 9:15 PM.