

ULSTER TOWN BOARD MEETING  
DECEMBER 27, 2007 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:00 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

Supervisor Woerner announced that the resolution for authorizing a Payment in Lieu of Taxes Agreement (PILOT) for the Birches at Chambers Affordable Senior Housing Project (Phase 2) was pulled from the agenda at the request of the Town Board. He further added that the Oxygen Day Spa discussion was pulled from the agenda as he was unable to have a meeting with Mr. Richard Ulloa.

**Public Comment**

Mr. Robert Barton – Has the time for the PILOT program for Chambers Phase I passed to allow for revision? He recommended that the Town Board not change the PILOT program because he and other residents are not allowed a PILOT program nor a reduction in taxes.

Supervisor Woerner stated that the PILOT was set for a period of time and the developer had requested that the Town Board revise the current agreement due to various circumstances

Mrs. Barbara Wise – Requested that copies of the Phase II PILOT for Chambers Housing be available to the public.

Mr. Peter Burnett read an article from the local newspaper about Steve Aaron donating money to the City of Kingston to pay for a senior citizen Christmas party that was canceled due to lack of funding. He is not in favor of a reduction in the PILOT for Chambers Housing Phase I.

John Boyd – Feels if there is a proposal for a reduction in a PILOT program then it should be made available in advance for the public to comment on it intelligently. He further feels that it is unfair to the other seniors and regular tax payers in the community to reduce the PILOT. He requested the percent number the PILOT of the assessment value covered and how it will be adjusted as other taxes are raised (or lowered)?

Mr. Michael Berardi discussed, for clarity, with the Town Supervisor that there are two separate PILOT program agreements for two separate projects on the same property.

Mr. Brett Kropf – Stated that Steve Aaron is receiving political favoritism, in being placed on the agenda toward the end of the year during a holiday session, due to his family relationship to the Town Supervisor. He requested that the Town Board not act on the PILOT reduction until a regular scheduled meeting, due to the conflict of interest with Councilman Artist's and the Town

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Attorney Andrew Zweben's business relationship with Mr. Aaron. At that time Mr. Eric Kitchen would be sworn in.

Supervisor Woerner stated that Steve Aaron is married to his second cousin and that Councilman Artist was cleared of any conflict of interest, as a resident filed suit with the town in regard to this issue and it was dismissed in county court.

Gentleman from the audience inquired what is being paid on each unit in the Phase I PILOT for Chambers Housing .

Councilman Secreto stated that, on the average, \$579 is being paid per year on a unit, with taxes and special districts combined, a payment of \$41,000.

John Boyd – What percentage of the assessed value of the property is being paid (paid now as to what would be paid)? He is not in favor of lowering the PILOT program.

Supervisor Woerner stated that the parcel is assessed at \$1,799,000.00 so the market rate would be slightly under \$80,000.00 for all taxes (confirmed by the Town Assessor, James Maloney). The project is exempt from the School and County taxes so all that money is going toward the town.

Mrs. Daphne – Expressed gratitude for Mr. Aaron's generosity for sponsoring the City of Kingston New Year's Eve Party. She further inquired on what Seven Greens pays the Town? Supervisor Woerner stated that Seven Greens pays on their special district taxes and is wholly exempt from town, county and school taxes.

Mrs. Hotaling – Expressed gratitude for Mr. Aaron's generosity.

Mr. Steve Williams – Expressed his concern about the seniors who pay the rents at the Chamber's Housing who live on a fixed income.

Mr. John Miggins – Requested the same tax decrease, if approved, that is being offered to Chambers Housing.

A lady from the audience who lives in Chambers Court – She expressed appreciation for the Chambers Court Housing Project and noted her fixed income.

Eric Kitchen – Requested the Town Board hold off on voting for the Chambers PILOT agreement, Phase I, until people have a chance to review it.

Mrs. Barbara Wise – She stated that no one is “anti-senior” or against the project for the seniors. She feels that the original PILOT was rushed due to a last minute deadline, but everyone agreed to a payment per unit and if the rents went up so did the PILOT payment. She heard (a rumor) that if Mr. Aaron didn't get the PILOT decrease, then the seniors will have to pay and she feels this is wrong to force the Town Board to act with little notice. She does not feel that it has to be an “us versus them” situation.

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Mr. Francis Fatum – He is happy with Chamber Housing. There are around 200-250 applications to live here. The money that is raised is taken from people on a fixed income and removes quality of life expense.

Mr. Edward Fox – Was the Town Assessor involved in the original Chamber Housing PILOT program and is he involved in the new program? He feels that the PILOT program is being rushed and it is being reduced to a very small amount of money with little time to discuss the matter to ensure that all parties will be satisfied.

Supervisor Woerner stated that the Town Assessor was involved in the original PILOT.

Mr. James Maloney, the Town Assessor, stated that he did negotiate the first PILOT in 2002/2003. He was not included in the negotiation of the Phase II PILOT nor the Phase I PILOT reduction. His involvement for the PILOT reduction was a meeting with two members of the Town Board on Saturday and earlier this evening at 5 PM.

Supervisor Woerner turned the meeting over to Councilman Artist to chair at 7:38 PM

Councilman David Brink moved to adopt the following:

**Request from Birchez Associates LLC regarding a reduction in the PILOT for Phase I Project - Chambers Senior Housing.**

Resolution Authorizing an Amendment to the Agreement for Payment in Lieu of Taxes ("PILOT") between the Town and Chambers Senior Housing Limited Partnership dated March 27, 2003

WHEREAS, Chambers Senior Housing Limited Partnership (the "Company") was formed as a redevelopment company pursuant to Article V of the Private Housing Finance Law of the State of New York and undertook and completed the construction of a 72 unit new construction affordable senior citizen housing complex in the Town of Ulster (the "Project"); and

WHEREAS, the Town Board of the Town of Ulster by resolution granted the Project a partial exemption from real property pursuant to Article V of the Private Housing Finance Law; and

WHEREAS, the Company has advised the Town Board that this partial exemption is not a sufficient enough exemption to ensure the proper operation of the Project as a financially feasible affordable senior citizen housing project and has requested an exemption on the same terms as the exemption the Town Board has granted to a Project undertaken on adjoining real property by Birches Associates, LLC. ; and

WHEREAS, the Town Board has considered the financial implications relating to the Project and finds that it is desirable and in the public interest for the Town to grant such modified Tax Exemption to encourage a sufficient supply of adequate, safe, and affordable housing for senior citizens in the Town; and

NOW THEREFORE BE IT:

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RESOLVED, that the Town Board pursuant to the Private Housing Finance Law, including, but not limited to sections 125 and 577, or any other provision of New York State law which vests it with authority to so do so, hereby grants an exemption from real property taxes as follows:

An exemption is granted from local and municipal taxes, other than assessments for local improvements, of 100% of the value of the property and the Project, including both the land and improvements, commencing upon the effective date of the full executed amended PILOT agreement entered into between parties, as authorized by this resolution ("Effective Date") and terminating on the same date as set forth in the original PILOT agreement ("Expiration Date"); and

Commencing upon the effective date and during each year after until the expiration date, the Partnership, as beneficial owner, shall make real estate tax payments in the annual amount of One Hundred Dollars (\$100.00) per unit with an annual increase in an amount equal to two (2%) percent of the gross rental increases of the preceding year, and be it further

RESOLVED, the Supervisor is hereby authorized to effectuate the execution of such modified and amended PILOT to reflect terms set forth herein; and be it further

RESOLVED, that the Company is authorized should it elect to do so to convey legal title of the Project to a housing development fund company formed pursuant to Article XI of the Private Housing Finance Law and terminate its status as a redevelopment company without recourse and be it further

RESOLVED, that the Supervisor of the Town of Ulster is hereby authorized and directed to execute and deliver an agreement on behalf of the Town, and the Supervisor and Assessor are authorized and directed to take any and all actions necessary and/or required to effectuate such Tax Exemption.

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

There was a discussion among the Town Board about the resolution. Councilman Joel B. Brink feels that the proposed PILOT is too low. Councilman Secreto feels the market rate for taxes should be made comparable to other similar units. Councilman David Brink concurred. Councilman Artist feels that the developer was over charged from the first PILOT.

A Roll Call Vote was duly taken:

Councilman Artist	-	Aye
Councilman David Brink	-	Aye
Councilman Joel B. Brink	-	Nay
Councilman Secreto	-	Aye
Supervisor Woerner	-	Abstained

Supervisor Woerner resumed the chair at 7:52 PM

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**Filling of a Part-Time Position at the Town Transfer Station.**

Supervisor Woerner moved to hire Joshua Brink as a part-time attendant for the Town Transfer Station at the same rate of pay as the previous individual (he was moved from a temporary full-time attendant)

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

4 Ayes – Councilman David Brink abstained

It was noted for the record that Joshua Brink is the grand nephew of Joel B. Brink and the grandson of David Brink.

**Filling of Temporary/Full-Time Position at the Town Transfer Station.**

Councilman Secreto moved to hire Steve Williams as a temporary full-time attendant for the Town Transfer Station at a rate of pay per contract

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

4 Ayes – Supervisor Woerner abstained due to being related to Mr. Williams

Councilman Artist motioned to adjourn the meeting at 7:57 PM

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

All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk