

TOWN OF ULSTER TOWN BOARD
TOWN OF ULSTER TOWN BOARD WORKSHOP
JANUARY 5, 2004 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WADNOLA, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN ARTIST - ABSENT
TOWN COUNCILMAN VAN KLEECK
TOWN COUNCILMAN BRINK
TOWN COUNCIL MEMBER WISE
SUPERVISOR WADNOLA

COMMITTEE REPORTS

Council Member Wise reported, under the Buildings and Ground Committee, that the town is seeking a comprehensive estimate for a complete list of all the repairs the Town Hall needs

Councilman Brink invited the public to attend the monthly audit meeting on Saturday, January 17, 2004 at 9 AM

Councilman Van Kleeck motioned to appoint William J. Williams Jr. as a Deputy Highway Superintendent with no extra pay
2nd by Council Member Wise
Four Ayes – Councilman Artist was absent

Councilman Brink motioned to hire Karl Schuerzinger as a part-time building inspector to work no more than 20 hours a week at a rate of \$13.00 an hour plus mileage with no health insurance, effective January 5, 2004
2nd by Councilman Van Kleeck
Four Ayes – Councilman Artist was absent

Council Member Wise reported that the culprits that recently broke into the Robert E. Post Park were apprehended and will have to make restitution for the damage they caused (they threw park tables into the Hudson River. Park tables float).

Councilman Brink motioned to appoint Richard Watjen as a deputy superintendent of wastewater treatment for the 2004 year with a stipend of \$1,500.00
2nd by Council Member Wise
Four Ayes – Councilman Artist was absent

Council Member Wise reported from the police commission that Shane Bower was appointed, as a full-time police officer to replace Amy O'Brien after her resignation

Letter of Endorsement for James F. Maloney – Town Assessor and County Legislator

Supervisor Wadnola read the following letter of support:

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James F. Maloney is currently the Town Assessor for the Town of Ulster having a term ending on September 30, 2007; and

James F. Maloney has been elected as an Ulster County Legislator for a term commencing on January 1, 2004 and ending on December 31, 2005; and

It is claimed that the positions of the Ulster County Legislator and Assessor of the Town of Ulster are incompatible as a matter of law and that the position of Town Assessor would be deemed vacated upon the commencement of James F. Maloney's term of office as a County Legislator and the taking of the oath of office; and

Although the Town Board believes that the two positions are compatible, as held in the Court of Appeals decision of O'Malley v. Macejka, 44 N.Y. 2d 530, 406 N.Y.S. 2d 725 in the event that the Courts do not concur that the positions are compatible, it is desired to have James F. Maloney continue as Town Assessor, therefore it is;

That James F. Maloney is appointed as Town Assessor for the Town of Ulster for a term ending on September 30, 2007 or for such period as is prescribed by New York State Law, effective immediately.

Councilman Van Kleeck, Councilman Brink, Council Member Wise concurred with the letter of endorsement for James F. Maloney.

Supervisor Wadnola motioned to refer a proposed Amendment to the town code for home base business to the Town of Ulster Planning Board and the Ulster County Planning Board for review 2nd by Councilman Brink

Four Ayes – Councilman Artist was absent

Supervisor Wadnola motioned to extend the Kraus Farm Lighting District to include Hinsdale Street, Harwich Street and a small portion of Wrentham Street for an estimated cost of \$100 per year (TC note – see October 7, 2003 Minutes)

2nd by Council Member Wise

A Roll Call Vote was taken - Four Ayes – Councilman Artist was absent

Supervisor Wadnola motioned to remove from the table the “EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND” from the December 15, 2003 Town Board Meeting 2nd by Councilman Brink

- Resolution was now back on the floor

Supervisor Wadnola motioned the following:

RESOLUTION ESTABLISHING THE “EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND” UNDER SECTION 6-p OF THE GENERAL MUNICIPAL

The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

- Section 1. That there be and hereby is established a Reserve Fund in the amount of \$10,000.
- Section 2. Such fund is to be known as the “Employee Benefit Accrued Liability Reserve Fund” of the Town of Ulster.
- Section 3: There may be paid into such Fund (a) such amounts as may be provided therefore by budgetary appropriations, (b) amounts from any other Fund authorized by Chapter 6-p of the General Municipal Law by Resolution subject to permissive referendum; and (c) such other Funds as may be legally appropriated.
- Section 4: Moneys in such Fund may be appropriated only for the payment of all or part of the cost, including interest, of:
- (a) The cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation and other forms of payment for accrued leave time and benefits due to a municipal employee upon termination of municipal employment and separation from service as required by ordinance, local law, collective bargaining agreement or section six of the civil service law.
 - (b) The reasonable costs of the administration of the reserve fund.
 - (c) Expert or professional services rendered in connection with the investigation, adjustment or settlement of claims, action or judgments relating to claims for accrued employee benefits as defined in this section.
- Section 5. The chief fiscal officer shall account for this fund separate and apart from all other funds of the municipal corporation. Such accounting shall show: the source, date and amount of each sum paid into the fund; the interest earned by such fund; capital gains or losses resulting from the sale of investments of this fund; the order, purpose thereof, date and amount of each payment from this fund; the assets of the fund, indicating cash balance and a schedule of investments. The chief fiscal officer, within sixty days of the end of each fiscal year, shall furnish a detailed report of the operation and condition of this to the governing board. The chief fiscal

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officer shall also keep a separate account for each kind of employee benefit funded pursuant to subdivision two of this section.

- Section 6. Any action or claim for accrued employee benefit shall be compromised or settled by the Town Board of the Town of Ulster authorized to settle or compromise actions or claims on behalf of the Town of Ulster.
- Section 7. Any member of the Town Board who violates the provision of this subdivision shall be guilty of a misdemeanor. The provisions of this section shall be considered to be in addition to any other penalties provided by law.
- Section 8. That out of the revenues received by the Town of Ulster during the year 2004 and not otherwise appropriated, the sum of \$10,000.00 be and the same hereby is appropriated for said "Employee Benefit Accrued Liability Reserve Fund" of the Town of Ulster and the Supervisor of the Town is hereby authorized to, empowered and directed to transfer from said revenues the said sum of \$10,000.00 to said Fund.
- Section 9. Such additional sums as may hereafter be appropriated shall become part of said Fund.
- Section 10. The moneys in said Fund shall be deposited in a separate bank account in the name of the Town of Ulster, New York.
- Section 11. The supervisor in his/her discretion, may invest the moneys in such Fund in the manner provided in section 11 of Article 2 of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the such Fund.

2nd by Councilman Van Kleeck

A Roll Call Vote was taken - Four Ayes – Councilman Artist was absent

Supervisor Wadnola motioned to accept a letter of resignation from Planning Board Member, Joe Benjamin effective January 5, 2004

2nd by Councilman Brink

Four Ayes – Councilman Artist was absent

Supervisor Wadnola motioned to appoint Frank Almquist to fill the term of Joe Benjamin as a Planning Board Member

2nd by Councilman Brink

Four Ayes – Councilman Artist was absent

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Council Member Wise motioned for the town to issue a \$350 check per person (Councilman Artist, Supervisor Wadnola, Town Assessor Maloney, and herself) attending the NY State Association of Towns meeting in New York City to cover meals and incidentals

2nd by Councilman Van Kleeck

A Roll Call Vote was taken - Four Ayes – Councilman Artist was absent

Council Member Wise motioned to duly designate Supervisor Wadnola to attend the Annual Business Session of the New York State Association of Towns held in New York City, on February 18, 2004, and to cast the vote of the Town of Ulster, pursuant to section 6 of Article III of the Constitution and By-Laws of said Association and, in the absence of the designated person, that James Maloney, the Town Assessor, be designated as an alternate to cast the vote of the Town of Ulster

2nd by Councilman Van Kleeck

Four Ayes – Councilman Artist was absent

Councilman Brink motioned to adjourn the meeting at 7:40 PM

2nd by Councilman Van Kleeck

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC
Ulster Town Clerk