

ULSTER TOWN BOARD WORKSHOP

October 29, 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 - Absent

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR NICKY B. WOERNER

Supervisor Woerner reported that Councilman Joel Brink is still in the hospital but is doing well. He is expected to return to work soon. He further reported that there was a typographical error in the 2008 Preliminary Budget in the highway computer line. It was a reduction of \$22,500. Councilman Artist requested a \$5,000 increase to the town supervisor salary line.

7:00 PM - 2008 Proposed Budget hearing

Supervisor Woerner opened the public hearing for the 2008 Proposed Budget at 7:05 PM

Mrs. Shirley Gaffney – Thanked the Town Supervisor for his work in getting grant money for the town senior center and recreation center. She inquired where additional money would be coming from to fund these projects.

Supervisor Woerner stated that he will seek money from all sources: Federal, State and local. He added that the buildings have not yet been sited but he will be working with the Town engineer on it.

Mr. Robert Barton – What is the fund balance now and what will it be at the end of the year? Supervisor Woerner stated that the figure fluctuates. At the beginning of this year, the balance was \$1,146,900.00. The Town Board is seeking to take out \$450,000.00 from the fund balance, leaving approximately \$690,000 before any unanticipated revenues and remaining fund balances are returned.

A discussion occurred about the difference between the contingency fund and the fund balance and other ways shortages are handled through line item transfers.

Robert Crane stated that he is in favor of this budget due the town using the unallocated fund balance to offset taxes.

Councilman Secreto motioned to close the public hearing at 7:18 PM

2nd by Councilman Artist

4 Ayes - Councilman Joel B. Brink was absent

Mr. Robert Barton – Can you explain what the proposed local law #5 is?

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Andrew Zweben, Town Attorney, stated the town is updating the law to include the Washington Avenue Sewer District and to make the law more consistent in its wording.

Supervisor Woerner table the 7:30 PM public hearing for \$ 750,000 relating to the Solar Energy Consortium and rescheduled it for November 19, 2007 at 7:30 PM.

Tomas Kacandes from Tech City stated a manufacturing company is interested in their facility and the Town Board is working to apply for a grant for federal money handled by the State to offer incentives for this business to come to the area. He asked the town to put off consideration of the grant until some negotiating between various parties is finished.

Acceptance of Road from the Oakwood Park Sub-division

Supervisor Woerner motioned to accept the road, with the name to be announced, located off of Pawan Circle. The road meets all the town standards. The speed limit is 30 MPH.

2nd by Councilman Secreto

A Roll Call Vote was taken - 4 Ayes - Councilman Joel B. Brink was absent

Police Fleet Maintenance Contract

Councilman David Brink motioned for the town to go out to bid for the 2008 Town Police Fleet Maintenance Contract. Bids are to be returned by November 30, 2007.

2nd by Councilman Secreto

4 Ayes - Councilman Joel B. Brink was absent

Proposed Local Law 5 of 2007, an Act to Amend the Sewer Law of the Town of Ulster to Include Washington Avenue Sewer District

Supervisor Woerner motioned to set a public hearing for proposed local law #5 for 7:45 PM on November 19, 2007

2nd by Councilman David Brink

4 Ayes - Councilman Joel B. Brink was absent

Awarding Uniform Contract to Uniform USA

Supervisor Woerner motioned to award the Town of Ulster Uniform contract to Uniform USA effective December 1, 2007

2nd by Councilman Secreto

A Roll Call Vote was taken - 4 Ayes - Councilman Joel B. Brink was absent

Setting a Public Hearing for the Oxygen Day Spa

Councilman David Brink motioned to set a public hearing for the Oxygen Day Spa located at 14 Van Keuren Highway (parcel # 48.50-01-07) for 7:50 PM on November 19, 2007.

2nd by Councilman Secreto

4 Ayes - Councilman Joel B. Brink was absent

Declaration of Lead Agency Status for the Dena Marie Plaza

Supervisor Woerner motioned to declare the Town Board's intent to be lead agency under the SEQRA process for the changes in the Dena Marie Plaza project located on 800 & 810 Miron Lane

2nd by Councilman Artist

4 Ayes - Councilman Joel B. Brink was absent

The Extension of Frank Sottile Boulevard

Mr. Dan Shuster reported that about a year ago, the Town completed an environmental review for the proposed extension of Frank Sottile Boulevard. After a lengthy process of reviewing a variety of projects, an east bound off and on ramp from route 199 at a cost \$6.5 M was considered the most cost effective and beneficial to the town. \$4.4 M from the state is available to complete the project. The remaining could be paid from the Road Improvement District. The bonds from this district will be paid off by the end of this year. A new or revised district can be formed to handle the cost of the project. The Town Board will have to make the determinations of boundaries. Once the district is created, an engineering service can be retained to start the process.

Town Attorney, Andrew Zweben, reported that he had discussion with the supervisor and the Town engineer about the project. He will need to generate a property list description.

Supervisor Woerner motioned to set a public hearing for December 3, 2007 at 7:30 PM for the proposed Road Improvement District for the proposed extension of Frank Sottile Blvd.

2nd by Councilman Artist

4 Ayes - Councilman Joel B. Brink was absent

7:45 PM - Providing for the Demolition and Removal of a Structure Located at 112 John Street

Supervisor Woerner opened the public hearing at 7:50 PM for the demolition and removal of the structure at 112 John Street.

Mr. James McCasland inquired about what the town has done to prevent any potential liabilities for the town in removing the structure.

Town Attorney, Andrew Zweben, stated that the Town is covered due to the health and safety issue. The Town is removing a building that is considered an attractive nuisance.

Mr. Robert Barton – Has anyone gone through the house to ensure there is nothing of value or any people inside?

Supervisor Woerner – The house will be checked by the fire department and the building inspector.

Supervisor Woerner entered the Town Building Inspector's records into the minutes. (see attached)

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Councilman Artist motioned to close the hearing at 7:57 PM

2nd by Councilman David Brink

4 Ayes - Councilman Joel B. Brink was absent

Councilman Artist moved to declare the building at 112 John Street to be a hazard and for the town to have the structure demolished and removed with the expense to be borne by the town and applied to the property owner.

2nd by Councilman Secreto

A Roll Call Vote was taken - 4 Ayes - Councilman Joel B. Brink was absent

Councilman Secreto announced that Post Park will be closed October 31, 2007. He thanked Frank Ritte and his staff for their work down there. He reported that the Town has received a recreation grant from Wal-mart for \$1,500. They also will donate all the food for a Thanksgiving Dinner at the Red Lobster, sponsored by the PBA & the Salvation Army. All are welcome to attend for a free meal.

Supervisor Woerner stated that this is the second Thanksgiving dinner. At the last one, over 700 meals were served.

Councilman Secreto further reported that the Town has received some volleyball equipment that is given to the schools. The town basketball league is full.

Robert Barton – What is going to happen to the traffic light on 9W/East Chester Street Bypass? Supervisor Woerner stated that the gentleman from Dena Marie Plaza has a concern about it and it is being reviewed.

Mr. James McCasland – What is the fund balance?

Mr. Woerner stated that the fund balance is approximately \$1,136,900. \$450,000 of the fund balance is planned to offset the tax increase for the 2008 budget. The Town adopted a fund balance policy earlier this year.

Tina Carpino stated her concern about the blasting by Callanans in East Kingston that affects the residents' quality of life. The DEC renewed a permit to allow them to do so and the Town Board did not intervene. Supervisor Woerner stated that it was not in the Town Board's power to do so. There was a discussion pertaining to the procedure of collecting and comparing information from the blasting studies.

Mr. Richard Ulloa stated that when his project, the Oxygen Day Spa is approved at 14 Van Keuren Highway, the house on the property will be fixed up. There was concern at the Planning Board meeting about the house and he wanted to put this on the record.

Mr. Renno Budsiak – Is there a long term goal for a bridge for Sottile Blvd and is there a long term land accusation plan?

Supervisor Woerner – Yes. The first stage offers 60% of the benefit at a fraction of the cost. The bridge is the long term goal.

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Town Attorney Andrew Zweben – There is work that has to be done. He cited that the Town has an agreement with the Quick Stop project. The carwash building is built on the right of way where the road runs and it will have to be removed when the road project comes to fruition.

Councilman Secreto motioned to adjourn the meeting at 8:28 PM

2nd by Councilman David Brink

4 Ayes - Councilman Joel B. Brink was absent

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk



Town of Ulster Building Department

1 Town Hall Drive

Lake Katrine, New York 12449

Office: (845) 340-3884 Fax: (845) 340-3886

October 12, 2007

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

Members of the Town Board,

According to the Town of Ulster Assessor, Julius Chick is the owner of property located at 112 John Street, Kingston, NY 12401.

Following is a summary of the history of the parcel:

- 1985** - Mr. Davide agrees to remove existing house due to not getting UC Health approval for water and septic (letter from Lou Perry)
- 1992** - Directive to remove junk - Lou Perry
- 1993** - Order to Remedy - unsafe - dilapidated 1-family dwelling
- 1994** - Correspondence concerning clean up - removal of junk - Lou Perry
- 1995** - Accusatory Instrument - trial notice for 4/20/95 - Unsafe Dwelling
- 1996** - Mr. Ross Jones oversees property
- 1997** - Order to Remedy to Ross Jones - overgrowth
- 1999** - Letter from Don Smith - house in poor condition
- 2001** - Joe Alecca - Order to Remedy - Unsafe Building
- 2004** -

On July 13, 2004 this office received a complaint about an unsafe structure. An inspection on July 23, 2004 confirmed that the vacant structure was unsafe and should be demolished.

On August 10, 2004 the structure was posted "Unsafe" and a Notice of Violation Order to Remedy was sent to Mr. Chick.

On August 20, 2004, Mr. Chick met with the Building Inspector, Mr. Petersen, and discussed options to correct the violation. He was given until October 1, 2004 to submit a plan to the Building Department.

September 28, 2004 Mr. Chick stated that he would be securing the building.

October 5, 2004 a letter was sent to Mr. Chick informing him of the requirement prior to the issuance of a building permit.

2006

October 27, 2006 - An inspection confirmed that the structure is "Unsafe". The structure was posted "Unsafe".

November 17, 2006 - Notice of Violation/Order to Remedy was issued for "Unsafe Building".

December 5, 2006 - Mr. Chick contacted this office and informed us that he was making arrangements with his cousin Jeff Chick to demolish the building. An applicant came to the office and picked up a demolition permit application. There has been no further communication from either Julius or Jeff Chick .

2007 February 21, 2007 - Order to Remedy / Notice of Violation issued for "Unsafe Building". Mr. Chick was given ten (10) days from receipt of notice to respond. March 14, 2007 - Mr. Chick signed receipt .

March 26, 2007 - letter from Julius saying he wants to remove the building

March 27, 2007 - phone call to Julius - sent him a third party authorization form for his cousin to remove the building. Contacted Julius informing him that he is to contact us with to begin the process.

May 10, 2007 - Received third party giving consent to a William Johnson for demolition

I have been unable to reach Mr. Johnson, and there has been no action taken by Mr. Chick or Mr. Johnson.

The condition of the structure involves imminent danger to human life and safety, it is in danger of collapse. Due to the amount of time that this office has been working with the owners and the condition of the structure, it is the opinion of this office that the Town of Ulster take action to have the structure demolished. Such costs should be charged to the owner of the premises involved and collected in the manner provided by law.

Respectfully,



Day Minervini
Code Enforcement Officer



Town of Ulster Building Department
 1 Town Hall Drive, Lake Katrine, NY 12449
 Office: 845-340-3884 Fax: 845-340-3886

NOTICE OF VIOLATION TOWN CODE

ORDER TO REMEDY

Dated: February 21, 2007

Julius Chick
 1949 Kusaie Drive
 Jacksonville, FL 32246-1726

REFERENCE:

112 John Street
 Kingston, NY 12401

Tax Map:48.52-5-2

Dear Mr. Chick,

According to the records of the Town of Ulster Assessor, you are the owner of property located at 112 John Street, Kingston, NY 12401. On October 27, 2006, and again on February 21, 2007, I observed the following apparent violations of The Town of Ulster Zoning Law on your property, specifically the following:

Unsafe Building:

The building is unsafe and a hazard to surrounding people and property

ARTICLE II: Administration and Enforcement

CHAPTER §61-16. Unsafe buildings and premises

A. All buildings or structures which are structurally unsafe, unsanitary or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use are a hazard to safety or health by reason of severally, for the purpose of this section, unsafe buildings or premises, all such unsafe buildings or premises are hereby declared illegal and shall be abated by repair and rehabilitation, or clearance, or by demolition in accordance with the procedure of this section.

Conclusion:

You are hereby directed to apply for a demolition permit to demolish the structure. This is the second and final directive before formal enforcement action.

If you do not take the requested action or make other arrangements with this office within ten (10) days of this notice we will begin formal enforcement action against you. You will NOT receive an additional warning before we begin formal enforcement action.

§ 96-5. Enforcement procedures.

A. Violations of this chapter shall be subject to a fine not exceeding two hundred fifty dollars (\$250.)

B. Upon default of the owners, or other persons responsible therefore, to perform the work as specified in § 2 and 3, the town may perform the same and upon receipt of a verified statement of the town building inspector or a code enforcement officer or their assistants who shall cause such work to be performed, the town board shall direct that the amount thereof be added to the next assessment roll of general town taxes and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties, as the general town tax and as a part thereof.

THIS IS THE ONLY LETTER YOU WILL RECEIVE. Your next communication from us will involve formal enforcement action.

If you wish to discuss any aspect of your case, you can call me at (845) 340-3883.

Sincerely,

Day Minervini
 Day Minervini
 Code Enforcement Officer

Dear Day:

My cousin Jeff Chick went out to East Kingston to demolish the house when he was told that the siding was asbestos and he couldn't tear the house down. So my question to you is what is going on. Do you want the house torn

OVER →

down Ya or No? Please call me so we
can solve this problem? Also is the
house next to Cahills house on John
street still standing after all these
years?

I really would like to come to
some kind of closure so
please call me.

Julius A. Chis
904-402-6860