

ULSTER TOWN BOARD MEETING
December 18, 2008 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN

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

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Joel B. Brink motioned to approve the minutes of November 6, 2008 and November 20, 2008.

2nd by Councilman Secreto

Supervisor Woerner noted a correction in the spelling of a name Shirley “Daphne” to “Gaffney” from the December 4, 2008 minutes (corrected).

All Ayes

COMMITTEE REPORTS –

Councilman Secreto reported, from the Building and Grounds Committee, that through a grant from the Office of Court Administration, the meeting room will have some tile and carpet installed. An eye-beam that lies in the center of the room may be removed.

Councilman Secreto reported, from the Parks and Recreation Committee, that 600 meals were prepared at the Red Lobster for Thanksgiving. He thanked the PBA for delivering the meals and anyone else who helped. Wal-Mart donated the food for the Thanksgiving event and for the town tree lighting. Shoprite also donated some refreshments for the tree lighting. About 250 people came to the tree lighting that was in memory of Joseph Francis Riccio Jr. He thanked Charles Freer for putting the lights on the tree. The event didn't cost the town any money. About 156 children are participating in the biddy basketball league.

DEPARTMENT HEAD REPORTS

Town Assessor – Mr. James Maloney, the Town Assessor, reported that the office was very busy.

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

Highway Department – Highway Superintendent Frank Petramale gave the monthly Highway Department report. They are preparing for the up coming snow storms. There will be a Christmas tree pickup. The Highway Committee will have to meet to discuss snow removal for sidewalks.

Water Department – Paul Vogt, the Water Superintendent, gave the monthly water department report. There have been several water breaks that have been taken care of.

Waste Water - Waste Water Superintendent, Corey Halwick reported that, all things considered, the sewer systems are working satisfactorily. He requested that the Town Board go out to bid for a light duty truck.

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Councilman David Brink moved to authorize the Waste Water Superintendent, Corey Halwick, to go out to bid according to general municipal law, with the supervision of the Town Clerk for a light duty 4WD dump, plow and sander truck (bid to be open Friday, Jan. 9, 2009).

2nd by Councilman Joel B. Brink

All Ayes

Paul Vogt, the Water Superintendent, requested that the town adopt a resolution to perform an environmental study for the USDA to install a water tank for the East Kingston Water District.

Councilman Joel B. Brink moved to approve the following:

Whereas, the East Kingston Water District, located in the Town of Ulster, intends to construct an elevated water storage tank with a minimum volume of 120,000 gallons. In order to provide minimum water pressures in accordance with New York State Department of Health regulations, the tank would stand approximately 140 feet high, and;

Whereas, funding for the project exists in the form of remaining grant funds from the United States Department of Agriculture (USDA) - New York Rural Development, and;

Whereas, the project requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA), and;

Whereas, a conceptual Site Plan/Subdivision Map has been prepared for the tank site by Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

Whereas, the Town has prepared a Full Environmental Assessment Form.

Therefore, be it resolved that the Town Board declares its desire to be Lead Agency and authorizes the Town Clerk to distribute a Lead Agency Coordination Form, Full Environmental Assessment Form, and conceptual site plan/subdivision map to the other involved agencies.

2nd by Councilman David Brink

All Ayes

Police Department – Deputy Police Chief Joseph A. Sinagra 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	1201-1218	7,004.44
ULSTER WATER	1201-1203	252.54
HALCYON PK. WATER	1201	481.60
SPRING LAKE WATER	1201-1202	139.38

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BRIGHT ACRES WATER	1201	341.47
WHITTIER SEWER	1201-1202	900.89
ULSTER SEWER	1201-1202	178.65
WASHINGTON AVE. SEWER	1201	35.35
SPECIAL LIGHT	1201-1206	3,811.57
ALL OTHERS		
GENERAL	1201-12125	104,298.66
HIGHWAY	1201-1241	50,283.52
WHITTIER SEWER	1201-1204	1,426.43
ULSTER SEWER	1201-1217	13,075.99
ULSTER WATER	1201-1223	13,152.13
HALCYON PK. WATER	1201-1202	35.86
SPRING LAKE WATER	1201-1202	85.00
BRIGHT ACRES WATER	1201-1202	275.00
CHERRY HILL WATER	1201	25.00
GLENERIE WATER	1201	25.00
EAST KINGSTON WATER	1201	25.00
INSURANCE (ALL FUNDS)	1201-1219	111,568.67
MEDICARE REIMB.		12,871.95
CAPITAL PROJECTS		
TRUST & AGENCY	1201-1225	12,473.17
DRAINAGE PROJECTS	1201-1203	2,940.00
SENIOR CENTER CAP. PROJ.	1201	\$2,537.75
	TOTAL	\$338,245.02

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

Councilman Joel B. Brink moved to approve the following:

BUDGET MODIFICATIONS:

General Fund:	Modify Revenue A3089 (Oth. Gen.Aid) and Appropriation A3120.101 (O.T. Earnings) Selective Enforcement Impact O.T., State Grant #T078765, Police Dept.	\$13,586.06
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) reimb. to Rocco Secreto for flower arrangement and extension cords	\$114.86
General Fund:	Modify Appropriation A7140.000 (Equipment) to be funded through A5110 (Approp. Reserve-biddy basketball Chuck Jackson refereeing Nov.18 & Nov. 25th	\$60.00
	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-softball) expenses to: Ronald Kelder - Field Prep.-Oct. 5 thru Nov. 5th	\$525.00

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	Herzog Supply - lime, rapid dry		\$256.77
	Anaconda Sports - softballs		\$56.00
		Total	\$837.00
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) gym rental		\$550.00
General Fund:	Modify Revenue A1589 (STEP Wages) and Appropriation A3120.10 (Traffic Safety Program) July-Sept. STEP Wages from Gov. Traffic Safety Commission		\$3,492.91
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-FootbaLL) reimb. To Greg Maisch for tee shirts		\$660.90
General Fund:	Modify Revenue A2189 (DWI) and Appropriation A3120.102 (DWI-Wages) Oct. wage reimb.		\$268.60
General Fund:	Modify Revenue A2680 (Insur. Recoveries) and Appropriation A7110.201 (Post Pk. Pavilion) check from Selective Way Insurance for Ada Costs and contents loss caused by pavilion collapse		\$30,048.58
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-football) payment to Anaconda Sports for uniforms		\$3,005.55
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Football) payment to Pronto Printers for tickets		\$141.40
General Fund:	Modify Revenue A3989 (State Aid, Seat Grant) and Appropriation A3120.440 (Car Seat Grant) reimb. from Gov. Traffic Safety Committee for expenses		\$2,843.58
General Fund:	Modify Revenue A2705 (Gifts & Donations) and Approp. A2989.400 (Dare) donation from Sam's Club Foundation		\$1,000.00
General Fund:	Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball) electric bill to Central Hudson		\$280.42
Spring Lake Water:	Modify Appropriation to be funded through SW3-5990 (Approp. Fund Bal.): SW3-8320.455 Water Cost		\$10,082.00
Glenerie Water:	Modify Appropriation to be funded through SW6-5990 Approp. Fund Bal.: SW6-8310.406 Telephone		\$352.00
			\$2,072.00
Ulster Water:	<u>Transfer From</u>	<u>Transfer To</u>	
	SW1-8310.101 O.T. Wages	SW1-8310.404 Postage	\$713.00
	SW1-8310.101 O.T. Wages	SW1-8320.250 Meters & Hyds	\$3,000.00
	SW1-8320.430 Unif. Rntl	SW1-8320.454 Maint.	\$600.00
	SW1-8320.430 Unif. Rntl	SW1-9050.800 Unemployment	\$103.00
Halcyon Park:	SW2-8320.250 Meters	SW2-8330.401 Lab Testing	\$400.00

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Spring Lake Water:	SW3-8320.409 Rep.& Suppl.	SW3-8310.406 Telephone	\$350.00
Bright Acres Water:	SW4-8320.250 Meters	SW4-1950.400 Taxes & Assess.	\$486.00
	SW4-8320.413 Equip Rntl	SW4-8320.407 Electric	\$1,700.00
	SW4-9730.700 Ban Int.	SW4-8330.401 Lab Testing	\$600.00
	SW4-9730.700 Ban Int.	SW4-8330.451 Chemicals	\$94.00
Cherry Hill Water:	SW5-8320.250 Meters	SW5-8320.409 Rep.& Suppl.	\$1,000.00
	SW5-8320.250 Meters	SW5-8330.401 Lab Testing	\$150.00
	SW5-8320.250 Meters	SW5-9710.700 Int	\$855.00
Glenerie Water:	SW6-9710.600 Prin.	SW6-9710.700 Int	\$2,000.00
	SW6-9010.800 Retirement	SW6-8320.455 Water Costs	\$971.00
	SW6-8320.250 Meters	SW6-8320.455 Water Costs	\$350.00
	SW6-8320.407 Electric	SW6-8330.401 Lab Testing	\$265.00
E. Kinston Water:	SW7-9010.800 Retirement	SW7-8330.401 Lab Testing	\$226.00
	SW7-9010.800 Retirement	SW7-9710.700 Int	\$182.00
Whittier Sewer:	SS1-9010.800 Retirement	SS1-8310.407 Electric	\$40.00
	SS1-9010.800 Retirement	SS1-9030.800 Soc. Sec.	\$80.00
Ulster Sewer	SS2-8130.200 Equipment	SS2-8130.407 Electric	\$22,000.00
	SS2-9010.800 Retirement	SS2-9070.800 Medicare	\$1,722.00
Highway Fund:	Modify Revenue D3501 (St. Aid Chips) and Appropriation D5112.200 (Chips Program) record additional Chips Aid		\$22,452.13
General Fund:	Modify Revenue A2189 (DWI-Task Force) and Appropriation A3120.102 (DWI Wages) Nov. DWI wage reimb.		\$478.36

2nd by Councilman Secreto

A Roll Call Vote was taken – All Ayes

Supervisor Woerner reopened the public hearing December 4, 2008 in regard to the Fee Schedule and Water Rate Local Law at 7:28 PM

Town Clerk Cosenza explained that he needed to file the paperwork to generate the tax bills in time to be sent out. After consulting with three board members and the town attorney, he submitted the application without a reminder fee and requested that fee be effective for 2010.

Councilman David Brink moved to close the public hearing at 7:31 PM

2nd by Councilman Secreto

All Ayes

Local Law #2 of 2008

Councilman Joel B. Brink motioned to approve the following:

A LOCAL LAW AMENDING AN EXISTING LOCAL LAW
LOCAL LAW NO. 2 OF THE YEAR 2008

A Local Law amending Local Law No. 2 of the Year 2006 pertaining to Town Fees.

Be it enacted by the Town Board of the Town of Ulster, Ulster County, New York, as follows:

SECTION I. AMENDMENT

A. Section A194-1 of the Code of the Town of Ulster is hereby amended so that the current provision of subparagraph (6)(b) of the “Town Clerk fees” portion of subsection (A) of that section is repealed and replaced with the following provision:

“For searches requiring at least two hours of agency employee time to prepare a copy of the record requested, the cost of reproducing the record shall include:

- (i) an amount equal to the hourly salary attributed to the lowest paid agency employee who has the necessary skill required to prepare a copy of the requested record;
- (ii) the actual cost of the storage devices or media provided to the person making the request in complying with such request; and
- (iii) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency’s information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy.”

B. Section A194-1 of the Code of the Town of Ulster is hereby amended so that the current provisions of subsection G of that section are hereby repealed and replaced with the following provisions, but only for the following water districts, the water rates for the remaining water districts mentioned in that subsection G shall remain unchanged:

“Bright Acres Water District, water rates: first 9,000 gallons or any portion thereof for \$50.61; 9,001 - 20,000 gallons for \$4.44 per 1,000 gallons or any portion thereof; 20,001 – 50,000 gallons for \$4.87 per 1,000 gallons or any portion thereof; 50,001 gallons and above for \$5.89 per 1,000 gallons or any portion thereof.

Cherry Hill Water District, water rates: first 5,000 gallons or any portion thereof for \$15.00; 5,001 gallons and above for \$3.00 per 1,000 gallons or any portion thereof.

Glenerie Water District, water rates: first 5,000 gallons or any portion thereof for \$13.10; 5,001 gallons and above for \$2.62 per 1,000 gallons or any portion thereof.

Halcyon Park Water District, water rates: first 5,000 gallons or any portion thereof for \$10.00; 5,001 – 20,000 gallons for \$2.25 per 1,000 gallons or any portion thereof; 20,001 – 50,000 gallons

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for \$2.65 per 1,000 gallons or any portion thereof; 50,001 gallons and above for \$3.05 per 1,000 gallons or any portion thereof.

East Kingston Water District, water rates: first 5,000 gallons or any portion thereof for \$14.70; 5,001 gallons and above for \$2.94 per 1,000 gallons or any portion thereof.”

C. Section A194-1 of the Code of the Town of Ulster is hereby amended so that the current provision of subsection (B) of that section is numbered subparagraph (1) and by the addition of a new subparagraph (2) to read as follows:

“(2) The fee for mailing of the notice of unpaid taxes, which shall be a charge against the parcel, pursuant to section 987 of the Real Property Tax Law: \$2.00.”

SECTION II. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

SECTION III. EFFECT OF AMENDMENT

Except as herein modified, Local Law No. 2 of the year 2006, and any subsequent valid amendments thereto, are hereby ratified and confirmed.

SECTION IV. EFFECTIVE DATE

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York Secretary of State.

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

Regarding a request for an aerial wavier for the Lane property (Ulster Landing Road)

Town Attoreny Andrew Zweben reported that the town is not allowed to grant an easement through park property by NY State Law. He suggested that the town issue a license to Mr. Lou Lane to allow him to have electric lines go over the Town property, so at a later time if the town needs to use that land, the town could use that land. Otherwise, the town would need to seek a State easement.

Councilman Kitchen motioned to authorize a license agreement be created between the Town and Mr. Lou Lane property, located on 421 Park Road (48.12-2-11.112), using the define survey map, contingent upon the approval of Central Hudson, that cost of the license be equal to all the Town’s

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legal costs in preparing the license and the Town Supervisor be authorized to execute any documents necessary to enact such license.

2nd by Councilman Secreto

A Roll Call Vote was taken – All Ayes

Regarding 2009 Organizational Meeting

Supervisor Woerner announced that the 2009 Organization Meeting will be held on December 29, 2008 at 7 PM.

Proposed Recreation Fees for the Town of Ulster

Councilman Secreto reported an update in the summer camp and pavilion fee schedule. A discussion followed. Councilman David Brink feels that people should take their trash from the park when they leave. There is no proposed increase in the Town Transfer Station Fee schedule.

Councilman Joel B. Brink motioned to adjourn the meeting at 7:36 PM

2nd by Councilman Secreto

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk