

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 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

**Public Comment**

Mr. Brian Cahill, County Legislator – Is in favor of the proposed ballot that the terms of office for the Town Supervisor, Town Highway Superintendent and Town Clerk be separated to allow people to vote on the position, as people have different opinions on what position should have a four-year term.

Mrs. Shapiro – Is in favor of the proposed ballot for the four-year terms to be as one block vote as it is too confusing to the average voter.

Mr. George Lucente - Is in favor of the proposed ballot for the terms of office for the Town Supervisor, Town Highway Superintendent and Town Clerk being individually voted on. Is not in favor of the Town Supervisor receiving a four-year term.

Mr. Robert Crane – Is in favor of the Supervisor's position being four years as the Town is growing and needs a supervisor to offer a longer term outlook for addressing the problems.

Mr. James E. Quigley – Requested that the proposed four year terms be put on the November election ballot and that the Town Supervisor recuse himself from voting on the proposal since there is a conflict of interest.

Supervisor Woerner - The current local law proposes that the referendum be held at the general election and that all three offices be voted on together.

Mr. Michael Berardi, County Legislator – Inquired how the four year term of office was proposed? Is in favor of the position being voted on individually for each office. Councilman Artist stated that it was his intention that all the offices be individual referendums and that it is his motion to amend the proposed law to do so. Supervisor Woerner stated that the offices were put together as one referendum.

Mr. John Morrow – Feels that the Town Clerk and Tax Collector merger is already predetermined as the Tax Collector is not included in the four year term of service. He is against bundling the terms of office and feels each office should be voted on individually.

Mrs. Barbara Wise – Feels that the spirit of the law, for increasing the term of office, was for it to take effect for the next term. Further she believes that the voters should be allowed to vote on

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

each office separately.

Mr. Brian Cahill, County Legislator – Recommended separating the parts of the local law to allow the voters to vote on each office individually. He further suggested that the town attorney ensure there are no violations.

Mr. Larry Decker – Stated that, with the proposed term of office, with all the positions being bundled, that the outcome of the Tax Collector's Office being merged with the Town Clerk's Office was already calculated and predetermined.

Mr. Joe O'Brien – Stated that there has been a mix of good and bad elected officials and suggested that the terms of office for the positions be unbundled, voted on individually.

Mrs. Tina Carpino – Feels that each position should be voted on individually. She did not mind that the Town Clerk or Highway Superintendent be four years, but feels that the two year term for the Supervisor's position balanced the power, as the town is always changing, this would allow for adjustments.

Donald Wise – Is against the four year term for all the elected officials. He feels that the Town Board is taking a right away from the public to ensure that good and credible people are elected.

Mr. Nelson White – He requested that the Town Board slow the process down to allow the public to digest what is going on with the town government. He further feels that terms of office should go into effect for 2010, so that way the current elected officials do not reap the reward from this action.

Mr. Joe O'Brien – Suggested that there be a trial period where the Town Clerk's Office collects the taxes to see if it works.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Supervisor Woerner motioned to approve the February 5, 2007, February 8, 2007 and February 19, 2007 minutes.

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

All Ayes

**COMMITTEE REPORTS**

Councilman Secreto reported, from the Building and Grounds Committee, that he met with Mike Lobe about fumes from the trucks coming into the offices at the Highway Department. He brought a meter and no harmful fumes were there. He received some recommendations, with the main one being to double up the doors that go into the office area. He will talk to Highway Superintendent Tinnie about it.

Councilman Secreto announced the following from the Park & Recreation Committee; that the gymnastics program is full and he hopes to have another program after this one. He suggested that the summer camp program be extended to eight weeks with a fee of \$80.00 for a single

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

child, \$100 for a family, \$300 for an out of town single child, and \$320 for an out of town family.

Councilman Artist reported that all the summer activities will be going on. He announced that the town will be looking for summer help for the Town Parks.

Councilman Secreto motioned to accept the following as the fee schedule for the Town Summer camp:

\$80.00 for a single child

\$100.00 for a family

\$300.00 for an out of town single child

\$320.00 for an out of town family

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

All Ayes

Councilman Secreto announced from the Water and Waste Water Committee, that he feels that the 24 hour sidewalk law should include a fine in addition to the levy for snow removal. There was a brief discussion on sidewalk cleaning (snow removal).

Councilman Secreto reported, from the Personnel Committee that Frank Rittie who works at the Town Transfer Station will be returning to the Town Parks. He requested that Councilman Joel Brink post the transfer station job.

Councilman Joel B. Brink reported on the request from Heather Cosenza for a school crossing guard at Crosby School by Fairdale Avenue. There was a brief discussion among the Town Board on how many walkers there were. It will be further investigated. Supervisor Woerner ask Councilman Joel Brink to contact Mrs. Heather Cosenza for further information.

Councilman Secreto reported that, at the recent Finance Committee meeting, the bills were audited for the abstract. A request was made to have the March 07 be changed to March 2007. He thanked the office staff for their work in preparing this.

Councilman Secreto reported from the Water and Waster Water Committee, that the Washington Avenue Sewer District is still waiting for the pump house, as the weather has delayed its installation.

Councilman David Brink reported, from the Building and Assessor Committee, that the Comprehensive Plan Committee is going to hold two public hearings on the rough draft plan. The first one is scheduled for April 2, 2007. The draft plan is available for review at the Town Clerk's Office, the Town Library and Town website. He further reported that he had a meeting with the NY State DOT about funding cycles and grant monies for sidewalks, pedestrian walkways and bike trails.

Councilman Artist reminded the Town Board about the MS-4 storm-water drainage requirements that have to be met in 2008. He reported that the Town is ahead in this, but more work still needs to be done.

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

Supervisor Woerner announced that the Police Commission meeting will be held March 20, 2007 at 5PM.

**DEPARTMENT HEAD REPORTS**

Assessor – Mr. James Maloney reported that all the STAR applications that could get in did get in. He is working on field inspections. He reported that there was damage done to the town from the recent flood but not enough to warrant any aide. He reported that the Nickerson Family property had damage to their banks due to a combination of storm water and flooding water, but no damage was done to their house. They didn't qualify for any form of relief since that damage didn't fit into any program. He contacted several agencies to address this and there was a cooperative agreement made. The town will have to offer an in-kind service. He met with Mr. Tinnie, the Town Highway Superintendent to discuss this. He has contacted Assemblyman Kevin Cahill and Senator Bonacic, since the state had announced they would cover the cost of what the Federal level doesn't, to recoup the town's in-kind services.

Supervisor Woerner motioned to approve the following:

WHEREAS, funding has been made available to Ulster County through the USDA Emergency Watershed Program to assist Ulster County municipalities to restore stream banks damaged by the storm event of June, 2006; and

WHEREAS, the aforesaid Emergency Watershed Protection Program will provide funding for seventy five (75%) percent of the total project cost for evaluated sites which qualify for the program; and

WHEREAS, two (2) of the requirements of the Emergency Watershed Protection program are that the projects must be sponsored by the municipality in which the project lies, and that said municipality will be responsible for the required twenty five (25%) percent match in either cash and/or in-kind services; and

WHEREAS, on site no. 245 Esopus Avenue in the Town of Ulster, also known as SBL 48.49-1-2.100, has been evaluated by staff acting on behalf of the Emergency Watershed Protection Program and said site is eligible for the program;

NOW, THEREFORE, be it resolved that the Town of Ulster hereby agrees to be the Project Sponsor for the proposed restoration work under the Emergency Watershed Protection Program for site no. 245 Esopus Avenue in the Town of Ulster, also known as SBL 48.49-1-2.100 and will commence with the development: of a cooperative agreement between the USDA and the Town of Ulster for said site.

2<sup>nd</sup> by Councilman David Brink  
A Roll Call Vote was taken – All Ayes

Building Department – The monthly report was read. Mr. Martin Petersen reported that he had contacted the attorney for the Helmich property, on North Drive and they are in the process of getting their property back for taxes before they clean it up. He will start the proceedings to get the property cleaned up. Furthermore, he is reviewing a software package to update the office.

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

Ulster Town Clerk- The monthly report was read. He reported that he had a meeting with the Hall of Records about storing records off site.

Supervisor Woerner moved to authorize the Town Clerk to advertise for sale /auction the Town's Surplus Equipment and any surplus cars that the police have.

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

All Ayes

Supervisor Woerner motioned for the Town Board to authorize him to renew the agreement with the SPCA for a pick & choose program that allows the SPCA to take animals out of the town kennel after the state's required 5 day hold to save money in boarding fees for the town.

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

All Ayes

Supervisor Woerner moved to authorize the Town Clerk to go to bid for the Town Uniform Services with the contract to be effective June 1, 2007.

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

All Ayes

Supervisor Woerner requested that Councilmen David Brink and Artist review the proposed IT bids and make a recommendation at the next meeting as per the Town Clerk's request.

Water Department - Superintendent Paul Vogt reported that the department was very busy as they had a lot of water breaks. He thanked all the other departments for their help. All else seemed to be running smoothly.

Police Department – Monthly report was read. Chief Paul Watzka further reported that the town police will participate at the Lions Club Expo at the Hudson Valley Mall. He further reported that the PBA is co-sponsoring the Easter Egg Hunt, along with the Town of Ulster Recreation Department, at Miller School field on April 7, 2007 at 11 AM.

Highway Department – Councilman Joel B. Brink gave the monthly report as Mr. Tinnie, the Highway Superintendent, was unavailable. He stated that Mr. Tinnie expressed his thanks for people co-operating in keeping the cars off the side of the road when plowing.

**ABSTRACT OF CLAIMS**

Councilman Joel B. Brink motioned to approve the following:

<b>March 2007</b>	<b>ABSTRACT</b>	
<b>FUND</b>	<b>CLAIM #</b>	<b>AMOUNT</b>
UTILITIES		
GENERAL	301-333	<b>14,633.62</b>
ULSTER WATER	301-306a	<b>6,050.79</b>
HALCYON PK. WATER	301	<b>621.48</b>
SPRING LAKE WATER	301-303	<b>271.24</b>
BRIGHT ACRES WATER	301	<b>238.84</b>

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

GLENERIE WATER	301	23.26
EAST KINGSTON WATER	301	54.81
WHITTIER SEWER	301	49.11
ULSTER SEWER	301-305	8,547.32
SPECIAL LIGHT	301-306	3,067.60
ALL OTHERS		
GENERAL	301-3159	119,558.25
HIGHWAY	301-331	29,341.98
WHITTIER SEWER	301-303	292.00
ULSTER SEWER	301-320	82,599.51
ULSTER WATER	301-315	5,180.23
HALCYON PK. WATER	301	25.00
SPRING LAKE WATER	301	25.00
BRIGHT ACRES WATER	301-304	4,428.46
CHERRY HILL WATER	301	25.00
GLENERIE WATER	301	25.00
EAST KINGSTON WATER	301-302	62.50
INSURANCE (ALL FUNDS)	301-319	102,700.86
MEDICARE REIMB.		12,680.90
CAPITAL PROJECTS		
TRUST & AGENCY	301-323	15,369.59
DRAINAGE PROJECTS	301-304	10,230.83
WASHINGTON AVE. SEWER	301-304	216,203.80
ULSTER WATER CAP. PROJ.	301-303	1,305.64
	<b>TOTAL</b>	<b>\$ 633,612.62</b>

2<sup>nd</sup> by Councilman Secreto  
A Roll Call Vote was Taken – All Ayes

Supervisor Woerner motioned to approve the following:

**Budget Modifications:**

Budget Modifications:

General Fund:	Modify Revenue A2680 (Insur.Recoveries) and Appropriation A3120.421 (Veh.Maint.) check from Progressive N.E. Insurance Co. repairs to Unit #390, loss date 2/6/07 R.Reynolds	\$3,896.95
General Fund:	Modify Appropriation A8020.405 (Comprehensive Planner) to be funded through A5110 (Approp.Reserve-Comprehensive Plan) payments to Planit Main St. for Feb. and March services respectively, \$7,000 and \$2,362.50	\$9,362.50
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Biddy Basketball) payments	

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

	respectively to Deuire's Trophies for \$432.00 and Hillside Manor for \$2,720.00 for the annual dinner	\$3,152.00
Ulster Sewer:	Modify Appropriation SS2-8130.400 (Plant Improvement) to be funded through SS2-5110 (Approp.Reserve) payment to Brinnier & Larios for installing 3rd blower,12/28/06-02/28/07	\$500.00
Special Dist.: Library	Modify Revenue SLL-1081 (Other Pymt-In Lieu of Taxes) and Appropriation SSL-7410.400 (Library) payment from Head Trauma Center	\$5,537.49
Special Dist.: Fire Dist.	Modify Revenue SSF-1081 (Other Pymt-In Lieu of Taxes) and Appropriation SSF-3410.403 (fire Dist. Ulster Hose #5) payment from Head Trauma Center	\$31,080.04
General Fund:	Modify Appropriation A1910.400 (Unallocated Insurance) to be funded through A5990 (Approp.Fund Bal.) payment to Selective Insurance Co. for deductible reimbursements for claimants : Michael Marnell \$5,000.00, Lori Dadabo \$3,564.69 Rodney Taylor \$10,000.00 and Donahue Miller \$10,000.00	\$28,564.69

2<sup>nd</sup> by Councilman Joel B. Brink  
A Roll Vote was taken – All Ayes

Supervisor Woerner opened the public hearing for the 2007 Application for funding East Kingston Water Service and a Town Senior Center at 8:25 PM.

Mr. Mark Blauer, the town grant writer, stated that a HUD Hearing was held on March 5, 2007 to solicit suggestions on public projects. Suggested ideas, by the Town Board, were free lateral water connections, for low to moderate income qualified families, in the East Kingston Water District in the amount of \$100,000, similar to the Glenerie lateral grant. Another idea was building a Town Senior Center with the remaining \$300,000 grant funds available. There is either funding or no funding with these grant applications and the Town will know by September. The money for this grant can only be used for a senior center. He has experienced this in other areas and the projects usually work very well. There was a proposed rough sketch presented for a senior center with a recreation attachment. Either building can be built independently, next to the Ulster Town Hall. The applications have to be submitted by April 9, 2007 and the Town Board can offer approval at the April 2, 2007 meeting.

Councilman Joel B. Brink inquired about the footprint of the building. Would it be too close near the state's property?

Mr. Mark Blauer – It has been reviewed by the Town Engineer and he was comfortable with the proposal.

Mr. Brian Cahill, County Legislator – Is this building going to be separated from the Town Hall or connected?

Mark Blauer – It is not necessary to connect the buildings, but you can. This is for seniors.

Supervisor Woerner – They are not connected because the NYS Court Administration

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

recommended that the people not be allowed to enter from the court side of the building and for the door only to be used as a fire exit.

John Morrow – He recommended that the Town Board consider addressing the current inadequacy of the Town Hall before building up. He suggested the possibility of selling the current building and housing all the departments in one big building such as the Duplex Facility, that the DEC and School District occupy. There are a lot of possibilities to explore and the town may be wasting money if the town hall is moved or further modified.

James Quigley – What is the cost of the whole proposed building?

Mark Blauer – The senior section can be built to stand alone if the town doesn't have the money to build the whole building.

Supervisor Woerner – If the town is awarded the grant, it does not mean that the whole complex has to be built.

Councilman Artist – Are these two separate grant applications?

Mark Blauer – Yes. They are two separate grant applications that will rise or fall on their own merit. His focus is on cost for the senior section since that is the part that can qualify for funding.

Supervisor Woerner stated that the cost for the whole building would be around \$2M. It is about \$1.5 M for the recreation building.

Mr. Michael Berardi, County Legislator – What is the cost per square foot?

After some computation, it was stated that it is about \$250.00 per square foot.

Mr. Richard Metzger – What happens to the handicap ramp on the side of the current Town Hall Building?

Supervisor Woerner stated that the ramp will be closed off or converted to a bilco stairs situation because it isn't a public access point. There is about an 8 foot distance to the building.

Mr. Brian Cahill, County Legislator – This application has to be submitted by April 9, 2007?

Supervisor Woerner – That is correct. This is the last opportunity for this hearing.

Mr. Donald Wise – Has there been a study on how many seniors will use the facility to justify the cost? If the town accepts the grant money, there are still maintenance and other costs that need to be considered.

Supervisor Woerner – The seniors currently meet at the Chambers Senior project and that number has increased. The grant application money for a building can only be used for this purpose.

Councilman Secreto – He feels that the town needs to look at the quality of life in the area. A recreation center will attract people to the area and help kids stay out of trouble. The Town is having problems in gaining access to the school's gyms for the recreation program and this will resolve that problem.

Mark Blauer – Stated that there is another similar municipality he has worked for where they have a very active senior program. A quality facility will attract more people and he feels there is a lot of potential.



ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

Mrs. Barbara Wise – Inquired if the grant process has changed because, when she served on the Town Board, there was no money for things like this?

Mark Blauer – He stated that there was money available but it was very difficult and projects such as Glenerie Water District lateral project had better chances.

Mr. Richard Metzger – Has there been a market survey done on this? Is this for a small group of people? If there is a place such as the Chambers Housing, why do we need another area?  
Supervisor Woerner – We have other seniors in other parts of the town.

Mr. Brian Cahill, County Legislator – Does this limit the use of the building to seniors only?  
Mark Blauer – If it is built with federal funds, it should be strictly used as a senior center building.

Supervisor Woerner closed the public hearing at 9 PM

**Proposed Town Recreation and Senior Center**

Supervisor Woerner motioned to submit to Small Cities (HUD) a grant application for funding in the amount of \$100,000 for East Kingston Water District, for free lateral connection to low to moderate income people, by April 9, 2007 and for the Town Board to authorize him to sign any necessary paperwork.

2<sup>nd</sup> by Councilman Joel B. Brink

A Roll Call Vote was taken - All Ayes

Supervisor Woerner motioned to submit to Small Cities (HUD) a grant application for funding in the amount of \$300,000 for a Senior Center by April 9, 2007 and for the Town Board to authorize him to sign any necessary paperwork.

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

A Roll Call Vote was taken - All Ayes

**Discussion: - Proposal to abolish the Tax Collector position and merge all duties with the Town Clerk's Office.**

Councilman Secreto tabled the matter until the committee could discuss things with Town Clerk Cosenza. The matter was placed on the April 2, 2007 meeting agenda.

**Town of Ulster Softball League.**

Councilman Secreto motioned to appoint the following people as the Town Softball League's directors: Tim Lukaszewski, Jeffrey Primo and Santiago Cruz

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

Supervisor Woerner pointed out that Mr. Primo is his uncle, but he would vote on this matter as there is no compensation for the position and it is not an official position in the town.

All Ayes

Supervisor Woerner reported that he has submitted a request to Congressman Hinchey's office for \$250,000 to go towards the Senior and Recreation Center.

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

Supervisor Woerner recessed the meeting at 9:10 PM

Supervisor Woerner resumed the meeting at 9:15 PM

**Quick Chek – Agreement for Ulster Avenue**

Andrew Zweben, the Town Attorney, presented an agreement that ensures that if Frank Sottile Blvd. is extended through the property of the Quick Chek, that they will remove the car wash building that is proposed in their site plan, at their own expense, so that the road extension can proceed. The site plan is contingent upon this agreement.

A discussion took place among the Town Board about having enough time to review the contract. The contract will be put on the April 2, 2007 agenda.

**Resolutions - Awarding contracts for Salt and Chemicals for 2007 for Ulster Water and Whittier Sewer**

Supervisor Woerner motioned to award the annual salt and chemical bid to the following low bidders (bids were opened on 3/15/2007 at 3:30 PM):

Companies	Product	
US SALT	Bulk TX-10 - salt	\$103.50 per ton (24 ton min.)
DUSO Chemical Co.	Liquid Chlorine 150# Cylinder	\$ .82 lb + \$100 dep. for cylinder
DUSO Chemical Co.	Potassium Permanganate - 55.115# Drum	\$ 2.09 lb.

2 by Councilman Joel B. Brink

A Roll Call Vote was taken - All Ayes

**Local Law - # 1 of 2007:** The establishment of four year terms for the Town Supervisor, Superintendent of Highways and Town Clerk.

Supervisor Woerner stated that the proposed law will be modified to allow the public to vote individually on each position for a four year term. He doesn't see a conflict on the supervisor voting on local law, as it is not a given that he will gain a benefit from it. It is the Town Attorney's opinion that the terms of office are allowed to be effective for 2008. There was further discussion about the Tax Collector being a part of the 4 year term proposal.

A long discussion occurred among Councilman Artist and County Legislative Berardi about the MS-4 requirements and what the County is doing to prepare and help the town out on this requirement from the state.

Mr. Larry Decker – Requested that the agenda be available at the Supervisor's Office. It was not available on the web site.

Supervisor Woerner motioned to enter into executive session at 9:45 PM to address the following items:

Employment History of particular person. (POL Art. 7 §105 (1) (f))

Discussion of current litigation - United Healthcare V Town of Ulster (POL Art. 7 §105 (1) (d))

ULSTER TOWN BOARD MEETING  
MARCH 19, 2007 AT 7:00 PM

2<sup>nd</sup> by Councilman Joel B. Brink  
All Ayes

Executive session ended at 10:02 PM

Supervisor Woerner motioned to reduce United Health Group (SBL 48.7-2-37.100 & 48.7-2-37.200) from \$10,779,400.00 to \$9,250,000 on assessed value to the consent judgment index number 06-2775 executed by William Siegel Esq. and David Hagstom, Esq.

2<sup>nd</sup> by Councilman Artist  
All Ayes

Mr. Maloney, the Town Assessor, explained to the Town Board that there would be a chargeback to the Town for the 2008 budget. The proposed reduction would be less expensive than the legal fees and the cost of the hiring an independent assessing firm to appraise the building in fighting the suit.

Supervisor Woerner motioned to adjourn the meeting at 10:09 PM

2<sup>nd</sup> by Councilman Artist  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk