

ULSTER TOWN BOARD MEETING

May 20, 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

Hiring Part-time Police Officers

Councilman Morrow motioned to hire James P. Roosa and Robert J. Eggering as part-time police officers at a rate of pay of \$18.63 per hour, effective May 5, 2010

2nd by Councilwoman Hendrick

All Ayes

Town Clerk Cosenza administered the oaths of office for police officers to James P. Roosa and Robert J. Eggering

OPEN DISCUSSION OF AGENDA

Mr. Robert Barton inquired about the hiring of two part time police officers for the town. He inquired about setting a public hearing for Article VII.

Supervisor Quigley reported a full time officer submitted his resignation today and the town hired two part time officers to replace him. A savings in the cost of health care benefits and pension benefits will be realized by the town. Supervisor Quigley explained that the proposed local law was returned from the county with changes and a new public hearing is required for its review.

A discussion followed about the swapping of the town land for school district land for rights to the land next to the old town library on Morton Blvd.

Mr. Nelson White noted concern with some Central Hudson accounts from the abstract.

Councilwoman Hendrick noted that those accounts were pulled by the Supervisor's secretary and are being reviewed. Supervisor Quigley reported that the town is doing an inventory of traffic lights in the town for better accounting for billing.

Mr. Richard Metzger inquired why the town was charged for trash hauling at Rider Park which doesn't have a dumpster.

Councilman Kitchen reported that dumpster costs for the town have been greatly reduced by soliciting lower prices. The dumpster at Rider Park was eliminated as the workers pick up the trash and dispose of it at Post Park. The town received an unpaid bill for Rider Park from last year.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

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Councilman Brink motioned to accept the minutes of April 1, 2010 and April 15, 2010

2nd by Councilman Morrow

All Ayes

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the following:

FUND	CLAIM #	AMOUNT
UTILITIES		
GENERAL	501-532	10,236.09
ULSTER WATER	501-509a	4,637.96
HALCYON PK. WATER	501	263.42
SPRING LAKE WATER	501-504	360.75
BRIGHT ACRES WATER	501	298.58
GLENERIE WATER	501-502	66.36
EAST KINGSTON WATER	501	105.00
WHITTIER SEWER	501	859.82
ULSTER SEWER	501-506	23,722.48
WASHINGTON AVE. SEWER	501	25.36
SPECIAL LIGHT	501-506	3,671.80
ALL OTHERS		
GENERAL	501-5156	119,489.49
HIGHWAY	501-546	66,672.28
ULSTER WATER	501-518	157,193.33
HALCYON PK. WATER	501-502	50.00
SPRING LAKE WATER	501-502	50.00
BRIGHT ACRES WATER	501-504	1,816.87
CHERRY HILL WATER	501-502	50.00
GLENERIE WATER	501-502	50.00
EAST KINGSTON WATER	501-502	50.00
WHITTIER SEWER	501-506	1,147.06
ULSTER SEWER	501-528	24,057.97
INSURANCE (ALL FUNDS)	501-520	138,853.67
CAPITAL PROJECTS		
TRUST & AGENCY	501-508	8,007.50
DRAINAGE PROJECTS	501-508	13,261.79
SENIOR CENTER CAP. PROJ.	501-507	46,026.86
	TOTAL	\$ 621,024.44

2nd by Councilwoman Kitchen

A Roll Call Vote was taken - All Ayes

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Councilman Brink motioned to approve the following:

BUDGET MODS:

General Fund:

Modify Appropriation A7140.200 (Equipment) to be funded through A5110 (Approp. Reserve-Softball League) electric - Buckley St. 54.00

Modify Revenue A3390 (St. Aid-STEP Buckle Up N.Y.) and Appropriation A3120.103 (STEP Wages) Jan.-March STEP wage reimb. 3,492.48

Modify Revenue A2705(Gifts & Donations) and Appropriation A7140.400 (Program Supplies) donation from Nial Quigley for summer camp 32.88

Modify Appropriation A9730.600 (BAN Prin.) to be funded through A5990 (Approp. Fund Bal.) for partial repayment of over borrowing on original BAN - 5/5/2009 - PCK Tax Refund and EPA Order on Consent 100,000.00

Senior Center Cap.Proj.

Modify Revenue HSC-2705 (Gifts & Donations) and Appropriation HSC-8662.202 (Equipment-Furniture) donation from Ulster Police PBA 500.00

Modify Revenue HSC-5031 (Interfund Transfer) and Appropriation HSC-8662.201 (Construction-Town Share) partial payment to Sausto Contracting 11,000.00

Ulster Water:

Modify Appropriation SW1-1940.400 (Land Purchase) to be funded through SW1-5990 (Approp. Fund Balance) pymt. to Steve Kalka for site visits, supervise digging test pits, obtain and prepared soil sample sent to lab 516.00

2nd by Councilman Kitchen

A Roll Call Vote was taken - All Ayes

7:10 –Annual Review of MS4 Stormwater in the Town of Ulster

Supervisor Quigley opened the MS4 Stormwater hearing at 7:23 PM

Capt. David Allen, the town's stormwater officer, gave an overview of the town stormwater management plan.

Mr. Robert Barton inquired about MS4 and where does the storm water go.

Capt. Allen reported that the purpose of MS4 is to track the flow of storm water to handle where the water is coming from and where it is going. As things progress, they will probably have some quality/pollution control.

Mr. Richard Metzger inquired why the Mall areas of the town were not included in the map.

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Capt. Allen stated that the MS4 was originally meant for residential areas, but when the EPA revises the maps, they may include those areas.

Mr. James McCausland inquired if the proposed recycling center along Route 32 and Ulster Landing Road is included in the MS4 map.

Highway Superintendent Frank Petramale stated that the MS4 map is sited around urban areas. Capt. Allen showed it was not included on the map.

7:25- Special Permit for Timber Harvest on lands owned by Eddyville Corp. off Route 32 South

Supervisor Quigley opened the hearing for a special permit for timber harvesting on the lands of Eddyville Corp. located off of Route 32 at 7:30 PM

Mr. Hans Funccius expressed concern about the aftermath of the logging. After a lengthy discussion with the applicant and the Town Board, he was satisfied with the applicant's plans for ensuring a proper clean up.

Mrs. Rosalind Stark requested that the Town require a forester to mark the trees and to ensure no endangered species are harmed.

Supervisor Quigley stated that the tree near the ridge of the property is not going to be touched.

Mr. Renno Budziak, the Chairman of the Planning Board, reported that the Planning Board reviewed the project and set hundred foot barriers around the wetlands and reviewed the entrances to the project. He expressed concern about the bat populations being stressed and requested that shagbark hickory trees not be harvested. The applicant stated that there is no market for shagbark hickory trees.

A discussion occurred between the applicant and an audience member about cutting a road to get to wood. Also a discussion occurred about ATV accessing the property. The property will be secured with locking gates and barriers to prevent this. The machinery for logging will be stored on the property and not on the public roads.

Mr. James McCausland is in favor of the project.

Councilman Brink motioned to close the public hearing at 7:53 PM

2nd by Councilman Morrow

All Ayes

Councilman Hendrick motioned to closed the public hearing on the MS-4 at 7:54 PM

2nd by Councilman Morrow

All Ayes

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Councilman Kitchen motioned to approve the timber harvesting permit, with conditions set by the Town Planning Board with the agreement that the applicant will clean up and secure the site.
2nd by Councilman Morrow
All Ayes

Providing for the Adoption of a New Article VII of Chapter 190 of the Town Code – June 3, 2010 at 7:10 pm

Councilman Kitchen moved to set a public hearing for June 3, 2010 at 7:10 PM for the revised proposed local law for the Supplementary Off-Street Parking and Loading Requirements, pertaining to Chapter 190
2nd by Councilman Brink
All Ayes

Discussion and Possible Vote on Proposed Local Law to Amend Article II of Chapter 190 of the Ulster Town Code.

Councilwoman Hendrick moved to table the vote on the proposed local law to adopt a new Article II, Terminology, pertaining to Chapter 190 of the Town of Ulster until other zoning law can be consider all at once
2nd by Councilman Kitchen
All Ayes

Set Public Hearing for a Local Law to revise the Summary of Permitted Uses by Zoning District

Councilman Kitchen moved to set a public hearing for June 3, 2010 at 7:20 PM for a proposed local law that will repeal and replace Section 190-69 of the Town Code - Summary of Permitted Uses by Zoning District and for the Town to submit that law for comment and review to the Ulster County Planning Board.
2nd by Councilwoman Hendrick
All Ayes

Motion to approve the hire of six seasonal employees for Park and Beautification Programs

Councilman Kitchen motioned to hire the following people for Parks and Beautification Programs:
Richard Metzger for the Town Parks, seasonal employment at \$9.00 an hour
Jack Scheffel and Kyle Petramale for the Town Highway, part-time at \$10.00 an hour
Joel Benicase and Joseph Alecca for the beautification program, seasonal at \$8.50 an hour
Jordan Joy for beautification waste water, seasonal, at \$9.00 an hour
2nd by Councilman Morrow
All Ayes

Review and Discussion on Financing the Completion of the Town of Ulster Senior Center

Councilwoman Hendrick reported that the Senior Center is nearly finished. An additional handicap toilet was added. The Town plans to offer senior programs there. A grand opening is planned. Councilman Brink reported that he had a walk through with the town engineer and architect. Some minor things need to be corrected. A CO is anticipated to be given soon. He thanked the Highway, Water and Waste Water Departments for their in-kind services which saved the town money. Supervisor Quigley stated that the outside work should be completed within two or three weeks.

Resolution to Transfer Money from Landfill Closure Fund to the Building Reserve Fund

Councilman Kitchen moved to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO § 6-c OF THE GENERAL MUNICIPAL LAW TO TRANSFER MONIES FROM THE LANDFILL CLOSURE RESERVE FUND TO BUILDING RESERVE FUND FOR THE PAYMENT OF EXPENSES RELATED TO THE TOWN OF ULSTER SENIOR CENTER

WHEREAS on August 9, 1988, pursuant to § 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the "LANDFILL CLOSURE RESERVE FUND" to finance the closing of the Town's landfill; and

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund; and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to § 6-f of the General Municipal Law on authorization of the board pursuant to § 6-c of the General Municipal Law; and

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill; and

WHEREAS the money deposited in the Landfill Closure Reserve Fund is no longer needed for this purpose and may be transferred to another capital account pursuant to the authority vested in General Municipal Law § 6-c; and

WHEREAS it is proposed to transfer monies from the Landfill Closure Reserve Fund to the Buildings Reserve Fund as follows: **ONE HUNDRED FIFTY-FOUR THOUSAND (\$154,000.00) DOLLARS** from said fund for contractor expenses related to the completion of construction of the Town of Ulster Senior Center; now

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BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to transfer monies from the Landfill Closure Reserve Fund to the Building Reserve Fund in the sum of: ONE HUNDRED FIFTY-FOUR THOUSAND (\$154,000.00) DOLLARS from said fund for the purpose of paying contractor expenses related to the completion of construction of the Town of Ulster Senior Center; and it is further

RESOLVED that this resolution is adopted *nunc pro tunc* by the Town Board as if the same were adopted on April 1, 2010; and it is further

RESOLVED that this resolution is subject to a permissive referendum.

2nd by Councilman Morrow

A Roll Call vote was taken - All Ayes

Resolution to Transfer Money from Building Reserve to the Senior Capital Project Fund

Councilman Brink moved to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO § 6-c OF THE GENERAL MUNICIPAL LAW TO TRANSFER MONIES FROM THE BUILDING RESERVE FUND TO THE SENIOR CAPITAL PROJECT FUND FOR THE PAYMENT OF EXPENSES RELATED TO THE TOWN OF ULSTER SENIOR CENTER

WHEREAS on August 9, 1988, pursuant to § 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “BUILDING RESERVE FUND” to finance the acquisition of buildings; and WHEREAS on November 20, 2006, pursuant to § 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster amended the Capital Reserve Fund known as the “BUILDING RESERVE FUND” to include renovations and improvements; and

WHEREAS monies have been deposited in a bank account known as the Building Reserve Fund; and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to § 6-f of the General Municipal Law on authorization of the board pursuant to § 6-c of the General Municipal Law; and

WHEREAS said resolution was subject to permissive referendum as provided by § 81, sub 1, paragraph h; and,

WHEREAS it is proposed to transfer monies from the BUILDING RESERVE FUND to the Senior Capital Project Fund as follows: ONE HUNDRED FIFTY-FOUR THOUSAND (\$154,000.00) DOLLARS from said fund for contractor expenses related to the completion of construction of the Town of Ulster Senior Center; now

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THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the Building Reserve Fund in the sum of ONE HUNDRED FIFTY-FOUR THOUSAND (\$154,000.00) DOLLARS to the Senior Capital Project Fund for contractor expenses related to the completion of construction of the Town of Ulster Senior Center; and it is further

RESOLVED that this resolution is adopted *nunc pro tunc* by the Town Board as if the same were adopted on April 1, 2010; and it is further

RESOLVED that this resolution is subject to a permissive referendum.

2nd by Councilman Kitchen
All Ayes

Resolution to advance money from General Fund to the Senior Capital Project Fund for partial payment to Sausto Contracting, Inc. in the amount of \$24,474.22

Councilman Kitchen moved to advance money from General Fund to the Senior Capital Project Fund for partial payment to Sausto Contracting, Inc. in the amount of \$24,474.22

2nd by Councilman Brink
All Ayes

Resolution to Revise Town of Ulster Employee Handbook re: Tools and Equipment

Councilman Morrow moved to approve the following:

RESOLUTION TO MODIFY SECTION 1009 OF THE TOWN OF ULSTER EMPLOYEE HANDBOOK

WHEREAS, the Town of Ulster Town Board on December 16, 1996 passed a resolution creating a Town of Ulster Employee Handbook (hereinafter "Handbook"); and

WHEREAS, Section 105 of the Handbook states as follows: "The Town Board of the Town of Ulster reserves the right to interpret, change, or modify any section of this Handbook. The contents of this Employee Handbook are presented as a matter of information only and are subject to change by any of the following (not meant to be a comprehensive list): Town Board Resolutions, union negotiations, changes in departmental rules, and/or enactment of federal and state legislation. This Handbook does not change the contractual benefits or provisions stated in any union agreement"; and

WHEREAS, the Town of Ulster Town Board has previously modified the Handbook by resolution; and

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WHEREAS, the second paragraph of Section 1009 provides as follows: “Tools and Equipment. The Town supplies employees, *except for the mechanics who are required to furnish their own tools*, with the necessary tools and/or equipment necessary to perform their job duties. It is the responsibility of the employee to use these items wisely. Any tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse will be the employee’s responsibility to have replaced or repaired. Employees are not allowed personal use of any tool or piece of equipment, including, but not limited to, fax machines, copiers, and computer equipment. Work on private vehicles using the Town Garage, tools, and equipment is strictly prohibited” [emphasis added].

WHEREAS, the Town Board of the Town of Ulster has determined it is in the best interest of the Town and of the Town’s employees to modify said Section by removing the clause regarding mechanics who are required to furnish their own tools.

NOW THEREFORE, BE IT RESOLVED that the second paragraph of Section 1009 of the Town of Ulster Employee Handbook shall state as follows: “Tools and Equipment. The Town supplies employees with the necessary tools and/or equipment necessary to perform their job duties. It is the responsibility of the employee to use these items wisely. Any tool or piece of equipment lost or damaged by the employee as a result of negligence or intentional misuse will be the employee’s responsibility to have replaced or repaired. Employees are not allowed personal use of any tool or piece of equipment, including, but not limited to, fax machines, copiers, and computer equipment. Work on private vehicles using the Town Garage, tools, and equipment is strictly prohibited”

2nd by Councilwoman Hendrick
All Ayes

Discussion on Land Swap with Kingston City Consolidated School District – land located at Chambers Elementary School

Supervisor Quigley reported that the town owns the parking lot next to the old Town Library on Morton Blvd. This is a deed restriction that only allows it for a municipal use. The proposal is to swap a piece of land with the school to remove the deed restriction.

Councilwoman Hendrick moved to authorize the Town Attorney to enter into a discussion with the School’s Attorney for this proposal of a land swapping.

2nd Councilman Brink
All Ayes

Councilwoman Hendrick motioned to table the subject of installing a stop sign on the corner of Lucille Street and Lawrenceville Street pending further deliberations among the Town Board.

2nd by Councilman Brink
All Ayes

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Mr. Robert Barton inquired if the Town has taken any further action for the Town to have its own zip code. He inquired about increased costs to the town from the Safety Net program. There has been no further action on zip codes. Supervisor Quigley reported that the Safety Net costs are carefully reviewed by the town to ensure there are no overcharges.

Mrs. Laura Davide complained that her neighbor's house is not being kept up. She reported that there is garbage, lawn furniture and unlicensed cars on the property. There is a hole where his well is and lawn is overgrown.

Mr. Maloney reported that an order of remedy was sent to the property owner and he has a subscribed time to remedy the problem before the town takes the owner to court.

Mr. James McCausland inquired if the town was charged by the vendor for work performed by the Town on the Senior Center being built.

Supervisor Quigley stated the scope of the work was defined in the contract and the town was not charged for its own site work.

Mr. Vincent Guido reminded people of the Arbor Day ceremony this Saturday, May 21, 2010 at the Town Hall. Four trees are planned to be planted for this auspicious day.

Councilman Morrow motioned to adjourn the meeting at 8:22 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk