

ULSTER TOWN BOARD WORKSHOP
September 5, 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
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

Mr. Donald Wise inquired why landfill closure money was used spent to purchase police vehicles when the Town was supposed to have a police vehicle reserve fund? Supervisor Woerner stated that he proposed purchasing the vehicles in advance with the landfill closure money for next year so that there is no expense incurred. The account earned \$36,500 from January to August. That interest will offset the spending.

The 2007 Town Budget

Supervisor Woerner reported that his proposed General and Highway portion of the town budget has been distributed to the Town Board. He is waiting for more information to arrive to finish the special districts.

The Town of Ulster Transfer Station

Supervisor Woerner reported that, in 2005, from August to December 31 the Town sold 111 permits. From August 14, 2006 to September 5, 2006 the Town sold 186 permits. In 24 days, the town sold 75 of those permits. He felt that the Transfer Station attendants were being lax in their duties. He stated that the Town Board has received complaints that the public was not made aware of the rules. The town has spoken to the staff and made them aware of the rules.

Councilman Secreto motioned to hire a part-time person to work at the Transfer Station at \$8.00 an hour for Tuesday, Friday and Saturday for a total of 24 hours a week for one year.
2nd by Councilman Joel Brink

Supervisor Woerner motioned to amend Councilman Secreto's motion to make the job effective until December 31, 2006
2nd by Councilman Artist
All Ayes – motioned was amended

A Roll Call Vote was taken – All Ayes

Councilman Joel Brink reported that the Town is looking at revising the Transfer Station fee schedule and that a proposed copy was distributed to the Town Board for their perusal. Supervisor Woerner reported that a change in the fee schedule would just require a resolution by the Town Board. He recommended that any changes in the fee schedule would take effect at the beginning of the year.

Authorizing the Transfer of \$48,600 from the Landfill Closure Fund to the Landfill Closure Equipment Reserve Fund for the Purchase and Outfitting of Two 2007 Dodge Charger Police Vehicles for the Uniformed Road Patrol.

Councilman Artist motioned to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c (9-a) TO TRANSFER MONIES FROM THE LANDFILL CLOSURE RESERVE FUND TO THE EQUIPMENT RESERVE FUND FOR THE PURCHASE AND OUTFITTING OF TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN POLICE DEPARTMENT.

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the "LANDFILL CLOSURE RESERVE FUND" to finance the closing of the Town's landfill, and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund in the amount of \$1,880,776.43 is no longer needed for this purpose and may be transferred to another capital account pursuant to the authority vested in General Municipal Law Section 6-c (9-a), and

WHEREAS it is proposed to transfer monies from the Landfill Closure Reserve Fund to the Equipment Reserve Fund as follows: FORTY-EIGHT THOUSAND SIX HUNDRED and 00/100 (\$48,600.00) DOLLARS from said fund for the purchase and outfitting of TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN OF ULSTER POLICE DEPARTMENT,

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to transfer monies from the Landfill Closure Reserve Fund to the Equipment Reserve Fund in the sum of FORTY-EIGHT THOUSAND SIX HUNDRED and 00/100 (\$48,600.00) DOLLARS from said fund for the purchase and outfitting of TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN OF ULSTER POLICE DEPARTMENT, and it is further,

RESOLVED that this resolution is subject to a permissive referendum.

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2nd by Councilman Secreto
A Roll Call Vote was taken – All Ayes

Authorizing the Appropriation of \$ 48,600 from the Landfill Closure Equipment Reserve Fund for the Purchase and Outfitting of Two 2007 Dodge Charger Police Vehicles for the Uniformed Road Patrol.

Councilman Artist motioned to approve the following:
RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO SECTION 6-c OF THE GENERAL MUNICIPAL LAW TO EXPEND MONIES FROM THE EQUIPMENT RESERVE FUND FOR THE PURCHASE AND OUTFITTING OF TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN POLICE DEPARTMENT.

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “EQUIPMENT RESERVE FUND” to finance the purchase of equipment, and

WHEREAS monies have been deposited in a bank account known as the Equipment Reserve Fund, and,

WHEREAS the supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS said resolution was subject to permissive referendum as provided by Section 81, sub 1, paragraph h, and,

WHEREAS it is proposed to expend the sum of: FORTY-EIGHT THOUSAND SIX HUNDRED and 00/100 (\$48,600.00) DOLLARS from said fund for the purchase and outfitting of TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN OF ULSTER POLICE DEPARTMENT, NOW

NOW THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the Equipment Reserve Fund in the sum of: FORTY-EIGHT THOUSAND SIX HUNDRED and 00/100 (\$48,600.00) DOLLARS from said fund for the purchase and outfitting of TWO 2007 DODGE CHARGER POLICE VEHICLES FOR THE TOWN OF ULSTER POLICE DEPARTMENT and it is further,

RESOLVED that this resolution is subject to a permissive referendum.

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

Supervisor Woerner stated that the money won't be spent until around January as the cars will not be available until then.

Supervisor Woerner opened the public hearing for the Quick Chek Station Food Store located on Washington Avenue (SBL 48.014-3-35 and 48.014-3-37.2) at 7:15 PM.

Mr. Bob Lusk sang a song in protest to the proposed state roundabout in the area.

Mr. Lee Molyneaux, the Kingston Planning Board Chairman, requested the Town take into account the visual impact that the store will have upon the entrance way to the Town and City and asked them to bring the project in tone with the uptown Kingston area.

Abram Smith, a member of Historic Kingston, requested the Town have the building in tone with the character of the history and tourism of uptown Kingston.

Howard Geneslaw, a representative of the Quick Chek, stated that a traffic study is being prepared and hopes to have it done in time for the October 2 hearing. There is an issue with Old Sawkill Road that has to be resolved with the Town Attorney. The Town needs to determine if it has any interest in that road and if not, terminate it. A revised soil and engineering site plan will be submitted once all the input from the town has been reviewed.

Supervisor Woerner motioned to recess the public hearing until October 2, 2006 7:24 PM
2nd by Councilman David Brink
All Ayes

Supervisor Woerner opened the public hearing for the Birches at Chambers Senior Housing Project at 7:25 PM.

Summary of statements and people:

Mr. Vincent Organtini stated that he had worked on all three projects (Chambers, Saugerties and Esopus). These projects turned out nice and people need them.

Mr. James Bracco stated that the developer should pay for the taxes upfront and not have a PILOT.

Mr. James Maloney, the Town Assessor, confirmed that the PILOT Program is a matter of state law and not a Town Board decision.

A resident from Lawrenceville Street stated that, since the Chambers Housing was built, there has been more traffic along Lawrenceville Street, more people walking along the road and more trash along the street. He feels the area is already over-crowded and it would be too much to add another 62 units. It is a dead end street situation where all the ambulances, construction and fire trucks come down. All the residents are concerned with the increase in traffic. Furthermore, his house would be facing the proposed two-story building.

Mr. Christopher Kresser – He is not opposed to the senior housing but he is opposed to the overdevelopment of the area. There is a lot of vandalism and disregard for people's property. There is speeding on the street. There are development issues. If the building is two stories, how

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can the frail and elderly get out without assistance? There is the issue of snow removal as the developer admitted that there is limited space. He found it troubling that a meeting was held at Chambers Housing to address the issue of drugs and prostitution.

Mr. George Felton – Invited the police Chief to watch the traffic from his house. He feels there is a safety problem. If a cop car is there, there is no speeding because people can see it.

Mr. Frank Fauble suggested that the Town place a Stop Sign at the Lucille Street and Lawrenceville Street intersection and make the speed limit 15 mph. He doesn't believe that the police traffic study was right.

Mr. Donald Wise inquired as to why this project was not brought before the Town Zoning Board as it was his understanding they would be required to do so.

Mrs. Hilary Smith, The Town Planner, stated that, when the project was first proposed there was some consideration about creating a new lot from the existing parcel. Without drawing any lot lines, the project as it exists now does comply.

Mr. Donald Wise stated that it is his understanding that the first part of the project was approved but the second half had to come back to the Town for Zoning Board approval. How is it that the second part has been connected back to the first part without going before any board?

Supervisor Woerner stated that it has a phase one and phase two and it has nothing to do with any of the lots. Mrs. Smith was explaining that there was a consideration for a sub-division but that was not needed. They asked permission from the Town Planning and Town Board that they continue off the first phase.

Mrs. Kresser felt the Town Supervisor acting as chair of the public hearing had influence over the meeting. Supervisor Woerner turned the chair position over to Deputy Charles Thomas at 7:45 PM

Jane Mazer, a resident from Chambers, felt the project was needed.

James Bracco stated that "Stop" signs are not going to be useful as people disobey the stop signs that are already in the area.

Charlotte Wright felt there is a need for Chambers Housing and a need for a Stop sign at the Lucille Street and Lawrenceville intersection.

A person from the audience suggested that the building be one story, so in case of an emergency, the people can get out safely.

George Felton stated that he didn't have any problems with traffic in the area until the Chambers Housing was built. He has a hard time getting out of his garage. He believes that there are grandchildren living in the housing.

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Renno Budziak stated that, after reviewing the local law for Senior Housing, the law's intention clearly states that the housing is for seniors who do not need assistance. This project is for the frail elderly who will need assistance and who want to age in place. The project is in violation of this law. The Town law says that the age is 62 and the current project is age 55. The project was proposed around February, but he believes it was in the works for a longer period of time. The project is out of character for the area. A petition was circulated for the first phase and he feels that there is greater opposition for the second phase.

Ed Molinaro, Ulster Hose Fire Chief, stated that the project met all the fire safety requirements.

Angelo Iacono stated that the current development is nice, clean and a great place to live.

Mr. Donald Wise felt that the project should go before the Town Zoning Board of Appeals for approval.

Mr. Nick Woerner asked the board to clarify what Mr. Budziak said about aging in place and inquired if this project was an assisted living project.

Mr. Budziak read "The Town Board recognizes that there is a community need to provide housing facilities for senior citizens who do not need skilled nursing care and who are capable of providing for their ordinary, routine necessities of life." Except from local law number 1 of 2003.

Mrs. Nadine Shadlock stated that this for completely independent living.

Mr. Christopher Kresser inquired what happens when someone needs medical care and needs living assistance, does the project kick them out?

Mrs. Lauren Rosen - What is frail elderly?

The project's architect stated that the frail elderly refers to people who need to use canes, walkers, have a sensitivity to the cold. A lot of people who live at Chambers now would qualify.

Mr. John Miggins – Was in favor of the first project but not the second part. He felt it was too congested.

Mrs. Nadine – Stated that frail elderly refers to people who need activities closer together as walking is a burden. The layout is a more confined area. The frail elderly are completely independent people who do not need assisted living.

A lady from the audience inquired as to why a caretaker cottage was on the property. Further she felt that the project should have been planned as a whole, instead of breaking it into two parts. She felt that it was poor planning in the use of space and that the second phase needs to be broken down into multiple buildings versus one building.

Councilman Artist stated that the care taker cottage is to store maintenance equipment.

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Mr. Donald Wise inquired if all payments on the PILOT Program are current.

Mr. James Maloney, the Town Assessor, stated all the taxes and PILOT payments are current.

Mrs. Kresser requested a study be done on the traffic and water run-off for the project. He also suggested that there may be a better site for this project.

Mr. Vincent Guido suggested that the Town Planning Board make a determination if the project should be a negative or positive declaration to the Town Board and have the Town Board take an action on it. He felt that the project should have a positive declaration from the beginning so that all the phases could be evaluated at once. What happened to the items the project promised to the Little League? He feels that the Town is putting too much stuff into an area. A positive declaration would look at all of this.

Councilman Artist reported that the Little League had all their water systems upgraded and some fencing given. He stated that he wanted to hold a public hearing to gather information before things go forward.

Mr. Donald Wise felt that the town is not going through the proper protocol in order of procedures.

Mr. Frank Fauble inquired if Maple Lane was a Town Road.

Highway Superintendent, "Mac" Tinnie reported that it has always been a private road.

Mr. Donald Wise feels that if the process is followed, people would not be upset.

Frank Almquist stated that the meeting was called by the Town Board and nothing has been done by the Planning Board other than a workshop review. There have been no approvals. All that was done was a sketch plan review.

Councilman Artist stated that a public hearing was called to hear people's concerns because he felt it was in the town's best interest since the project proposals are beginning.

Hilary Smith, the Town Planner, stated that the Planning Board is an advisory agency, that the Town Board is the approving agency and that the Town Board is the agency that conduct the SEQRA. Part of the SEQRA is understanding the full extent of potential environmental impact, much of which is not known until the public hearing is opened and the public does speak and provide input. The Town Board takes that information and makes a determination. Then it can make the applicant address those issues and they can be addressed with the site plan. The Town Planning Board received a sketch plan and has sent it to the Town Board to start the process. The information will go back to the Planning Board for recommendations.

Mr. Donald Wise stated that the Planning Board will have a say, but the Zoning Board will not.

Hilary Smith – There is no zoning variance required at this point.

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This matter will be forwarded to the Special Council to make a determination.

At 9 PM the hearing was recessed and Supervisor Woerner resumed chairing the meeting.

The Public Hearing for Quick Chek will resume October 2, 2006 at 7:45 PM and Senior Chambers Housing Project at 8 PM

Mrs. Barbara Wise requested a year to date expense report for this years budget.

Robert Barton reported that the K-mart Building has not been taking care of their property. He also had a concern about the rock crusher on the property and about controlling the noise. Supervisor Woerner will send the code enforcement officer over.

Frank Almquist announced that an Ice Cream Social will be held at the Robert E. Post Park September 9, 2006 from 1PM to 4 PM.

Mr. Donald Wise inquired what were the costs of expanding the Police Department in the downstairs meeting room and about the employee threatening a resident at the Transfer Station. Supervisor Woerner stated that the work is being done in house, similar to past projects and that the police had volunteered some labor. He could not comment on the Transfer Station as that was a pending investigation.

Mr. Vincent Guido inquired about an ethics board problem. He had four opinions from the Attorney General about a member serving on the Planning Board. Supervisor Woerner stated that the Town Attorney had received those letters and stated there is no problem.

Councilman Woerner motioned to adjourn the meeting at 9:15 PM
2nd by Councilman Secreto
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC
Ulster Town Clerk