

ULSTER TOWN BOARD MEETING

August 21, 2008 AT 7:00 PM

CALLED TO ORDER BY DEPUTY SUPERVISOR CRAIG ARTIST, ACTING CHAIRMAN

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN DAVID BRINK

TOWN COUNCILMAN JOEL B. BRINK

TOWN COUNCILMAN ERIC KITCHEN - absent

TOWN COUNCILMAN ROCCO SECRETO - absent

SUPERVISOR NICKY B. WOERNER -

Mrs. Pat Metzger inquired about several abstract bills pertaining to the Town Park and recreation. She requested that the grill in the cooking pavilion be raised.

The matter was forwarded to the Highway Department. A brief discussion followed about a senior center, on whether a permissive referendum could be performed. It was noted, in the comprehensive plan survey, that a majority of people wanted a senior center.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman David Brink motioned to approve the minutes of July 17, 2008.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent

COMMUNICATIONS –

Councilman Joel B. Brink was contacted by Gary Barbra about putting bus shelters in the town. The town would get revenue for the advertising on the side. The item was forwarded to the Insurance & Safety Committee for review for a cost benefit as the Town has an agreement with Ulster County Transit.

COMMITTEE REPORTS – There were no committee reports.

DEPARTMENT HEAD REPORTS

Town Assessor – Mr. James Maloney, the Town Assessor, reported that the Town Assessment Roll was filed. The town's equalization rate was set at 69.5%, a ½ percent higher than last year. This will help prevent tax shifting in the school and county taxes. The Town's Flood mitigation plan was completed and was necessary in order to obtain grants. A flood property buyout plan is available and he hopes to have some town residents participate. He requested that the town study expanding and adding times to the no parking signs on Plainfield Street. A meeting would be set up with the Highway Superintendent and the Police to review the matter.

Building Department – Paul Economos read the monthly report and updated the Town Board about recent construction in the Township.

Town Clerk's Office – Town Clerk Cosenza read his monthly report.

Highway Department – Highway Superintendent Frank Petramale reported that the paving is moving along, but costs are going up. A shared service paving project was performed up in the

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Hillside Arces area with help from Marbletown, Hurley, Saugerties, and Esopus. The Drainage projects have been progressing. The lines were restriped at the Ulster Town Hall parking lot. Police Department – Police Chief Paul Watzka read the monthly report. Officer Travis Nissen was appointed as a School Resource Officer for Miller School. Deputy Chief Joseph Sinagra reported the town has completed its 2008 NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) program. This is required by the Federal Government to be qualified for grant funding.

ABSTRACT OF CLAIMS

Councilman David Brink motioned to approve the following:

UTILITIES

GENERAL	801-822	11,088.13
ULSTER WATER	801-807A	7,582.27
HALCYON PK. WATER	801-802	580.23
SPRING LAKE WATER	801-803	341.47
BRIGHT ACRES WATER	801	372.49
GLENERIE WATER	801	20.00
WHITTIER SEWER	801-802	654.42
ULSTER SEWER	801-804	26,966.87
WASHINGTON AVE. SEWER	801	51.61
SPECIAL LIGHT	801-806	3,591.69
ALL OTHERS		
GENERAL	801-8179	284,507.23
HIGHWAY	801-842	144,988.21
WHITTIER SEWER	801-803	681.73
ULSTER SEWER	801-826	21,738.20
WASHINGTON AVE. SEWER	801	891.54
ULSTER WATER	801-821	150,522.08
HALCYON PK. WATER	801-802	3,039.50
SPRING LAKE WATER	801-802	85.94
BRIGHT ACRES WATER	801-803	876.66
CHERRY HILL WATER	801	25.00
GLENERIE WATER	801	25.00
EAST KINGSTON WATER	801	25.00
INSURANCE (ALL FUNDS)	801-820	111,108.43
CAPITAL PROJECTS		
TRUST & AGENCY	801-814	4,597.50
DRAINAGE PROJECTS	801-802	1,482.50
EAST KINGSTON WATER	801	330.00
TOTAL		\$ 776,173.70

2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – Three Ayes - Councilmen Kitchen and Secreto were absent absent.

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Councilman Joel B. Brink moved to approve the following:

BUDGET MODIFICATIONS:

General Fund

Modify Appropriations A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) gas reimb. to D. Genther for tractor	\$67.00
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-softball) field prep. from May 13 to June 24 Ron Kelder	\$425.00
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) scorekeeper and umpire forfeit fees	\$186.00
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) electric bill from Central Hudson	\$332.87
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) bulbs from Eastern States Electrical	\$58.59
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) marking lime, rapid mix from Herzog	\$251.10
Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Football) deposit on uniforms from Anaconda Sports	\$1,000.00
Modify Revenue A2680 (Insur. Recoveries) and Appropriation A3120.421 (Veh.Maint.) check from Illinois National Insur. Co. when steel stud came lose from construction plate and hit Unit 984 driven by Officer K. Faulkner	\$5,637.20
Modify Revenue A2680 (Insur. Recoveries) and Appropriation A3120.421 (Veh. Maint.) check from Selective Way Insurance damage to 07' Dodge Charger, July 18th, Officer Short	\$2,013.43
Modify Revenue A3089 (Oth. Aid-Car Seat Grant) and Appropriation A3120.440 (Child Seat Grant) Grant	\$885.35

Highway Fund

Modify Revenue D2591 (Storm water Permits) and Approp. D5110.443 (Culvert Pipe, post drains) Warex Terminals disposal of groundwater at Citgo, Burlington Plaza	\$10,000.00
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2nd by Councilman David Brink

A Roll Call Vote was taken – Three Ayes – Councilmen Kitchen and Secreto were absent.

Councilman David Brink moved to enter into executive session at 7:25 PM for the purpose of discussing pending litigation with the Tech City properties. Assessor James Maloney was present in the executive meeting.

The meeting resumed at 7:35 PM

Councilman David Brink moved to approve the following resolution:

Authorizing a blanket undertaking for all Town work on State of New York Highway right of ways.

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WHEREAS, the Highway Department of the Town of Ulster, County of Ulster, State of New York, from time to time, requires work permits from the New York State Department of Transportation for the purpose of doing work on the New York State highways; and

WHEREAS, the Department of Transportation requires that the Town file an undertaking in connection with the application for said permits; and

WHEREAS, the Department of Transportation has proposed that the Town of Ulster execute a blanket undertaking to expedite the Highway Department's application for permits as they are needed from time to time.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Ulster is authorized to execute the "Undertaking In Connection with Highway Work Permits Issued By The New York State Department of Transportation" substantially in the form attached hereto.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Authorizing site plan approval for Rusi Holdings / Blockbuster Plaza.

A representative of RUSI Holdings gave an overview of the project. The company wants to construct a building behind the current one. He termed it a “build it and they will come” type of project. There is no official tenate for the building. They would like to rotate the Goodwill from their current location on the lot to the new building and get a new tenate for the front. Another tenant, Blockbuster Video, is leaving. The front entrance will meet all DOT standards, approval is forthcoming. A discussion occurred about the elevation of the new building behind the old ones. There are two options, one with windows and one without. The Planning Board preferred the windows version. A generic master sign plan will be performed, with a sign being placed where Block Buster is located, but they will have to come back to the planning board once they have new tenants. They have agreed to a memorandum of sidewalks to the satisfaction of the Town Attorney.

Supervisor Woerner left the chair to Deputy Supervisor Craig Artist at 7:48 PM

Supervisor Woerner resumed the chair 7:53 PM

Councilman Joel B. Brink motioned to approve the SEQRA for the Rusi Holding Company

2nd by Councilman David Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Councilman David Brink motioned to gave site plan approval to Rusi Holding Company, 1354 Ulster Avenue, 48.7-1-30.100, with the conditions as noted in the July 15, 2008 Town Planner memo.

2nd by Councilman Joel B. Brink

A Roll Call Vote was taken – Three Ayes – Councilmen Kitchen and Secreto were absent.

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Supervisor Woerner noted that there is no conflict in voting on this matter due to a relationship with a former owner of the property. Town Attorney Zweben concurred.

Authorizing the Superintendent of Highways to seek bids for certain snow plow equipment to be used by the Town Highway Department.

Councilman Joel B. Brink moved to approve the following:

RESOLUTION AUTHORIZING THE HIGHWAY SUPERINTENDENT OF THE TOWN OF ULSTER TO SEEK BIDS FOR CERTAIN SNOW PLOW EQUIPMENT TO BE UTILIZED BY THE TOWN HIGHWAY DEPARTMENT

WHEREAS, the Highway Department of the Town of Ulster, County of Ulster, State of New York, presently owns two trucks, (1) unit # 5 2004 Mack ID #1M2FP263C94M034403 and (2) unit # 16 2002 Sterling ID # 2FZAAZANX2AK30641; and

WHEREAS, the Superintendent of said Highway Department is desirous of having Viking type snow plows installed on said vehicles; and

WHEREAS, on October 15, 2007, the Town Board passed a resolution of standardization providing for the use of such Viking plows exclusively for reasons of economy and efficiency as provided in subdivision 5 of Section 103 of the General Municipal Law; and

WHEREAS, it is determined by this Board desirable to purchase additional snow plowing equipment of the same make as the ones presently owned by the Town;

NOW, THEREFORE, BE IT RESOLVED, that the Superintendent of Highways of the Town of Ulster is authorized to seek bids for all labor and material costs for the following equipment:

(2) Viking wing plows to be installed on two Town of Ulster trucks as provided by the specifications below:

(2) Viking: FH20 front wing mast

Full trip hinge

Patrol support over frame

Viking: 144 WHD RH wing 12' over all, 11' cutting edge.

Additional shoe

Viking: full trip HD HYD. Stand off arms with lower cushion spring.

Add two valve sections.

Add two cables and controls.

Modify plow hitch of truck for front wing mast.

T/U paint where needed

Add all HYD hoses needed

Add any additional springs as needed

To be installed on Town of Ulster Chassis as follows:

(1) unit # 5 2004 Mack ID # IM2P263C94M034403

(2) unit # 16 2002 Sterling ID # 2FZAAZANX2AK30641

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2nd by Councilman David Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Setting a public hearing for the proposed changes to the Shop Rite Plaza.

Supervisor Woerner motioned to set a public hearing for September 4, 2008 at 7:15 pm for the Shop Rite Plaza.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Supervisor Woerner motioned that the Town Board declare itself lead agency for the proposed changes to the Shop Rite Plaza.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent were absent.

Councilman David Brink moved to adopt the following resolution:

Authorizing the Town Supervisor to enter into an easement agreement for the use of the Richmond Park Drainage Project.

WHEREAS, the Town Board has determined that the Town of Ulster would be benefited by a storm water drainage pipe running from a point located on the westerly side of Richmond Parkway to a point along the eastern bank of the Esopus Creek, and

WHEREAS, Michael P. Augustine and Penny E. Augustine are the owners in fee of certain lands situated on the westerly side of Richmond Parkway in the Town of Ulster, and

WHEREAS, the Town Board has previously authorized the Town Supervisor to negotiate the necessary easement agreements with the Augustines regarding the construction and maintenance of the said storm water drainage pipe on their property during a Town Board meeting held on May 15, 2008, and

WHEREAS, the Town Board finds that the Town Supervisor has successfully negotiated three such easement agreements with the Augustines specifically, an Easement Agreement, an Access Easement Agreement, and a Temporary Easement Agreement,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Supervisor to sign the said Easement Agreement, Access Easement Agreement and Temporary Easement Agreement with Michael P. Augustine and Penny E. Augustine, together with any other documents necessary to file those easement agreements, and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Supervisor to pay Michael P. Augustine and Penny E. Augustine the sum of \$45,000.00 in consideration of the grant of the said easements to the Town of Ulster.

2nd by Councilman Joel B. Brink

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A Roll Call Vote was taken – Three Ayes – Councilmen Kitchen and Secreto were absent.

Appointing a new Town Historian.

Supervisor Woerner motioned to appoint Robert Sweeney as the Town Historian. There is no stipend involved.

2nd by Councilman David Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Energy Services Agreement

Councilman Joel B. Brink moved to approve the following resolution:

WHEREAS, Town of Ulster facilities and infrastructure are in need of upgrades to improve energy efficiency and occupant comfort, and reduce energy related operational and maintenance costs, and

WHEREAS, in accordance with Article 9 of the New York State Energy Law, the Town has the opportunity to implement energy related facilities improvement measures by means of an Energy Performance Contract, and

WHEREAS, on June 6, 2008, the Town Supervisor met with representatives of Wendel Energy Services, LLC to review the opportunity of receiving Energy Performance Contract proposals that will propose potential opportunities and methods to improve facilities and infrastructure to reduce energy related costs, and

WHEREAS, on July 17, 2008 the Town of Ulster Clerk received Energy Performance Contract proposals, and having reviewed the proposals recommended the selection of Wendel Energy Services, LLC to perform said services, and

WHEREAS, as a part of the Energy Performance Contract process, the Town will require a detailed Energy Efficiency Study to identify and evaluate potential facility and infrastructure improvements, and the New York State Energy Research and Development Authority (NYSERDA) provides 50% cost-shared grant funding for an energy efficiency study through its Flex Tech or technical Assistance Programs, and

WHEREAS, NYSERDA Flex Tech and Technical Assistance cost-shared grant funds may be applied toward an Energy Efficiency Study to be conducted in conjunction with an Energy Performance Contract, and

WHEREAS, Wendel Duchscherer Architects and Engineers P.C. an affiliated company to Wendel Energy Services LLC, is a contracted NYSERDA consultant authorized to conduct NYSERDA funded energy efficiency studies, and

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NOW THEREFORE BE IT RESOLVED, that the Supervisor, contingent upon form and terms of agreement having been reviewed and approved by the Attorney for the Town, is hereby authorized

1. To execute a Project Development Agreement, terminable for convenience, and subsequent agreements as required, to implement an energy performance contract with Wendel Energy Services, LLC, 1140 John James Audubon Parkway, Amherst, New York, for the provision of facility and infrastructure improvements, that will result in guaranteed energy savings, operational savings and revenue enhancements that when combined over the expected life of the improvements will equal or exceed the total cost of the improvements, and
2. To execute all necessary Energy Efficiency Study agreements with NYSERDA and Wendel Duchscherer Architects and Engineers P.C., and
3. To execute a Municipal Lease agreement with the financial institution offering the most beneficial terms in compliance with the New York State Energy Law Article 9- Energy Performance Contracts in Connection with Public Buildings and Facilities.

2nd by Councilman David Brink

A Roll Call Vote was taken – Three Ayes – Councilmen Kitchen and Secreto were absent.

Senior Center Advertisement for Services

Councilman David Brink motioned to authorize the Town Clerk to advertise for RFP's for Senior Center Administration and Engineering Services.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent were absent.

Bid for Boring Services for Richmond Parkway Drainage

Councilman David Brink motioned to authorize the Town Clerk to go out to bid for boring services for the Richmond Parkway Drainage Project with specification provided by the Town Engineer.

2nd by Councilman Joel B. Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

A discussion occurred about budgeting issues and the state of the Town affairs. Town Supervisor Woerner is in the process of talking to department heads about the 2009 budget and more will be discussed as the 2009 figures are submitted. There has been overspending due to the recent homicide investigation. He anticipated that the insurance carrier cost will be increased. He does not believe that there will be any layoffs, as the town labor is the greatest cost to the town. A spending freeze is in place.

Liz Kyriacou read a letter into the record (exhibit #1). A discussion followed about what the town can do. A private meeting will be set up later to further discuss matter.

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Mr. William Frangis requested that the town remove the stop sign they installed by his house on 190 Hillside Drive. He cited safety concerns that he has and he feels that there was no need for it. He took a survey and the majority of people are running the sign as they were not expecting it. Mr. Frangis will set a meeting up with the Town to review the issue.

Mr. Richard Metzger requested that signs be added to Boices Lane that say "Don't block side roads". He also reported that people are riding on the shoulder of the road to take the right on Morton Blvd. The sign issue will be forward to the various agents and agencies of the county.

Mr. Brooks request more police be hired.

Councilman Joel B. Brink motioned to adjourn the meeting at 8:58 PM

2nd by Councilman David Brink

Three Ayes – Councilmen Kitchen and Secreto were absent.

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk

Guido's

GRILL & PASTA HOUSE

Good Evening,

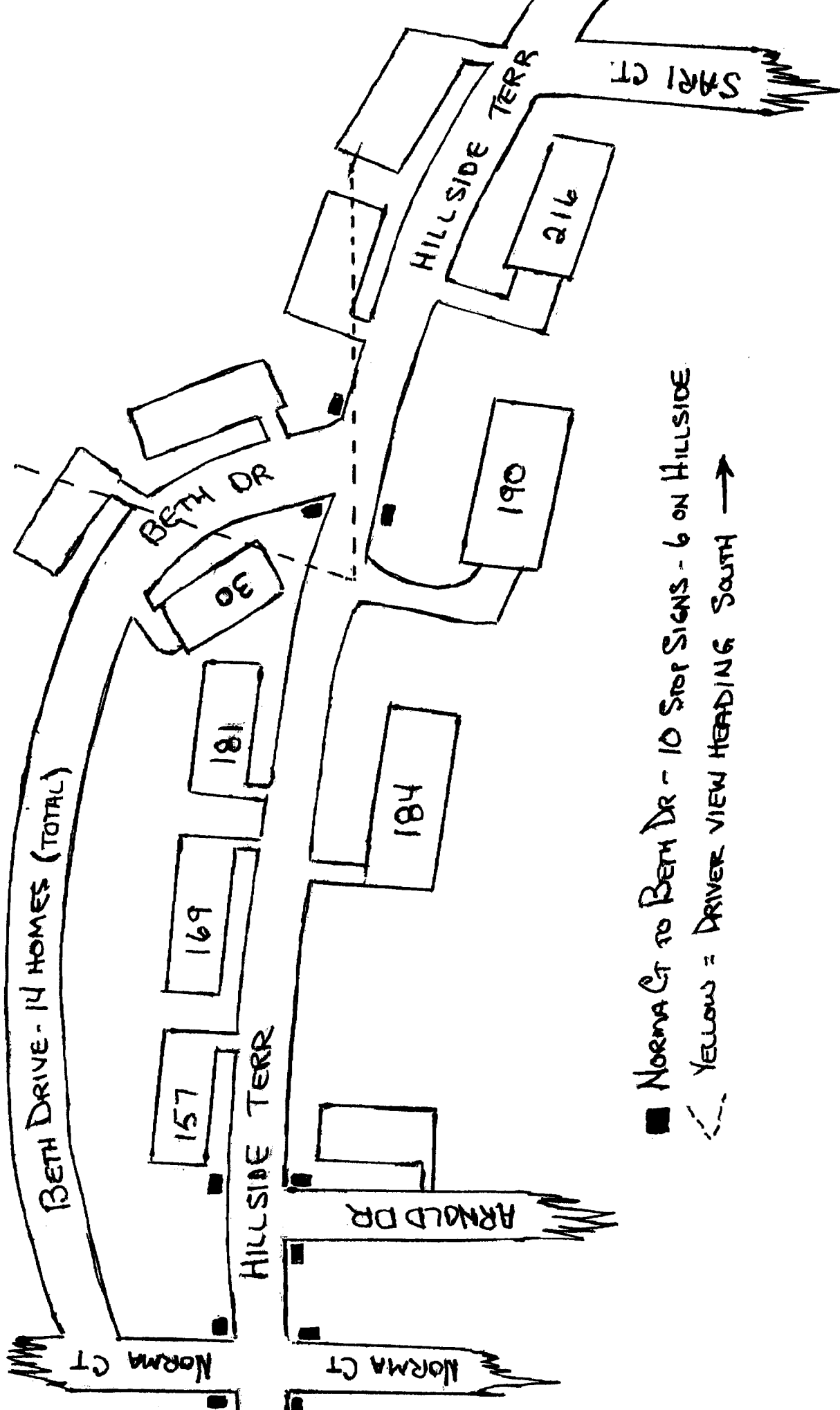
As many of you know, my name is Liz Kyriacou, and my husband and I own Guido's Grill and Pasta House. I am here to address a growing concern in our community, the rise of franchise businesses. As an independent business owner, I have the greatest respect for free enterprise, however, it seems it has become a trend that we keep allowing more and more chains to open in our town. Throughout the last few years, our town has been bombarded by the rise of restaurant chains. From Red Lobster, to Applebee's, and the newest Texas Roadhouse Grill, our local, independent businesses are suffering severe losses. Where will it end? When our restaurants (that we have spent our lives building) are reduced to quiet, empty storage rooms for our hopes and dreams? We can not continue to allow this to happen. That's why I am here, because I can not just sit back anymore.

It is my understanding that our community benefits little from these chains, as their profits are shipped back to their headquarters, which are surely not in the Town of Ulster. Several businesses in our area have been greatly affected by these chains, including my own, and I fear that we are forcing out people who have lived here all of their lives. Businesses are closing every day because our community can not sustain all of them, and unfortunately, it's the small, family-owned businesses who are suffering the greatest losses. I have come here tonight to let you know that my sentiment is also widely felt among other independent restaurant, gas station, and pharmacy owners. We don't need any more chains in our community. We need businesses that will help our community get back to a place where it is thriving as it once was. We need high quality jobs so that our college graduates can come back after school and raise families here. Unfortunately, there doesn't seem to be much potential for that at this time, as our local economy is suffering. We have nothing to offer young people anymore. It's understandable that the state of our national economy is adding to our grim financial situations, but that is out of our control. It is not, however, the only factor. We do have control over what happens within our own town lines, and it's time we started fixing things for the people who have been here, and will be here, for the years to come.

I have come here out of concern, but with the confidence that we can take the appropriate actions from this point on to improve the current conditions in our town. Our town has so much potential, but our first step must be to help the people who are already here, before we can continue any further.

Mr Supervisor, I met with you on July 24th at 10 AM with these concerns, and you assured me that you would call me back to discuss this further. I never received a response, therefore I am here tonight.

Exhibit #1
Liz Kyriacou



■ Norma Ct to Beth Dr - 10 Stop Signs - 6 on Hillside
 Yellow = DRIVER VIEW HEADING SOUTH →

Exhibit #2