

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK
TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR NICKY B. WOERNER

Robert Barton inquired about what the DNA testing was for in the budget modifications. Has the Police Department overspent its 2007 budget?

Supervisor Woerner explained that the DNA testing was a reimbursement from the county. He further explained that the police salary overrun is in part due to general receivables from other government agencies that have not been received, but the police budget has been overrun. The exact amount is not known, as all money due back has not been received.

Michael Berardi inquired about the reimbursements for police salaries.

Supervisor Woerner explained that money is received into the general fund and then the money is adjusted through budget modification into the budget lines. The expenses are not easily projected as situations occur that increase costs.

Councilman Joel B. Brink motioned to approve the following with a correction to the last page of the abstract, account HDR-5110.401, bill #101, Brinner and Larious changed to Andrew Zweben for services rendered, with the amount to remain the same, \$400.00.

ABSTRACT OF CLAIMS

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	101-138	13,862.36
ULSTER WATER	101-108a	9,840.41
HALCYON PK. WATER	101-102	598.52
SPRING LAKE WATER	101-104	258.72
BRIGHT ACRES WATER	101	235.40
GLENERIE WATER	101-102	36.50
EAST KINGSTON WATER	101	53.44
WHITTIER SEWER	101-103	1,185.87
ULSTER SEWER	101-108	10,088.96
WASHINGTON AVE. SEWER	101	134.18
SPECIAL LIGHT	101-106	3,314.18
ALL OTHERS		
GENERAL	101-1129	141,952.16

ULSTER TOWN BOARD MEETING
 JANUARY 31, 2008 AT 7:00 PM

HIGHWAY	101-164	91,160.32
WHITTIER SEWER	101-105	145.00
ULSTER SEWER	101-118	21,742.42
WASHINGTON AVE. SEWER	101-103	2,347.26
ULSTER WATER	101-115	11,345.82
HALCYON PK. WATER	101	25.00
SPRING LAKE WATER	101-102	85.00
BRIGHT ACRES WATER	101-102	120.00
CHERRY HILL WATER	101	25.00
GLENERIE WATER	101	25.00
EAST KINGSTON WATER	101	25.00
CAPITAL PROJECTS		
TRUST & AGENCY	101-103	5,213.49
DRAINAGE PROJECTS	101	400.00
	TOTAL	\$ 314,220.01

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

Supervisor Woerner expressed his concern about the rise in the cost of home relief as the town reimburses Ulster County for social services provided to people in the township. This is not a controllable expense. This cost has doubled from last year. He suggested the county take over this expense from the Towns and City. He suspects the cause for this expense is the closing of the King's Inn Motel in Kingston and those individuals moving to the town.

Councilman Secreto motioned to approve the following:

Budget Modifications

General Fund:	Modify Revenue A2189 (DWI-Task force) and appropriation A3120.102 (DWI-Wages) for Nov. & Dec. DWI	5,029.76
	Modify Revenue A1270 (Shared Service Chrg) and appropriation A3120.200 (Equipment) DNA Testing from Distr. Attorney's Off.	\$1,500.00
	Modify Revenue A3060 (St.Aid-Records Management) and approp. A3120.201 (Pol.Vehs.& prep) Records Management Grant	10,325.00
	Modify A1589 (Step Program) and appropriation A3120.103 (Step Wages) Wage Receivable from May 21 thru June3, 2007 Buckle Up NY	1,450.12
	Modify Revenue A1589 (Step Program) and appropriation A3120.103 (Step Wages) Wage receivable from Jan-Sept)	3,099.99

ULSTER TOWN BOARD MEETING
 JANUARY 31, 2008 AT 7:00 PM

Modify Revenue A3389 (St.Aid-Dare Program) and
 appropriation A2989.400 (Dare Program) 2007 Dare Aid 5,317.00

Modify Revenue A1589 (Step Program) and appropriation
 A3130.103 (Step Wages) Nov. Buckle Up Wages 1,361.44

Modify the following appropriations from A5990 (Fund Bal)

A1320.402 Auditor	\$8,900.00
A1450.400 Election Inspectors	3,335.00
A1355.418 Legal/Profess Services	6,786.00
A1420.400 Legal Services	6,418.00
A2989.400 Dare Program	1,688.00
A3120.100 Police Wages	101,662.00
A3120.104 P/T Police Wages	110,357.00
A3120.201 Police Vehs. & Prep	25,909.00
A3120.420 Gas & Oil	5,738.00
A3120.421 Vehicle Maint.	13,594.00
A3120.430 Clothing-cleaning	19,864.00
A3620.200 Office equipment	7,312.00
A6140.400 Home relief	42,631.00
A9030.800 Social security	25,769.00
A9070.800 Medicare reimbursement	9,136.00
Total	\$389,099.00

General Fund:	Transfer From	Transfer To	
	A1110.101 clerk wages	A1220.410 Computer Tech	\$2,817.00
	A1110.101 clerk wages	A1220.400 Contract Expns	67.00
	A1110.101 clerk wages	A1220.403 Off.Suppls.	152.00
	A1110.101 clerk wages	A1220.404 Payroll Servs	395.00
	A1110.101 clerk wages	A1220.103 P/T Payroll Clerk	148.00
	A1110.101 clerk wages	A1320.100 Bookkeeper Salary	1,188.00

General Fund:	Transfer From	Transfer To	
	A1110.102 Security Off.	A1110.403 Office Suppl.	206.00
	A1110.102 Security Off.	A1110.400 Computer & Suppl.	170.00
	A1110.400 Court Steno.	A1341.100 Purchasing Clerk	1,436.00
	A1110.404 Train/Conf	A1450.400 Election Inspcts	1,691.00
	A1330.101 clerk wage	A1320.200 computer equip[1,877.00
	A1355.200 equipment	A1450.400 election inspects	322.00
	A1355.200 equipment	A1450.401 deputy clerks wages	384.00
	A1355.400 data processing	A1450.400 election inspects	1,322.00
	A1355.401 cataloging	A1410.101 deputy clerk wages	731.00
	A1355.404 GIS	A1355.100 assessor salary	2,143.00
	A1355.404 GIS	A1355.101 off. mngr, p/t clerk	466.00
	A1355.403 office suppl.	A1355.419 vehicle lease	184.00
	A1380.400 paying agent	A1355.419 vehicle lease	155.00

ULSTER TOWN BOARD MEETING
 JANUARY 31, 2008 AT 7:00 PM

A1380.400 paying agent	A1355.405 mileage & expns	445.00
A1410.400 Computer exp	A1355.419 vehicle lease	43.00
A1410.404 law books	A1410.403 office suppl	47.00
A1620.100 custodian sal	A1440.400 engineering	560.00
A1620.200 equipment	A1440.400 engineering	330.00
A1620.407 electric	A1620.406 telephone	2,343.00
A1670.404 postage	A1620.454 maintenance	3,696.00
A1670.404 postage	A1620.408 heat	893.00
A1670.404 postage	A1621.407 electric	39.00
A1670.404 postage	A1621.409 rep & suppl	895.00
A1670.414 meter rental	A1620.406 telephone	1,246.00
A1670.417 printing	A1670.415 legal notices	528.00
A3120.436 training	A3120.403 office supplies	491.00
A3120.431 detective div	A3120.432 ammo, guns	4,257.00
A3510.436 harbouring	A5010.403 office suppl	774.00
A3510.436 harbouring	A5132.406 telephone	560.00
A3620.103 P/T Fire Inspct	A5132.409 rep & suppl	1,667.00
A3620.405 school / conf.	A5132.409 rep & suppl	1,045.00
A3620.410 computer tech	A5132.407 electric	1,274.00
A3620.419 vehicle lease	A5132.454 maintenance	4,019.00
A5132.408 heat	A6410.401 empire zone	2,552.00
A6410.400 publicity	A6410.401 empire zone	2,123.00
A6410.400 publicity	A7110.200 equipment	230.00
A5182.400 lighting	A7140.200 equipment	979.00
A6772.400 prog for aging	A7140.200 equipment	615.00
A7110.406 telephone	A7140.200 equipment	112.00
A7110.407 electric	A7140.400 equipment	388.00
A7110.426 reps.,constr	A7140.200 equipment	140.00
A7510.400 historian	A8010.101 munic.code enforcer	1,500.00
A8020.415 legal notices	A8010.101 munic code enforcer	291.00
A8010.415 legal notices	A8010.101 munic code enforcer	189.00
A8010.415 legal notices	A8010.102 clerk wage	35.00
A8160.100 recycling wages	A8160.402 tub grinding	2,377.00
A8160.200 equipment	A8160.402 tub grinding	123.00
A8160.401 dumping costs	A8160.421 vehicle maint	5,603.00
A8160.401 dumping costs	A8989.400 landfill fees / fire dist	985.00
General Fund: Transfer From	Transfer To	
A8020.100 secretary wages	A8020.400 planner	\$1,937
A1620.409 rep. & suppl	A9050.800 unemployment Insur	977.00
A1620.409 rep. & suppl	A9055.800 disability insur	966.00
A1110.405 credit card Proc	A5132.409 rep & suppl	613.00
A3120.105 holiday pay	A3120.100 police wages	15,551.00
A3120.106 training	A3120.100 police wages	10,000.00
A3120.200 equipment	A3120.100 police wages	2,239.00
A3120.202 computer	A3120.100 police wages	6,320.00

ULSTER TOWN BOARD MEETING
 JANUARY 31, 2008 AT 7:00 PM

	A3120.400 radio-teletype	A3120.435 canine	1,528.00
	A6410.400 publicity	A3620.403 office supplies	50.00
	A6410.400 publicity	A3620.404 equip. maint.	279.00
Highway Fund:	Transfer From	Transfer To	
	D5110.413 equip rental	D5110.430 uniform cleaning	\$3,892.00
	D5130.200 equipment	D5130.100 mechanics wages	6,081.00
	D5142.100 wages	D5140.100 beaut wages	4,734.00
	D9060.804 hosp & dental	D9070.804 medicare reimb	4,861.00
Whittier Sewer:	Transfer From	Transfer To	
	SS1-8130.423 sewer mains	SS1-8130.437 meal allowances	\$70.00
	SS1-8130.423 sewer mains	SS1-8130.458 DEC Permit	554.00
Ulster Sewer:	Transfer From	Transfer To	
	SS2-1380.400 paying agent	SS2-1420.400 legal service	\$100.00
	SS2-1380.400 paying agent	SS2-1910.400 Unallocated Ins.	21.00
	SS2-8110.101 O.T. earnings	SS2-1990.481 sewer rent-king.	1,128.00
	SS2-8110.101 O.T. earnings	SS2-8110.100 wages	4,573.00
	SS2-8110.101 O.T. earnings	SS2-8810.404 postage	152.00
	SS2-8130.200 equipment	SS2-8130.407 electric	12,894.00
	SS2-8130.200 equipment	SS2-8130.421 vehicle main.	2,969.00
	SS2-9060.800 hosp.&dntl	SS2-9070.800 medicare reimb	1,633.00
	SS2-9060.800 hosp.&dntl	SS2-9050.800 unemploy. Insur	677.00
Washington Ave Sewer	Transfer From	Transfer To	
	SS3-8110.100 wages	SS3-1420.400 legal serv.	560.00
	SS3-8110.100 wages	SS3-1440.400 engineering	1,488.00
	SS3-8130.407 electric	SS3-8130.200 equipment	1,745.00
	SS3-8130.407 electric	SS3-8130.409 rep. & suppl	378.00
	SS3-8130.407 electric	SS3-8130.455 sewer rent-Kin	780.00
Ulster Water:	Transfer From	Transfer To	
	SW1-8310.100 wages	SW1-8310.404 postage	\$669.00
	SW1-8320.413 equip. rental	SW1-8320.423 tools	106.00
	SW1-8330.200 equipment	SW1-8330.452 salt	3,657.00
	SW1-8340.421 veh. maint	SW1-8340.420 gas & oil	72.00
	SW1-8320.455 water costs	SW1-9055.800 disability insur	146.00
	SW1-8320.455 water costs	SW1-9060.800 hosp & dntl	7,216.00
	SW1-8320.455 water costs	SW1-9070.800 medicare reimb	1,852.00
Halcyon Park Water:	Transfer From	Transfer To	
	SW2-8310.403 off. suppl	SW2-8310.404 postage	\$14.00
Spring Lake Water:	Transfer From	Transfer To	
	SW3-8320.250 meters	SW3-8310.406 telephone	\$277.00

ULSTER TOWN BOARD MEETING
 JANUARY 31, 2008 AT 7:00 PM

Bright Acres	Transfer From	Transfer To	
Water:	SW4-8310.403 off suppl	SW4-8320.409 postage	\$11.00
	SW4-8320.413 equip retl	SW4-8320.409 rep & suppl	1,949.00
	SW4-8320.413 equip retl	SW4-8320.423 tools	2,144.00
	SW4-8320.413 equip retl	SW4-8330.401 lab testing	100.00
	SW4-8320.413 equip retl	SW4-8330.451 chemicals	135.00
Cherry Hill	Transfer From	Transfer To	
Water:	SW5-8320.409 rep.& suppl	SW5-8320.455 water costs	\$526.00
	SW5-8320.409 rep.& suppl	SW5-9710.700 interest	404.00
	SW5-8320.413 equip rntl	SW5-8330.401 lab testing	174.00
Glenerie Water:	Transfer From	Transfer To	
	SW6-8320.409 rep & suppl	SW6-1420.400 legal servs	195.00
	SW6-8320.409 rep & suppl	SW6-8310.404 postage	162.00
East Kingston	Transfer From		
Water:	SW7-8310.100 wages	SW7-1989.400 grant writer	1,250.00
	SW7-8310.100 wages	SW7-8310.404 postage	40.00
	SW7-8310.100 wages	SW7-8320.407 electric	214.00
	SW7-8310.100 wages	SW7-8330.401 lab testing	259.00
	SW7-8320.455 water costs	SW7-8330.400 legal servs	3,583.00
	SW7-9730.700 bank interest	SW7-1420.400 legal servs	3,169.00
	SW7-8310.102 bookkeeper	SW7-1420.400 legal serv.	107.00
East Kingston	Transfer From	Transfer To	
Cap. Project	HEW-8310.200 construction	HEW-9901.900 transfer/other funds	\$26,000.00
Glenerie Water:	modify Appropriation to be funded through SW6-5990 (approp. fund balance)	SW6-8320.455 water costs	\$2,445.00
		SW6-8330.401 lab testing	249.00
	Total		\$2,694.00
Spring Lake	modify appropriation SW3-8320.455(Water Costs) to be funded through SW3-5990 (approp. Fund balance)		\$18,223.00
Water:			
Special Districts	modify appropriations to be funded through SLL-5990 (approp fund balance):	SSL-5182.401 East Kingston	\$207.00
Lighting:		SSL-5182.402 Kraus Farm	335.00
		SSL-5182.404 Whittier	136.00
	Total		\$678.00
General Fund:	Modify Revenue A3989 (Child Seat Grant) and appropriation A3120.440 (Child seat Grant) 07' Grant Receivable		\$3,405.52

ULSTER TOWN BOARD MEETING
JANUARY 31, 2008 AT 7:00 PM

General Fund: Modify Appropriation A3121.400 (Police-Drug Enforcement)
 to be funded through A5110 (Approp.Reserve) payment to
 Mitotyping Tech \$2,800.00

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

A discussion occurred from the floor about information being distributed to the public about the East Kingston Lateral Grant. Mrs. Josephine Reina had connected to the water in the district but was not able to be reimbursed for her lateral connection due to a stipulation of the grant.

Personnel Matters

Supervisor Woerner motioned to appoint Suzanne Platte Bigelow as a full time “Clerk to the Justice” for Justice Marsha Weiss effective February 4, 2008, at a rate of \$13.50 per hour, to replace Serina Green who has submitted her resignation for other employment.

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

Councilman Joel B. Brink motioned to hire Thomas Devens as a full time auto mechanic effective February 4, 2008, or later, at a rate of \$13.06 per hour (Grade 7, Step 1).

2nd by Councilman David Brink
A Roll Call vote was taken – All Ayes

Tectonic Study of East Kingston Blasting.

Mr. George Murphy, a representative from Tectonic, reported that his company was retained to do a third party evaluation of blasting in East Kingston. This consisted of reviewing the blast records, the details of how the blasts were shot and the result of the blasting monitoring from two companies performing the work at the time for part of 2006 and 2007. Further, studies were conducted of the homes near the blasting site.

The company’s initial report stated that there were three blasts that had exceeded the blasting/mining permits limit. After further review, that was revised to only one blast. The study revealed, with noted exception that all the blasting did not exceed the permit levels and were well below the threshold. Some of the structure and substructures in the area reveal an anomaly in vibration due to the geography. The study included reviewing ways for the blasting to be performed to reduce the disturbance from the appearance of vibration in the area. There are appearance issues and recommendations were provided to reduce these items, such as adjusting the blasting timings and other blast tuning details. These recommendations have been implemented but not reviewed as to their effectiveness. The test blasts were monitored and Callanan Industry’s equipment showed similar readings. The houses in the area were inspected and all seem to show normal wear with the exception of Mrs. Reina’s house on 15 Brigham St. There are numerous causes for cracking of house foundations other than blasting.

Josephine Reina – When did the study realize that the number of blast that exceeded the limit were wrong? Were the seismograph certified? Are the blasting standards different from State to

ULSTER TOWN BOARD MEETING
JANUARY 31, 2008 AT 7:00 PM

State? She feels the damage to her house was from the blasting. She expressed concern about the blast being deeper in the quarry as the blasts travel horizontal rather than vertical.

Mr. Murphy stated that seismograph prints out calibration results that were missed initially during the study causing a higher number of blasts that exceeded the limit reported. The seismographs are calibrated before the record time period.

Supervisor Woerner confirm that there are differences about blasting standards from state to state and encouraged Assemblyman Cahill to pass legislation to change the current standard.

A discussion occurred about certification and calibration of seismographs and what is required by law. Also a discussion occurred about the cumulative blasting effects on houses and the blast velocity. Mr. Murphy stated that there have been studies about cumulative blasting and the results are that the blasts have to greatly exceed the limits in order for structures to be damage. He suggested a further sub-structure study would be needed to identify the cause of the house damage for Mrs. Reina's property.

Tina Carpino expressed dismay over the mistakes in the blasting report. Her 80 year house has damage that was not there before the blasting. She requested that the town consider enacting a local law for relief from the situation.

Supervisor Woerner stated that there is nothing the town can do as the state law does not allow the town to offer a more stringent standard than NYS.

Robert Barton – He recommended a map be included in the report. He inquired if Callanan Industry's does own the property that they are blasting. He requested that the report be corrected in that the Village of East Kingston be changed to Hamlet of East Kingston. He further inquired if the humidity had an effect on blasting? He noted that a recording instrument that was installed on his property was not spiked and had snow on it.

Town Attorney Zweben confirmed that they own or had permission to do so, but it would be the property owner's responsibility to stop the blasting. A map is available of the permitted blasting area.

There was a discussion about sound waves and the effect of atmospheric pressure, winds and moisture have in carrying sound to the residential area. The ground type has an effect on vibration. Loose ground allows for lower frequencies to have a greater impact on houses than a solid rock. There were 131 seismographs used in the blast study to show collations. In general, a pre-blast survey should be performed.

Reno Budziak inquired if some of the existing abnormalities could have caused some damage to the residences. Is there such a thing as a cumulative effect from continuance blasting?

Mr. Murphy - The abnormalities were away from the residential areas and were within the range of the permitted blast limits. The standards are base on the most fragile parts of the house like drywall and plaster. This is considered to be a conservative limit. Experiments have been done on cumulative effects of blasting on buildings and the tests showed frequency had to be very intense to cause damage. He had experience blasting that greatly exceeded the blast limits and the structures are unharmed.

ULSTER TOWN BOARD MEETING
JANUARY 31, 2008 AT 7:00 PM

Tina Carpino inquired if the Town Board had checked to see if Tectonic had any affiliation with Callanan Industry.

Supervisor Woerner stated that the firm was not affiliated to his knowledge nor did the firm represent they were affiliated.

Richard Carpino inquired about how ground vibrations are perceived. If blasts cause air vibration and the vibration causes damage to a person's house, can the blast be considered the cause of the damage? He reported that the concrete from his chimney had come off onto his roof during a blast. He requested that the Town Board come to his, or one of the people who complained, home to witness a blast impact.

Mr. Murphy stated that air vibration waves that cause rattling of blinds and shelves could be perceived as a ground vibration. The threshold of vibration is regulated through all the testing. The chimney may fall outside of the 2 story criteria for the blasting permit regulations and that may be a legitimate claim.

Michael Berardi feels that the blasts were planned to be favorable to Callanan Industry's case when reviewing the mythology, the placement of the blasts and monitoring devices, the number shots performed and the variations between houses.

George Murphy stated that the tests were planned based on what the company could afford (most utility). The company was under no obligation to perform any tests. The vibration monitoring has been done in the homes that had complaints. The variation between houses is a valid concern and could be due to the differences in the ground types. The concern about monitoring homes closer to the blast could be brought to Callanan Industry to monitor.

Josephine Reina inquired about the duration of the wave and its effect on a home. Have there been any studies performed on frequency of blasting? She feels that the mining regulations need to be redone.

George Murphy stated that the equipment takes that into account. There have been studies and they show that as long as the vibrations are within limit there is no fatigue.

Tina Carpino feels that the Town Board has been sympathetic to Callanan Industry and not the residents.

Supervisor Woerner requested that Mr. Murphy make the appropriate changes to the report, noting East Kingston was a hamlet and not a village. He has sent a copy of the report to Assemblyman Cahill and Senator Bonacic and requested relief from them. He will update the community as more information comes in.

A discussion proceeded about joining with other communities with similar situations to address the blasting problem. Mr. Murphy was unaware of any other communities affected. Supervisor Woerner feels that the problem is with the standards set by the state and that has to be changed in Albany.

Richard Carpino suggested that the town install the East Kingston Water Tank by Devil's Lake Road.

ULSTER TOWN BOARD MEETING
JANUARY 31, 2008 AT 7:00 PM

Supervisor Woerner motioned to enter into executive session at 9:36 PM to discuss a change of attorney for property tax assessment litigation with PCK Development Company, LLC
2nd by Councilman Secreto
All Ayes

Executive session was ended at 10:02 PM

Supervisor Woerner reported that David Hagstrom, the current special council to the town for property tax litigation, has become council to his firm and will not have time to dedicate to the Town's cases. The Town Board has discussed the matter with the Town Attorney and William Ryan, Jr. was suggested from Tabner, Ryan and Keniry, LLP.

Supervisor Woerner motioned to hire William Ryan, Jr., Esq. of Tabner, Ryan and Keniry, LLP as the legal council to the town for tax assessment litigation with PCK Development Company, LLC for case index numbers 03-2273, 04-2040, 05-2349, 06-2485, and 07-3007 at a rate of pay of \$170.00 per hour
2nd by Councilman Secreto
A Roll Call vote was taken - All Ayes

Supervisor Woerner motioned for town board authorization to sign the consent forms to change council from David Hagstrom to William Ryan, Jr. for legal council to the town for tax assessment litigation
2nd by Councilmen Joel B. Brink and David Brink
All Ayes

Councilman David Brink motioned to adjourn the meeting at 10:05 PM
2nd by Councilman Secreto
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk