

ULSTER TOWN BOARD MEETING
FEBRUARY 22, 2006 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN CRAIG ARTIST
TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK -Absent
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

COMMUNICATION

Orrick, Herrington & Sutcliffe, LLP – A letter was received asking the Town Board to hold another Public Hearing for the \$600,000 bond for the Ulster Water Tank repaint job and other services, as the prior hearing didn't give enough notice.

COMMITTEE REPORTS

Councilman Artist reported, from the Building and Grounds Committee, that they are waiting for estimates, that the Police Department requested, on new lighting for their parking area and a new door for the Detective's rooms. Supervisor Woerner spoke to the Town Engineer and they are looking to contact "B-dry" about water-proofing the basement.

Councilman Secreto thanked Mr. Nelson White for his help at the recent Finance Committee meeting to audit the bills for the abstract.

Councilman Secreto reported, from the Highway Committee, that he has received a complaint from a person on Fairdale Ave. about cars leaving Crosby School. He gave a warning that the police would be watching.

Councilman Secreto reported, from the Insurance and Safety Committee, that they have rescheduled a meeting with Ryan Insurance. He also reported that the county is handing out weather warning radios to people who live in flood plain areas.

Councilman David Brink reported, from the Personnel Committee, that they are interviewing people for the Water Operator Trainee position.

Councilman David Brink reported from the Building and Assessor Committee that he and a few of the Planning Board members had attended a meeting about view sheds and maintaining them.

Councilman Secreto announced from the Park & Recreation Committee that Eileen Pine has a basketball program that starts Thursday, February 23, 2006 from 6:45 PM to 7:45 PM at Chambers School.

Councilman Secreto reported from the Water and Waste Water Committee, that the Sewer Plant repairs are moving along. The department had safety valves installed on their boiler, so a portable trailer can be hooked up to heat the plant. They are looking to install a surge protector

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on the boiler to prevent power surges from damaging the equipment. There was a water break on Lohmaier Lane that was addressed.

Councilman David Brink suggested, from the Information Service Committee, that the Town should try to find a person who will volunteer their time to updating the Town website. Councilman Artist asked interested persons to submit a letter of interest.

The floor was open to public comment.

Mr. Robert Barton – What is the special project application service?

Supervisor Woerner stated that Mrs. Mary Lou Christiana is an attorney that will be working as town council. This is an additional position that will handle special applications.

Mr. Tuscano – What is the amendment to the noise ordinance? Do they get a reduced assessment for not having a full Cert. Of Occupancy?

Supervisor Woerner – There was an error in their application and this is an amendment to correct it. There is no tax break.

Mrs. Ann Mitchell – Was not in favor of the increase in decibels for the Kingston Block and Masonry building.

Mr. Nelson Hoffman – Stated he lived across the street from the Kingston Block and Masonry Building and was not in favor of the amendment.

Mr. Nelson White – Not in favor of the amendment to the Kingston Block and Masonry Building.

Mrs. Barbara Wise – reported that she was at a meeting with the Kingston Block and Masonry project people and said they had stated that they admitted they knew they were in violation of the noise ordinance.

DEPARTMENT HEAD REPORTS

Highway Department – Councilman Artist reported that Mr. Tinnie, the Highway Superintendent, had to go to a water break during the meeting.

Sewer Department – Mr. Corey Halwick, the Waste Water Supervisor, was excused due to illness.

Police Department – Monthly report was read. Chief Paul Watizka further reported that the police would be fingerprinting children at the Crosby School Winter Festival.

Assessor – Mr. Maloney reported that this would be the last month for people to file their STAR applications. He will try to reach out to 50+ remaining people who need to file. At the New York Association of Town meeting, he received legislative updates. He gave a book his office prepared to the Town Board, about the office.

Ulster Town Clerk- The monthly report was read.

Building Department – The monthly report was read.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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Supervisor Woerner motioned to approve the January 17, 2006, January 18, 2006, January 26, 2006 and the February 6, 2006 minutes.

2nd by Councilman Secreto

4 Ayes – Councilman Joel B. Brink was absent

ABSTRACT OF CLAIMS

Councilman David Brink motioned to approve the following:

February-06 FUND	ABSTRACT CLAIM #	AMOUNT
UTILITIES		
GENERAL	201-228A	17,938.16
ULSTER WATER	201-205	5,434.55
HALCYON PK. WATER	201	621.08
SPRING LAKE WATER	201-204	317.20
BRIGHT ACRES WATER	201	250.06
GLENERIE WATER	201	14.04
WHITTIER SEWER	201-202	1,370.36
ULSTER SEWER	201-204	6,850.42
SPECIAL LIGHT	201-206	3,151.61
ALL OTHERS		
GENERAL	201-2170	167,465.34
HIGHWAY	201-255	37,243.37
WHITTIER SEWER	201-202	85.00
ULSTER SEWER	201-225	84,283.39
ULSTER WATER	201-236	110,857.90
HALCYON PK. WATER	201-205	165.97
SPRING LAKE WATER	201-203	27,467.60
BRIGHT ACRES WATER	201-206	5,951.79
CHERRY HILL WATER	201-203	6,064.54
GLENERIE WATER	201-203	2,756.00
INSURANCE (ALL FUNDS)	201-222	207,226.62
CAPITAL PROJECTS		
TRUST & AGENCY	201-204	7,399.75
GLENERIE WATER	201-202	8,777.12
COMMUNITY DEVELOPMENT	201	130,883.45
WASHINGTON AVE. SEWER	201-202	295.00
	TOTAL	\$ 832,870.32

2nd by Councilman Secreto

A Roll Call Vote was Taken -

TOWN COUNCILMAN CRAIG ARTIST

Aye

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TOWN COUNCILMAN DAVID BRINK	Aye
TOWN COUNCILMAN JOEL B. BRINK	Absent
TOWN COUNCILMAN ROCCO SECRETO	Aye
SUPERVISOR NICKY B. WOERNER	Aye

Jay and Nathaniel Gorman to discuss the need for a stop sign on the corner of Parish Lane and Costanzi Drive.

Mr. Nathaniel Gorman stated he was working on his Citizenship in the Community Merit badge and realized that the Corner of Parish Lane and Costanzi Drive is in need of a stop sign. He submitted a petition to the Town Board.

Supervisor Woerner reported that he spoke to the Town Police Chief who recommended a three way stop. He would refer this matter to the Ulster Public Safety Committee for review and hopes to act on it at the March Workshop Meeting.

Birchez Associates LLC, Proposal for "The Birches at Chambers" 66 Unit Senior Housing Project, Located on "The Chambers Court Senior Housing Project."

Mr. Steve Aaron stated that, about 4 weeks ago, he was contacted by the State Division of Housing about doing an assisted living project. He reviewed the matter and started to put together an application that is due Tuesday, March 7, 2006. His company has been working around the clock to do the market research. He has a 254 people waiting list for housing. He wanted to bring the Chambers Housing Project to the next level where people can stay in the area and age in place.

The project would be for the frail elderly and war veterans. He expects the complex will be managed by Elant Health and Housing Solutions, a nonprofit agency in Goshen, which will provide staff to assist tenants in their daily routines. Essentially they would be a tenant advocate to ensure that the tenant is doing well.

In addition to Chambers Court, Birchez Associates has built Birchwood Village, an 80-unit apartment complex for low-income families on Flatbush Avenue in Kingston. The company is currently building another senior complex in Saugerties, called The Birches at Saugerties, and plans another in the town of Esopus, called The Birches at Esopus.

Mr. Aaron asked the Town Board to endorse a resolution of support for the project and a resolution of support for a PILOT program.

Councilman Artist requested to take recess to review the resolutions if the Town Board was considering this matter.

Ulster County Legislator Update:

Legislators Brian Cahill – Stated that Legislator Michael Berardi had an economic meeting. Next month, Terry Breitenstein from the Veterans Administration, will be here. He stated that the

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County is reviewing budget issues and it seems a 5% across the board cut will happen. The County is in dire straights. The jail is coming along. They just ordered mattresses.

The proposed formation of a Conservation Advisory Committee.

Supervisor Woerner referred the matter to the Assessor and Planning Board Committee for review.

The formation of the Town of Ulster Recreation Committee.

Supervisor Woerner motioned to create the following Recreation Commission:

Edward "Doc" Norton

James Bracco

Steve Fischer

Rae Schlecht

Don Genther Jr.

Chair, Councilman Rocco Secreto

Vice Chair, Councilman Craig Artist

2nd by Councilman Artist

A Vote was taken – 4 Ayes – Councilman Joel B. Brink was absent

Councilman David Brink motioned:

To contract with Mary Lou P. Christiana, Esq. for special legal services for project application at the rate of \$150.00 per hour

2nd by Councilman Secreto

A Roll Call Vote was taken

TOWN COUNCILMAN CRAIG ARTIST	Aye
TOWN COUNCILMAN DAVID BRINK	Aye
TOWN COUNCILMAN JOEL B. BRINK	Absent
TOWN COUNCILMAN ROCCO SECRETO	Aye
SUPERVISOR NICKY B. WOERNER	Aye

Supervisor Woerner motioned :

To contract with Matthew D. Rudikoff Associates, Inc at the rate of \$125.00 per hour to serve as Town Planner

2nd by Councilman Artist

A Roll Call Vote was Taken -

TOWN COUNCILMAN CRAIG ARTIST	Aye
TOWN COUNCILMAN DAVID BRINK	Aye
TOWN COUNCILMAN JOEL B. BRINK	Absent
TOWN COUNCILMAN ROCCO SECRETO	Aye
SUPERVISOR NICKY B. WOERNER	Aye

Councilman Artist motioned to approve the following:

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Ulster, Ulster County, New York, will meet at the Town Hall, in Lake Katrine, New York, in said Town, on

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March 20, 2006, at 7 o'clock P.M., Prevailing Time, for the purpose of conducting a further public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of the Ulster Water District, in said Town, consisting of a new pumping station and the painting of a 1.5 million gallon water storage tank known as the North Tower for said Water District, as well as incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$600,000. At said public hearing, said Town Board will hear all persons interested in the subject matter thereof.

2nd by Councilman David Brink

A Vote was taken – 4 Ayes – Councilman Joel B. Brink was absent

To amend the Site Plan of Kingston Block & Masonry with regard to noise levels.

Councilman Artist motioned to enter into executive session at 8:40 PM to discuss a pending litigation issue in regard to the Kingston Block & Masonry Company

At 9:00 PM Marty Petersen, the Town Building Inspector, was invited into executive session.

At 9:25 PM executive was adjourned – No Action was taken

Councilman Artist motioned to approve the following resolution:

(13-06) Awarding Contract TU-05 to lowest bidder for Furnishing and Installing Retrofit Drives for Final Clarifier and Sludge Thickener for the Ulster Sewer District.

Whereas; on January 17, 2006, the Board authorized public bidding of Contract TU057, "Furnishing and Installing Retrofit Drives for Final Clarifier and Sludge Thickener" for the Ulster Sewer District, and

Whereas; four (4) bids were received on February 2, 2005.

Whereas; the lowest responsible bidder was Arold Paving Company, Inc. Of Kingston, New York in the amount of \$135,800.00, and

Whereas; the bids have been reviewed by the consulting engineering firm for the Ulster Sewer District and they have made a recommendation to the Board, dated February 15, 2006.

Therefore, be its resolved that Contract TU-057, "Furnishing and Installing Retrofit Drives for Final Clarifier and Sludge Thickener" be awarded to Arold Paving Company, Inc. In the amount of \$135,800.00, and that the Supervisor be authorized to enter into a contract on behalf of the Town.

2nd by Councilman Artist

A Roll Call Vote was taken – 4 Ayes – Councilman Joel B. Brink was absent

Reading of Local Law:

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW

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LOCAL LAW NO. 1 OF THE YEAR 2006

A Local Law amending Local Law No. 9 of 1991, as amended, entitled Zoning Local Law of the Town of Ulster, New York, pertaining to setback requirements for lots that are on two streets.

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

SECTION I. Section 190-4 of the Zoning Law of the Town of Ulster shall be amended so that it includes the following definition in the appropriate alphabetical place:

"THROUGH LOT - A lot which is not a corner lot and which has two street lines."

SECTION II. Section 190-20 of the Zoning Law of the Town of Ulster shall be amended so that it reads as follows:

"§ 190-20. Corner lot and through lot setbacks.

- A. A front setback is required on a corner lot for each street line. The plat and/or plans shall show which of the remaining setbacks are to be side and rear respectively.
- B. On a through lot, front setbacks are required on both streets. Each front setback shall be measured from the street line as defined in this chapter."

SECTION III. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidated the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION IV. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 2 of the year 2000, and any subsequent valid amendments thereto, is hereby ratified and confirmed.

SECTION V. EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW
LOCAL LAW NO. 2 OF THE YEAR 2006

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A Local Law amending Local Law No. 2 of the Year 2000 pertaining to fees charged in connection with the inspection and approval of building projects.

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

SECTION I. AMENDMENT

Section A194-3 of the Code of the Town of Ulster is hereby amended by the addition of the following provisions immediately after the existing provisions of that section:

§ A194-3. Additional expenses.

The Building Inspector and the Planning Board may impose additional fees to cover the reasonable and necessary costs of engineering, legal and other professional expenses incurred in connection with the inspection and approval of any building permit, subdivision, site plan or special use permit, including the costs associated with compliance with the New York State Environmental Quality Review Act. The applicant must deposit such additional fees with the Town upon the submission of the application. The Building Inspector and the Planning Board may require the deposit of additional sums if necessitated by engineering, legal and other professional expenses in connection with the inspection and approval of the project. Any unused funds from the deposit shall be returned to the applicant upon the issuance of a certificate of occupancy. The additional fees set forth herein shall be audited by the Town Supervisor.

SECTION II. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidated the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION III. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 2 of the year 2000, and any subsequent valid amendments thereto, is hereby ratified and confirmed.

SECTION IV. EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

Supervisor Woerner recessed the meeting until 4:30 PM, Thursday, February 23, 2006 at 9: 45 PM

2nd by Councilman Secreto

4 Ayes – Councilman Joel B. Brink was absent

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The meeting was reconvened at 4:35 PM by Supervisor Woerner

Supervisor Woerner motioned to hold a HUD Hearing for suggestions on grant proposals at the East Kingston Fire House on March 8, 2006 at 7 PM

2nd by Councilman Secreto

4 Ayes – Councilman Joel B. Brink was absent

Supervisor Woerner motioned to enter into executive session at 4:43 PM to discuss labor negotiations with legal council Roemer Wallens.

2nd by Councilman David Brink

3 Ayes – Councilman Secreto excused himself from the meeting (his wife is in the union) – Councilman Joel B. Brink was absent

Executive session ended at 5:20 PM and Councilman Secreto returned

There was a discussion among the Town Board and Attorney Mary Lou P. Christiana about the two resolutions submitted by Birchez Associates.

Councilman Artist motioned to approve the following resolution:

In Support of Expanded Affordable Housing Opportunities in the Town of Ulster for Frail Seniors and Veterans

WHEREAS, the most recent census data available (2000) indicates that Ulster County has an elderly population of 23,711 aged 65 and older, representing 13% of the county population, and that Ulster County officials have estimated as many as 60,000 seniors will require housing within a decade; and

WHEREAS, the same data indicates that the Town of Ulster has an elderly population of 2,224 persons aged 65 and over, amounting to greater than 18% of the town's population; and

WHEREAS, seniors are living longer, healthier, and more actively than previous generations, but some experience increased difficulties in staying independent within their own homes because of increased frailty (either physical or cognitive), often coupled with social, cultural, economic and/or access challenges; and

WHEREAS, we are committed to strive to provide for adequate housing opportunities for our seniors which sustain a healthful and enriching experience complimented by services to promote the well-being of the community; and

WHEREAS, as living testimony to the commitment we make to our seniors within the Town of Ulster there is already established a 72-unit age and income restricted affordable housing community known as Chambers Court Apartments developed by Birchez Associates which has been successfully filled to capacity, but is inadequate to meet known and projected needs for affordable senior housing as evidenced by the long waiting list of seniors requesting housing at

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that site; and

WHEREAS, in collaboration with Elant Inc., Birchez Associates has a proposal to construct 66 new units of income and age restricted affordable housing, age 62 and over, with fifty percent of the units set aside as sustained living residences for frail elderly and veterans; and

WHEREAS, The Town Board of the Town of Ulster supports the pursuance of the provision of adequate senior housing for the community by providing tangible support to enhance the development including, but not limited to, timely review of development plans in accordance with Town Code and by encouraging Ulster County Area Transit (“UCAT”) to provide transportation to the site;

WHEREAS, Birchez Associates is seeking financial support for this project through a competitive process with the New York State Division of Housing and Community Renewal, with a deadline for application submission of February 27, 2006; and

WHEREAS, to enhance the likelihood of securing the sought-after funding, Birchez is seeking to demonstrate to the Division of Housing and Community Renewal this interest and support of the municipality in this development and that the proposed housing is consistent with our Town strategy to respond to the housing needs of elderly, frail elderly and veterans.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Ulster finds and affirms the need for additional senior housing within the Town; and
2. The Town Board of the Town of Ulster finds and affirms that the proposed expansion of the available affordable housing for seniors is in conformity with the objectives of the Town Board.
3. The Town Board of the Town of Ulster supports the concept, as presented to the Town Board on February 22, 2006, of the Elant/Birchez Associates application for housing trust fund dollars and housing credits which will be used to construct income and age restricted affordable housing for frail elderly and veterans in the Town of Ulster.
4. The Town Board of the Town of Ulster further agrees to use its best efforts to support the pursuance of the development by providing timely review of development plans in accordance with Town Code and encouraging Ulster County Area Transit to provide transportation to the site.

2nd by Councilman David Brink

A Roll Call Vote was taken -
TOWN COUNCILMAN CRAIG ARTIST Aye

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TOWN COUNCILMAN DAVID BRINK	Aye
TOWN COUNCILMAN JOEL B. BRINK	Absent
TOWN COUNCILMAN ROCCO SECRETO	Aye
SUPERVISOR NICKY B. WOERNER	Abstained

Councilman Artist motioned to approve the following resolution:

In Support of a Payment in Lieu of Taxes (PILOT) Agreement

WHEREAS, the most recent census data available (2000) indicates that Ulster County has an elderly population of 23,711 persons aged 65 and older, representing 13% of the county population, and that Ulster County officials have estimated as many as 60,000 seniors will require housing within a decade; and

WHEREAS, the same data indicates that the Town of Ulster has an elderly population of 2,224 aged 65 and over, amounting to greater than 18% of the town's population; and

WHEREAS, seniors are living longer, healthier, and more actively than previous generations, but some experience increased difficulties in staying independent within their own homes because of increased frailty (either physical or cognitive), often coupled with social, cultural, economic and/or access challenges; and

WHEREAS, we are committed to strive to provide for adequate housing opportunities for our seniors which sustain a healthful and enriching experience complimented by services to promote the well-being of the community; and

WHEREAS, as living testimony to the commitment we make to our seniors within the Town of Ulster there is already established a 72-unit age and income restricted affordable housing community known as Chamber Court Apartments developed by Birchez Associates which has been successfully filled to capacity, but is inadequate to meet known and projected needs for affordable senior housing as evidenced by the long waiting list of seniors requesting housing at that site; and

WHEREAS, in collaboration with Elant Inc., Birchez Associates has a proposal to construct 66 new units of income and age restricted affordable housing, age 62 and over, with fifty percent of the units set aside as sustained living residences for frail elderly and veterans; and

WHEREAS, The Town Board of the Town of Ulster supports the pursuance of the provision of adequate senior housing for the community: by providing tangible support to enhance the development including, but not limited to, timely review of development plans; encouraging Ulster County Area Transit ("UCAT") to provide transportation to the site; and consideration of providing a PILOT Agreement; and

WHEREAS, Birchez Associates is seeking the support and commitment of the Town of Ulster to enter into an agreement for Payment In Lieu of Taxes ("PILOT") upon such terms and conditions as may be agreed to between Birchez Associates and the Town of Ulster and that the

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proposed housing is consistent with our Town strategy to respond to the housing needs of elderly, frail elderly and veterans.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town Board of the Town of Ulster finds and affirms the need for additional senior and veteran housing within the Town; and
2. The Town Board of the Town of Ulster finds and affirms that the proposed expansion of the available affordable housing for seniors and veterans is in conformity with the objectives of the Town Board.
3. The Town Board of the Town of Ulster authorizes the assessor to negotiate a PILOT Agreement with the Developer for this Phase II project, which is not inconsistent with the present PILOT for the Phase I project, to be presented to the Town Board for review.

2nd by Councilman David Brink
A Roll Call Vote was taken –

TOWN COUNCILMAN CRAIG ARTIST	Aye
TOWN COUNCILMAN DAVID BRINK	Aye
TOWN COUNCILMAN JOEL B. BRINK	Absent
TOWN COUNCILMAN ROCCO SECRETO	Aye
SUPERVISOR NICKY B. WOERNER	Abstained

Supervisor Woerner motioned to adjourn the meeting at 5:42 PM

2nd by Councilman Secreto
4 Ayes - Councilman Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC
Ulster Town Clerk