

ULSTER TOWN BOARD MEETING
SEPTEMBER 17, 2007 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

SALUTE TO THE FLAG

A moment of silence was observed for Town of Lloyd Supervisor Robert Shepard

ROLL CALL BY CLERK

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

Supervisor Woerner announced that Edward Crosby will offer a presentation that is not included on the agenda

Robert Barton inquired about the resolution for the Boice's mining permit.
Town Attorney Zweben stated that there is a site plan in place. The developer proposes to excavate material and sell it over the next several years before building at that location.

Larry Winkler inquired about the resolution for the Kingston/Ulster Airport alarm system.
Supervisor Woerner explained that this is a pass through resolution that needs town board approval for the airport to receive money for work performed.

Supervisor Woerner motioned to enter into executive session at 7:14 PM to discuss a personnel matter regarding hiring a person for Town Building Inspector
2nd by Councilman Artist
Four Ayes – Councilman Joel B. Brink was absent

The meeting resumed at 7:30 PM.

Supervisor Woerner noted for the record that during executive session Town Attorney, Andrew Zweben offered legal advice pertaining to real estate transactions for the proposed storm water work on Lucas Avenue.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman David Brink moved to approve the August 6, 2007 and August 20, 2007 minutes.
2nd by Councilman Secreto
Four Ayes – Councilman Joel B. Brink was absent

COMMUNICATIONS

Councilman Secreto announced that there will be changes at the town Transfer Station pertaining to the recyclables. Glass, plastics and metals will need to be separated. All plastic will now be accepted such as yogurt cups and take out-food cartons. Junk mail can now go in with your newspapers.

COMMITTEE REPORTS

Councilman Secreto reported, from the Building and Grounds Committee, that the Highway Garage's oil tank needs to be cleaned. It has not been cleaned since the place was built.

Councilman Secreto motioned to approve the cost of cleaning the 6,000 gallon oil tank at the Town Highway Garage at a cost of \$2,200.

2nd by Councilman Artist

Four Ayes – Councilman Joel B. Brink was absent

Councilman Secreto announced from the Park & Recreation Committee that the Basketball program is progressing and that more sign-ups will be held. The top age limit was raised to allow more children to play. Co-Ed Volleyball is also progressing.

Councilman David Brink reported that the Building Department has a vacancy that needs to be filled for the Building Inspector's Position.

Councilman David Brink moved to hire Paul Economos as the Town of Ulster Building Inspector, level 2, effective Wednesday, October 3, 2007, or sooner, subject to all the requirements and benefits granted by the Town of Ulster Department Head Contract. Supervisor Woerner added that Mr. Economos is a Building Inspector, level 2, for the Town of Hurley. He is qualified for the position and this will be a transfer from the Town of Hurley to the Town of Ulster.

2nd by Councilman Artist

A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Councilman David Brink further reported that the Building Department is reviewing the civil service list to hire for a person for the clerks position in the Building Department. Further, a new software upgrade was installed in the office.

DEPARTMENT HEAD REPORTS

Police Department – Monthly report was read. Chief Paul Watzka reported that the residents are requesting a stop sign on Norma Court.

Councilman David Brink motioned to install a stop sign on the corner of Norma Court and Hillside Terrace

2nd by Councilman Artist

A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Chief Watzka reported that the police received a grant for \$26,000 for records management to install equipment to put in police cars.

Assessor – Mr. James Maloney reported that he has 8 project worksheets that are being completed. He is waiting for a flood insurance quote from the Valley Group for the town buildings. He thanked all the department heads for their cooperation in getting the information to him for the FEMA applications. He further reported that the town's 20% participation share in the stream reclamation valued at \$10,000 will be picked up by the DEC. The Middle Class

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STAR program letters were sent out and he asked people to be on the look out for them. There is a new exemption available to Cold War veterans. To be eligible, a person needs to go to the Veterans Bureau. He is working to get it in before March 1, 2009.

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

Water Department – Paul Vogt, the Water Superintendent, reported that water maintenance is being performed. The department will be flushing out the hydrants.

Waste Water Department – Mr. Corey Halwick, the Waste Water Supervisor, reported everything is running fine. Washington Avenue sewer is progressing. A street testing is going to be done soon and after that the plant will be ready to go.

ABSTRACT OF CLAIMS

Councilman Secreto motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	901-933	9,097.82
ULSTER WATER	901-905	1,744.82
HALCYON PK. WATER	901-902	477.64
SPRING LAKE WATER	901-903	217.76
BRIGHT ACRES WATER	901	294.44
EAST KINGSTON WATER	901	35.60
WHITTIER SEWER	901	49.69
ULSTER SEWER	901-906	12,611.86
SPECIAL LIGHT	901-906	3,230.88
ALL OTHERS		
GENERAL	901-9128	88,384.47
HIGHWAY	901-918	31,239.60
WHITTIER SEWER	901-907	1,425.11
ULSTER SEWER	901-921	26,722.06
ULSTER WATER	901-929	8,777.22
HALCYON PK. WATER	901-904	144.37
SPRING LAKE WATER	901-902	50.00
BRIGHT ACRES WATER	901-906	1,182.51
CHERRY HILL WATER	901-902	50.00
GLENERIE WATER	901-902	50.00
EAST KINGSTON WATER	901-902	50.00
INSURANCE (ALL FUNDS)	901-923	108,278.90
CAPITAL PROJECTS		
TRUST & AGENCY	901-910	2,551.25
EAST KINGSTON WATER	901	4,200.00
TOTAL		\$ 300,866.00

2nd by Councilman David Brink

A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Edward Crosby - Presentation

Mr. Crosby, a former Councilman, requested that the Town Board consider taking over the IBM (Tech City) roads. The Town had received state aid in the past for maintaining them and they have a historical value as they were originally farm to market roads for the local farmers. He believed that the town gave IBM the roads in the early 80's in order for IBM to have control on who could and could not be on them as they were afraid of striking unions on their property. He stated at the time that the Town was too small to handle those situations, citing a small police force. As councilman, he voted against the action but he was in the minority and it passed 4-1. He feels that Mr. Ginsberg would be willing to give it back.

Public Hearing - Proposed Local Law # 3 of 2007 – Authorizing an exemption of real property taxes for volunteer firefighters and ambulance squad active members.

Supervisor Woerner opened the public hearing at 7:57 PM

Mr. Dachenhausen – He spoke in favor of the proposed local law as many small fire districts can not afford the volunteer participating programs. This is one way to award volunteers.

Mr. Larry Winkler – What does the \$3,000 mean in the law? How do you ensure that volunteers are proper volunteers that deserve this exemption.

Supervisor Woerner stated that \$3,000 will be taken off the volunteers property assessment. Town Assessor Maloney stated that a system is being worked out. The Fire Chiefs would provide a list of active members.

Mr. James Corrigan – Spoke in favor of the local law.

Councilman David Brink motioned to close the public hearing at 8:05 PM

2nd by Councilman Secreto

Four Ayes – Councilman Joel B. Brink was absent

Supervisor Woerner changed the wording in proposed local law #3, section 3, (iv), so that the “assessor of the Town of Ulster shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption” where it currently reads that the Town Supervisor would do so.

Councilman Artist motioned to approve the following as amended:

**Local Law Number 3 of 2007 of the Town of Ulster
A Local Law to Allow Enrolled Volunteer Firefighters and
Volunteer Ambulance Workers to Be Eligible For A Real
Property Tax Exemption Pursuant to Real Property Tax Law (RPTL) § 466-h**

BE IT ENACTED, by the Town Board of the Town of Ulster, County of Ulster, State of New York,

SECTION 1. ENABLING LEGISLATION. The New York State Legislature has, heretofore, amended Real Property Tax Law (RPTL) to authorize municipalities to permit enrolled volunteer firefighters and volunteer ambulance workers to be eligible for a real property tax exemption as is more particularly set forth in RPTL §466-h.

SECTION 2. LEGISLATIVE INTENT. The Town Board recognizes the role of the volunteer firefighters and ambulance workers in securing the safety and well-being of our community. The Town Board hereby finds that it is in the best social and economic interest of the Town of Ulster to encourage volunteerism for said purposes. To that end, by providing the following exemption, it is the intent to so encourage volunteerism for our various fire and potential ambulance companies.

**SECTION 3. EXEMPTIONS FOR CERTAIN VOLUNTEER
FIREFIGHTERS AND AMBULANCE WORKERS.**

(a) Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in Town of Ulster shall be exempt from taxation to the extent of ten percent of the assessed value of such property for Town and Highway purposes, exclusive of special assessments provided however, that such exemption shall in no event exceed \$3,000 multiplied by the latest state equalization rate for the Town.

(b) Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such Town unless:

(i) the applicant resides in the Town which is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(iv) the incorporated volunteer fire company or fire department and incorporated voluntary ambulance service has submitted to the Ulster County Director of Emergency Communication/Emergency Management a complete list of enrolled members, with their respective dates of service for such incorporated voluntary fire company, or fire department, or incorporated voluntary ambulance service. The assessor of the Town of Ulster shall then review all potential candidates and certify those that meet the necessary criteria to be eligible for this exemption.

(c) Application for such exemption shall be filed with the Town Assessor on or before the taxable status date on a form as prescribed by the state board.

(d) Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within this state.

SECTION 4. SEVERABILITY. If any part of this local law shall be found to be invalid, such invalidity shall apply only to such part, and the balance thereof shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE. This Local Law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

2nd by Councilman Secreto

The Town Board Members each stated that they were in favor of this law.

A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Public Hearing - Proposed Local Law # 4 of 2007 – Authorizing the Planning Board to have final site Plan Approval Authority; increasing the Planning Board from five to seven members

Supervisor Woerner opened the public hearing at 8:08 PM

Mr. Robert Barton – Is not in favor of this law. He feels that the Town Board should have final say over large projects so that the public can hold someone elected responsible.

Mrs. Marlene Egelhardt – read the attached letter (Attachment #1).

Don Wise – Concurred with the other speakers and felt that the Town Board should keep the responsibility and give them to the Town Planning Board.

Councilman Artist motioned to close the public hearing at 8:20 PM

2nd by Councilman Secreto

Four Ayes – Councilman Joel B. Brink was absent

A discussion occurred among the Town Board Members. Councilman David Brink is not in favor of increasing the number of board members but favors the final site plan approval. Councilman Secreto is in favor of the law as written. Councilman Artist is not in favor of the law at all. He feels that the additional check and balance should be kept in place. Supervisor Woerner's thoughts are that the Town Board has limited authority and that the zoning law gives rights to individuals that would be hard for the Town Board to deny. A poor plan can meet all the requirements of the town and still get approved. If it is denied, the Town can be held. There has not been a project where neither boards disagreed. He feels the Town Planning Board's final

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approval will eliminate time with something that is a pass through that is based on the Planning Board's opinion.

Councilman David Brink motioned to strike out the sections of the proposed local law #4 pertaining to increasing the number of Planning Board members from five to seven.
2nd by Councilman Secreto

A Roll Call Vote was taken –
Councilman Artist – Nay
Councilman David Brink - Aye
Councilman Joel B. Brink – Absent
Councilman Secreto – Aye
Supervisor Woerner – Nay
Motioned did not carry.

Supervisor Woerner motioned to approve the proposed local law #4 as written.
No second.
Motioned failed.

Regarding storm water work on Lucas Avenue.

Supervisor Woerner turned the meeting over to Deputy Supervisor Charles Thomas at 8:25 PM

Town Attorney, Andrew Zweben, reported that there is a drainage problem along Lucas Avenue in the area of the Spring Lake Trailer Park. Water comes down the hill and a mini lake is formed. The town engineer has a proposal to solve that problem, but several easements are needed to do so across three properties. The town will need to hire an appraiser if easements are not voluntarily given.

Councilman Artist motioned to authorize the Town Attorney to begin the necessary work and bring this project to its completion
2nd by Councilman David Brink
Four Ayes – Councilman Joel B. Brink was absent

Councilman Secreto moved to authorize the Town Supervisor to hire an appraiser to assess the value of the properties as needed for the purpose of obtaining easements to resolve the drainage problem.
2nd by Councilman David Brink
Four Ayes – Councilman Joel B. Brink was absent

Regarding the proposed San El Dorado LLC project.

Town Attorney, Andrew Zweben, reported the owner of the project has requested an out of district use hook up to the Ulster Waste Water District. Mr. Zweben recommended that the Town Board decide on whether to allow the applicant to connect so the project can progress. He stated that in order to approve the hook-up needed, the district needs to prove that there is

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sufficient service now and for all the future potential users.

Mr. Corey Halwick, the Waste Water Supervisor, recommended against the connection until a committee of experts can be formed to review these matters and ascertain the total capacity need of the district. He stated, through checking with the assessor's office, that there is a large amount of undeveloped land in the district and that Tech City is not using its full capacity.

Councilman Secreto motioned to deny the El San Dorado LLC project request to extend the Ulster Sewer District due to lack of information that needs to be collected to allow a connection 2nd by Councilman David Brink
Four Ayes – Councilman Joel B. Brink was absent

The Town Board discussed forming a special committee to review the district's needs as suggested by Mr. Corey Halwick. The matter will be placed on the next meeting for discussion after a clear plan can be formulated. Then the special committee positions can be advertised.

There was a discussion about different versions of site plans being available. Mr. Van Kleeck, the developer, had a map with the most current revision made as suggested by the Town Planner. The planner had drawn items on the original proposals that were incorporated into the updated maps. There are concerns about traffic flow and sewer and waste water flow.

Supervisor Woerner motioned to grant conditional site plan approval pending a sign off by the Town Planner for the San El Dorado LLC project.
2nd by Councilman David Brink
A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Issuance of a SEQRA determination of the purchase and installation of an Alarm System for the Kingston/Ulster Airport.

Councilman Secreto motioned to approve a negative declaration for the Kingston/Ulster Airport to install an alarm system
2nd by Councilman David Brink
A Roll Call Vote was taken - Four Ayes – Councilman Joel B. Brink was absent

Declaration of lead agency status for the Oxygen Day Spa.

Councilman Artist motioned for the Town Board to declare itself lead agency for the Oxygen Day Spa located on 14 Van Keuren Highway (SBL 48.50-01-070).
2nd by Councilman Secreto
Four Ayes – Councilman Joel B. Brink was absent

Declaration of lead agency status for the Ulster Green ARC Palmer Center.

Councilman Artist motioned for the Town Board to declare itself lead agency for the Ulster Green ARC Palmer Center located on 1111 Flatbush Road on Route 32 (SBL 40.17-01-19.21, 22, 23).

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2nd by Councilman David Brink
Four Ayes – Councilman Joel B. Brink was absent

Approving a special use permit for the Boices Mining Operation located on Sawkill Road.

Councilman Artist motioned to approve the special use permit for the Boices mining operation on Sawkill Road.

2nd by Councilman Secreto
A Roll Call Vote was taken – Four Ayes – Councilman Joel B. Brink was absent

Mr. Mark Kuhnel – read the attach note (Attachment #2).

Mrs. Cindy Crowley – Thanked Councilman Artist for not supporting local law #4. She further thanked Councilman Secreto for the great recreation program.

Mrs. Joann Schoonmaker – She expressed concern over the Orlando Softball Field not being supervised, the need for better parking arrangements, sponsor signs not being removed after the games, a need for better garbage pick up and the games running too late. She submitted a petition against installation of new lighting in the area.

Supervisor Woerner will forward her petition and letter to the Recreation Commission. The Recreation Commission meetings are held the 1st Friday of the month.

Councilman Artist motioned to adjourn the meeting at 9:23 PM

2nd by Councilman Secreto
Four Ayes – Councilman Joel B. Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

Town of Ulster Town Board
Town of Ulster Town Hall
1 Town Hall Drive
Lake Katrine, NY 12449

Attachment #1
Mrs. Marlene Egelhardt letter

RE: Local Law # 4 of 2007, September 17th, 2007

Supervisor Woerner, Members of The Town Board:

In Section 2. Declaration of Policy, The first sentence states: The Town Board of the Town of Ulster retains authority to approve most site plans submitted to the town.

What does the word "most" mean?

What guideline criterion is in place for a site plan application to be measured against?

Such as: What conditions and/or impacts have to be present? What thresholds have to be met to be categorized as "Most" for the Elected town board to exercise their retained final site plan approval authority?

And, who decides what these guideline criterion would be? Would it be an elected body or an appointed body? Or, would it all be just discretionary; and whos discretion is it left to?

And, by the way, how would an Appointed Planning Board be held to account for their decisions; and who are they responsible to?

All Important questions of concern that need to be answered.

As you know, Mr. Supervisor and councilmen, the citizenry is very much enlightened to the importance the environment has in our everyday lives. We have realized that the negative impacts on our environment as having been a direct consequence of our past decisions and practices. We now know that the protection of our natural resources is of the utmost importance; and that our planning decisions can no longer be just about the here and now, but about the future, ours and future generations.

There is a proposed housing development project that has not received much media coverage to date, known as Ulster Manor. It is a 40 some odd acre project with an under laden Karst Geology. It would be located between UPS, Foxrun, Old Flatbush Rd and AVR property. Environmental impacts are many. For example: Deforestation, destruction of aquatic, plant and wildlife habitats and Stormwater runoff containing pollutants such as road salts, pesticides, fertilizers, oil and greases and other toxic chemicals from motor vehicles all running into the protected NYS vernal pools and freshwater wetlands and onto and through adjacent private properties and other protected freshwater wetlands eventually draining into the Hudson River.

The protection of ground water and aquifer recharge areas are major public health concerns that are recognized nationwide. I would like to point out that the residents of the Old Flatbush Road Community each rely on their own individual private well-water supply. And that we remember, as I am sure you all do, the well-water woes that affected the Cherry Hill community.

As an adjacent property owner that will be the direct recipient of this proposed projects redirected stormwater runoff, and all that it will contain; and because of the magnitude of its size and other life altering impacts, I, therefore, would agree with Mr. John Heitzman, that final site plan approval for Ulster Manor must remain with the Elected Town Board.

This proposed Local Law #4 could, in effect, limit only one public hearing on a said matter with the decision vote taken right after the close of the public hearing portion of the very same meeting. And, in the SEQRA process, public hearing requirements would not come into effect until after a determination of significance is made on an action. And, if the action receives what is called a Positive Declaration; meaning the project/action will have significant environmental impacts, only then would public hearings be required.

For these reasons alone, the importance of public input early on in the planning review process cannot be stressed enough.

Public involvement is important. It is vital. It should ~~not~~ be suppressed or lessened. It is a vital part of government that is open, honest and accessible for the good of the people.

Public involvement is something that should be cherished and not forsaken.

With all that being said, Mr. Robert Barton and I share the same viewpoint. Which is, that public comment time should be added to planning board meetings just as the town board meetings afford the citizenry.

The benefits of this change are many. Public input from the beginning of the planning review process would be helpful in making sure due diligence is performed. There would be more investigatory time to look into the concerns or pertinent information received from the public. The planning board would be able to ~~contact~~ an outside agency, such as the Ulster County Department of Health and/or a future Ulster County Department of the Environment for their expertise, clarity and/or guidance on a matter.

In addition, I hope you will reconsider the formation of an Environmental Commission, as recommended by the Ulster County Environmental Management Council.

The Commission would be able to advise the town on key issues in the environment and the regulations that would pertain to them. This commission, if formed, would also be very helpful in making sure every effort is made so that due diligence is done.

In closing, once again I find myself in agreement with Mr. Robert Barton.

Relinquishing the duty of final site plan approval authority by the elected town board and putting it into the hands of an appointed planning board, would not be prudent.

The proposed local law #4, in essence, would take away the last safeguards of Public Input and the oversight and accountability of an elected body that is supposed to be the government that is responsible to us, the electorate.

I hope that this appeal will be helpful in making your decision to vote NO for Local Law #4 of 2007.

Thank you.

Melene Engelhardt
101 Old Flatbush Rd.
Kingston, NY 12401

I live next to the half way house on the corner of Morton Blvd and Vankuren Hwy, I have looked at the zoning for this property and can see nothing that shows how this is a permitted use for this application. I ask that the board review this and let me know the area this falls under. My concern is that there is no supervision continuously for this property and my understanding is no regulations exist as to who can be an occupant at this facility. Many crimes are committed due to alcohol and drugs and how are the area residents to know the former backgrounds of the people there. Also other crimes are committed while under the influence of these items, example: rape, violence, theft, child abuse and more. Also are the occupants only limited to substance abuse, can they be anyone looking for a place for shelter while they find permanent residence. If this is the case then what about violent crimes, rape, child abuse and the list goes on as to who could be there. How am I and my neighbors to know and rest assured that the health and safety of our families is not at risk. Can we be assured that the occupants do not regress in their actions, will not commit a crime, will become productive or will the possibility of insecurity for our families and Chambers school become greater. It seems to me no guarantees can be made, does this make the Board feel comfortable, and if the zoning does not fit this use does the town open themselves up to liability. Would anyone on this board feel secure and comfortable knowing such a facility was in their neighborhood. I have spoken to realtors and they have informed me the marketability of my property is greatly lower due to this facility and that makes sense, would any of you consider living there with knowing no supervision or security exists, would you want your children or other family members living there, how about the children and families who attend Chambers school, do they know what is on this corner.

I ask the board to let me know how this use fits existing zoning and how residents, myself and families of those attending Chambers school can be assured that our health and safety is being cared for and also the reassurance that my property value is not decreased from this facility being next door to my residence.

NOTE TO SELF IF I HAVE TIME TO SAY -

I BELIEVE THIS AREA IS A NO DRUG ZONE
DUE TO THE SCHOOL BEING HERE, ANY GUARANTEES
THERE ARE NOT!!!