

ULSTER TOWN BOARD
APRIL 17, 2008 AT 6:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 6:00 PM

SALUTE TO THE FLAG

A moment of silence was observed for former supervisor Fred Wadnola, who is recovering from a recent surgery. Also for the recent death of Iola Sloboda, the mother of a wastewater worker employee, Frank Sloboda

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

6:00 PM – The Hudson River Valley Greenway

Supervisor Woerner opened the informational hearing about the Hudson Valley Greenway at 6:03 PM

Mr. Mark Castiglione, a representative of the Hudson Valley Greenway, gave any overview of the program.

There was a general discussion about the amount of grant money available to the town and how the money can be spent.

County Legislator Brian Cahill spoke in favor of the Town joining the Hudson Valley Greenway.

Peter Brink, a member of a local bicycle club, spoke in favor of the Town joining the Greenway.

Brett Kropf spoke in favor of the Greenway, as a member of a Sportsmen's club. He feels that many of the myths were once valid points when the Greenway was originally created and that the organization was changed to allow home rule.

Mr. Brooks stated that he was not originally in favor of the Greenway but he feels that it has changed.

Mr. Alan Sorensen spoke in favor of the Greenway and shared his experience with other municipalities that he worked for that are involved with the program.

Ulster County Deputy Planning Director, Jennifer Schwartz, spoke in favor of the Greenway and offered assistance in helping the town work with the Greenway.

Brett Kropf inquired where the grant money comes from in the State Budget.

Mark Castiglione explained that it comes from the general fund of the executive budget.

Town Attorney Andrew Zweben offered an opinion that joining the Greenway does not interfere with home rule, land use powers and the decision can be reversed. Joining allows the Town to

participate in a regional plan. The Town can examine each contract or grant on a case by case basis. There are numerous projects that can be addressed with Greenway funds. Legally, the town is limiting itself from nothing.

Mr. Reno Budziak spoke in favor of the Greenway and his involvement with the Comprehensive Planning Committee. He thanked everyone who has supported the project.

Supervisor Woerner thanked Mr. Budziak for his involvement in setting up meetings and bringing the Greenway to the town.

Councilman Secreto moved for the following resolution:

REQUEST FOR DESIGNATION OF THE TOWN OF ULSTER AS A GREENWAY COMMUNITY

WHEREAS, the Hudson River Valley Greenway Act, (hereinafter, the "Greenway Act") Chapter 748 of the Laws of 1991, has as a legislative goal the establishment of the Greenway Compact, a process for voluntary regional cooperation and decision-making among the communities of the Hudson River Valley, and

WHEREAS, the process and programs that will comprise the Compact are under development, and

WHEREAS, communities may participate in the initiation and implementation of the compact process, and

WHEREAS, the Town of Ulster is situated in the Greenway area as it was officially designated in the Greenway Act, and

WHEREAS, the Greenway Act permits the Hudson River Valley Greenway Communities Council (hereinafter the "Council"), and the Greenway Conservancy for the Hudson River Valley, Inc. (hereinafter the "Conservancy") to assist communities in developing local planning and projects related to the five criteria contained in the Greenway Act: natural and cultural resource protection, regional planning, economic development (including tourism, agriculture and urban redevelopment), enhancing public access to the Hudson River and heritage and environmental education, and

WHEREAS, communities can become eligible to receive technical and financial assistance from the Greenway, and

WHEREAS, community participation in the Greenway planning process is voluntary, and

WHEREAS, the Greenway Act does not supersede or change the powers that the State has previously granted municipal governments under the New York State Constitution, the Municipal Home Rule Law or pursuant to the various municipal enabling acts, and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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The Ulster Town Board supports the criteria contained in the Greenway Act and the process by which the Compact will be achieved, and

The Ulster Town Board endorses the designation of the Town of Ulster by the Greenway Council and Conservancy as a Greenway Community.

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

6:30 PM – Albany Avenue Garage Site Plan

Supervisor Woerner opened the Public Hearing for the Albany Avenue Garage at 6:43 PM

Donald Brott, a representative from Brinner and Larios for the Albany Avenue Garage, reported that his client needs a special permit in an “OM” district to sell and repair heavy trucks and equipment. Half an acre is on lease and the remaining has been purchased and owned by his client. There are no additional improvements to the buildings on the location. It is all site work that needs to be performed. There is ample parking and several display areas for equipment. The site has Planning Board approval. Also, the storm water plan has been reviewed. The owner is looking forward to site plan approval to start working on improving the area and its appearance.

Councilman Joel Brink inquired about the site changes, about the traffic and the condition of the property.

Mr. Werking, the owner, stated that they are changing the egress to allow a better flow of traffic onto and off of the site. The property will be more organized. Also, the property will be maintained, with landscaping and manicured, where it is currently overgrown and will be a first class place.

Mr. Brott reported that the NYS DOT requested three items: more landscaping to prevent headlight glare, a hundred year drainage study and permission for any signage on the thruway side. He stated that the Town only requires a 25 year drainage study and that the drainage is not part of any of the NYS DOT property. The business operates from 9 AM to 5 PM so the extra landscaping to prevent headlight glare is not required. The Highway Superintendent Frank Petramale, had expressed concern about the drainage. The applicant is responsible for all the drainage. Mr. Paul Vogt, the Water Superintendent, inquired where the well was and he was satisfied.

Mr. Nelson White – How much of the property will be black topped or crush stone? He expressed concern about traffic and the current appearance of the area.

Mr. Brott stated that a lot of the ground will have #3 stone to prevent run off onto the road. Also, Mr. Werking is looking to create a uniform look on the property so it will be an improvement.

Supervisor Woerner inquired if the name of the company is going to change.

Mr. Werking stated that the company wants to simplify it to Trucks and Trailers Inc. and remove the Albany Avenue designation.

Councilman Kitchen inquired if any towing is going to be performed.

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Mr. Werking stated there is no plan for towing. That is done by third parties.

Supervisor Woerner motioned to close the public hearing at 7:02 PM
2nd by Councilman Secreto
All Ayes

Supervisor Woerner stated that the Town Board will act on this matter at the next meeting.

Supervisor Woerner opened the public hearing on Kingston/Ulster Airport at 7:03 PM.

Mr. James Waleur requested approval for the Kingston Ulster Airport to install 4 pre-engineered bulk hangars to store planes in. The electrical system will be underground and the interior of the hangar will have minimal electric and lighting. This will be in the middle of the airport and will be installed in an undisturbed (empty) area. The hangars can hold 1-3 planes depending on their size. They are made to store a single plane. The largest plane it can hold is a twin engine Navajo plane (8 person plane). There are plans to install more hangars later on.

Supervisor Woerner motioned to close the hearing at 7:10 PM
2nd by Councilman Joel B. Brink
All Ayes

There was no public comment.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman David Brink moved to approve the minutes of March 3, 2008, March 8, 2008 and March 20, 2008.
2nd by Councilman Joel Brink
All Ayes

COMMUNICATIONS

Councilman Joel B. Brink reported that Senator John Bonacic gave the town a \$20,000 member item for the purpose of improvement of flood mitigation, the senior citizens center or town parks.

Supervisor Woerner reported that Senator Bonacic had given the town money to purchase an automated defibrillator for the Town Police Department and a \$10,000 grant to purchase other equipment.

Councilman Joel B. Brink reported that the Ulster Hose #5 Fire Department will hold a Memorial Day Service on Monday, May 26th, at 5:00 PM.

COMMITTEE REPORTS

Councilman Secreto reported, from the Building and Grounds Committee, that the rebuilding of the large pavilion at the Town Park is moving along ahead of schedule. A boy scout, named Sean Emis, will be building the cooking pavilion as part of his Eagle Scout project. Another Eagle Scout project is to build a shed at the Rider Park. Councilman Joel B. Brink reported that these projects will be built to specs.

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Councilman Secreto reported from the Recreation Committee that summer camp sign-ups will be held in May and June. The new fees for the camp are: resident \$120.00 for one child and \$160.00 for the family, non-residents \$340.00 for one child and \$380.00 for the family.

Councilman Secreto moved to adopt the fee schedule as reported for the Town's summer camp program.

2nd by Councilman Kitchen

Councilman Kitchen inquired about the residents that may not be able to afford the new fee schedule and if there is any financial assistance.

Supervisor Woerner stated that no child will be turned away whose family is unable to afford the program.

There was a discussion about the summer camp counselor training being referred to as EMT trained. This is not actual EMT training, but a combination of CPR and first aid training defibrillator. 10 new counselors will be sent to this program for a total of 25 counselors trained.

A Roll Call Vote was taken - All Ayes

Supervisor Woerner reported that he has acquired tickets, through Joseph Ausanio, to the Hudson Valley Renegades game for the Summer Camp. He further added that there is a camp over night sleepover planned.

Councilman Secreto reported from the Highway Committee, that the Highway Department is doing branch pickups and not leaf pick-up. Supervisor Woerner added that the leaves can be dropped off at the Town Transfer Station. Councilman Secreto thanked Mr. Decker from the Sheriffs Department alternative sentencing for his team painting the Town Highway Department. He thanked Highway Superintendent Petramale for the street sweeping plan. He was able to reclaim 1850 tons of sweepings in 2 weeks versus 5 weeks. This resulted in a \$6,000 savings. Post Park is not open yet. Rider Park is open and the docks are in. The water break near Burger King on 9W was repaired today. A part of Ulster Landing Road will be closed for two months to fix a culvert.

Councilman Secreto motioned to allow Frank Petramale to attend Highway School, June 2-4 in Ithaca

2nd by Councilman David Brink

All Ayes

Councilman Joel Brink motioned to authorize Highway Superintendent Frank Petramale to hire one temporary summer employee at a rate of \$9.00 an hour for a 40 hour work week, as part of the Town Beautification Program, for the purpose of mowing and trimming.

2nd by Councilman Secreto

All Ayes

Councilman Secreto announced that Little League opening day is April 26, 2008.

Councilman Secreto reported, from the Finance Committee, that the abstract was reviewed on Wednesday, before the monthly meeting. He thanked the committee members for changing the date to accommodate his schedule for the Little League committee.

Supervisor Woerner reported that the Town buys fuels at a discount and has a gas and diesel pump at the Town Highway Complex. The town has allowed the Town of Kingston to have access to the pump with a special key. In return, they reimburse the town for the gas with a small \$.05 surcharge. This has been on a trial basis.

Supervisor Woerner motioned to formalize the practice of allowing the Town of Kingston to use the town's fuel depot for the cost of the fuel plus a \$.05 administration surcharge.
2nd by Councilman Kitchen
All Ayes

Councilman David Brink reported, from the Personnel Committee, that there has been discussion about the Court having more clerks, but he suggested holding off until budget time. Councilman Joel Brink reported that applications have been collected to fill the part-time clerk position for the court. The justice would like to collect more applications before making a decision.

Councilman David Brink reported, from the Assessor, Building and Zoning Committee, that the town is moving along. The clerks in the building department attended a software training session today.

DEPARTMENT HEAD REPORTS

Town Assessor – James Maloney reported that all the building permits have been inspected for the 2008 tentative assessment roll. The roll will be filed by May 1, 2008. He and Superintendent Petramale attended a flood response and mitigation workshop that was hosted by the Cornell Cooperative Extension. On April 28, a stakeholders' meeting will be held at the Ulster County Community College in regard to updates to the study performed by the Army Corps. of Engineers. Under the Town's Flood Mitigation Plan, there has been an outreach to all the emergency services for input on any hazards they are aware of. He plans to also reach out to the Town Planning Board and Comprehensive Planning Committee to add citizen input to strengthen the plan. Mr. Maloney requested that the Town Board adopt a resolution to include the town level input from the Ulster County Assessor's Association in the county study to consolidate the assessing to a county regional unit.

Councilman Kitchen motioned to approve the following resolution:

WHEREAS the residents of the Town of Ulster are most effected by the functions of the local Assessor's Office and Local Government and all departments in the Town rely on the Assessor's Office for information in local issues, and

WHEREAS the Ulster County Assessors Association is comprised of Assessors who are committed to providing fair and equitable assessments for the property owners of Ulster County, and

WHEREAS the members of the Association strive to improve assessment equity and uniformity whenever possible, and

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WHEREAS the Assessors in Ulster County are most familiar with the important role of the assessing functions at the local level, and

WHEREAS the State of New York has made available a grant for up to \$50,000 to study the possible improvement of assessment equity and uniformity by coordinating or consolidating assessment functions at the county level, and

WHEREAS the Town of Ulster would like to join the Towns of Lloyd, Marbletown, Olive, Plattekill and Shandaken who have adopted similar resolutions requesting that the Assessors in Ulster County be included in the process to study any changes to the current system of Assessment Administration in Ulster County, and that any change to the current system must be approved by referendum, and that costs, quality, and taxpayer convenience be considered,

THEREFORE BE IT RESOLVED that the Town of Ulster requests that the interests of the residents of the Town of Ulster be represented by the Assessors in Ulster County and that the Assessors of Ulster County be part of the process and thoroughly study any changes to the current system of Assessment Administration in Ulster County,

AND BE IT FURTHER RESOLVED that the long term and short term costs to government, at both the town and county level, be thoroughly examined. That the financial impact, the impact on the quality and level of service and also the convenience factor for the taxpayers of Ulster County be considered. That the impact on equity, uniformity, fairness, quality and equalization of assessments be taken into account. That all possible options for shifting assessment functions to the County are examined as part of any study, and that the property taxpayers in Ulster County make the final determination, in the form of referendums, on the future of Assessment Administration in Ulster County.

2nd by Councilman David Brink
All Ayes

Building Department – Building Inspector, Paul Economos, read the monthly report. His department has been working on properties that need site clean-up and safety issues addressed. Town Clerk – Mr. Cosenza reported that the office is busy with the tax collection process. Tax bill reminder notices will be sent out. A passport night is scheduled at the Town Hall for May 29, 2008.

Water Department – Paul Vogt, Town Water Superintendent, reported that all is running well. His department is working on gathering information from the Glenerie Water District for the HUD water tower grant application. There has been some activity in people applying for grants connecting to the East Kingston Water District.

Councilman Joel B. Brink motioned to approve the following:

ABSTRACT OF CLAIMS

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	401-418	9,101.15
ULSTER WATER	401-403	277.61

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HALCYON PK. WATER	401	615.82
SPRING LAKE WATER	401-403	332.91
BRIGHT ACRES WATER	401	272.07
WHITTIER SEWER	401-402	1,566.17
ULSTER SEWER	401-402	201.72
WASHINGTON AVE. SEWER	401	112.96
SPECIAL LIGHT	401-406	3,447.00
ALL OTHERS		
GENERAL	401-4149	93,320.92
HIGHWAY	401-443	47,309.11
WHITTIER SEWER	401-402	145.00
ULSTER SEWER	401-420	18,005.35
ULSTER WATER	401-416	5,342.29
HALCYON PK. WATER	401	25.00
SPRING LAKE WATER	401-402	21,787.13
BRIGHT ACRES WATER	401	25.00
CHERRY HILL WATER	401-402	5,208.44
GLENERIE WATER	401-402	3,938.20
EAST KINGSTON WATER	401-402	2,081.83
MEDICARE REIMB.	401-419	113,321.90
CAPITAL PROJECTS		
TRUST & AGENCY	401-415	7,675.00
EAST KNG. WATER LATERALS	401-402	\$ 2,200.00
	TOTAL	\$ 336,312.58

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

Councilman Secreto moved to approve the following as submitted:

Budget Modifications:

General Fund:	Modify Revenue A3089 (State Aid, Court Grant) and Approp. A1110.200 (Court Grant) Grant from OCA Office of Budget And Finance	\$26,435.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (approp. Reserve-Biddy Basketball)t-shirts, scoreboard and carry bag from Anaconda Sports	\$502.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (approp. Reserve-Biddy Basketball) reimb for banquet dinner supplies to Rocco Secreto	\$181.47
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) reimb. for fruit baskets to Rocco Secreto	\$48.44

General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) sweatshirts purchased from Anaconda Sports	\$144.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) equipment bag purchased from Anaconda Sports	\$25.00
General Fund	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-softball League) electric at Orlando St. from Central Hudson	\$29.16

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

Personnel Appointment to a Part Time Position of the Town of Ulster Transfer Station.

Supervisor Woerner motioned to hire Mitchell F. Radell Jr. as a part-time solid waste attendant at a rate of pay of \$9.00 per hour for a work week not to exceed 24 hours

2nd by Councilman Secreto
All Ayes

Authorizing the Town Supervisor to issue a Request for Proposals on an Energy Performance Contract.

Councilman David Brink moved to authorize the Town Supervisor to issue an RFP on an energy performance contract for the Town.

2nd by Councilman Secreto
All Ayes

Authorizing the Town Supervisor to Execute a Small Cities Application for the Glenerie Water District.

Councilman Joel B. Brink moved to authorize the Town Supervisor to execute a grant application for the Glenerie Water District for installation of a water tower.

2nd by Councilman Secreto

Councilman Kitchen inquired if the Town had an engineer for the job already selected. Supervisor Woerner stated that the town won the grant and an RFP would go forward for engineering services.

A Roll Call Vote was called – All Ayes

Supervisor Woerner reported that, at the last Town Board meeting a question was raised about the position of the Deputy Town Supervisor's ability to run the town. He reported that, in the event that the Town Supervisor is unable to act, the Deputy may do the job in full capacity with the exception of voting at a board meeting.

Robert Barton – He inquired about the Time Warner Contract and the franchise fee.

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Supervisor Woerner reported that the agreement has expired but is still in effect. This agreement allows Time Warner to offer cable to the residents.

Mark Kuhnel – read the attached letter into the record (exhibit #1).

Councilman Secreto motioned to adjourn the meeting at 8:03 PM
2nd by Councilman Joel B. Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC
Ulster Town Clerk

April 17, 2008

To Members of the Town Board:

The residents of the Van Keuren Highway neighborhood want to express our sincerest gratitude for denying the approval of the Oxygen Day Spa proposal. Your prudent and judicious decision was the only right decision and is upheld by our local laws, regulations and the principles of our Comprehensive Plan which collectively are intended to protect and preserve the best interests of the stake holders of this neighborhood. We applaud your unanimous decision and strongly urge you to continue to take all necessary measures to protect our homeowner rights from persistent pressure of incompatible encroachment in our neighborhood and to protect its integrity, character and quality of life considerations. Our families, homes and our cherished neighborhood are extremely important to us and only your continued support will preserve our current and future needs and aspirations. Thank you.

Mark Kuhnel
Exhibit #1