

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

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:18 PM

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman David Brink motioned to approve the minutes of October 29, 2007 and November 19, 2007

2nd by Councilman Secreto

All Ayes

PUBLIC COMMENT

Supervisor Woerner reported that there are still issues that need to be resolved for the Oxygen Day Spa in regard to a memorandum of agreement for installation of sidewalks so the agenda item will not be acted on. Town Attorney Zweben reported that the agreement has to be rewritten as there were alterations to the document that were not acceptable by the Day Spa Attorney. If an agreement is not able to be reached, the Town Board will have to take that into consideration when they make a determination on the site. He did not let Mr. Ulloa sign the contract at the meeting, stating legal ethics, as he did not have his retained legal counsel present.

Mr. Robert Barton – What is the discussion about in regard to the Town Transfer Station? Is it financially self-sustaining? Is it proper to have a PILOT for Chambers Housing on the agenda and not have any papers to look at in the Town Clerk's Office?

Supervisor Woerner stated that the discussion will be about the hiring of employees at the transfer station. It has not been self-sustaining. The Town raised the fees earlier in the year and he will have to review the books at the end of the year to make adjustments. The PILOT is still being discussed so there are no final items available.

Councilman Secreto stated that the Town Board will be going into executive session to discuss the matter.

William Kimble – Will the Town Board be directly talking to an attorney in executive session in regard to the PILOT agreement?

Attorney Elena Defio Kean – Yes.

Brett Kropf – Inquired about the impact of the phase 2 Chambers Housing PILOT program on the town taxpayers, what was different from phase 1 and how the assessor has been involved?

Mr. Michael Berardi – Will this contract for the PILOT supercede the first part of the contract? He requested that information be made available in this matter so that the public can make comment on it before the Town Board takes action.

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Attorney Elena Defio-Kean – She reported that this contract will not affect phase 1.

Howard Messer – He represents Birches Association, the Chamber Housing Project Phase 2 and stated he is looking forward to the development and building of this project as it provides 64 units of senior housing needed in the area. The PILOT is comparable to the other in the town. The PILOT does not cover special districts.

Peter Burnett – Inquired about unanswered questions at the last few meetings in regard to the Oxygen Day Spa. He read the attached e-mail letter and submitted a list of questions in regard to the project into the record (see attached).

Mark Kuhnel – He stated his concern about the traffic that the Oxygen Day Spa will bring to the area. He requested that a traffic study be performed before any approval is given as there is a Laundromat. He requested a buffer be added to the project, so that his property has some privacy and that items on the Town Board's agenda be made available sooner to the residents.

Mr. John Miggins – What has the Town Board determined about the Oxygen Day Spa? What was the fine for using the property as a residence when it was a commercial property? He requested that the Town Board require a traffic study.

Supervisor Woerner stated that he has determined that, for a few months in the 2006 and 2007 year, social services made payments for one to two people living in the building. This has led to an investigation being performed by the Town Building Inspector. The Town has spoken to several individuals who work in probation and it was a known place to find housing, but was not under contract by any agency.

A discussion occurred about the traffic flow to the Oxygen Day Spa as there is a discrepancy in the estimated number of vehicles going to and from the location. A total of 3 cars per hour (in a ten hour period) to the location appeared to be a more appropriate figure, but these were unconfirmed numbers and will be discussed later.

COMMUNICATIONS – none

COMMITTEE REPORTS

Councilman Secreto reported from the Highway Committee, that the highway crew has been busy plowing the snow. He will be working to enforce the local law on keeping the sidewalks clear of snow in the Township. Councilman Joel B. Brink added that it is important to keep the fire hydrants clear of snow as well.

Councilman Secreto reported from the Recreation Committee that the programs are running well.

Councilman Secreto reported from the Finance Committee, that the abstract had been reviewed. He thanked all the people who participated in the process and prepared the abstract.

Councilman David Brink moved to hire Stacey Ostrander, as a data entry clerk for the Building Department, with a starting salary at the appropriate step and grade as per the union contract, effective January 2, 2008

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

DEPARTMENT HEAD REPORTS

Highway Department – Mr. Donald “Mac” Tinnie reportfor the last time that all is well at a Town Board meeting as Highway Superintendent. In his report, in the recent storm, one of the trucks had a problem but it is fixed and back to work.

Building Department – The monthly report was read by the Building Inspector, Paul Economos.
Town Clerk – The monthly report was read by Town Clerk Cosenza.

Police Department- Police Chief Paul Watzka read the monthly report. The PBA hosted a movie at the Hudson Valley Mall and about 500 children attended.

Waste Water Department – The monthly report was read by Mr. Corey Halwick, the Waste Water Superintendent. All plants are running well.

Assessor’s Office – Mrs. Nancy France, the assessor’s office manager, reported for Mr. Maloney, that exemption applications are being processed and properties are being examined. A meeting is planned with the Kingston and Saugerties School Districts to discuss expanding the Fire Fighters and Ambulance exemptions to those tax districts. She further reported from the flood coordinator that the newly proposed flood maps by FEMA are available for review by the public and are disputable, as it may affect a person’s property. Once the 90 day appeal process is over, the Town Board must adopt the map in order for the town and its residents to participate and qualify for the national flood insurance program. All the maps will be posted in the Highway Department and on the website. In regard to the flood mitigation committee, there is a need for a flood mitigation plan. Mr. Maloney recommended that the town participate in the County Program by resolution. The Town needs to appoint a contact person and an alternate. Further, she suggested that a larger committee be formed with Mr. Maloney as the head contact and Frank Petramale as the alternate.

Supervisor Woerner – Stated that the town has formed a flood hazard mitigation committee and he will speak to Mr. Maloney to see if it needs to be altered.

Supervisor Woerner moved that the town participate in the Ulster County Flood Mitigation Plan.
2nd by Councilman David Brink
All Ayes

Supervisor Woerner appointed James Maloney as the contact/representative for the Ulster County Flood Mitigation Plan and James Corrigan as the alternate
2nd by Councilman Secreto
All Ayes

Councilman Joel B. Brink motioned to approve the following:

ABSTRACT OF CLAIMS

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	1201-1222	9,579.48
ULSTER WATER	1201-1203	284.08

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HALCYON PK. WATER	1201	394.00
SPRING LAKE WATER	1201-1202	119.91
BRIGHT ACRES WATER	1201	213.43
WHITTIER SEWER	1201-1202	748.48
ULSTER SEWER	1201-1204	10,266.04
WASHINGTON AVE. SEWER	1201	80.09
SPECIAL LIGHT	1201-1206	3,425.05
ALL OTHERS		
GENERAL	1201-12134	116,338.81
HIGHWAY	1201-1232	79,381.49
WHITTIER SEWER	1201-1209	1,092.98
ULSTER SEWER	1201-1220	16,378.94
WASHINGTON AVE. SEWER	1201-1202	2,304.12
ULSTER WATER	1201-1213	8,614.06
HALCYON PK. WATER	1201-1206	1,549.46
SPRING LAKE WATER	1201-1202	50.00
BRIGHT ACRES WATER	1201-1205	649.00
CHERRY HILL WATER	1201-1202	50.00
GLENERIE WATER	1201-1202	50.00
EAST KINGSTON WATER	1201-1202	50.00
INSURANCE (ALL FUNDS)	1201-1219	101,726.36
MEDICARE REIMB.		11,615.70
CAPITAL PROJECTS		
TRUST & AGENCY	1201-1209	12,125.00
DRAINAGE PROJECTS	1201-1203	4,730.00
	TOTAL	\$ 381,816.48

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

Supervisor Woerner motioned to approve the following as submitted:

Budget Modifications:

General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A51104 (Approp.Reserve-Softball League) payments	
	to: Fowler & Keith garden hoses & sump pump	10.00
	Frank Peterson - Field Prep. Oct. 9-Nov.5th	225.00
	Central Hudson - electric	225.29
	Lowe's - plumbing supplies	8.38
	Herzog - rapid dry mix	106.00
	Sky Top - banquet deposit	1,000.00
	Deures's Trophies - trophies	798.50
	Ryan Whitaker - forfeit fees	140.00
	Mike Colon - forfeit fees	140.00
	Koerner Construction - forfeit fees	140.00

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	TOTAL	2,793.17	
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) payments to:		
	YMCA - 2 player benches	550.00	
	Anaconda Sports - shirts	1,318.65	
	Anaconda Sports - T-shirts & sweatshirts	126.00	
	Anaconda Sports - shirts, scorebooks, basketballs carrier, & first aid items	723.35	
	TOTAL	2,718.00	
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Volleyball Reserve) payments to Anaconda Sports for a gameball bag	10.00	
General Fund	Modify Revenue (Gifts & Donations) to be funded and appropriation A2989.400 (Dare Program) donation from Joseph & Janet Polito	100.00	
Highway Fund	Modify Revenue D3501 (Chips Aid) and appropriation D5112.200 (Chips Program) additional funding not budgeted	5,225.56	
Ulster Sewer	Modify Revenue SS2-4960 (Emergency Disaster Assistance) and Appropriation SS2-8760.400 (Emergency Disaster Work) FEMA Aid for sewer main flooding - Esopus Ave between Orlando Street & Ulster Ave	37,298.29	
Ulster Sewer	Modify Revenue SS2-4960 (Emergency Disaster Assistance) and appropriation SS2-8760.400 (Emergency Disaster Work) Federal Aid for sewer line repair - Esopus Ave east of Orlando Street	114,628.07	
Ulster Sewer	Modify Revenue SS2-4960 (Emergency Disaster assistance) and appropriation SS2-8760.400 (Emergency Disaster Work) FEMA Aid - washout around sewer pipe - service road off State Route 209	15,814.48	
General Fund	Modify Revenue A4960 (Emergency Disaster Assistance) and appropriation A8760.400 (Emergency Disaster Work) Flood aid for damage to basement in Town Hall - \$12,139.30 and A1620.454 (Maintenance) flood aid \$268.37	12,407.67	
General Fund	Modify Revenue A4960 (Emergency Disaster Assistance) and appropriation A8760.400 (Emergency Disaster Work) Flood aid for repairs to Orlando St. Ballfield - \$2,133.48 and A1620.454 (Maintenance) flood aid - \$590.62	2,724.10	
General Fund	<u>Transfer From</u>	<u>Transfer To</u>	
	A1110.102 Ct. sec Officer	A1220.101 Sec. Salary	2,512.00
	A1110.102 Ct. sec Officer	A1220.103 P/T Payroll clerk	3,825.00

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A1110.102	Ct. sec Officer	A1220.403	Office suppl.	8.00
A1110.102	Ct. sec Officer	A1220.404	Payroll Servs.	3,200.00
A1110.102	Ct. sec Officer	A1220.410	Computer Tech	1,392.00
A1110.405	Credit Cd Process	A1220.410	Computer Tech	1,593.00
A1320.400	Computer Suppl.	A1320.200	Computer Equip	1,133.00
A1320.403	Office Supplies	A1320.401	IBM Contractual	168.00
A1345.400	Meet.& Instr.	A3130.200	Computer Equip	4,877.00
A1355.200	Equipment	A1320.200	Computer Equip	575.00
			Data	
A1220.401	Meet. & Conf.	A1320.404	Processing	1,000.00
			Data	
A1330.400	Tax Prep.& Data	A1320.404	Processing	248.00
	Equipment		Data	
A1355.200		A1320.404	Processing	125.00
A1355.200	Equipment	A1355.405	Mileage	680.00
A1410.410	Computer Tech.	A1410.404	Law Books	33.00
A1990.400	Contingency	A1420.400	Legal Fees	24,000.00
A1620.400	Town Hall Renov	A1420.400	Legal Fees	4,000.00
A1450.400	Elec Inspcts.	A1440.400	Engineering	990.00
A1450.400	Elec Inspcts.	A1450.101	Custod, Rep	700.00
A1450.400	Elec Inspcts.	A1450.409	Rep. & suppl	1,607.00
A1620.400	Town Hall Renov.	A1620.454	Maintenance	2,300.00
A1620.400	Town Hall Renov.	A1621.407	Electric	650.00
A1620.400	Town Hall Renov.	A1621.408	Rep & Suppl	900.00
A1620.400	Town Hall Renov.	A1670.415	Legal Notices	1,000.00
A1620.400	Town Hall Renov.	A1920.400	Dues	35.00
A1950.400	Taxes & Assess.	A1989.400	Grant Writer	418.00
A1460.400	Records Manage	A1989.400	Grant Writer	107.00
A3310.433	Two Way Radio	A3310.434	St. signs, sgnls	1,080.00
A3620.102	Clerk's Wages	A3310.434	St. signs, sgnls	1,563.00
A3620.102	Clerk's Wages	A3620.100	Bldg, Inspct, Sal	4,440.00
A3620.102	Clerk's Wages	A3620.200	office equip	4,500.00
A3620.404	off.,equip.,maint	A3620.403	office supplies	700.00
A7110.200	equipment	A7110.101	park attendants	2,537.00
A7110.200	equipment	A7110.102	pk/grnds wages	656.00
A7110.200	equipment	A7110.406	telephone	707.00
A7110.421	veh. maint.	A7110.420	gas & oil	480.00
A6510.423	suppl & flags	A7110.420	gas & oil	17.00
A6772.400	prog.for aging	A7110.426	rep. constr	2,500.00

General Fund

<u>Transfer From</u>	<u>Transfer To</u>	
A7110.200	equipment	A7140.400
A7110.200	equipment	A7140.201
A8010.415	legal notice	A8010.400
A8989.400	landfill fees	A8160.401
A9060.800	hosp.& dntl	A8160.401
A9055.800	disability insur	A8160.401
A8160.421	veh. maint	A8160.430
A8160.420	gas & oil	A8160.402
		prog. Suppl
		rec.,equip.,grant
		ZBA
		dumping costs
		dumping costs
		dumping costs
		uniform rntl
		tub grinding
		10.00
		320.00
		67.00
		4,000.00
		15,505.00
		1,283.00
		2,026.00
		1,500.00

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A8160.492	recycling-tires	A8160.402	tub grinding	4,882.00
A3620.420	gas & oil	A9015.800	P&F Retirement	219.00
A8010.413	Sec. ZBA	A9015.800	P&F Retirement	2,000.00
A9010.800	State Retirement	A9015.800	P&F Retirement	21,533.00
A9050.800	Unemploy. Insur	A9015.800	P&F Retirement	3,422.00

Highway Fund	<u>Transfer From</u>	<u>Transfer To</u>			
	D5110.420	gas & oil	D5142.420	gas & oil	17,000.00
	D5130.413	rental	D5130.491	parts	20,000.00
	D5110.440	blacktop	D5112.200	chips	8,000.00
	D5110.440	blacktop	D5130.422	equip. maint	47,000.00
	D5110.438	engineering	D5130.429	oil, lubricants	3,000.00
	D5110.442	road oil	D5130.428	solvents	3,500.00
	D5110.445	blasting	D5142.437	meals	1,500.00
	D5142.449	calcium	D5142.448	cold patch	5,300.00

2nd by Councilman Artist

A Roll Call vote was taken – All Ayes

Public Hearing - Proposed Road Facilitation District for the Frank Sottile Blvd. Extension

Supervisor Woerner opened the Public Hearing for the proposed Frank Sottile Blvd. Road Facilitation District Extension at 8:12 PM

Town Attorney Andrew Zweben reported that there were some errors in the deed description. There are about four property owners in the district and the Town Board can alter the parcels in the district. He recommended that the Town Board hold the hearing open until the next board meeting.

Michael Berardi – Can the Town Board create an extension on a County Road? He suggested that the Town Board request the money again from the County.

Supervisor Woerner stated that he had contacted Ulster County Chairman David Donaldson (to have the county do it) because money from the county had been set aside several years ago.

Chairman Donaldson suggested that the town find the money another way. This is why the town is going out for bonding.

Supervisor Woerner will hold the meeting open until January 3, 2008. He will contact Legislator Brian Cahill and Legislator Elect James Maloney about money or services from the county for the road district.

Public Hearing for Proposed Local Law # 8 of 2007 – Amending Town Sewer Rates

Supervisor Woerner opened the Public Hearing for the proposed local law to amend the Town Sewer Rates at 8:23 PM

Robert Barton – He is against any proposed rate increase.

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Waste Water Superintendent Corey Halwick stated that there will be no rate increase, only the addition of the Washington Avenue Sewer District to have a fee list in the Town Code to charge people.

Councilman Artist motioned to close the public hearing at 8:30 PM
2nd by Supervisor Woerner
All Ayes

Councilman Artist motioned to approve the following:

**A LOCAL LAW AMENDING AN EXISTING LOCAL LAW
LOCAL LAW No. 6 OF THE YEAR 2007**

A Local Law amending Local Law No. 2 of the Year 2007 pertaining to Town Fees.

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

SECTION I. AMENDMENT

Subsection "I" of section A194-1 of the Code of the Town of Ulster is hereby amended so that its current provisions are repealed and it shall hereafter read as follows:

I. Sewer rates

Ulster Sewer District: Five thousand (5,000) gallons or any portion thereof in each quarter: seven dollars and fifty cents (\$7.50). For over five thousand (5,000) gallons, one dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or any portion thereof.

Washington Avenue Sewer District: Five thousand (5,000) gallons or any portion thereof in each quarter: thirty-eight dollars and ninety cents (\$38.90) in 2007 and forty-two dollars and eighty-five cents (\$42.85) in 2008. For over five thousand (5,000) gallons, seven dollars and seventy-eight cents (\$7.78) per one thousand (1,000) gallons or any portion thereof in 2007 and eight dollars and fifty-seven cents (\$8.57) per one thousand (1,000) gallons or any portion thereof in 2008. Each property that is not serviced by municipal water shall be charged one hundred and fifty dollars (\$150.00) in each quarter or for the actual use as above if the private well that services the property has a meter accessible to the Sewer District.

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 invalidat 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.

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SECTION III. EFFECT OF AMENDMENT

Except as herein modified, Local Law No.2 of the year 2007, and any subsequent valid amendments thereto, are hereby ratified and confirmed.

SECTION IV. 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

Public Hearing for Local Law # 7 of 2007 – Establishing a Five Member Police Commission.

Supervisor Woerner opened the Public Hearing for the proposed local law #7 to establish a five member police commission at 8:31 PM.

Mr. Nelson White – He is in favor of the five member police commission. He inquired into what prompted the change from a three member commission to a five member commission.

Supervisor Woerner – He stated that he has reviewed the matter and feels it is time for a five member commission.

Eric Kitchen – Inquired if people who had submitted letters of interest for the past opening on the police commission should reapply for the newly formed five member commission.

Supervisor Woerner – Yes.

Councilman Artist motioned to adjourn the public hearing at 8:34 PM

2nd by Councilman David Brink
All Ayes

Councilman Secreto motioned to approve the following:

**TOWN OF ULSTER
Local Law Number 7 of 2007.**

Providing for the establishment of a Police Commission consisting of five (5) members be it enacted by the Town of Ulster as follows:

Section 1. Short Title

An Act Creating a Five Member Police Commission in the Town of Ulster.

Section 2. Declaration of Policy.

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The Town of Ulster has determined that it would be in the interest of the public to create a Police Commission consisting of five (5) members including the Supervisor, a member of the Town Board and three (3) civilian residents of the Town.

Section 3. Definitions.

A.

“Police Commission”, means the Police Commission of the Town of Ulster as established by the Town Board by resolution passed pursuant to the provisions of New York Town Law § 150.

B.

“Supervisor”, means the Supervisor of the Town of Ulster duly elected to such office pursuant to the laws of the State of New York applicable thereto.

C.

“Town Board Member”, means a person duly elected to the office of Town Councilman pursuant to the laws of the State of New York applicable thereto.

D.

"Member", means an individual appointed by the Town Board to serve on the Police Commission of the Town of Ulster.

Section 4. Authorization / Effect

A.

The Town Board of the Town of Ulster hereby enacts this local law to provide for the creation of a five member Police Commission consisting of the Town Supervisor who shall serve ex-officio and a Town Board Member and three (3) additional members who shall be appointed as provided herein.

B.

One Member of the Town Board, in addition to the Town Supervisor, shall be appointed to serve on the Police Commission for a term of one year commencing January 1, 2008 or as soon thereafter as this Law shall become effective and each succeeding January 1 thereafter. The appointment shall terminate on the 31st day of December of 2008 and each succeeding year thereafter.

C.

Three (3) members shall be appointed to the Police Commission as provided herein. The members of the Police Commission, other than the Town Supervisor and the Town Board member who shall be appointed as provided above, shall be appointed for a three (3) year term except that upon the appointment of the initial members of the Board, one such member shall be appointed for a one (1) year term, one such member shall be appointed for a two (2) year term and one such member shall be appointed for a three (3) year term. Thereafter, the terms of all such members shall be three (3) years each. All members so appointed shall, at the time of their appointment and throughout their term, be electors of the Town.

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Section 5. Supersession of Town Law.

This local law is hereby adopted pursuant to the provisions of New York Municipal Home Rule Law Sec. 10. It is the intent of the Town Board of the Town of Ulster pursuant to New York Municipal Home Rule Law Sec. 10 to supersede the provisions of New York Town Law Section 150 (2) relating to the establishment of and number of members of a Police Commission.

Section 6. Severability.

If any provisions of this local law are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the local law shall remain in effect.

Section 7. Effective Date.

This local law shall take effect upon filing with the Secretary of State.

2nd by Councilman David Brink
All Ayes

Supervisor Woerner turned the meeting over to Councilman Artist to Chair at 8:35PM

Councilman Artist motioned for a recess at 8:36 PM to discuss with Attorney Elena Defio-Kean
2nd by Councilman Secreto
All Ayes

The meeting resumed at 9:30 PM

Acting Chairman, Councilman Artist stated, based on advice from Council, that the Town Board pull the PILOT for Birches at Chambers from the agenda.

Councilman Artist motioned to set a special Town Board meeting for Thursday, December 27, 2007 at 7 PM to discuss the PILOT for Birches at Chambers.
2nd by Councilman Secreto
All Ayes

Personnel Appointments of the Town of Ulster Highway Department.

Supervisor Woerner moved to approve the following, effective January 1, 2008

Employee	Title	Grade	Step	Pay Rate/hr
James Corrigan	Working Supervisor	10	4	\$19.99
Charles Freer	Road Maintenance leader	9	5	\$19.70
Kirk Felton	HMEO	8	5	\$19.34
James McGee	HMEO	8	5	\$19.34
Brian Gavin	MEO	6	1	\$12.53
Brian Palen	MEO	6	5	\$18.39

2nd by Councilman David Brink

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A Roll Call Vote was taken – All Ayes

Site Plan of Proposed Oxygen Day Spa on Morton Blvd.

Supervisor Woerner reported that he will have a meeting with the Day Spa owner and, contingent on that, he will place it on the December 27, 2007 agenda.

Town of Ulster Transfer Station

Supervisor Woerner reported that Town Transfer Station Supervisor, Richard Weishaupt, was arrested by the Town of Ulster Police and charged with two misdemeanors and one felony. The misdemeanors are petty larceny and official misconduct for taking and allowing others to take materials from the transfer station. The felony is for filing a false instrument in regard to the town. The Town had appointed William Loeffler, as acting Transfer Station Supervisor at an earlier meeting. The town is accepting applications for a temporary Solid Waste Attendant position. A resignation has made a part-time position available as well. The Town Board authorized the supervisor to appoint a person into that position in an earlier meeting and he had appointed Joshua Brink. He further reported that the town did reduce their expenses for the Transfer Station. He was also able to increase the revenue by collecting monies for the materials being deposited, raising fees and selling scrap metal. He will accept applications for the temporary position. There will be further discussion in regard to the future of the Town Transfer Station.

Board, Committee and Personnel Appointments for 2008

Supervisor Woerner motioned to post the position of waste water maintenance worker by Wednesday, December 19, 2007 and all in house applications are due back by December 24, 2007 at noon.

2nd by Councilman Joel B. Brink

All Ayes

Supervisor Woerner motioned to post the position of Auto Mechanic at the Town Highway Complex

2nd by Councilman Joel B. Brink

There was discussion on whether the position is competitive or non-competitive. An answer will be forth coming from Ulster County Civil Service.

All Ayes

Supervisor Woerner announced that there are numerous appointed positions available in the town. He is looking for letters of interest for planning board, zoning board, deputy supervisor, and three positions on the police commission. There are positions for recreation commission and for the board of ethics as well. He requested the letters of interest be in by December 26, 2007.

Supervisor Woerner reported for the record, that he was made aware and had noticed a difference in representation (estimated traffic numbers) submitted for the Oxygen Day Spa and the numbers that were given by Mr. Richard Ulloa, the project owner during the Town Board meetings.

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Councilman Artist motioned to adjourn the meeting at 9:48 PM
2nd by Councilman David Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

From: Peter Burnett
[mailto:pburnett@kingstonnissan.net]
Sent: Friday, November 30, 2007 3:28 PM
To: 'Supervisor@townofulster.org'
Subject: Follow Up - Day Spa

Mr. Woerner,

My name is Peter Burnett. I'm a current resident within the Town of Ulster located near the proposed project on Van Keuren Hwy. I have some personal concerns about the existing property. I'm not quite sure the investigation was thorough enough to determine the merit of this new venture. I have personally observed the quality of his current property and the people living there. I question the relevance of his current commercial property being used as a residence and the fact that he has been sighted for this and still he is approved for a new business located on the same property. I plan to obtain as much proof as possible to create a question in your mind as well. You had a town meeting with a room full of concerned residence and your personal response was for us to provide you proof of our concerns. I feel this is your job as our town supervisor. You showed little to no concern and asked us to be responsible for the town you are in charge of.

Have you passed by the business being used as residence on Morton Blvd? You have suggested in the Daily Freeman article that the use of this house as a boarding facility was under review because it is not being used under its commercial zoning designation. Although this is a separate matter from the Day Spa isn't it relevant with him proposing new business on the same property? In an interview with the Freeman, Mr. Ulloa said the property is rented through a single individual and has had changes in tenants. Mr. Ulloa suggests that his commercial property is being leased by individuals who used to have issues. What does that mean? Is there reason for us to not be concerned? Our concern as town residence is based on the quality of life for ourselves and our families. In addition to our quality of life, our property value will be depreciated based on the additional business and the additional traffic.

I would appreciate further review of this application and an immediate response to my concerns.

Sincerely,

Peter Burnett

QUESTIONS RAISED AT 11/19/07 DAY SPA PUBLIC HEARING
REQUIRING TOWN RESPONSES

- **What was the outcome of your conversation with the Town Planner regarding the impact of this project on the quality of life and character of the neighborhood? Mr. Woerner suggested he would be speaking to the Town Planner directly after the last meeting.**
- **On what legal basis did you make a determination that you had the right to pick and choose what elements of the public presentations would become part of the hearing record?**
- **Have you made a determination, after speaking to the owner, what the nature of the residency is and why was this facility allowed to operate when specific violations were noted?**
- **Have you re-visited and re-evaluated the increased traffic issues and concerns as were expressed by the residents and what was the outcome?**
- **What is the town attorney's opinion regarding the legality of the connectivity between the group home or half way house and the Day Spa?**
- **What was the outcome of your conversation with Robert Sudlow from the Ulster County Probation Department regarding the two residents of 12 Van Keuren Highway who had recently been removed for violating their probation?**
- **Mr. Woerner, many times in the past few meetings, you have said that the proposed Day Spa and the property it is located on, exists on two parcels. Why do you keep saying that it is two when it is actually only one?
Parcel number 48.50 -1 -7**
- **Has the Town Attorney completed his investigation regarding any legal implications and the status of "boarding houses" within the town, and what were his results?**
- **How can the Town Board move forward with the proposed Day Spa with majority of these questions unanswered? The importance of these issues which were brought out at your last meeting deserves more of a thorough investigation before you proceed. The Day Spa proposal needs to be put on hold as your town demands answers! Mr. Supervisor and Town Board members, all we are asking for is an unbiased decision so as not to affect our neighborhood and our quality of life.**