The Regular Meeting of the Gardiner Town Board was held this evening at 7:00 PM. Present were Supervisor Hartner, Councilmembers Carucci, Clements, Scandinaro and Ulvestad. There were approximately 11± audience members.

ANNOUNCEMENTS

Gardiner Day will be held on September 28 from 11:00 a.m. to 4:00 p.m. at Majestic Park**.** This community celebration will feature food vendors, children's activities, informational booths, and a variety of attractions for all ages. Residents and visitors are invited to join in a day of family-friendly fun and community spirit.

The Town will have two upcoming vacancies on the Zoning Board of Appeals**.** Residents who would like to be considered are encouraged to contact the Town Supervisor by email and provide a brief statement explaining their interest in serving, along with a resume or summary of their background, experience, and qualifications.

Councilmember Carucci announced that the Parks and Recreation Department's Stargazing event has been rescheduled to Friday, September 18, at the Transfer Station. Councilmember Carucci also noted that the Dump Run will take place on September 27, and registration remains open.

FUND BALANCE DISCUSSION

Bob McKenna**,** Budget Officer, provided an overview of the budget process and the work completed to date. He outlined several options for the Board to consider regarding the Town's excess fund balance, including addressing operating deficits, increasing contingency appropriations, and allocating funds to existing reserve accounts. Mr. McKenna also emphasized the importance of committing unassigned fund balance to the current budget to help prevent potential year-end budget shortfalls.

READOPT REVISED DRINKING WATER SOURCE PROTECTION PLAN

On the motion of Councilmember Carucci, seconded by Councilmember Scandinaro, and carried, that the Town Board accepts the revised DWSP2, a copy of which is available on the Town of Gardiner website in the agenda packet for this meeting, and for the Town Clerk to arrange for a copy of the revised version to be filed in the Town’s records, sent to Climate Smart Gardiner Coordinator, and posted to the Drinking Water Protection Committee webpage. Councilmember Clements abstained.

OCCUPANCY TAX DISCUSSION

The Board discussed and reached consensus to increase the maximum number of beds from six to eight and to establish the tax rate at 4%.

Resolution No. 38 - Offered by Councilmember Scandinaro;
WHEREAS, the Town Board of the Town of Gardiner has prepared a proposed Local Law entitled "Town of Gardiner Occupancy Tax Law," pursuant to the authority granted by Section 1202-ll of the New York State Tax Law; and
WHEREAS, the proposed Local Law would establish an occupancy tax upon certain transient lodging accommodations within the Town of Gardiner and provide for the administration, collection, reporting, and enforcement of such tax; and
WHEREAS, the Town Board has determined that it is in the public interest to conduct a public hearing on the proposed Local Law prior to taking action thereon;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby introduces the proposed Local Law entitled "Town of Gardiner Occupancy Tax Law," a copy of which shall be maintained on file in the Office of the Town Clerk and made available for public inspection; and
BE IT FURTHER RESOLVED, that a Public Hearing on the proposed Local Law shall be held on Tuesday, October 6, 2026, at 7:00 p.m., or as soon thereafter as the matter may be heard, at the Gardiner Town Hall, 2340 Route 44/55, Gardiner, New York; and
BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized and directed to publish and post notice of the Public Hearing as required by law and to make the proposed Local Law available for public review; and
BE IT FURTHER RESOLVED, that all persons wishing to be heard regarding the proposed Local Law shall be afforded an opportunity to do so at said Public Hearing, and written comments may be submitted to the Town Clerk prior to the close of the Public Hearing.
Seconded by Councilmember Ulvestad and carried.

PURCHASE OF HIGHWAY DEPARTMENT VEHICLE

On the motion of Councilmember Scandinaro, seconded by Councilmember Carucci, and carried, to authorize the Supervisor to sign a letter of intent to Van Bortel Ford of East Rochester, NY, for the purchase of one (1) 2027 Ford F-450 XL Reg Cab 4x4 DRW 145 WB 60 CA as per Quote #38489, dated 7/29/26, on the Onondaga Bid 0011171 at a cost of $75,845.50, including a 2027 Fisher Plow and Sander with accessories at a cost of $17,109.80, for a total cost of $92,955.30.

UPDATE ON THE BATTERY ENERGY STORAGE SYSTEM LAW

Councilmember Ulvestad provided an update on the Battery Energy Storage System (BESS) law. The Board discussed the proposed revisions and agreed that eliminating Tier 4 would be in the Town's best interest. Councilmember Ulvestad also reviewed the project timeline and outlined the steps that must be completed before the memorandum expires.

RESOLUTION FOR PURSUIT FOR THE REPLACEMENT OF THE ROOF ABOVE THE COURT BATHROOMS

Resolution No. 39 - Offered Councilmember Clements;

WHEREAS, the Town Building Inspector has determined that the roof above the men's and women's bathroom section of the Town of Gardiner Justice Court building is in significant disrepair, contains multiple active leaks, and requires replacement; and

WHEREAS, the Building Inspector has estimated that the cost of the roof replacement project will be approximately $40,000, with the potential for additional costs should deterioration of underlying structural components be discovered during construction; and

WHEREAS, the Town Board finds that replacement of the roof is necessary to protect public property, maintain safe and functional facilities for court operations, and prevent further deterioration of the building; and

WHEREAS, the Town Board further finds that pursuing grant funding through the New York State Justice Court Assistance Program (JCAP) is in the best interests of the residents and taxpayers of the Town of Gardiner; and

WHEREAS, the Honorable Robert Rich, Senior Town Justice, supports and endorses the submission of a JCAP grant application for this purpose, as evidenced by the endorsement attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Town Gardiner authorizes the Town of Gardiner Town Court to apply for a Justice Court Assistance Program (JCAP) grant in the 2026-27 grant cycle up to $40,000 for the replacement of the roof above the courthouse bathrooms; and,

BE IT FURTHER RESOLVED, that the Town Board expresses its commitment, subject to the appropriation of funds and all applicable legal requirements, to provide such additional Town funding as may be necessary to complete the roof replacement project should the total project cost exceed the dollar amount requested through JCAP; and

BE IT FURTHER RESOLVED, that the Town Supervisor, Town Clerk, and such other Town officers, employees, or representatives as may be necessary are hereby authorized and directed to execute and submit any certifications, assurances, agreements, or other documents required by the JCAP program in support of the Town Justice Court's application and the implementation of the project; and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized and directed to maintain and transmit all records, resolutions, and supporting documentation required in connection with the grant application and administration of any grant awarded.

Seconded by Councilmember Scandinaro and carried.

RESOLUTION FOR THE GARDINER TOWN BOARD TO ASSUME LEAD AGENCY FOR THE SEQRA REVIEW FOR OHIOVILLE ACRES P.D.D. PROJECT

Resolution No. 40 - Offered Councilmember Scandinaro;

WHEREAS, an application relating to the proposed Ohioville Acres Planned Development District ("Project") is presently before the Town of Gardiner and is subject to review pursuant to the New York State Environmental Quality Review Act ("SEQRA"), Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder at 6 NYCRR Part 617; and

WHEREAS, by correspondence dated July 27, 2026, the Town of Gardiner Planning Board initiated a coordinated review and circulated a Notice of Intent to Serve as Lead Agency to involved and interested agencies; and
WHEREAS, by resolution dated August 11, 2026, the Town Board requested that the Planning Board cede Lead Agency status to the Town Board in recognition of the Town Board's jurisdiction and responsibilities with respect to the establishment, amendment, and administration of Planned Development Districts within the Town; and
WHEREAS, the Planning Board considered the Town Board's request at its meeting of August 25, 2026, and voted to cede Lead Agency status for the Project to the Town Board; and
WHEREAS, the Town Board has received certification from the Planning Board Clerk confirming the Planning Board's August 25, 2026 action; and
WHEREAS, the Town Board finds that it possesses broad jurisdiction over the Project and is an appropriate agency to serve as Lead Agency for purposes of environmental review under SEQRA; and
WHEREAS, the Town Board desires to formally accept Lead Agency status and provide notice thereof to all previously identified involved and interested agencies;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Gardiner hereby accepts and assumes Lead Agency status for purposes of conducting environmental review of the Ohioville Acres Planned Development District application pursuant to SEQRA; and
BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized and directed to execute, on behalf of the Town Board, a Notice of Assumption of SEQR Lead Agency Status and such related correspondence as may be necessary to implement this Resolution; and
BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to transmit said notice and accompanying materials to all previously identified involved and interested agencies and to any additional agencies subsequently identified during the review process; and
BE IT FURTHER RESOLVED, that the Town Clerk shall maintain proof of mailing or delivery of such notices and all related correspondence as part of the official SEQRA record for the Project; and
BE IT FURTHER RESOLVED, that the Town Clerk shall maintain all notices, agency comments, responses, objections, memoranda, certifications, determinations, resolutions and other documents associated with this coordinated review as part of the official SEQRA file for the Project; and
BE IT FURTHER RESOLVED, that the Town Board reserves all rights and responsibilities of Lead Agency under SEQRA, including the authority to determine significance, require additional environmental review, issue notices and determinations, and adopt findings as may be required by law.
Seconded by Councilmember Carucci and carried.

ADOPTION OF STANDARD WORKDAY FOR NEW YORK STATE RETIREMENT

On the motion of Councilmember Carucci, seconded by Councilmember Scandinaro, and carried, the Town of Gardiner hereby establishes the following standard workdays for elected officials and for officials that are not paid on an hourly basis for the purpose of crediting the NYS Local Employees retirement accounts of retirement system members for the 2026 year and

authorizes and directs the Town Clerk to transmit this information in accordance with the instructions in Local Retirement System form # RS 2417-A.

Title and Name of Office Holder	NYLRS Participant	Hours/days per week credited	Term of Office
Town Clerk/Tax Collector, Julia Hansen	Yes	7 hrs / 5 days	01/01/2026 – 12/31/2028
Town Justice, Hon. Robert Rich	Yes	6 hrs / 5 days	01/01/2026 – 12/31/2029
Town Justice, Hon. Laura Wang-Pan	No	6 hrs / 5 days	01/01/2024 – 12/31/2027
Town Councilmember, Franco Carucci	No	6 hrs / 5 days	01/01/2024 – 12/31/2027
Town Councilmember, Roberta Clements	Yes	6 hrs / 5 days	01/01/2026 – 12/31/2028
Town Councilmember, Wolfe Scandinaro	Yes	6 hrs / 5 days	01/01/2026 – 12/31/2028
Town Councilmember, James Ulvestad	No	6 hrs / 5 days	01/01/2026 – 12/31/2026
Highway Superintendent, Brian Stiscia	Yes	8 hrs / 5 days	01/01/2026 – 12/31/2028
Supervisor, Michael Hartner	No	7 hrs / 5 days	01/01/2026 – 12/31/2026

APPROVAL OF SEPTEMBER WARRANT

On the motion of Councilmember Carucci, seconded by Councilmember Clements, and carried, to approve the September warrant, dated September 8, 2026, for a total of $183,116.39.

ESTABLISHMENT OF PLANNING BOARD ESCROW ACCOUNT #PB26-06

On the motion of Councilmember Carucci, seconded by Councilmember Scandinaro, and carried, to authorize the Bookkeeper to establish an escrow account No. PB26-06, for Blauer Freeman Farm, Special Project Application, in the amount of $4,000, with replenishment to $4,000 required when the account drops below $1,500.

ESTABLISHMENT OF PLANNING BOARD ESCROW ACCOUNT #PB26-07

On the motion of Councilmember Scandinaro, seconded by Councilmember Carucci, and carried, to authorize the Bookkeeper to establish an escrow account No. PB26-07, for the Awosting Club Site Plan Application, in the amount of $10,000.00 with replenishment to $10,000.00 required when the account drops below $2,500.00. Councilmember Clements abstained.

ESTABLISHMENT OF PLANNING BOARD ESCROW ACCOUNT #PB26-08

On the motion of Councilmember Carucci, seconded by Councilmember Ulvestad, and carried, to authorize the Bookkeeper to establish an escrow account No. PB26-08, for the Yin Special Permit Application, in the amount of $10,000.00 with replenishment to $10,000 required when the account drops below $2,500.00.

ESTABLISHMENT OF ESCROW ACCOUNT #TB26-01 FOR TOWN BOARD REVIEW OF THE OHIOVILLE ACRES P.D.D. APPLICATION

Resolution No. 41 - Offered by Councilmember Clements;

WHEREAS, the Town Board of the Town of Gardiner established the Ohioville Acres Planned Development District ("PDD") by local legislation adopted in 2007; and

WHEREAS, the proposed project has undergone multiple phases of review over a period of approximately nineteen years, including prior SEQRA reviews conducted by Gardiner Town Board, the Gardiner Planning Board, and other regulatory agencies; and

WHEREAS, the Town Board has determined that the current proposal may present issues of significant Town-wide impact, including but not limited to potential impacts upon public infrastructure, such as sewage disposal and wastewater treatment facilities, public water supply systems, transportation systems (roads, bridges, and culverts), stormwater pollution control systems, other municipal services, and long-term operational and maintenance responsibilities; and

WHEREAS, in recognition of such Town-wide concerns and responsibilities, the Town Board requested designation as Lead Agency for purposes of environmental review pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town of Gardiner Planning Board, by motion duly adopted on August 25, 2026, consented to and approved the designation of the Town Board as Lead Agency for the environmental review of the proposed project; and

WHEREAS, § 220-58 of the Code of the Town of Gardiner authorizes a reviewing board to require an applicant to deposit funds into an escrow account to reimburse the Town for the cost of professional review services, including environmental review conducted pursuant to SEQRA; and

WHEREAS, § 220-58 further provides that such review may include planning, engineering, legal, environmental, hydrogeologic, transportation, infrastructure, fiscal, and other professional and technical services reasonably necessary to conduct a proper review of the proposed action; and

WHEREAS, the Town Board finds that professional consultants and advisors will be required to assist the Town Board in conducting a review of the SEQRA records and regulatory approvals and in evaluating issues relating to public infrastructure, municipal responsibility, environmental impacts, engineering matters, legal matters, and compliance with applicable law; and

WHEREAS, the Town Board further finds that, based upon the size, complexity, lengthy regulatory history, and anticipated scope of professional review associated with the proposed action, including legal, engineering, planning, environmental, infrastructure, wastewater, water supply, transportation, and related consultant services, an initial escrow deposit of Forty Thousand Dollars ($40,000) is reasonably related to the expected cost of such review; and

WHEREAS, the Town Board finds that establishment of an escrow account is necessary to protect the taxpayers of the Town of Gardiner from bearing costs properly attributable to review of the proposed project;
NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as Lead Agency for purposes of SEQRA review of the Ohioville Planned Development District project, hereby determines that an applicant-funded escrow account, #TB26-01, is required pursuant to § 220-58 of the Code of the Town of Gardiner; and
BE IT FURTHER RESOLVED, that the applicant shall deposit the sum of Forty Thousand Dollars ($40,000) with the Town as an initial escrow deposit; and
BE IT FURTHER RESOLVED, that such escrow funds shall be maintained and administered in accordance with § 220-58 of the Town Code and shall be used solely for the payment of reasonable and necessary professional review costs associated with review of the proposed action; and
BE IT FURTHER RESOLVED, that such costs may include but shall not be limited to planning, engineering, environmental, hydrogeologic, legal, transportation, fiscal, infrastructure, wastewater, water supply, and other professional consulting services reasonably required by the Town Board in connection with its review of the project and its obligations under SEQRA; and
BE IT FURTHER RESOLVED, that whenever the balance of the escrow account falls below Ten Thousand Dollars ($10,000), the Town Board may direct the applicant to replenish the escrow account in an amount sufficient to restore the account balance to Forty Thousand Dollars ($40,000); and
BE IT FURTHER RESOLVED, that no further review shall be required to proceed until any requested escrow replenishment has been received by the Town; and
BE IT FURTHER RESOLVED, that all consultant vouchers shall be processed and reviewed in accordance with § 220-58 and the Town's normal audit and claims procedures; and
BE IT FURTHER RESOLVED, that the Town Supervisor, Town Clerk, Town Attorney, Town Bookkeeper, Town Planning Board Clerk, and any consultants retained by the Town Board are authorized to take such actions as may be necessary to implement this Resolution.
Seconded by Councilmember Ulvestad and carried.

APPROVAL OF MINUTES

On the motion of Councilmember Clements, seconded by Councilmember Carucci, and carried, to accept the August 11th meeting Minutes.

On the motion of Councilmember Carucci, seconded by Councilmember Ulvestad, and carried, to accept the August 20th meeting Minutes.

On the motion of Councilmember Scandinaro, seconded by Councilmember Ulvestad, and carried, to accept the August 27th meeting Minutes. Councilmember Carucci abstained.

APPROVAL OF EMPLOYEE REQUESTS TO ATTEND TRAINING

On the motion of Councilmember Carucci, seconded by Councilmember Clements, and carried, to approve the request of Sr. Account Clerk Donna Daley to attend following training:

- Two Government Finance Officers' Association (GFOA) webinars on September 18, 2026, on the subjects of Foundations of Budgeting, and Foundations of Accounting/Financial Reporting for an all-inclusive cost of $340.00;

- A GFOA webinar on September 25, 2026, on the subject of Governmental Accounting Essentials for an all-inclusive cost of $160.00; and
- Two GFOA webinars on November 19, 2026, on the subjects of Advanced Accounting and Foundations of Cash Management, for an all-inclusive cost of $340.00;

For a total cost for the five webinars of $840.00 to be charged to Budget Code AAA-522-1340-400.

PRIVILEGE OF THE FLOOR

Tom Penichter – Encourages the Board to take a proactive approach to engineering and legal support for the BESS law.

Jeff Sweeney – Suggested not including PILOT agreements would be advantageous to the Town.

Matt Bialecki – questioned the coordination of the BESS law with the public utility facility allowance in the zoning code and suggests further analysis.

EXECUTIVE SESSION

On the motion of Councilmember Clements, seconded by Councilmember Ulvestad, and carried, the Town Board entered Executive Session at 9:18 PM to discuss the employment history, job performance, work responsibilities, supervisory relationships, qualifications, compensation, training, evaluation, and other matters relating to the employment of a particular Town employee.

On the motion of Councilmember Ulvestad, seconded by Supervisor Hartner, and carried, the Board left Executive Session at 10:01 PM.

ADJOURNMENT

On the motion of Councilmember Carucci, seconded by Councilmember Clements, the meeting adjourned at 10:03 PM.

Respectfully submitted,

Julia Hansen, Town Clerk