

ULSTER TOWN BOARD SPECIAL MEETING
OCTOBER 24, 2006 AT 7:00 PM

The East Kingston Fire Protection Hearing was called to order by Chairperson, Supervisor Woerner at 7:08 PM at the East Kingston Fire Department on Main Street, East Kingston.

SALUTE TO THE FLAG

ROLL CALL BY CLERK

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

The East Kingston Fire Protection District budget was presented to the public. There was no comment.

Councilman Joel Brink motioned to adjourn the hearing at 7:10 PM
2nd by Councilman Artist

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

Supervisor Woerner announced that the Town Board will hold its budget hearing Monday, November 6, 2006 at 7:00PM

The supervisor reported that the Town will have water to the East Kingston Water District as early as November 13, 2006 using an alternative solution, until the pump house arrives. This solution will be to connect a temporary master meter to the pump house area and erect a temporary house/cover. The cost of this will be around \$8,000.00. The water district residents will receive a letter when they will be able to connect.

Mark Blauer, the town grant writer, reported that the town plans to transfer the remaining Glenerie lateral grant monies over to the East Kingston Water district to allow residents to connect for free. There was a problem with the USDA grant that he reported at the last meeting. The district boundary on the USDA map shows East Kingston as an urban area and it is not. This will be corrected so people will qualify for funding.

John Arnold – Will there be any interruption in water service with this alternative solution and will this still be Kingston Water.

Supervisor Woerner reported that there may be some interruptions and that this will still be City of Kingston Water.

Mrs. Josephine Reina – Inquired if a list of contractors will be made available for lateral connections and if the Town could install drainage in the area.

Supervisor Woerner stated that a modified Glenerie contractor list can be given out. He still has to determine if it will be better to hire one contractor to perform all the work or have the people pick a contract from the list, with submitted estimates, due to the number of small jobs. The East Kingston water money can't be used for drainage.

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John Iconetti – Suggested that the Town contact Dean Palen and have the County Board of Health condemn East Kingston. This would make the state put water and sewer into service for free as it would be too expensive to buy the properties.

Supervisor Woerner didn't think that would be a wise plan.

Mark Blauer, the Town Grant Writer, stated that the town had to fight hard to get the \$1 million and to keep it. The sewer would cost \$4 million and there is no grant out there to offset it.

Supervisor Woerner asked how many will connect immediately to the East Kingston Water without any assistance. About eight people raised their hands from a crowd of forty.

A gentleman from the audience stated that the town should put sewers in now before the cost rises even more. He felt the sewer was needed and the wells would have cleaned up.

Mrs. Josephine Reina – Inquired as to how the meter situation would be set up. Why not wait for the pump house and save money?

Supervisor Woerner stated that there will be a temporary master meter from the City to the Town and a separate meter on each house that will be attached to a home owner's structure. The town doesn't want people to wait when they need water. If they wait for the pump house to arrive, it will be too cold to break ground and get water to people.

Robert White – When will First Avenue be repaved?

Supervisor Woerner stated the City is working on it, possibly in the next two weeks.

Mrs. Watzka – Stated that there is a problem with traffic on the road as the road is unpaved in front of her house and there is nowhere for vehicles to go as they pass one another.

Councilman Secreto stated that the contractor will try to come out there Friday, October 25, 2006, to pave that road.

Mr. Robert White – Reported that there are drop offs (ditches) in the roads.

Mr. John Davis, from Brinner and Larios reported that Leo Boice will be coming back to repair that.

John Iconetti – Reported that East Kingston was the first hamlet in the town to have gas lighting. He recommended that the town install sewer and the Town should ask developers to pay for it.

Supervisor Woerner stated that if, there is a sewer system installed, it will most likely be in a shared service with the City of Kingston.

Supervisor Woerner opened the floor to discuss the blasting at Calanan on Route 32. The Town has forwarded a copy of the minutes of the October 3, 2006 meeting to the Town Attorney, the Town Engineer, Calanan and the other professionals to review them and respond to them. All corrections should be made to the Town Clerk. He reported that he had a discussion with Mr. Stokes about setting up a round table meeting with the residents. There were several things that they want to do. They want their professionals to come in and set up seismograph machine, so they will be here and monitor the results and the homes affected. The Town wants to setup a seismograph so that the town can have an independent reading. He had discussed with the town

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attorney about facilitating a notice of claim against Calanans for the residents for damages to their property.

Jeannine McCollough thanked everyone for signing the petition about the blasting at Calanans. This helped get Assemblyman Cahill's office involved. They are looking at all the avenues possible. They are going to find out what the agreement with Calanan is and try to alter it to offer some relief.

Supervisor Woerner stated that the town is building a file for their professionals to review. He did find out the DEC is responsible for monitoring and enforcing the blasts.

Mr. Carpino – He believes they are in violation of the code. The law states that a certain degree of pitch is required. He believes the law states that a person should not feel a blast at home. They are violating town code. What is the Town going to do about this?

Supervisor Woerner stated he will forward that comment to the Town Attorney for review and have the code enforcement office enforce the law. He is not sure what will result. The town may place a stop work order, but the town may be responsible for the money lost by the company for such an action. The attorney will have to review this.

Andrew Zweben, the Town Attorney, stated he would have to contact the DEC to see what they can do about this.

Supervisor Woerner will have an answer tomorrow on whether or not there is a section in the Town Code that regulates the blasting in the town and if they are in violation, the code enforcement officer will be sent out. He encouraged anyone to file a complaint with the Town Building Department.

Lady from audience – She was informed that the DEC stated that the Town will override the DEC.

Supervisor Woerner stated that it may not be true, but there are occasions where the town can not override the laws. The Town Attorney will look into this.

Jeannine McCollough stated that there is an agreement that was made with Calanans. This agreement has to be found and to see if it can be altered.

Mrs. Josephine Reina – Reported that her jalousie windows were damaged recently from a blast. She made a correction in the October 3, 2006 minutes as her name was misspelled (so noted and corrected).

A gentleman from the audience – How much blasting are they allowed and how much can they take out?

Supervisor Woerner stated that they would need to obtain a copy of the agreement they have to answer that question.

Mrs. Perry – What is the set back for them to blast? She reported sink holes in her yard and that she is surrounded by blasting.

Andrew Zweben, the Town Attorney, stated he didn't know and would have to find out.

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Supervisor Woerner inquired if anyone has obtained an attorney to file notices of claim for damages.

Mrs. Perry stated she was unable to obtain a lawyer and was waiting for the Town to stop the damage.

Supervisor Woerner explained that the Town will enforce the laws but the people of East Kingston will need to obtain an attorney and file a notice of claim to get paid for their damages. The Town can not collect or assess a fine to fix any damage.

Mrs. Josephine Reina- Stated she spoke to an attorney and learned that it would be expensive to do on an individual basis. The attorney recommended to hire one collectively.

Supervisor Woerner inquired if anyone has contacted Calanans to find out who their insurance company is and file a claim.

Mrs. Perry stated she has spoken to her home owner's insurance and company they will not cover the damage.

Gentleman from audience – Will the blasting affect the new water lines?

Supervisor Woerner – The engineer most likely took that into consideration for the water lines.

Tina – Feels that the town should enforce the laws.

Supervisor Woerner suggested people take notes and keep records of the blasts and damages and to file their complaints with the Building Department. The Building Department has a paper complaint form you can file.

Jeannine McCollough stated that she has gone through the process and has put together a petition to have a higher form of government involved and suggested that people let them have a chance to resolve the problem.

Mrs. Perry – Reported an addition to the minutes of October 3, 2006, that Calanan should put a fence by her house where there is a 300 ft drop and that they were drilling all night (noted and duly added).

Councilman Secreto reported that he spoke to Mr. Stokes about the request for a “Stop” sign and he agreed to put one up.

John Arnold noted for the record that there were fumes that smell like a person's furnace backing up; a diesel or blacktop smell.

Another gentleman suggested that the town pass an ordinance that would supersede or be more stringent than the state to provide better protection.

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There was a discussion among the audience about who does the blasting and testing for Calanans and the process of the town getting documents. Supervisor Woerner stated that the town will have an independent tester so that the town will have unbiased test results for their records. Testing will be from inside houses and outside. There will be a plan in place to set up the equipment and the Town will try to set up a round table meeting with Calanan and the residents.

Gentleman from audience – When will the town have the answers for the people who raised questions?

Supervisor Woerner stated that the Town Attorney will have an answer in regard to the town code. The minutes will be passed along. All the documents need to be obtained and then distributed to all the professionals. Hopefully all this will be done by November 1, 2006.

Mr. Sam Perry – Has the town gone to a testing firm?

Supervisor Woerner – The Town Engineer has recommend two firms. He is trying to get a blasting schedule so he can get a firm to test. He wanted to have numerous readings to build a case.

Mr. Sam Perry – Requested that the company that did the pre-blast test attend the round table meeting. He further requested a copy of the report that was written for his house by Calanan before the blasting.

Lady from audience– Noted that Calanan is blasting less than 100 feet from the road (Main St.).

Gentleman from audience – How come nothing has been done by the Town?

Supervisor Woerner stated that the Building Inspector has been responding and the town will enforce the laws.

A gentleman from the audience reported that his septic tank cracked.

Mrs. Perry – What was the further distance complaint the town has received?

Supervisor Woerner reported that it was near Joe Roberti Arena property.

John Iconetti – Reported that Calanan’s blacktop plant was closing in Port Ewen and they are moving to Route 32.

Mr. Perry – Asked if they need a permit to do this.

Supervisor Woerner stated that the Town Board is aware of this and that the Town Attorney is reviewing the matter.

There was a complaint about their crushing making noise in the morning hours. A question was raised about the town noise ordinance.

Supervisor Woerner – Stated that the Town Attorney will be discussing all these points with the Town Building Inspector.

There was a discussion about aerial views of the area to show the damage done from blasting.

Supervisor Woerner stated he will check with Google Earth.

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John Arnold requested that someone from the Building Department come to the next meeting to answer questions.

A gentleman from the audience was wondering how he can report damage, since he is not home to see it during the day, because he is at work.

Supervisor Woerner recommended taking pictures and noting any changes.

Mrs. Perry – Could the people go through the bank’s lawyers to fix the problem since they have an interest in the properties? Are they required to fix the damage on the property?

Andrew Zweben, the Town Attorney – No, the bank attorney would not have an interest. The permit process does not eliminate their responsibility for the damage. He recommended that the people keep a record of the damage, to start a base line of the damage and file a notice of claim. The town job is to enforce the laws not collect money to fix the damage.

Supervisor Woerner stated that the Town will offer all courtesy it can to help document the damage.

Mrs. Perry requested that a zoning map be brought to the next meeting to show what the zoning is.

Mrs. Watzka – Complained that the weight limit on Main Street is not being enforced.

John Iconetti – Expressed a concern about people not obeying stop signs.

Mrs. Perry – Will the caves be addressed?

Supervisor Woerner – It was in the minutes of October 3, 2006 it will be addressed.

A lady from the audience complained that garbage is being dumped off on the sides of the road. Supervisor Woerner asked people to report. He will check to see if alternative sentencing can address this.

Mrs. Watzka stated they had a problem with ATV’s running on the streets.

Supervisor Woerner motioned to adjourn the meeting at 8:46 PM

2nd by Councilman Secreto

Four Ayes – Councilman David Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk