

ULSTER TOWN BOARD MEETING  
MAY 21, 2009 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR WOERNER, CHAIRMAN at 7:08 PM**

**SALUTE TO THE FLAG**

**A moment of silence was observed for former Council Member Barbara Wise and for town resident Steve Galderisi**

**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

Hudson Valley Development

Mr. Daniel Simone gave an overview of the Hudson Valley Development project. They are submitting a proposal for a traditional overlay zone that was produced from the SEQRA process and compliant with the Town Comprehensive plan. He requested that the Town Board host a public hearing in regard to establishing that overlay local law.

Councilman Kitchen moved for the Town Board to set a public hearing for June 18, 2009 at the Ulster Town Hall at 7:15 PM for the town to establish an overlay district.

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

All Ayes

Councilman Joel B. Brink motioned to refer the proposed local law to the Ulster County Planning Board for review.

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

All Ayes

**Public Comment**

Mr. George Lucente requested that something be done to prevent signs being placed throughout the town during the holiday weekend.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Joel B. Brink motioned to approve the minutes of March 19, 2009.

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

All Ayes

**COMMUNICATIONS**

Councilman Kitchen announced that Ulster Hose Company #5 will host its annual Memorial Day Ceremony at 5 PM on Monday, May 25, 2009

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Councilman Joel B. Brink reported that Assessor James Maloney has filed his annual disclosure report in a timely fashion.

**ABSTRACT OF CLAIMS**

Councilman David Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
<b>UTILITIES</b>		
GENERAL	501-532	<b>9,057.43</b>
ULSTER WATER	501-507a	<b>4,274.90</b>
HALCYON PK. WATER	501-502	<b>332.06</b>
SPRING LAKE WATER	501-504	<b>344.55</b>
BRIGHT ACRES WATER	501	<b>192.42</b>
GLENERIE WATER	501	<b>20.00</b>
EAST KINGSTON WATER	501	<b>46.01</b>
WHITTIER SEWER	501-502	<b>1,424.30</b>
ULSTER SEWER	501-505	<b>10,358.30</b>
WASHINGTON AVE. SEWER	501-502	<b>69.37</b>
SPECIAL LIGHT	501-506	<b>3,300.29</b>
<b>ALL OTHERS</b>		
GENERAL	501-5117	<b>1,047,468.99</b>
HIGHWAY	501-552	<b>69,958.63</b>
WHITTIER SEWER	501-503	<b>2,680.00</b>
ULSTER SEWER	501-522	<b>82,815.90</b>
ULSTER WATER	501-527	<b>141,756.43</b>
HALCYON PK. WATER	501-508	<b>1,808.63</b>
SPRING LAKE WATER	501-502	<b>1,025.00</b>
BRIGHT ACRES WATER	501-502	<b>275.00</b>
CHERRY HILL WATER	501	<b>25.00</b>
GLENERIE WATER	501	<b>25.00</b>
EAST KINGSTON WATER	501	<b>25.00</b>
INSURANCE (ALL FUNDS)	501-518	<b>117,006.68</b>
<b>CAPITAL PROJECTS</b>		
TRUST & AGENCY	501-530	<b>21,718.18</b>
SENIOR CENTER CAP. PROJ.	501	<b>600.00</b>
	<b>TOTAL</b>	<b>\$1,516,608.07</b>

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

Councilman David Brink moved to approve the following:  
**BUDGET MODIFICATIONS:**

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**General Fund:**

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve - Softball League) electric at Orlando St. \$ 32.40

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Biddy Basketball) Rocco Secreto reimb.-fruit baskets, pizza and soda for school workers \$50.00

Modify Revenue A3089 (State Aid,Other) and Appropriation A3120.200 (Equipment) Taser Grant #LG08088440/Police \$7,741.88

Modify Revenue A2189 (DWI Wages) and Appropriation A3120.102 (DWI Wages-) Reimb. for March DWI Wages \$530.44

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp.Reserve-Softball League) sanction fees - 2008 balance in the amount of \$230.00 and 2009 for \$250.00 \$480.00

Modify Appropriation A3121.400 (Drug Forfeiture) to be funded through A5110 (Approp.Reserve) payment to Desert Snow for tool kit \$149.95

Modify Revenue A5730 (B.A.NOTE) and Appropriation A1930.400 (Judgements & Claims) PCK Settlement for tax years 2003 through 2008 and EPA Consent Order \$1,348,500.00

**Washington Ave. Sewer**

Modify Appropriation SS3-9950.900 (Transfer-Capital Project Fund) to be funded through SS3-5990 (Appropriated Fund Bal.) additional funding for H. Osterhoudt Excavating, Inc. Contract \$ 8,641.57

**Ulster Sewer**

Modify Appropriation SS2-8130.401 (Flow Monitoring) to be funded through SS2-5990 (Approp. Fund Bal.) for flow monitoring study of the collection system \$ 79,310.00

**BUDGET MODIFICATIONS 2009**

**General Fund:**

Transfer From:	Transfer To:	
A3120.101 Overtime Wages	A3120.100 Police Wages	\$ 4,285.34
A3120.101 Overtime Wages	A3120.100 Police Wages	\$ 4,068.72
A3620.200 Office Equipment	A3420.404 Off. Equip.Maint.	\$ 1,500.00

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

**Public Hearing for Local Law #4, Rotational Tow List Rules and Regulations**

Supervisor Woerner opened the public hearing at 7:21 PM

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Mr. Barton inquired if the schedule was compared to other towns in the surrounding area. Supervisor Woerner stated that they were compared to other municipalities. The fees are slightly higher because the proposal is newer and these are the maximum rates that can be charged.

Tim, from Tim's Auto, thanked the town board for working with the Tow truck operators.

Anthony Pomento inquired if an item is not listed, how will it be charged?

Town Attorney, Andrew Zweben, reported that only residential charges are included. Things that involved more commercial uses such as wenching large trucks like a tractor trailer that goes off the road will be out of the scope of this law.

Councilman Secreto motioned to close the public hearing at 7:30 PM

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

All Ayes

### **Public Hearing for The Children's Annex**

Supervisor Woerner opened the public hearing at 7:30 PM

Mr. Gerard J. Beichert, Chairman of the Town Planning Board, gave an overview of the project. They are going to move the old trailers back from their original footprint and put a building in its place. They will use the trailers during the interim to house their clients until the building is built and then remove the trailers when they are finished.

There were no comments from the audience.

Councilman Secreto motioned to close the public hearing at 7:33 PM

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

All Ayes

Councilman Joel B. Brink moved to approve a Neg. Declaration for the Children's Annex.

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

All Ayes

Councilman David Brink moved to approve the site plan as submitted for the Children's Annex

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

All Ayes

### **Town of Ulster Summer Camp**

Councilman Secreto reported that 160 children have been signed up for the summer camp. More sign-ups will be held.

### **Town of Ulster Summer Hours**

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Councilman Joel B. Brink motioned to set summer hours for the Town Hall and other offices of the Town at 8 AM to 4 PM, June 1, 2009 to September 1, 2009.

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

Joseph Emanuele – Logging permit for 6 Sherry Lane

Councilman Joel B. Brink motioned to set a public hearing for June 18, 2009 at 7:30 PM at the Ulster Town Hall on the application of Edward Schreiber for a special permit for selective logging on the lands of Joseph Emanuele (17 acres) located on parcel lots # 56.30-1-39.110 located on 6 Sherry Lane, Kingston, NY in an R-30 zone.

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

**Authorizing bidding to commence for the Town of Ulster Senior Center.**

Councilman David Brink motioned to authorize the bidding to commence for the Town of Ulster Senior Center

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

Councilman Kitchen requested that the Town Supervisor keep him informed on the progress of the building's cost as is built. He expressed concerned about undertaking a project like this in this economy and the concerns of the residents about its funding.

All Ayes

**Accepting the 2007 Audit as complete**

Councilman Joel B. Brink moved to accept the 2007 audit as complete.

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

**Authorizing the Supervisor to contract with Sickler, Torchia, Allen & Churchill CPA's for the 2008 audit.**

Councilman Secreto motioned to hire Sickler, Torchia, Allen & Churchill CPA's to perform the 2008 audit for the Town in the amount of \$32,395.00

Councilman Joel B. Brink  
All Ayes

**Authorizing the Supervisor to contract with Lisa Cutten CPA for professional services.**

Councilman David Brink motioned to hire Lisa Cutten to perform professional services in regard to the inventory audit and implement recommendations of the 2007 audit for the town at \$85.00 an hour

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

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Councilman Kitchen requested a copy of the written proposal for the duties pertaining to Mrs. Cutten.

4 Ayes – 1 Nay by Councilman Kitchen

#### **MS4 – Public Hearing**

Councilman Secreto motioned to set a public hearing for the MS-4 annual storm water report on Thursday, June 18, 2009 at 7:45 PM.

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

All Ayes

#### **Ulster Hose #5 Company – Ulster Avenue Pavilion**

Councilman Kitchen motioned to set a public hearing for the Ulster Hose #5 Company Fire Department, located at 830 Ulster Avenue to install a pavilion on the property on Thursday, June 18, 2009 at 7 PM.

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

All Ayes

#### **Town Bookkeeper, Ann Mitchell, request to close bank accounts**

Councilman Joel B. Brink moved to close the following accounts:

Ulster Sewer Bond and Coupon Series #1 & #2

Ulster Sewer Bond and Coupon Series #3

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

All Ayes

#### **Highway Equipment Discussion – Going out for bond \$1.5M**

Frank Petramale reported that his department is in need of replacing some of its highway equipment as it is outdated. This has led to expensive repairs as the equipment breaks down more frequently and there is a lack of availability of parts. Furthermore, his crew loses time in waiting for the equipment to be repaired. He has \$3M dollars worth of equipment and needs more money to be placed in the equipment reserve fund to ensure a proper replacement plan. He needs dependable equipment for his crews to do their jobs. He is requesting that the town go out to bid in the amount of \$1.5 M for new highway equipment. In the request, he wants to purchase a street sweeper, so the road can be swept everyday.

#### **Local Law #4, Rotational Tow List Rules and Regulations**

Councilman Joel B. Brink motioned to approve the following, Local Law #4 of 2009:

##### **Tow, Rotational Tow list Rules and Regulations**

##### **Chapter 175**

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**§175-1. Purpose.**

**§175-2. Definitions.**

**§175-3. License required.**

**§175-4. License application and expiration.**

**§175-5. Issuance of license.**

**§175-6. Transferability.**

**§175-7. License fee; qualifications.**

**§175-8. Additional requirements.**

**§175-9. Investigation of applicants.**

**§175-10. Lettering required on truck.**

**§175-11. Examination or hearing prior to issuance of license.**

**§175-12. Additional tow trucks.**

**§175-13. License renewals**

**§175-14. Inspection of vehicles.**

**§175-15. Towing of vehicles to be impounded or disabled without accident.**

**§175-16. Town of Ulster Rotational tow list; requirements and fees.**

**§175-17. Designation of licensees on the Town of Ulster Rotational tow list.**

**§175-18. Loss of turn on the Town of Ulster Rotational tow list.**

**§175-19. Removal of debris at accidents.**

**§175-20. No transferability of place on rotational list.**

**§175-21. Accidents requiring more than one tow truck.**

**§175-22. Unauthorized towing.**

**§175-23. Refusal to respond to call or tow vehicle.**

- §175-24. **Response Time for tow truck.**
- §175-25. **Licensee to have one place on the Rotational tow list.**
- §175-26. **Cancellation of tow truck prior to Service.**
- §175-27. **Maximum prices for towing and storage.**
- §175-28. **Solicitation at accidents prohibited.**
- §175-29. **Driving on streets to solicit work prohibited.**
- §175-30. **Hearing procedure.**
- §175-31. **Suspension and revocation of license.**
- §175-32. **Administration and enforcement.**
- §175-33. **Regulations for tow truck drivers.**
- §175-34. **General regulations.**
- §175-35. **Exception to the Rotational tow list.**

[HISTORY. Adopted by the Town Board of the Town of Ulster 9-15-2003 as L.L. No. 4- 2003. ]

**§175-1. Purpose.**

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles and or vehicles disabled as a result of a motor vehicle accident be removed from the highways as promptly as possible, that delay in removal results in retarding the movement of traffic unnecessarily and causes street accidents and that the towing of disabled motor vehicles in the streets of the Town of Ulster is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against fraud and exorbitant rates and similar abuses.

**§175-2. Definitions.**

Unless otherwise expressly provided, the following words for the purpose of this chapter shall have the meanings herein indicated:

**MOTOR VEHICLE ACCIDENT** – Any incident or occurrence in which one or more vehicles come into contact with each other or other objects thereby causing personal injury or property damage.

**TOWN** – The corporate area of the Town of Ulster.



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**DRIVER** – Any person driving a tow truck upon public highways for hire.

**FOR HIRE** - Includes any incident where a fee, charge or other consideration is directly or indirectly imposed for towing, carrying or removing a vehicle, and it shall include any case where any person makes repairs on a towed vehicle for consideration, although no charge is imposed for towing such vehicle.

**GARAGE** – Any place of business which is not in violation of the existing Zoning Ordinance or Building Code of the Town of Ulster, and, as a substantial source of its activity, engages in the repair of motor vehicles and provides on-premises parking for their storage.

**OPERATE** – Includes the control and direction of the use of vehicles for towing from places within the Town of Ulster for hire.

**OWNER** – Includes a person owning or leasing or controlling one or more tow trucks and driving or operating or causing any such vehicle to be operated upon public highways for hire.

**PERSON** – Includes an individual, partnership, any incorporated association, a corporation or any other entity.

**REGISTERED REPAIR SHOP** – As defined in Article 12-A of the Vehicle and Traffic Law of New York State.

**TOWING** – The moving or removing of disabled or abandoned motor vehicles by another vehicle for hire.

**TOW TRUCK** – A motor vehicle that is either equipped for the purposes of carrying or lifting and towing a disabled, illegally parked or abandoned motor vehicle or a motor vehicle involved in an accident.

**§175-3. License required.**

It shall be unlawful for any person to engage in the business of towing with the Town of Ulster from the Town Rotational tow list without having obtained a valid license issued hereunder or to operate a tow truck in the course of such business without having displayed thereon a valid sticker issued hereunder, except that no license or stickers shall be required for persons whose business is not being conducted from the Town of Ulster Rotational Tow list.

**§175-4. License application and expiration.**

- A. Every license issued hereunder shall remain in effect for one year from the date of issuance unless revoked, as hereinafter provided.

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- B. Every person, firm or corporation who desires to operate from the Town of Ulster Rotational tow list, except as herein otherwise provided, shall be duly licensed as a tow truck operator in the Town and must make written application annually under oath providing the following information:
1. The name and address of the applicant, address of the place from which tow trucks are proposed to be garaged and dispatched, specifying, the case of any unincorporated association, the names and addresses of each member thereof and, in the case of any corporation, the names and addresses of each officer.
  2. All crimes, if any, of which the applicant or any member thereof has been convicted and, if an unincorporated association, that any officer thereof has been convicted, stating the name, if any, and location of the courts and the dates on which such convictions were had and the penalties imposed therefore.
  3. The experience of the applicant, or, if an unincorporated association or corporation of its officers in the towing of vehicles for hire.
  4. The number of tow truck vehicles proposed to be operated by the applicant and a description of each such vehicle, including the make, model, year and manufacture, New York State registration number and vehicle identification number.
  5. The name, address and driver's license number of each driver employed by the applicant.
  6. The location of any and all depots and terminals proposed to be used by the applicant.
  7. The licensee shall provide proof of insurance in the minimum amount of \$300,000 personal liability and \$50,000 property damage liability covering each tow truck and/or place of business. Coverage limits must be maintained throughout the duration of the license. Coverage shall also be provided for the towed vehicle. Said proof shall be provided
  8. The licensee's insurance policy must include an endorsement naming the "Town of Ulster and its agents, officers and employees as additionally insured." An endorsement providing for thirty days advance notice before cancellation or material change of coverage. The notice is to be mailed to the Town of Ulster Police Department, 1 Mulvin Drive Lake Katrine, NY 17549.
  9. Proof of valid registration and inspection of each tow truck to be operated.

10. Any other relevant information that the Chief of Police may require.

**§175-5. Issuance of license.**

The Chief of Police shall accept all applications for licenses from persons desiring to engage in the business of towing on such forms as he shall provide. Upon certification by the Chief that the applicant has complied with all applicable provisions of law, the Chief of Police or his agent shall issue a license to the applicant along with a sticker for each vehicle listed on the application specifically identifying the vehicle to which each sticker is to be affixed and the license under the sticker is issued. All licenses and tow truck vehicle stickers expire on the 31<sup>st</sup> of December of each calendar year.

**§175-6. Transferability.**

Each license and sticker issued hereunder shall not be transferred from one person to another or from one vehicle to another.

**§175-7. License fee; qualifications.**

Applicants for a license will be required to pay a nonrefundable fee of \$100.00 annually. The fee shall be paid no later than January 15<sup>th</sup> of each calendar year. The licensee will qualify, provided that:

- A. The licensee owns, operates or maintains a bona fide registered repair shop within the Town of Ulster or the City of Kingston because it is encompassed by the Town of Ulster. If the licensee does not own, operate or maintain a bona fide registered repair shop, the licensee must provide the name, address and license number of a bona fide registered repair shop within the Town of Ulster or City of Kingston that he does business with. Any licensee that utilizes a registered repair shop owned or operated by another, shall not charge any additional fees to tow any disabled vehicles requesting repairs to a registered repair shop.
- B. Such applicant maintains twenty-four-hour capability to answer calls for service off the Town of Ulster Rotational tow list.
- C. Such applicant must have at least one conventional tow truck equipped with a lifting boom on the rear of the truck to tow vehicles AND at least one flatbed tow truck that is equipped to carry vehicles. Each registered tow truck must have a minimum of three-ton power winch, equipped with 75 feet of 3/8 inch steel cable, a dry chemical fire extinguisher with a minimum of 10 pounds of pressure, three Department of Transportation approved (triangular) road reflectors and three Department of Transportation approved road flares, a broom, a hacksaw, an ax and a shovel.

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- D. The licensee and tow truck operators possess a valid N.Y.S. driver's license with at least a CDL A, B, C or NON-CDL C class license with a tow truck endorsement.

**§175-8. Additional requirements.**

Every applicant for license shall, at the time of submitting his application, submit a complete current schedule of fees for all services in connection with the towing and storage of motor vehicles that the applicant charges in cases other than when called from the Town of Ulster Rotational tow list, hereafter provided. The schedule of maximum prices to be charged may be revised at any time but shall not be effective until filed with the Ulster Police Department.

**§175-9. Investigation of applicants.**

All applicants shall execute such consents for releases of information as may be required.

**§175-10. Lettering required on truck.**

On each side of every tow truck for which a sticker has been issued, the owner shall prominently display, by painting, magnetic sign or other similar means, the business name and address of the licensee, together with the business phone number, by letters of not less than three inches high.

**§175-11. Examination or hearing prior to issuance of license.**

The Chief of Police or his agent may, in his discretion, before the issuance of a license, require the applicant and any others having knowledge of the facts to submit to an examination under oath and to procedure for the adducing of evidence relating thereto and shall hold a hearing upon such application, as hereinafter provided.

**§175-12. Additional tow trucks.**

Every owner licensed hereunder who desires to add to the number of tow trucks he is duly licensed to operate shall file a written application under oath with the Chief of Police or his agent stating:

- A. The name and address of the applicant.
- B. The applicant owner's license number.
- C. Proof of required insurance, valid registration and inspection.
- D. A description of each such additional tow truck, including the make, motor number and the year manufactured.

**§175-13. License renewals.**

Any license and sticker issued hereunder may be renewed annually prior to the 15<sup>th</sup> day of January of each calendar year. Said license and sticker will be in effect for that calendar year expiring on December 31<sup>st</sup> of that calendar year. Renewal can be made upon the submission of an amendment to the original application or subsequent amendments containing all the information required by the provisions of this chapter for original application.

**§175-14. Inspection of vehicles.**

No license or sticker shall be issued or renewed annually which shall permit the use of any vehicle as a tow truck unless and until it has been inspected and certified annually by the Chief of Police or his designee as conforming to the requirements of this chapter and has been duly inspected as required by the Vehicle and Traffic Law of New York. Annual inspections must be completed by January 15<sup>th</sup> of each year.

**§175-15. Towing of vehicles to be impounded or disabled without accident.**

Motor vehicles not involved in accidents but which are otherwise disabled and which are disrupting the flow of traffic and whose owners do not otherwise request assistance from a licensee, or motor vehicles which are to be impounded for other reasons, shall be towed away by licensees after being contacted from the Town of Ulster Rotational tow list. In the event that a licensee is called pursuant to this section, it shall be unlawful for the licensee to charge more than the rates provided for in 175-16.

**§175-16. Town of Ulster Rotational tow list; requirements and fees.**

Any licensee who agrees to abide by the following requirements shall be placed on the Town of Ulster Rotational tow list to be called in rotation to remove vehicles from scenes of accidents, disabled vehicles, abandoned vehicles or vehicles otherwise left in violation of law, provided that:

- A. The licensee swears under oath that he owns or rents and operates and maintains a bona fide legally permitted registered repair shop in the Town of Ulster or City of Kingston, but applicants shall not qualify as herein provided if applicants state they maintain a registered repair shop on the very same premises or real property owned by another licensee and on which property said licensee operates or maintains or another licensee operates or maintains a place of like business, or the applicant states that he is a lessee of a licensee.
- B. Such garage maintains twenty-four-hour capability to answer calls for service from the Town of Ulster Rotational tow list.
- C. The licensee agrees to charge no more than the following maximum rates for towing from the accident scene or other location within the Town of Ulster to his place of business or any other place within the Town of Ulster or City of Kingston designated by the owner or operator of a motor vehicle, regardless of distance

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within the Town of Ulster or City of Kingston when called by the Ulster Police Department:

1. Towing Charges:
  - a. Passenger automobiles, sport utility vehicles, light trucks, pick up trucks, vans, minivans or suburbans up to  $\frac{3}{4}$  ton.
    1. Day: \$200.
    2. Evenings, nights, weekends and holidays: \$250.
  - b. Above three-quarter-ton vehicles
    1. Day: \$250.
    2. Evenings, nights, weekends and holidays: \$300.
  - c. Tractor trailers and/ or any other vehicles with a GVWR of over 50,000 lbs.
    1. Day: \$175 per hour.
    2. Evenings, nights, weekends and holidays: \$200 per hour.
  - d. Vehicles not requiring a tow after being restored to pavement
    1. Days: \$150.
    2. Evenings, nights, weekends and holidays: \$200.
2. Additional charges. The licensee shall be permitted to charge additional fees for additional services. Any fees not provided for herein shall be in accordance with the schedule of fees filed with the Ulster Police Department.
  - a. Winching
    1. Passenger automobiles, sport utility vehicles, light trucks, pick up trucks, vans, minivans, suburban up to  $\frac{3}{4}$  tons
      - a. Day: \$100 per hour, chargeable to the  $\frac{1}{2}$  hour
      - b. Nights, weekends and holidays: \$150 per hour, chargeable to the  $\frac{1}{2}$  hour.

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- b. Waiting and/ or cleanup time in excess of 15 minutes on scene
  - 1. With standard tow trucks
    - a. Day: \$50 per hour.
    - b. Evenings, nights, weekends and holidays: \$60 per hour.
  - c. Mileage. Outside of the Town of Ulster and encompassed area of the City of Kingston: \$4.50 per loaded mile.
- 3. “Days” shall mean 8:00 a.m. through 5:00 p.m., Monday through Friday. “Evenings, nights, weekends and holidays” shall mean all other times, with “holidays” being those established by the State of New York.
- D. Storage. The licensee agrees to charge a maximum of \$65. per day for storage; provided, however, that no storage shall be charged if the vehicle is picked up prior to the close of the next business day of the licensee; and provided, further, that no additional storage may be charged from the time the owner of the vehicle contacts the licensee for the purpose of attempting to pick up the vehicle, so long as the owner does pick up the vehicle prior to the end of the next business day of the licensee. Reasonable charges not to exceed \$75 may be imposed by the licensee to enable the owner to pick up the vehicle at other than normal business hours of the licensee. Licensees shall be available to owners desiring to pick up vehicles at least 10 hours per day, Monday through Friday, which hours must include either 8:00 a.m. or 6:00 p.m., as the licensee shall elect, Saturday, Sunday and holidays excluded; but if a request for pick up is made for Saturday, Sunday and holidays a fee of no more than \$75.00 may be imposed to respond. Hours of availability shall be filed with the Ulster Police Department.
- E. Form of payment. The licensee must accept at a minimum the following forms of payment from a customer; cash and/ or Visa/Master Cards.
- F. The charges and fees herein provided may be modified from time to time by resolution of the Town Board of the Town of Ulster, New York.

**§175-17. Designation of licensees on the Town of Ulster Rotational tow list.**

The Chief of Police of the Ulster Police Department or his authorized agent is hereby authorized to designate licensees on the Town of Ulster Rotational tow list on a rotating basis for the purpose of towing motor vehicles to the place of business of the tow truck applicant, except elsewhere at the request of the vehicle’s owner/ operator. The rotational tow list shall be filed with the Town Clerk for availability to the public and shall be amended on the first working day of the month only in the event of an addition or deletion of a licensed applicant.

**§175-18. Loss of turn on the Town of Ulster Rotational tow list.**

The licensee shall furnish twenty-four-hour telephone numbers for the licensee, his business and/or his designated agent. The telephone numbers provided shall not be a pager system, but have an actual answering service or person answering the call. If a licensee or his designated agent does not answer a call for service from the Ulster Police Department or is not available when called, he shall lose his turn on the rotational tow list and must wait for the rotational tow list to be called in its entirety before he is eligible to be called again

**§175-19. Removal of debris at accidents.**

As licensee called to the scene of an accident, if necessary, must sweep or clean up any debris, but only if he is provided with police protection against vehicles at the scene.

**§175-20. No transferability of place on rotational list.**

It shall be unlawful for a licensee to transfer or exchange his place on the rotational list with any other licensee or other person on the rotational list.

**§175-21. Accidents requiring more than one tow truck.**

If more than one tow truck is needed at the scene of an accident, the Ulster Police Department, through its authorized agent, shall call the next licensee on the rotational tow list. The police officer at the scene shall designate which licensee tows which vehicle. The first licensee to appear on the scene shall, however, assist the police officer in clearing the motor vehicles from the public highways onto the shoulder of the highway.

**§175-22. Unauthorized towing.**

It shall be unlawful for any person who is not designated from the rotational tow list, as aforesaid, or who does not have the prior consent and direction of the police officer at the scene or owner of the vehicle, to tow away any motor vehicle which has been involved in an accident. The police officer, if at the scene, will determine when the aforesaid vehicle shall be removed. No vehicle will be towed in any event unless the Ulster Police Department is notified or has been at the scene.

**§175-23. Refusal to respond to call or tow vehicle.**

It shall be unlawful for any licensee on the rotational tow list to willfully refuse to tow away a motor vehicle after having appeared upon the scene, or to willfully fail to arrive at the scene after being duly designated as herein provided, regardless of the hour of day or distance to the scene of the occurrence. It shall be unlawful for any licensee or his designated agent to fail to answer a call for service or refuse to respond to a call for service on three occasions within the same month. A conviction for violating this section shall result in an automatic suspension from the rotational tow list for 60 days.



**§175-24. Response time for tow truck.**

A licensee and or tow truck operator shall have his tow truck respond to any call for service by the Town of Ulster Police Department in a safe and lawful manner. It shall also be determined that a tow truck should be able to arrive at any scene within the Town of Ulster within 30 minutes from the time the call was placed to the tow truck company by the Town of Ulster Police Department.

**§175-25. Licensee to have one place on the Rotational tow list.**

A licensee duly qualified shall have but one place on the rotational tow list, although he maintains several licensed tow trucks and or businesses/ corporations in the Town of Ulster or City of Kingston.

**§175-26. Cancellation of tow truck prior to service.**

If a tow truck is called from the Town of Ulster Rotational tow list and is cancelled prior to arrival or upon arrival without any service being rendered, it shall be the tow truck operator's responsibility to notify the Police Officer on scene. The Police Officer shall then notify the Dispatcher, so that tow truck company can be placed back on the Rotational tow list. The vehicle disabled will not be towed if it is no longer required. There will also be no fee assessed to the operator or owner of said vehicle because no service was rendered.

**§175-27. Maximum prices for towing and storage.**

It shall be unlawful for any licensee to charge any person more than the maximum fees set forth in its application or filed with the Ulster Police Department for the towing and storage of motor vehicles, except when called from the Town of Ulster Rotational tow list, the maximum fees as herein provided shall apply. A conviction for violating this section shall result in an automatic suspension from the rotational tow list for 60 days.

**§175-28. Solicitation at accidents prohibited.**

It shall be unlawful for any person to solicit towing or bodywork at the scene of any motor vehicle accident on private property or on a public highway with the Town of Ulster.

**§175-29. Driving on streets to solicit work prohibited.**

It shall be unlawful for any person to drive along any public street or highway within the Town of Ulster for the purpose of soliciting towing work, or repair work or both.

**§175-30. Hearing procedure.**

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- A. Whenever it shall be provided herein that a hearing shall be held, such hearing shall be held on a date and at a place and hour designated by the Chief of Police or his agent.
- B. The Chief of Police or his agent shall give notice thereof, stating the name and address of the applicant or license holder concerned, the subject matter of the hearing and date, place and hour thereof designated therefore, by mailing a copy thereof to the applicant or license holder concerned at the address shown upon the most recent application of such applicant or licensee at least 10 days before such hearing.
- C. Upon any hearings, the applicant or license holder involved shall be entitled to be represented by legal counsel and to present such competent and material testimony or other evidence in his own behalf that may be relevant to the subject matter at the hearing.
- D. All witnesses shall be sworn and examined under oath.

**§175-31. Suspension and revocation of license.**

- A. Any license issued hereunder may be suspended for a period of not more than three months or revoked by the Chief of Police or his agent if the holder thereof shall violate any provisions of this chapter or any ordinance of the Town or be convicted of the violation of any traffic law, ordinance or regulation of the State of New York or any municipality of the State of New York or of any crime, or be guilty of making a false statement or misrepresentation in his application. A license hereunder shall not be suspended or revoked by the Chief of Police or his agent without a hearing having been held thereupon, which hearing shall be held not less than 10 days after written notice thereof to the licensee, either in person or by certified mail.
- B. The Chief of Police, upon receiving information giving him reasonable cause to believe that the holder of any licensee has violated any provisions of this chapter, or has been convicted of any violation referred to herein, or has been indicted or charged with or for any crime or offense, or is guilty of having made false statements or misrepresentations in his application, may temporarily suspend such licensee from the rotational tow list until such time as hearing is held by said Chief of Police or his agent, as provided herein, and the Chief of Police or his agent shall have rendered its determination thereon.
- C. Towing authorization. No vehicle shall be removed without authorization of the police officer, the owner of the vehicle or other person in charge thereof. Such authorization shall be for the towing and the storage of the vehicle only.

**§175-32. Administration and enforcement.**

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The Chief of Police or his agent shall have the power to prescribe reasonable rules and regulations for the proper and efficient administration and enforcement of this chapter.

**§175-33. Regulations for tow truck drivers.**

A. A licensed tow truck driver:

1. Shall have an identification card, approved by the Chief of Police, signed by the licensee, attesting to the employment and qualifications of such driver as required herein in his possession at all times while engaged in his occupation as a tow truck driver, and, while so engaged, shall also be in possession of his valid NYS driver's license with at least a CDL, A, B, C, or NON-CDL C class license with a tow truck endorsement. The tow truck driver must possess the appropriate driver's license and endorsement for the class/weight tow truck he is operating.
2. Shall not permit any other person to use his identification card.
3. Shall not be engaged on an unlicensed tow truck or on a tow truck that the license for which has been suspended or revoked.
4. Shall promptly report the loss of his identification card to the Chief of Police or his agent.
5. Shall report a change of address to the Chief of Police or his agent within 48 hours.
6. Shall have with him at all times properly authorized forms for towing and repair, such forms to be printed and maintained by the tow truck owners.
7. Shall refrain from use of addictive drugs, except those medically prescribed, or intoxicating liquors, while on duty either at the garaging facility, office or place of accident.

B. Each driver at the scene of an accident

1. Shall exhibit his identification card, upon request to the owner of the vehicle being towed or persons in charge thereof or to any member of the Ulster Police Department.
2. Shall not remove any vehicle involved in an accident in which a person has been injured until released by a duly authorized member of the Ulster Police Department.
3. Shall notify the Ulster Police Department of personal or property damage at an accident scene unless a police officer is or has been present.

4. Shall notify Ulster County Communications (911) if any evidence of fire or a liquid leak is apparent or if the vehicle to be towed may contain hazardous or contaminated substances.
  5. The arrival and departure times from the scene of the call shall be noted on the bill for services as well as be made available to the Ulster Police Department upon request.
- C. Every tow truck driver shall obey all traffic laws, ordinances, local laws, rules and regulations while operating a tow truck and, upon receipt of a summons or his arrest for any alleged violation of any such law, ordinance, local law, rule or regulation, shall report the same within three days to the Chief of Police or his agent, advising him of the nature of the offense charged and the name and the location of the court and the date upon which said summons is returnable or the date upon which the hearing or such trial is to be held.

**§175-34. General regulations.**

- A. The owner or driver of any disabled vehicle shall have the right to require the services of any available licensed tow truck and it shall be unlawful for any owner or driver of any licensed tow truck to refuse to render such services if such owner or driver of such disabled motor vehicle is able and willing to pay the fee prescribed in the schedule of prices filed by the owner of such licensed tow truck with the Chief of Police or his agent; unless such tow service is physically unable for good cause shown to tow such motor vehicle in that all of its available equipment is already engaged in other towing operations.
- B. Licensed tow truck owners and drivers, when required, will answer all communications received from the Chief of Police or his agent.

**§175-35. Exception to the Rotational tow list.**

- A. The Ulster Police Department and its members have the right to utilize the nearest tow truck and not call for service off the rotational tow list in the event of an emergency or a threat to safety requiring the immediate assistance of the nearest tow truck.
- B. Upon arrival to the scene of any disabled vehicle or motor vehicle accident, it is the responsibility of any member of the Ulster Police Department to first inquire with the operator of the vehicle requiring a tow if he or she has their own preference for a tow truck service. The member can only refuse their request if the response time of the tow truck service would cause undue inconvenience in time or safety at the scene.

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

ULSTER TOWN BOARD MEETING  
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A Roll Call Vote was taken – All Ayes

Anthony Pumilia suggested that the town request that Congressman Hinchey find funding for highway equipment the town needs.

Councilman Joel B. Brink motioned to adjourn the meeting at 8:16 PM  
2<sup>nd</sup> by Councilman Secreto  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk