

ULSTER TOWN BOARD WORKSHOP  
FEBRUARY 8, 2007 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK**

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

Supervisor Woerner recognized James Noble, President of the Kingston Common Council as being present.

Mr. Timothy Kovacs gave a brief history of the problem they have had in receiving municipal water and sewer from the City of Kingston. They had connected to the city since it was close to their property. As part of the agreement, the City wanted to annex the property. They have gone through some legal proceedings that were unsuccessful in meeting that obligation. They came to a compromise to annex a small portion of their property to cover their water and sewer line. This will cover the City of Kingston if they fail to pay for services.

Robert Barton inquired if this would set a legal precedent.

Mr. Kovacs stated that it would be a hard process to go through considering the time, money and legal work that had to be done to get to this point.

Supervisor Woerner motioned to adjourn the public hearing at 7:08 PM  
2<sup>nd</sup> by Councilman Secreto

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

Supervisor Woerner motioned to approve the following:

**RESOLUTION FINDINGS AND ORDER OF THE ULSTER TOWN BOARD GRANTING  
PETITION FOR ANNEXATION**

WHEREAS, a petition, pursuant to General Municipal Law Article 17 was presented to the Town Board of the Town of Ulster, New York on December 22, 2006, for the annexation of certain territory in the Town to the City of Kingston from Timothy Kovacs and Frances Kovacs for a small portion of a certain parcel of land known as Section 56.9 Block 4 Lot 32.200, commonly known as 6 Anand Place, territory being described in said petition which is annexed hereto as Exhibit "A", and which adjoins the City of Kingston along the western boundary of Elaine Drive, and

WHEREAS, notice of a joint public hearing was duly given, and a joint public hearing of the Town Board of the Town of Ulster was duly held on said petition for annexation, according to

ULSTER TOWN BOARD WORKSHOP  
FEBRUARY 5, 2007 AT 7:00 PM

the law in such cases made and provided, at the Town Hall, Town of Ulster on February 8, 2007, at which time all parties interested in the matter were heard and all objections presented, and

WHEREAS, the Town Board heard comments from certain interested parties, and

WHEREAS, the Town Board of the Town of Ulster has duly considered the effects annexation would have on the territory proposed to be annexed on the City of Kingston, on the Town of Ulster, on the school district and other special districts, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster finds as follows:

1. That the aforesaid petition for annexation substantially complies in form and content with General Municipal Law Article 17.
2. That the proposed annexation of certain territory in the Town to the City of Kingston as described in the aforesaid petition is in the overall public interest because the Town of Ulster would not lose a substantial piece of land which would not significantly effect development and/or generate tax revenues for the Town of Ulster. The City of Kingston could extend sewer and water service to said parcel, and it is

NOW, THEREFORE, IT IS ORDERED, that the consent and approval of the Town Board of the Town is hereby granted in the overall public interest to the annexation of the territory now situated in the Town and described in the aforesaid petition as Exhibit "A" to the City of Kingston, and it is

ORDERED, that the Town of Ulster shall sign and file an Order confirming its determination pursuant to General Municipal Law Article 17.

2<sup>nd</sup> by Councilman Secreto

James Noble, President of the Kingston Common Council, was satisfied with the resolution and presentation.

Mr. James Maloney offered his professional opinion that the size of the property annexed would have little financial impact upon the township. A copy of his testimony was a part of the petition.

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

Councilman Joel B. Brink motioned to adjourn the meeting at 7:18 PM

2<sup>nd</sup> by Councilman Secreto

Four Ayes – Councilman Artist was absent

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk

**PETITION FOR THE ANNEXATION OF TERRITORY**  
**FROM**  
**THE TOWN OF ULSTER, ULSTER COUNTY, NEW YORK**  
**TO**  
**THE CITY OF KINGSTON, ULSTER COUNTY, NEW YORK**

**TO: THE TOWN BOARD OF THE TOWN OF ULSTER,  
ULSTER COUNTY, NEW YORK**

**TO: THE COMMON COUNCIL OF THE CITY OF KINGSTON,  
ULSTER COUNTY, NEW YORK**

DEC 22 2006

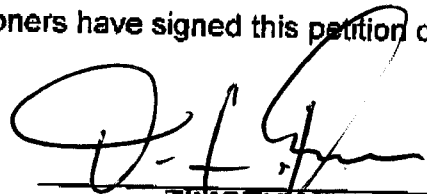
Jc

Pursuant to Article 17 of the General Municipal Law of the State of New York, the petitioners, TIMOTHY KOVACS and FRANCES KOVACS, hereby petition for annexation of territory from the Town of Ulster to the City of Kingston:

1. Your petitioners propose and petition that your Honorable Town Board and your Honorable Common Council permit and allow to be annexed from the Town of Ulster to the City of Kingston the territory described in Exhibit "A" attached hereto and made a part hereof.
2. The territory in question consists of a small portion of a tax parcel located in the Town of Ulster (S/B/L: 56.9-4-32.200) and adjoining the City of Kingston. The petitioners, TIMOTHY KOVACS and FRANCES KOVACS, are the sole owners in fee simple absolute of that tax parcel.
3. Attached hereto and made a part hereof as Exhibit "B" is an outline map of the proposed territory to be annexed.
4. The said proposed territory to be annexed is a small strip of vacant land out of a tax parcel that is presently improved by a single family dwelling.
5. The petitioners are the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of the Town of Ulster.

6. Attached hereto and made a part hereof as Exhibit "C" is a Certificate signed by the Assessor of the Town of Ulster responsible for the preparation of the last preceding assessment roll of the Town of Ulster certifying that the petitioners are the owners of a majority in assessed valuation of the real property in the said territory as shown on the last preceding assessment roll of the Town of Ulster.

*In Witness Whereof*, the petitioners have signed this petition on the 16<sup>th</sup> day of November, 2006.

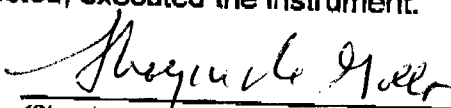
  
TIMOTHY KOVACS

  
FRANCES KOVACS

STATE OF NEW YORK )  
COUNTY OF ULSTER ) ss.:

On November 16, 2006, before me, the undersigned, personally appeared TIMOTHY KOVACS personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose Name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

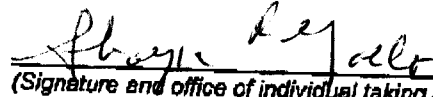
SHAYNE R. GALLO  
Notary Public, State of New York  
No. 02GA6078616  
Qualified in Ulster County  
Commission Expires August 5, 2008

  
(Signature and office of individual taking acknowledgment)

STATE OF NEW YORK )  
COUNTY OF ULSTER ) ss.:

On November 16, 2006, before me, the undersigned, personally appeared FRANCES KOVACS personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose Name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

SHAYNE R. GALLO  
Notary Public, State of New York  
No. 02GA6078616  
Qualified in Ulster County  
Commission Expires August 5, 2008  
2006

  
(Signature and office of individual taking acknowledgment)

**Exhibit "A"**

DESCRIPTION OF LANDS OF  
TIMOTHY P. AND FRANCES KOVACS  
TOWN OF ULSTER TO BE ANNEXED TO CITY OF KINGSTON  
ULSTER COUNTY, NEW YORK

Beginning at a point on the Westerly side of Elaine Drive, said point also being the Southeasterly corner of lands of Deepak R. and Priti D. Patel, Liber 1867 Page 225, and running:

1) thence from said point of beginning along the Westerly side of Elaine Drive and along the Corporate Line between the City of Kingston and the Town of Ulster South  $10^{\circ} 46' 50''$  East, 396.98 feet to a point;

2) thence through the lands of Timothy P. and Frances Kovacs the following courses and distances: South  $79^{\circ} 13' 10''$  West, 10.00 feet to a point;

3) thence North  $10^{\circ} 46' 50''$  West, 398.87 feet to a point on the Southerly line of lands of Patel;

4) thence along the Southerly line of lands of Patel North  $89^{\circ} 54' 37''$  East, 10.17 feet to the place of beginning.

CONTAINING: 0.091 Acres

All bearings are referred to Magnetic North 1967.

OCTOBER 5, 2006

CHRISTOPHER J. ZELL, P.L.S.  
BRINNIER and LARIOS, P.C.

**Exhibit "B"**



KOVACS  
PROPERTY

ALISON

COURT

AMY

CITY ELAINE

LINDERMAN AVE.

LINDERMAN AVE.

HOUSTON DR

7

552,000  
1700,300



**Exhibit "C"**

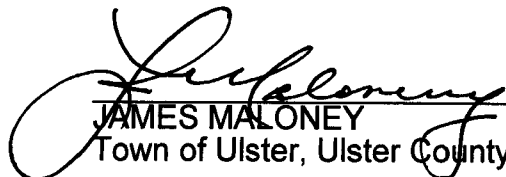
# CERTIFICATION

STATE OF NEW YORK )  
COUNTY OF ULSTER ) ss.:

I, JAMES MALONEY, the duly appointed assessor of the Town of Ulster, Ulster County, New York, do hereby certify:

1. That I am the duly appointed assessor for the Town of Ulster, Ulster County, New York, and was the person responsible for the preparation of the assessment roll for the year 2006.
2. That the real property described in Paragraphs 1 and 2 of the annexed petition (a small portion of S/B/L: 56.9-4-32.200) is situated in the said Town of Ulster, Ulster County, New York, and is assessed on the tax roll of the said Town of Ulster, Ulster County, New York for the year 2006 which is the last preceding assessment roll of the said Town of Ulster, Ulster County, New York.
3. That the assessed valuation of said portion of real property described in the said annexed petition as shown on the assessment roll of the said Town of Ulster for the year 2006, as filed on July 1, 2006, is \$1,000.00.
4. That the petitioners, TIMOTHY KOVACS and FRANCES KOVACS, are the owners of a majority in assessed valuation of the real property described in the said annexed petition which is now situated in the Town of Ulster, Ulster County, New York and which is sought to be annexed to the City of Kingston, Ulster County, New York, and that the assessed valuation of that small portion of their individual property as shown on the assessment roll of the Town of Ulster for the year 2006 is \$1,000.00.

Dated: November 16, 2006  
Kingston, New York

  
JAMES MALONEY Assessor  
Town of Ulster, Ulster County, New York