

ULSTER TOWN BOARD MEETING
APRIL 15, 2010 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN JOHN MORROW
SUPERVISOR JAMES QUIGLEY 3rd

OPEN DISCUSSION OF AGENDA

Mr. Robert Barton inquired about the renewal of the \$1,348,500 bond. He also inquired into what an illegal employment penalty is for on the abstract.

Supervisor Quigley reported that the Town had gone out to bond last year for that amount to refund \$935,000 for taxes paid as result of a settlement with PCK Development and to pay for an EPA settlement for cars that were stored near the Ruby area that cost approximately \$120,000. The purpose of the discussion is to renew the bond. He further explained that the town had to pay an illegal employment penalty for hiring a person under 18, without their working papers, who was working at the summer camp in 2007 and was injured on the job. Steps have been implemented to prevent this in the future.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilman Kitchen motioned to accept the minutes of February 4, 2010, February 18, 2010, March 4, 2010, and March 18, 2010.

2nd by Councilman Joel B. Brink

All Ayes

ABSTRACT OF CLAIMS

Councilman Kitchen motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	401-419	7,466.23
ULSTER WATER	401-407a	6,172.72
HALCYON PK. WATER	401-402	529.80
SPRING LAKE WATER	401-403	269.32
BRIGHT ACRES WATER	401	240.60
GLENERIE WATER	401	36.00
WHITTIER SEWER	401-402	1,474.15
ULSTER SEWER	401-403	233.37
WASHINGTON AVE. SEWER	401-402	96.77
SPECIAL LIGHT	401-406	3,690.36
ALL OTHERS		
GENERAL	401-487	102,726.13

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HIGHWAY	401-447	17,107.01
ULSTER WATER	401-415	8,263.36
SPRING LAKE WATER	401	17,714.18
BRIGHT ACRES WATER	401-404	10,787.71
CHERRY HILL WATER	401	5,681.89
GLENERIE WATER	401	3,066.25
EAST KINGSTON WATER	401	2,175.04
WHITTIER SEWER	401-409	1,069.24
ULSTER SEWER	401-424	15,329.49
WASHINGTON AVE. SEWER	401	1,644.20
INSURANCE (ALL FUNDS)	401-419	116,255.64
CAPITAL PROJECTS		
TRUST & AGENCY	401-406	2,200.00
SENIOR CENTER CAP. PROJ.	401-404	50,376.51
	TOTAL	\$ 374,605.97

2nd by Councilwoman Hendrick
 A Roll Call Vote was taken - All Ayes

Councilman Kitchen motioned to approve the following:

BUDGET MODS:

General Fund:

Modify Revenue A3089 (State Aid, Other Gen. Aid) and
 Appropriation A1110.200 (Court Grant) JCAP Grant 9015 from OCA
 Office of Budget & Finance 11,859.25

Reversal

Decrease A3121.400 (Drug Forfeiture) and A5110 (Approp.
 Reserve-Drug Forfeiture) seminar canceled for practical homicide
 investigation training 900.00

Modify Revenue A2665 (Sale of Equipment) and Appropriation
 A3120.421 (Veh. Maint.) sale of 3 impounded salvage vehicles to
 Millennium Auto 300.00

Modify Revenue A2665 (Sale of Equipment) and Appropriation
 A3120.421 (Veh. Maint.) sale of 05 Chevy Impala from salvage yard
 (Old 392) to Millennium Towing 100.00

Glenerie Water Tank

Capital Project:

Revenues HGT-3991 St.Aid, Water Project(Community Dev.) 600,000.00

HGT-5031 Interfund Transfer -Town Funding) 39,750.00

Appropriations HGT-8310.200 Construction(Community Dev.) 512,750.00

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	HGT-8310.201 Construction - Town Funding		15,750.00
	HGT-8310.400 Engineering(Community Dev.)		87,250.00
	HGT-8310.400 Administration - Town Funding		24,000.00
Energy Grant Capital			
Project:	Revenue	HNG-3989 St.Aid, Oth Home & Community Ser.	55,000.00
	Appropriation	HNG-8997.200 Oth. Home & Community Service	55,000.00
	Transfer From:	Transfer To:	
General Fund:	A1320.404 Data Processing	A1320.403 Office Supplies	150.00
	A1990.400 Contingency	A1345.400 Meeting & Conf.	1,200.00
	A1990.400 Contingency	A9040.800 Workers' Comp.	14,345.00

2nd by Councilwoman Hendrick
 A Roll Call Vote was taken - All Ayes

Discussion and Vote on Temporary Road Closure Agreement with Kingston Landing Development LLC.

Supervisor Quigley reported that the Kingston Landing Development LLC has been having a problem with people trespassing and damaging their property. After a discussion with all the parties involved, the solution is to temporarily close the road leading to the development. The Highway Department, Fire Department and Police Department will have keys to access the road.

Councilman Brink moved to authorize the Town Supervisor to execute an agreement to erect a gate and fence across John Street, approximately 750 feet from John Street's southerly terminus in order to close the road to public traffic on a temporary basis during the construction work at SBL: 48.16-3-6.100 and 48.16-3-6.200.

2nd by Councilman Kitchen
 All Ayes

Discussion on setting a date for a public hearing for the annual MS4 report

Highway Superintendent Frank Petramale reported that the town is required to hold a public hearing to review its annual MS4 Report. Captain David Allen would give the report as he is the Storm Water Management Officer

Councilman Kitchen moved to schedule a public hearing for the Annual MS4 Stormwater Report for May 20, 2010 at 7:10 PM

2nd by Councilwoman Hendrick
 All Ayes

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Resolution authorizing the Town Clerk to go out to Public Bid for the purchase of materials during 2010 on behalf of the Town of Ulster Highway Department for the Post Park Fishing Platform.

Councilman Kitchen moved to authorize the Town Clerk to go out to public bid for the purchase of materials needed for the construction of the Post Park Fishing Platform.

2nd by Councilman Brink

All Ayes

Resolution authorizing the Renewal of a Bond not to exceed \$1,348,500 of the Town of Ulster, Ulster County, New York, for tax refunds and a payment to the Environmental Protection Agency.

Supervisor Quigley noted that the borrowing of \$1,348,500 will be reduced by \$250,000 due to over borrowing by the prior administration. This is an illegal act and the Town is required to pay that money back at the first maturity. Given the current fiscal situation of the town, the money will have to come from the general fund.

Councilman Morrow motioned to authorize the Town Supervisor to take the appropriate actions necessary for the refinancing of the bond.

2nd by Councilman Kitchen

A Roll Call Vote was taken - All Ayes

Discussion of Stop Sign at the intersection of Lawrenceville Street and Lucille Street

The Town Attorney, Jason Kovacs, advised the town to gather the input of the Highway Superintendent and the Police Department and hold a public hearing to gather input from the residents.

Councilwoman Hendrick motioned to set a public hearing for the establishment of a stop sign at the intersection of Lawrenceville Street and Lucille Street for May 6, 2010 at 7:10 PM

2nd by Councilman Kitchen

All Ayes

Authorize the Highway Department to purchase two F-450 super duty chassis from the State Contract

Councilman Kitchen moved to authorize the Highway Superintendent, Frank Petramale to purchase two Ford F-450 Super Duty Chassis, from Van Bortel Ford, Rochester, New York.

2nd by Councilman Brink

A Roll Call Vote was taken - All Ayes

7:30 – Special Permit Application to establish a Nursery School at 927 Orlando St.

Supervisor Quigley called the public hearing for the special permit application for Aunt Jenn's Nursery School at 7:30 PM

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There were no comments.

Councilman Kitchen moved to close the public hearing at 7:31 PM
2nd by Councilman Morrow
All Ayes

Councilman Kitchen moved to approve the following resolution:
Special Permit Approval - Aunt Jenn's Early Learning & Daycare
Section-Block-Lot: 48.042-3-1.100

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Vincent Organtini for Special Permit and Site Plan Approval to establish a Nursery School at 927 Orlando Street; and

WHEREAS, materials submitted in support of the proposed action include:

- *Project Narrative* prepared by Richard Praetorius, P.E. dated January 29, 2010;
- *Site Plan Application* prepared by Richard Praetorius, P.E. dated February 1, 2010;
- *SEQRA Short EAF* prepared by Richard Praetorius, P.E. dated January 25, 2010;
- *Existing Conditions Site Plan* prepared by Richard Praetorius, P.E. dated 2/1/2010; revised 2/25/10;
- *Proposed Site Plan* prepared by Richard Praetorius, P.E. dated February 1, 2010; revised 2/25/10;
- *Proposed Photometric Plan* prepared by Richard Praetorius, P.E. dated 1/1/10; revised 2/25/10; and
- *Detail Sheet* prepared by Richard Praetorius, P.E. dated February 1, 2010; revised 2/25/10.

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town Water & Sewer Departments made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Planning Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF) and revisions made to the proposed Site Plans and supporting documentation found that the Special Permit/Site Plan application was sufficiently complete and referred said matter to the Town Board to review the Special Permit request;

WHEREAS, the Town Board upon review of the entire record, scheduled a public hearing on this matter for April 15, 2010; and

WHEREAS, the Town Board opened the public hearing, accepted public comments and closed the public hearing; and

WHEREAS, the Town Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

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NOW THEREFORE BE IT RESOLVED that the Town Board has determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

FURTHER BE IT RESOLVED, the application by - Vincent Organtini - for Special Permit approval to establish a Nursery School at 927 Orlando Street is granted, subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable Building Code requirements; and
2. NYS Office of Child & Family Services Approval of an Emergency Evacuation Plan for the proposed Aunt Jenn's Early Learning & Daycare Center.

2nd by Councilwoman Hendrick
A Roll Call Vote was taken - All Ayes

A discussion occurred among the Town Board Members about the naming of the senior center and the process for choosing the name. The Russell Brott Senior Center name shall remain.

Councilman Kitchen thanked Frank Petramale for his work in getting a donated shed transported to Robert E. Post Park for the recreation program, as well as his help in opening up all the Town parks. He also thanked Paul Vogt, the Water Superintendent, for setting the water up at the town park. He offered accolades to Jeff Hayner, Director of Recreation, for his work in securing a \$500.00 donation from Walmart.

7:45 – Seeking Community input for a Small Cities Community Development Block Grant Program

Supervisor Quigley opened the HUD public hearing at 7:45 PM

Mr. Mark Blauer, the town grant writer, stated that a HUD Hearing was held at the April 1, 2010 Town Board meeting to solicit suggestions on public projects. He suggested that the Town apply for a \$600,000 grant to install drainage in the Glenerie area to remedy drainage problems. They have a qualifying income survey, a letter from the health department in favor of this project, a petition from the residents and pictures. He presented the town with a preliminary engineering report for the project.

Councilman Kitchen inquired how long an income survey is good for.
Mr. Mark Blauer stated that they are generally good for two years, but there are exceptions.

Councilwoman Hendrick inquired how long it will be before the grant is awarded.
Mr. Mark Blauer stated they are usually awarded around August or September of the year and the town will have two years to spend it.

The floor was opened to comment:

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Mrs. Edith Biesele stated that water stays high, around four to five feet and attracts mosquitoes that make the outside inhabitable. The standing water also has ruined her leach field. She is concerned that, with children running around, someone could get hurt.

Mrs. Ewa Durling stated that on her property she has 3 feet of stagnant water. She expressed concern about her child drowning there. The smell is bad and she can't enjoy her backyard. Her furnace is under water three times a year due to the drainage problem.

Mr. Renno Budziak stated he was unaware of the problems in the area, but he is in favor of anything that will improve the quality of life for those residents. He inquired about the outline of the project. He expressed concern about the discharge of the water being drained that it does not cause any further problems. Mr. Blauer read the outline from the proposed project report.

Mr. Juan Amoro expressed concern about the lack of drainage in the area. He paid an engineer to help fix his problem, but as the water leaves his basement, it returns because of the low water table. He has to consistently monitor his sump pumps. He also has mosquito problems and is in favor of the project.

Alex Durling stated he has lived in the area for a long time and the drainage problem affects a lot of people there. When it rains, it causes a major hardship that results in the Fire Department pumping out basements. His animals get skin irritation that he believes is from the stagnant water.

Highway Superintendant Frank Petramale stated he is in favor of this project. He has worked as a volunteer fireman and has spent a lot time in the area pumping out basements. He believes, due to the recent water district, that more water is left in the area causing more damage. The area consists of rock and clay which is very poor soil for drainage. The drainage not only affects the property owners but the people who commute using the roads in the area.

Mr. Mark Blauer suggested that if the Town Board desires to proceed with the grant application process, then they can authorize the Supervisor to execute the appropriate paperwork.

Councilman Morrow inquired about funding for a bridge being built across the railroad tracks in the Glenerie area to allow emergency vehicles to cross because the area becomes inaccessible for some residents.

Mr. Mark Blauer suggested that it is eligible, but it would add additional local cost to this grant application. Also, it may not be as competitive as other grants on its own.

Mr. Robert Mitchell stated that the railroad access issue was addressed when he served as highway superintendant and the railroad company at that time didn't want it.

Councilman Morrow motioned to adjourn the meeting at 8:15 PM
2nd by Councilman Brink
All Ayes

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Proposed Agreement to prepare 2010 Small Cities Application with Mark Blauer

Councilman Kitchen moved to authorize the Town Supervisor to execute the agreement with Mark Blauer Associates to prepare and submit a 2010 Small Cities Grant Application for the design and construction of the Glenerie Drainage District.

2nd by Councilman Brink

All Ayes

8:00 – Local Law to adopt New Article II, Terminology, pertaining to Chapter 190 of the Town Zoning

Supervisor Quigley opened the public hearing for the proposed local law at 8:16 PM

There was no public comment.

Councilman Morrow moved to close the hearing at 8:17 PM

2nd by Councilwoman Hendrick

All Ayes

Councilman Morrow motioned to direct the Town Clerk to submit the proposed law for a new Article II to the Ulster County Planning Board for review

2nd by Councilwoman Hendrick

All Ayes

8:30 – Local Law to adopt New Article VII, Supplementary Off-Street Parking and Loading Requirements, pertaining to Chapter 190 of the Town Zoning Law

Supervisor Quigley opened the public hearing for the proposed local law at 8:20 PM

Mr. David Brink requested that the Town Board forward a copy to the building department to make applicants aware of the terms being change to ensure that they comply with them.

Mr. Renno Budziak, the Chairman of the Planning Board, agreed to forward a copy to the Department.

Councilwoman Hendrick moved to close the hearing at 8:21 PM

2nd by Councilman Morrow

All Ayes

Councilman Kitchen motioned to direct the Town Clerk to submit the proposed law for a new Article VII to the Ulster County Planning Board for review

2nd by Councilwoman Hendrick

All Ayes

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Mr. Robert Barton inquired about the \$250,000 overage of bonding. He requested that the town not allow people to build in a flood plain area where the government has to bail them out after a flood especially after they have already been bailed out.

Supervisor Quigley stated that if \$250,000 overage was not deposited in last year's general account, the Town would have had a negative balance of \$100,000. The money has to be paid back from the general fund and it will impact the general fund because the town doesn't have a positive fund balance. He is hoping to find expense cuts to offset these problems.

Mrs. Pat Metzger inquired if the bridge on Sawkill Road by Cherry Hill is going to have any renovation. She inquired about a traffic device being installed on Morton Blvd due to the increased volume. She also asked if the town is going to offer any programs for the senior center and if there will be charge backs to recover any costs. She is in favor of keeping the name of the Senior Center building, as it is too late to change it now.

Highway Superintendant Frank Petramale believes that an outside contractor may be working on the bridge. Supervisor Quigley believes they may be shoring the bridge up due to future plans they have. He would look into Morton Blvd. issue to see what options are available.

Mr. Renno Budziak, the Chairman of the Planning Board, discussed the traffic issue on Morton Blvd. He feels it is very much a summer issue due to the use of fields and tournaments. He feels that this is the time it should be studied.

Supervisor Quigley reported that the Board of Elections intends to consolidate the two East Kingston voting districts #12 and #3 to vote at the East Kingston Fire House on Main Street. Further, they want to move the voting venue of District #8 from Chambers Senior Center to Chambers School with District #5 and #10. He solicited that if anyone had any issues, he would be happy to communicate that to the Board of Elections.

Councilman Brink moved to enter into executive session at 8:35 PM to discuss pending litigation pertaining to Ulloa vs. Town of Ulster.

2nd by Councilman Morrow

All Ayes

Councilman Morrow motioned to exit executive session at 8:52 PM

2nd by Councilman Brink

All Ayes

Supervisor Quigley resumed the meeting at 8:53 PM

Councilman Morrow motioned to authorize the Town to obtain the counsel of John W. Bailey, Esq. from Bailey, Kelleher & Johnson, P.C. for a lawsuit against Mr. Ulloa

2nd by Councilman Hendrick

All Ayes

Councilman Kitchen motioned to adjourn the meeting at 8:54 PM

2nd by Councilman Brink

All Ayes

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Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk