

ULSTER TOWN BOARD MEETING

November 20, 2008 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN**

**SALUTE TO THE FLAG**

**A moment of silence was observed for Joseph F. Riccio Jr. , a town resident who passed away. (June 22, 1996 - November 18, 2008)**

**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

Councilman Kitchen apologized for his personal remarks to the Town Supervisor and Town Board at the last meeting.

Supervisor Woerner accepted the apology.

Mr. Robert Barton requested that the budget for 2009 be lowered and that the Town pursue more sales tax money for the police department.

Mrs. Cris Hendrick suggested several cost cuts to lower the town budget. She spoke about the current level of the fund balance, and spoke about the budget being illegal as there were several updates since it was released to the public. She requested that the Town Board vote "no" to the Town Budget.

Robert Crane reviewed the trial balance sheets for the Town and, in his opinion, the Town may be over budget for this year. At the last meeting he made budget suggestions representing the Conservative Party and because of this, he felt he was harassed as his son's position in the town as a police officer was threatened.

Supervisor Woerner advised him that one of the suggested proposals would have caused a series of demotions in the Police Department and he was making the Town Board aware of the potential effects before acting on the decision.

Mr. Richard Metzger inquired about a budget modification for the Recreation Department.

Stephanie Kovarnik inquired about the budget process, the projected increase and why other town's have a lower tax increase during the same period.

Supervisor Woerner explained that the town has a reduction in mortgage tax, increases in safety net costs, and an increase in police department costs. He explained the sales tax situation and he hopes to address these costs with the new County Executive, Michael Hein.

**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Councilman David Brink motioned to approve the minutes of October 2, 2008 and October 16, 2008.

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

**COMMUNICATIONS –**

Supervisor Woerner reported he had received a letter pertaining to remarks made by Councilman Kitchen about himself, addressed to the Board of Ethics. He is the chairperson of the committee and he recused himself from the matter and recommended Joel B. Brink handle the matter until the Town Board's organizational meeting.

Councilman Secreto motioned to appoint Joel B. Brink to the Board of Ethics per recommendation of the Town Supervisor

2<sup>nd</sup> by Councilman David Brink  
All Ayes

**COMMITTEE REPORTS – There were no committee reports.**

**DEPARTMENT HEAD REPORTS**

Town Assessor – Mr. James Maloney, the Town Assessor, reported that the Town Enhanced STAR exemption notices were sent out and they have to be back by March 1, 2009.

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

Highway Department – Highway Superintendent Frank Petramale gave the monthly Highway Department report.

Water Department – Paul Vogt, the Water Superintendent, gave the monthly water department report. All is well.

Police Department – Police Chief Paul Watzka read the monthly police report. A meeting was held with other law enforcement agencies to review grant funding opportunities to help offset expenses. They did receive a Byrens Grant in the amount of \$10,000.

**ABSTRACT OF CLAIMS**

Councilman Joel B. Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	1101-1133	10,883.22
ULSTER WATER	1101-1107a	6,539.60
HALCYON PK. WATER	1101	487.99
SPRING LAKE WATER	1101-1104	361.19
BRIGHT ACRES WATER	1101	523.61
GLENERIE WATER	1101	20.12
EAST KINGSTON WATER	1101	40.00
WHITTIER SEWER	1101-1102	556.67
ULSTER SEWER	1101-1107	25,471.47
WASHINGTON AVE. SEWER	1101	33.67
SPECIAL LIGHT	1101-1106	3,842.01
ALL OTHERS		
GENERAL	1101-11150	199,150.41

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HIGHWAY	1101-1151	<b>190,717.97</b>
WHITTIER SEWER	1101-1108	<b>1,583.99</b>
ULSTER SEWER	1101-1121	<b>16,261.79</b>
WASHINGTON AVE. SEWER	1101	<b>850.11</b>
ULSTER WATER	1101	<b>118,558.25</b>
HALCYON PK. WATER	1101-1103	<b>994.00</b>
SPRING LAKE WATER	1101-1103	<b>185.00</b>
BRIGHT ACRES WATER	1101-1106	<b>2,015.06</b>
CHERRY HILL WATER	1101-1102	<b>50.00</b>
GLENERIE WATER	1101-1102	<b>50.00</b>
EAST KINGSTON WATER	1101-1104	<b>212.00</b>
INSURANCE (ALL FUNDS)	1101-1119	<b>112,987.13</b>
CAPITAL PROJECTS		
TRUST & AGENCY	1101-1118	<b>16,756.50</b>
DRAINAGE PROJECTS	1101-1105	<b>13,383.67</b>
	<b>TOTAL</b>	<b>\$ 722,515.43</b>

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

A Roll Call Vote was taken – All Ayes

Councilman Joel B. Brink moved to approve the following:

**BUDGET MODIFICATIONS:**

Budget Modifications:

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-softball electric bill,Orlando St. to Central Hudson \$ 315.65

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-softball):

D.Genter - reimb. for gas for tractor and forfeit to PJ Gray		\$ 96.00
USSSA	sanction fee	\$ 230.00
R.Kelder	Sept field prep	\$ 400.00
U1.Water Dist.	water bill	\$ 10.00
Anaconda Sports	softballs and scorebooks	\$ 349.30
Central Hudson	electric	\$ 346.66
Earl Mitchell	umpire fee	\$ 26.00
Total		\$ 1,457.96

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-biddy Basketball):

Rocco Secreto	reimb. for signs	\$ 240.00
YMCA	gym rental	\$ 600.00
Anaconda Sports	basketballs, ballbags, scoreboard, carrybags	
	tabletop electronic scoreboard	\$ 1,018.00
Total		\$ 1,858.00

Modify Appropriation A7140.400 (Equipment)to be funded through A5110 Approp. Reserve-Football):

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Greg Maisch	advance referee fees	\$ 240.00
Greg Maisch	advance referee fees	\$ 240.00
Philips Town Pop Warner		\$ 235.00
Total		\$ 715.00

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Volleyball) volleyball standards to Anaconda Sports		\$ 723.35
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Modify Revenue A2189 (DWI-Task Force) and Appropriation A3120.102 (DWI WAGES) REIM. FOR AUG. DWI Wages		\$ 1,100.40
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Modify Revenue A3089 (St .Aid, Oth Gen. Aid) and Appropriation A3120.200 (Equipment) state grant through records management for evidence locker		\$ 4,206.00
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Modify revenue A2680 (Insur. Recoveries) and Appropriation A7110.201 (Post Park Pavilion) check from Selective Way Insur. for pavilion damage		\$91,650.62
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Highway Fund:

Modify Appropriation D5130.200 (Equipment) to be funded through D5110 (Approp. Reserve-Equipment) for purchase of snow plows with wings from Amthor Welding Service		\$33,194.00
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Modify Revenue D2650 (Sale of Scrap & Materials) and Approp D5130.200 (Equipment) for the purchase of equipment		\$ 2,743.12
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Modify Revenue D2665 (Sale of Equipment) and Appropriation D5130.200 (Equipment) for the purchase of equipment		\$ 7,852.39
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General Fund

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Football):		
Anaconda Sports - cheerleader uniforms		\$ 1,303.35
Anaconda Sports - football uniforms		\$ 2,480.45
Total		\$ 3,783.80

Highway Fund

Modify Revenue D2680 (Insur. Recoveries) and Appropriation D5130.491 (Parts) check from Selective Way Insurance for damage to unit #9 R. Hayner, loss date 10/21/08		\$ 1,202.42
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General Fund

Modify Appropriation A3121.400 (Drug Forfeiture) to be funded through A5110 (Approp. Reserve-Drug Forfeiture) purchase of a recording platform from Business Electronics		\$ 9,000.00
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General Fund

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-

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Softball) electric bill Central Hudson at Orlando St.

\$ 383.41

General Fund

Modify Revenue A4389 (Public Safety/Fed.Aid) and Appropriation A3120.430 (clothing-cleaning) federal grant for bulletproof vests from DOJ for Police Dept.

\$ 1,067.38

General Fund

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Football) reim. for tee shirts from Deitz paid by Greg Maisch

\$ 660.90

General Fund

Modify Revenue A2680 (Insur.Recoveries) and Appropriation A5182.400 (Lighting) check from State Farm Fire & Casualty Co. for light pole damage, Grant Ave

\$ 5,276.12

General Fund

Transfer From

Transfer To

A3120.106	Training Wages	A3120.436	Training	\$ 2,369.69
A3120.106	Training Wages	A3120.100	Wages	\$ 5,000.00
A3121.400	Drug Enforce	A3120.100	Wages	\$70,000.00
			Vehicle	
A3120.203	Vehicle Leases	A3120.201	Prep	\$28,000.00
			Vehicle	
A3120.200	Equipment	A3120.201	Prep	\$ 4,130.34
			Vehicle	
A3120.202	Computers	A3120.201	Prep	\$ 3,000.00

General Fund

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) payment to Anaconda Sports for V-Neck tees and reversible tank tops

\$ 1,961.50

General Fund:

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) payment to Anaconda Sports for whistles, cold packs, and clipboards with pens

\$ 67.70

Highway Fund:

Modify Revenue D2680 (Insur.Recoveries) and Appropriation D5130.100 (Wages) \$480.00, D5110.400 (street Program) \$150.00 and D5130.491 (Parts) \$1,572.42 check from Geico Gen. Insur. Co., damage to Unit #9 ,R. Hayner, loss date 10/21/08

\$ 2,202.42

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

A Roll Call Vote was taken – All Ayes

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**7:30 PM – Public Hearing for proposed Local Law to provide for a partial exemption from Town taxes for Veterans of the "Cold War"**

Supervisor Woerner called the public to order at 7:43 PM

Town Assessor James Maloney gave an overview of the proposed town law as to allow an exemption for residents who served as "Cold War" veterans.

John Morrow is in favor of the proposed law.

Councilman Secreto motioned to close the public hearing at 7:43 PM

2<sup>nd</sup> by Councilman Joel B. Brink

All Ayes

**Councilman Kitchen moved to approve the following:**

**Local Law Number 1 of 2008**

Town of Ulster

**A Local Law to Provide For An Exemption From Real Property Taxes For Real Property Owned By Veterans Who Rendered Military Service To The United States During the "Cold War".**

BE IT ENACTED, by the Town of Ulster, as follows:

SECTION 1. FINDINGS: Section 458-b of the Real Property Tax Law authorizes a limited exemption from real property taxes for residential real property owned by veterans who rendered military service to the United States during the "Cold War".

Section 458-b of the Real Property Tax Law authorizes municipalities to establish maximum exemption amounts.

In regard to "Cold War" veterans who own residential real property within the Town of Ulster, it is the desire of the Town of Ulster to authorize the "Cold War" Veterans exemption and establish maximum amounts thereof.

SECTION 2. INTENT: In accordance with the provisions of Section 458-b of the Real Property Tax Law of the State of New York, residential real property owned by veterans who rendered military service to the United States during the "Cold War", as defined by Real Property Tax Law 458-b, shall be exempt from Town taxation as provided in Section 3 herein

SECTION 3. EXEMPTION: Except as further provided for in Section 4 hereof, the maximum exemptions allowable from Town real property taxation pursuant to Section 458-b of the Real Property Tax Law shall be 15% of the property's assessment, not to exceed \$12, 000.00 multiplied by the latest final state equalization rate

SECTION 4. ADDITIONAL EXEMPTION: In addition to the exemption provided in Section 3 hereof where the Cold War veteran received a compensation rating from the United States veterans affairs or from the United States department of defense because of a service connected disability, qualifying residential real property shall be exempt from taxation to the extent of the product of the assessed value of such property, multiplied by fifty percent of the Cold War veteran disability rating; provided, however that such exemption shall not exceed forty thousand dollars, or the product of forty thousand dollars multiplied by the latest state equalization rate for the assessing unit, or, in the case of a special assessing unit, the latest class ratio, whichever is less.

SECTION 5. LIMITATIONS:

(i) If a Cold War veteran receives the exemption under section four hundred fifty eight or four hundred fifty eight-a of this title, the Cold War veteran shall not be eligible to receive the exemption under this section.

(ii) The exemption provided by Sections 3 and 4 of this law shall be granted for a period of ten years. The commencement of such ten year period shall be governed pursuant to this subparagraph. Where a qualified owner owns qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring on or after the effective date of the local law providing for such exemption. Where a qualified owner does not own qualifying residential real property on the effective date of the local law providing for such exemption, such ten year period shall be measured from the assessment roll prepared pursuant to the first taxable status date occurring at least sixty days after the date of purchase of qualifying residential real property; provided, however, that should the veteran apply for and be granted an exemption on the assessment roll prepared pursuant to a taxable status date occurring within sixty days after the date of purchase qualifying real property; such ten year period shall be measured from the first assessment roll in which the exemption occurs. If, before the expiration of such ten year period, such exempt property is sold and replaced with other residential real property, such exemption may be granted pursuant to this subdivision for the unexpired portion of the ten year period.

SECTION 6. APPLICATION FORM: Application for exemption shall be made by the owner, or all of the owners, of the property on a form prescribed by the State Board Equalization and Assessment or by the Town of Ulster Assessor. The owner or owners shall file the completed form in the assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years and the owner or owners of the property shall not be required to refile each year. Applicants shall be required to refile on or before the appropriate tax status date if the percentage of disability percentage increases or decreases or may refile if other changes have occurred which affect qualification for an increased or decreased amount of exemption. Any applicant convicted of willingly making any false statement in the application for such exemption shall be subject to the penalties prescribed in the penal law.

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SECTION 7. EFFECTIVE DATE: This local Law shall be effective on the date of filing with the Secretary of State

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

**7:45 PM - Local Law to increase the allowable income range for Seniors of Limited Income to be eligible for a partial exemption from Town taxes.**

Town Assessor James Maloney gave an overview of the proposed resolution.

Stephanie Kovarnik inquired about what the age of a person has to be for a senior exemption. Mr. Maloney stated that is sixty five (65).

Councilman Secreto motioned to close the public hearing at 7:46 PM  
2<sup>nd</sup> by Councilman David Brink  
All Ayes

Councilman Joel B. Brink moved to approve the following:  
**A RESOLUTION TO INCREASE THE ALLOWABLE INCOME RANGE BY WHICH SENIOR CITIZEN LAND OWNERS WITH LIMITED INCOME ARE ELIGIBLE FOR A PARTIAL TOWN TAX EXEMPTION ON THEIR RESIDENCE**

BE IT ENACTED BY THE TOWN OF ULSTER TOWN BOARD AS FOLLOWS:

Whereas Section 467 of the Real Property Tax Law of the State of New York authorizes local government and schools to enact a resolution granting partial exemption from property taxes for residential property owned by persons sixty-five years of age or over, meeting the statutory qualifications.

Now therefore, be it resolved that the Town of Ulster Assessor recommends and submits to the Town of Ulster Town Board for approval, that all qualifying senior citizens be exempt from Town taxes to the extent of the scheduled percentage exemption as set forth below in accordance with the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
\$24,000.00 or less	50%
\$24,000.01 to 24,999.99	45%
\$25,000.00 to 25,999.99	40%
\$26,000.00 to 26,999.99	35%
\$27,000.00 to 27,899.99	30%
\$27,900.00 to 28,799.99	25%
\$28,800.00 to 29,699.99	20%
\$29,700.00 to 30,599.99	15%



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\$30,600.00 to 31,499.99	10%
\$31,500.00 to 32,399.99	5%
\$32,400.00 and over	No Exemption

Income tax year shall mean the twelve month period for which the owner or owners filed a Federal Personal Income tax return or, if no such return was filed, the calendar year.

This resolution shall take effect on the date of filing with the Secretary of State for the betterment and assistance of the Town's Senior Citizens, amending the resolution enacted on February 27, 2003.

2<sup>nd</sup> by Councilman Secreto  
A Roll Call vote was taken – All Ayes

**Town of Ulster Tree Lighting on December 6<sup>th</sup>.**

**Councilman Secreto announced the tree lighting ceremony is scheduled for December 6, 2008 from 4PM to 6PM. At 6 PM the tree will be lit in memory Joseph F. Riccio Jr.**

Supervisor Woerner announced that a Thanksgiving Dinner will be held from 10:30 AM to 2 PM at the Red Lobster, sponsored by the PBA & the Salvation Army. All are welcome to attend for a free meal. All the food was donated by Wal-Mart.

Police Chief Watzka reported that Wal-Mart has awarded a grant to the town in an amount that is still to be determined.

**Setting water rates for the Town of Ulster effective 2009**

Councilman Secreto motioned to set a public hearing for December 4, 2008 at 7 PM to review the entire Town of Ulster Fee Schedule, including the water, transfer station and recreation rate.

2<sup>nd</sup> by Councilman David Brink  
All Ayes

**Appointment of a part-time Building Inspector**

Supervisor Woerner motioned to hire Clark Kimble as a part time assistant building inspector in the Town Building Department at a rate of pay of \$15.60 an hour effective November 21, 2008

2<sup>nd</sup> by Councilman David Brink  
A Roll Call Vote was taken - All Ayes

**Appointment of a part-time transfer station attendant.**

Supervisor Woerner motioned to hire Andrew Hamilton as a part time attendant at the Town Transfer Station at a rate of pay of \$ 9.00 an hour effective November 15, 2008

2<sup>nd</sup> by Councilman Joel B. Brink  
A Roll Call Vote was taken - All Ayes

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Supervisor Woerner recessed the meeting at 7:56 PM to discuss the 2009 budget with Councilman Joel B. Brink

**The meeting was resumed at 8:35 with Supervisor Woerner opening the public hearing for the Road Facilitation District for the Frank Sottile Blvd Extension**

Town Assessor James Maloney suggested changing the property tax from an ad valorem tax to a benefit tax so each property is paying an equal share and he will work with the Town Attorney to do so.

Supervisor Woerner gave an overview of the project and the funding sources. The project will cost \$6.5 M with \$4.2 M coming from the State. Mr. Maloney gave a brief description of the district to be taxed, a total of approximately 10 properties.

John Morrow inquired when the district will be completed. He is in favor of the project and would like a similar project to connect to John Clark Drive.

Supervisor Woerner reported that they hope to have the bonding done in 2009 and the project completed in 2010.

Councilman Joel B. Brink moved to close the public hearing at 8:38 PM

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

All Ayes

**Adoption of the 2009 Town of Ulster Budget.**

Councilman David Brink moved to approve the 2009 Budget with modifications as submitted and on file in the Town of Ulster Clerk's Office.

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

A Roll Call Vote was taken – 4 Ayes – 1 Nay by Councilman Kitchen

NAACP Vice President Ismail Shabazz requested action be taken against Zoning Board of Appeals Member Donald Wise for a statement made to a local newspaper. "Now the noose is around the Democrats' necks. It's all on them and they won't have the Republicans to point fingers at. It's sink or swim for them. I just hope they don't drag the whole country down with them." He feels the words "noose" and "drag" are racist.

Mr. Donald Wise stated he is not a racist and those were not racist words. He was making a political statement.

Supervisor Woerner asked Mr. Shabazz to write a letter and forward it to the Town of Ulster Ethic's committee as this was not the appropriate venue for this discussion.

Councilman Secreto moved for the following Resolution of Adjournment at 9:12 PM:

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Whereas, on Tuesday, November 18<sup>th</sup> 2008, Joseph Francis Riccio Jr. a resident of the Town of Ulster passed away and,

Whereas, Joseph Francis Riccio Jr., was a model student, athlete and was involved in various Town recreation programs and,

Whereas, Joseph Francis Riccio Jr., was the beloved son of Joseph and Linda Riccio and,

Whereas, Joseph Francis Riccio Jr., made his community a better place as a result of his service and love for our community and,

Whereas, The Town Board of the Town of Ulster wishes to recognize the life of Joseph Francis Riccio Jr.

Now Therefore, be it resolved that the Town Board of the Town of Ulster stands adjourned in memory of the life of Joseph Francis Riccio Jr. and,

Be it further resolved that a copy of this resolution be presented to the family of Joseph Francis Riccio Jr.

2<sup>nd</sup> by Councilman Joel B. Brink  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk