

ULSTER TOWN BOARD MEETING
MAY 14, 2007 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

A moment of silence was observed for Maureen VanEtten, Molly Lucente and Dorothy Sottile

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

UC SPCA - Van Bramer Zoning Problem

Mrs. Hope, a representative of the UC SPCA, reported that the SPCA has offered some forms of relief to Mr. Van Bramer about his animal situation. They will be committed to adopting out all the adoptable dogs and cats in the Mr. Van Bramer House. They will take animals not adopted within the next six months and place them in their shelter. They will pay for necessary veterinary care. Their condition in doing this would be that he will not take in any more animals. They will also accept the non-adoptable animals. In order to inform the public of this type of problem, the SPCA will hold a seminar on animal hoarding.

Town Attorney, Andrew Zweben, reported that a violation of a zoning ordinance was sent to Mr. Van Bramer. He had contact with his attorney. He is operating an animal care facility in an R-60 zone. He failed to obey an order of the Building Inspector. The Town is waiting for a summons ticket to be sent to Mr. Van Bramer. The Court will set a date and the town will present a case at that time.

There was a long discussion about the legal procedure between the Town Attorney and the audience in regard to this matter. There was further discussion as to the individual getting a special permit or zoning variance and the conditions that would allow him to do so.

URGENT - Ulster County Undersheriff Frank P. Faluotico, Jr.

Mr. Faluotico gave a brief presentation about the County URGENT (Ulster Regional Gang Enforcement & Narcotics Team). This is a group of talented investigative law enforcement officials among various towns, villages and the city of Kingston with the goal of eliminating drugs and gangs in the County. He requested the Town Board contribute financially to the effort since it was not afforded the opportunity to be budgeted in 2007. They have/will solicited other municipalities and have been using drug seizures to pay for the program. They have had great success with the number of arrests and numerous drugs taken off the streets.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Supervisor Woerner motioned to approve the minutes of April 2, 2007 and April 16, 2007.

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2nd by Councilman Joel Brink
All Ayes

COMMUNICATIONS

Councilman David Brink reported that he had received a letter from Martin Petersen stating that he will be retiring June 29, 2007.

Supervisor Woerner requested that Councilmen Joel and David Brink start the civil service process of finding a replacement.

Councilman Craig Artist reported that the Ulster Town Police Department had received their re-certification as an accredited agency. This will be good for another five years.

Police Chief Paul Watzka reported that the accreditation was done and is good for the next five years. He thanked the Town Board for their support. He further reported that Detective John Dickson is going to receive a Community Service award for his many efforts in the community at the upcoming Ulster County Police Chiefs Association's Annual Banquet. He further read the monthly report for April. He thanked the Town Board for their contribution to the URGENT program. He supports it.

COMMITTEE REPORTS

Councilman Secreto reported, from the Buildings and Grounds Committee, that the Town Hall had its rooms painted. He thanked the Alternative Sentencing Program for their efforts. He further thanked James Maloney and Nancy France for their time waiting for the floors to be waxed at the Town Highway Complex. He reported that the town took over the Orlando Softball League. There will be two divisions: "A" and "B". There will be a mixed league division. People can contact the League Director, Fritz Genter. This was at no cost to the tax payers. He thanked Rhonda Dixon Zios for running a six week Gymnastics event. Robert E. Post Park opened May 1, 2007. He thanked Frank Rittie and Mike Hummel for cleaning up the Park after the flood, as that was a lot of work. Sign-ups will be forthcoming for the Town Summer Camp.

Councilman Artist thanked the softball recreation volunteers for their efforts.

Councilman Secreto, reported from the Highway Committee, that the town's recreation parks are having maintenance work performed. There are new basketball rims installed on Orlando St. and Jeanette Lane Park. There are dumpsters on Orlando Street. He thanked the alternative sentencing crew for their work on cleaning the trash along Sottile Blvd. and Tuytenbridge Road.

Councilman Joel B. Brink reported that he is going to speak to each department head to see what their needs are for the beautification program. Periodically, Highway Superintendent Tinnie, Councilman Secreto and himself tour the town. There was a situation where a stop sign was needed on Costanzi Drive, on the corner of Pawan Circle. The matter was turned over to Councilman Artist to review at the Police Commission meeting.

Councilman Secreto reported that, at the recent Finance Committee meeting, the bills were audited for the abstract. He thanked the office staff for their work in preparing this.

Councilman Secreto reported from the Water and Waste Water Committee, that the main drain

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on Esopus Avenue is still being worked on.

Councilman Joel Brink reported that the main water line from the Kingston to Ulster Water District is being installed near the Ulster Sewer Plant. Supervisor Woerner added that it is being done on time and under budget.

Councilman Joel B. Brink reported from the Personnel Committee, in connection with the retirement announcement of the building inspector, that he will contact the civil service department to get a list of candidates.

Councilman David Brink reported from the Assessor and Building Department Committee, that the building department is reviewing software to update their current package to make the office more efficient and have the information available in the field.

DEPARTMENT HEAD REPORTS

Town Assessor – James Maloney, the Town Assessor, reported that his office had reviewed 300 building permits that made up the assessment roll. The Town’s level of assessment was at 69% and he had to go to the state and argue his case or it would have been lowered. This will help save people in paying more in their school and county taxes.

He further reported, as the Flood Coordinator, that he had attended a kick-off meeting for public assistance for infrastructure for the town. The application has been forwarded to Albany. Arthur Synder, will be setting up a meeting with the Town for reimbursement. FEMA members will be at the Town Hall to handle individual applications of people who were not able to contact the “800” number. There was a sewer line break on Esopus Avenue. The first segment had been completed and the second part is being worked on.

Supervisor Woerner stated that there are three water mains that feed the City of Kingston that run over the section that was broken. A special process was done where the sewer main had to be bored as not to disturb the water mains. This is why it has taken so long.

Town Building Department – Supervisor Woerner read the monthly report submitted.

Councilman Secreto stated that he spoke to the Building Inspector about having Walmart clean their property and remove all the loose plastic bags and trash. He further requested the Building Inspector contact the owners of the old “Ready Mix” building on 9W near Route 209 to clean the property up and remove a building that is a hazard.

Town Clerk’s Office – The monthly report was read.

Tax Collector’s Office – Mrs. Cris Hendrick gave a brief report that the tax office is moving along.

Highway Department – Highway Superintendent Tinnie reported that paving has started and things are moving along. He announced that he is officially retiring at the end of the year.

Supervisor Woerner thanked Mr. Donald “Mac” Tinnie for his 30 plus years of service.

ABSTRACT OF CLAIMS

Councilman Joel B. Brink motioned to approve the following:

May 2007

ABSTRACT

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FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	501-524	5,886.96
ULSTER WATER	501-502a	485.44
HALCYON PK. WATER	501-502	550.04
SPRING LAKE WATER	501-502	200.80
BRIGHT ACRES WATER	501	296.77
EAST KINGSTON WATER	501	55.21
WHITTIER SEWER	501	50.90
ULSTER SEWER	501-504	403.79
SPECIAL LIGHT	501-506	3,182.12
ALL OTHERS		
GENERAL	501-5133	106,093.82
HIGHWAY	501-516	29,767.12
WHITTIER SEWER	501	60.00
ULSTER SEWER	501-533	45,369.12
ULSTER WATER	501-514	4,897.04
BRIGHT ACRES WATER	501-502	538.22
GLENERIE WATER	501	195.00
EAST KINGSTON WATER	501	1,250.00
INSURANCE (ALL FUNDS)	501-519	99,534.26
CAPITAL PROJECTS		
TRUST & AGENCY	501-514	9,556.25
EAST KINGSTON WATER	501-503	45,263.84
WASHINGTON AVE. SEWER	501-503	120,223.00
	TOTAL	\$ 473,859.70

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

Supervisor Woerner motioned to approve the following:

BUDGET MODIFICATIONS:

General Fund	Modify Revenue A1289 (Other Gen.Dept. Income) and appropriation A3120.101 (O.T.Wages) Special Task Force O.T. reimbursed by Hudson Valley Mall for Feb. 07	\$1,797.80
General Fund	Modify Revenue A1289 (Other Gen.Dept.Income) and appropriation A3120.101 (O.T. Wages) Special Task Force O.T. reimbursed by Hudson Valley Mall for March 07	\$2,590.65
General Fund	Modify Revenue A2770 (Misc.Revenue) and appropriation A3620.419 (Veh.Lease) rebate check from Heart Chevrolet for vehicle lease for building department	\$1,000.00
General Fund	Modify Revenue A2770 (Misc.Revenue) and appropriation A6772.400	

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	A6772.400 (Programs for the Aging) reimbursement from the Town of Ulster Senior Citizens Club for trip to Mt. Haven	\$1,088.00
General Fund	Modify Revenue A2770 (Misc.Revenue) and appropriation A2989.400 (Dare Program) grant from Safe Kids Chapter)	\$400.00
General Fund	Modify Appropriation A1620.200 (Equipment) to be funded through A5990 (Approp.Fund Balance) payment to Pacific Bulletproof Co. for bullet resistant transaction window court grant received in 2006	\$2,300.00
General Fund	Modify Appropriation A3121.400 (Police-Drug Enforcement) to be funded through A5990 (Approp.Fund Balance) for Urgent Task Force	\$5,000.00
General Fund	Modify Appropriation A8020.405 (Comprehensive Planner) to be funded through A5110 (Approp. Reserve-Comprehensive Plan) payment to Planit Main St. for April Services	\$2,430.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) payment to Anaconda Sports for sweatshirts	\$1,216.00
General Fund	Modify appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) payment to Anaconda Sports for air horns and screening charge	\$110.80
General Fund	Transfer From A1990.400 Contingency	Transfer To A3120.430 clothing \$275.50
Highway Fund	Modify Revenue: D5031 Interfund Transfer Appropriation: D5142.100 Wages D5110.413 Equipment Rental Reimbursement from Drainage Capital Project for Jan.9-Jan.25,2007 services	\$29,496.00 8,972.61 20,523.40
Drainage Cap. Projects	Transfer From HDR-5110.200 Construction	Transfer To HDR-9950.900 Interfunded Transfer-Cap Proj \$29,496.01

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

Supervisor Woerner moved to authorize the Town Supervisor to expend the sum of \$5,000 from line item A3121.400 - Police-Drug Enforcement to the Ulster County Sheriff's URGENT task force

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

Public Hearing – Proposed Local Law #2 of 2007 regarding attendance requirements for Town Planning and Zoning Board Members.

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Supervisor Woerner opened the Public Hearing for Proposed Local Law #2 of 2007 in regard to the attendance requirements for the Town Planning and Zoning Board Members at 8:15 PM

Supervisor Woerner stated that an attendance law, allowing 3 absences in a calendar year, is being proposed to ensure enough board members are available to act on agenda items. If a person has enough absences, the Town Board can hold a public hearing to remove that individual through a legal process. The Town Board does not pro-rate the stipends for persons being absent.

Town Attorney, Andrew Zweben, stated that individuals on the Zoning and Planning Board are appointed for a fixed term and do not serve at the pleasure of the Town Board. These members can only be removed for cause. This law establishes a cause of proof that allows the Town Board to address an issue in order to ensure effective zoning and planning boards (to ensure enough members to vote on items).

Mr. Nelson White, ZBA Member – Would proper notifications be made to the secretary of these boards be stipulated into the law to allow excusable absences?

Supervisor Woerner – Stated that there is no need to do so, as it would be at the discretion of the board to determine what an excusable absence was.

Mr. John Crispell, ZBA Chairman – Felt it was a good idea to put a limit on the number of meetings missed; there is a need for a quorum to get business done. He suggested raising it to 4 absences.

Councilman Joel B. Brink motioned to close the public hearing at 8:24 PM
2nd by Councilman David Brink
All Ayes

Supervisor Woerner's proposal regarding a Town Fund Balance Policy.

Supervisor Woerner stated that he felt that a fund balance policy needs to be established as the town has a variety of fund balances well over or under the recommended limit suggested by the State Comptroller. He wants to talk to the Town Engineer on how to best spend these funds that are over and he will work on a policy to bring fund balances that are low up to their recommended level.

Councilman Secreto motioned to accept the policy in the Supervisor proposal as submitted.
2nd by Councilman David Brink
A Roll Call Vote was taken - All Ayes

Declaring Intention of Lead Agency Status under SEQRA for the Texas Road House.
(AKA Dena Marie Redevelopment)

Councilman Artist motioned to declare the Town's Intention of lead agency status under SEQRA for the Texas Road House
2nd by Councilman Secreto

All Ayes

Approving a Hold Harmless Agreement with Verizon Wireless Inc. for the use of Jockey Hill Road.

Andrew Zweben, Town Attorney, explained that the road leading to the site where Verizon Wireless has a tower is an unimproved road that is in the Town of Ulster. As a condition of their site plan approval, a hold harmless agreement was requested. This agreement states that the road will not be maintained by the town via blacktopping or snow plowing. This agreement acknowledges this. The road is accessible, just not maintained.

Councilman Secreto moved for the Town Board to authorize the Town Supervisor to sign the necessary paperwork to approve the agreement.

2nd by Councilman David Brink

All Ayes

Approving project agreement with the USDA for Emergency Watershed Protection Work to be completed on Esopus Avenue and authorizing the Town Supervisor to sign all necessary documents relating to the project.

James Maloney, the town flood coordinator, stated that the bank of three local residents, which was held back by a wall, was washed away. He had approached several agencies seeking aid and was able to get a co-operative agreement through the US Dept. of Agriculture. A few meetings ago the Town Board approved an enabling resolution. This is a co-operative agreement between the Town and the USDA for funding. The town will not have to contribute anything as there is a clause in the contract that states the DEC will pick up the town's portion (25%). There are hold harmless contracts that are being drafted. The town will install a timber wall with rock (a crib wall).

Councilman Artist moved to authorize the Town Supervisor to sign any and all necessary documents relating to the project.

2nd by Councilman Joel B. Brink

All Ayes

Local Law: #2 of 2007 regarding attendance requirements for Town Planning and Zoning Board Members.

**Councilman Joel Brink motioned to approve the following as submitted:
A LOCAL LAW AMENDING AN EXISTING LOCAL LAW
LOCAL LAW NO. 2 OF THE YEAR 2007**

A Local Law amending Local Law No. 3 of the Year 1991 pertaining to Personnel Policies and amending Local Law No. 9 of the Year 1991 pertaining to the Zoning Law.

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

SECTION I. AMENDMENT

A. Section 37-5 of the Code of the Town of Ulster is hereby amended by the addition of the following paragraph:

"D. Any member of the Planning Board who fails to attend three (3) or more meetings of the board in any calendar year shall be subject to removal from the Planning Board by resolution of the Town Board as provided by Town Law § 271(9)."

B. Section 190-59 of the Code of the Town of Ulster is hereby amended so that its current provisions are designated as paragraph "A" and by the addition of the following paragraph:

"B. Any member of the Zoning Board of Appeals who fails to attend three (3) or more meetings of the board in any calendar year shall be subject to removal from the Zoning Board of Appeals by resolution of the Town Board as provided by Town Law § 267(9)."

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 invalidate 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 II. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 3 of the year 1991 and Local Law No. 9 of the year 1991, and any subsequent valid amendments thereto, are hereby ratified and confirmed.

SECTION III. EFFECTIVE DATE

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

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

Mr. Nelson White – Does the town have any bond obligations that are going to be retired this year?

Supervisor Woerner – Last year, the highway complex was finish. This year it is the Road Facilitation district. He would have to check the list to see what was coming up. He didn't have any dollar figures as there are still pending bonds.

Mrs. Tina Carpino – She stated her concern about the quality of life being disrupted by Callanan Industries blasting in East Kingston and felt that the Town Board was not being representative of

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the town's people. She did not like the fact that her property was labeled a blast zone by Callanan's Industry when she was standing on it.

There was a long discussion about Mr. Van Bramer running an animal care facility in the Town. It was stated that he had a large number of animals on his property. There is concern about the animal droppings affecting drinking water in the area. This will have to be forwarded to the Ulster County Health Department as it is not in the Town's authority to act. Town Attorney, Andrew Zweben, reported that a violation of a zoning ordinance was sent to Mr. Van Bramer about his animal care facility in an R-60 zone. He failed to obey an order of the Building Inspector. The Town is waiting for a summons ticket to be sent to Mr. Van Bramer. The Court will set a date and the town will present a case then. The town can't address the dog issue; it can only address the zoning violation. There is a proposed law in Albany about animal hoarding and the Supervisor recommended people who were in favor of this law contact their state representatives.

Mrs. Perry – She inquired about information she had requested about Callanans's blasting in East Kingston that she has not received from December. Her questions pertained to the air quality and health issues from the blasting, piping sizes being used and about the gas line that runs near her house. She wanted to know why blasting is stopped for certain things such as wildlife, but not for the damage that is being done to her property. She would appreciate quicker responses. She wanted to know who regulates the noise ordinance that shut the operation down. She didn't feel that the seismograph machines were taking the proper reading.

Supervisor Woerner stated he will try to get the information together as soon as possible. The DEC regulates the noise. He stated that the Town has no authority to regulate the blasting and the town can not force Callanans to give notice of blasting or any other information to the town. The Town Board has requests to Assemblyman Cahill's Office that an outside person be brought in for the DEC to regulate the mining. The request has not been followed up on. He had requested that the 1950's regulation be changed to a more modern standard. He further has contacted Congressman Hinchey to do the same. The town can't take any action that would not put itself in some legal hardship. All the 2006 blasting data should be coming in for review. This permit goes back to the Hudson Cement era and there is some grandfathering in this issue.

Supervisor Woerner motioned to enter into executive session to discuss pending litigation with Pyramid Corporation at 9:38 PM

Executive session ended at 10:25 PM

Supervisor Woerner motioned to adjourn the meeting at 10:26 PM
2nd by Councilman Joel B. Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk