

ULSTER TOWN BOARD WORKSHOP  
AUGUST 5, 2010 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 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 – Absent  
SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**Public Comments**

Mr. John Simek, chairperson for the Kingston Public Access Commission, requested that they be kept informed of the Time Warner Contract and would request a couple of items to be included in the contract.

Mr. Joe Defalco requested that the town contribute or donate money to the Kingston Public Access Commission a portion of the town's franchise fee to help sustain the origination.

Mr. Robert Barton inquired about the local law for the blocking of streets and network infrastructure.

Supervisor Quigley reported that there are no laws that allow for the blocking of streets for special events. He also reported that the computer network has served its life expectancy and is in need of being upgraded to a more efficient system.

**New Business**

**Discussion on Town of Ulster becoming lead agency for Duke's Pit in Eddyville**

Councilman Kitchen moved to allow the NYS DEC to assume the lead agency status for Duke's Pit in Eddyville.

2<sup>nd</sup> by Councilwoman Hendrick

4 Ayes – Councilman Morrow was absent

**Schedule a public hearing for Prestige KIA Auto Dealership for approval to construct a 16,950 square foot addition to an existing building located at 400-416 Neighborhood Drive**

Councilman Kitchen moved to set a public hearing for Prestige KIA Auto Dealership for approval to construct a 16,950 square foot addition to an existing building located at 400-416 Neighborhood Drive on August 19, 2010 at 7:40 PM

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

4 Ayes – Councilman Morrow was absent

**Discussion on updating Town's Computer Network and Financial Accounting Software**

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Supervisor Quigley reported that a cost analyst for the current system compared to an upgraded system was distributed to the Town Board members. A discussion occurred about viewing an account package among the Town Board.

**Public Hearing - Time Warner Cable Franchise Agreement**

Supervisor Quigley opened the public hearing for the Time Warner Cable Franchise agreement at 7:15 PM

Mr. Robert Barton inquired where the money for the franchise fee goes. He was not in favor of the money going toward the public access channel.

Supervisor Quigley stated that the franchise fee is used toward the general fund.

Mr. Joe Defalco is in favor of a portion of the franchise money to be contributed to the Public Access Channel.

Mr. Clark Richters spoke in favor of public access.

Mr. James McCausland was not in favor of offering any franchise fee money to public access until the management was reviewed to ensure that it is stable to continue.

Mr. John Simek spoke in favor of funding public access. It is open to all to participate. He requested that internet connection be included as a part of the franchise agreement as it would be to the public benefit. The town could have a scroll screen on the bottom of the channel for emergencies and it wouldn't cost the town any money.

Mr. Robert Barton suggested that public access be an option for people to pay for so it is a selective process.

Mr. Nelson White felt that the public hearing was not to address public access but to address the contract, the channels and the service.

Time Warner Representative, stated that public access must be included by state law.

Mrs. Roselyn Stark stated she was in favor of public access.

Mr. Nelson White stated that the hearing is not for public access. He inquired about the franchise fee.

Supervisor Quigley stated that people who live in the town pay the fee. The Town can audit the books to ensure they are receiving their fair share similar to Safety Net Program. The contract has lapsed and needed to be renewed.

Mr. Robert Barton inquired if this allows an exclusive right to sell cable TV.

Supervisor Quigley stated no, another cable company may come in.

Mr. Robert Winkler inquired about Verizon installing FIOS.

Supervisor Quigley was not aware of them installing FIOS and he would look into it.

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Norma Budziak requested that duplicate channels be eliminated, would like better choices in packages, the weather channel in the basic package, and there are a lot of shopping channels.

Mrs. Karen Markisenis requested that more Albany based new stations be made available. She requested a greater selection of channels.

Mr. Robert Barton wanted more Albany based news stations.

Mr. Nelson White stated that he and his wife are bull riding fans. The country channel that covered was removed. He contacted Time Warner everyday until a channel with bull riding was aired. He suggested that people to call when they have concerns and keep calling until they are addressed as there are powers in numbers.

Mr. Robert Winkler requested that a channel structure be made available as channel numbers keep changing and are hard to hunt down.

Councilman Kitchen motioned to close the hearing at 7:56 PM  
2<sup>nd</sup> by Councilwoman Hendrick  
4 Ayes – Councilman Morrow was absent

**Proposed Local Law - Temporary Blocking of Streets**

Councilman Brink motioned to set a public hearing at 7:50 PM for the purpose of reviewing a proposed local law for the temporary blocking of streets.  
2<sup>nd</sup> by Councilman Kitchen  
4 Ayes – Councilman Morrow was absent

**Emergency Water Supply Line to Bright Acres Water District**

Supervisor Quigley reported that the wells at Bright Acres Water District are suffering from drought conditions. The Town is seeking to run an emergency line from the Cherry Hill Water District under Route 209 to the Bright Acres Water District. The town needs to take a vote on some private licenses to do so.

Councilman Brink moved to authorize the Supervisor to proceed to put in that temporary piping to supply water to Bright Acres.  
2<sup>nd</sup> by Councilman Kitchen

Supervisor Quigley reported that there will be some private agreements that will have to be addressed when they are complete at upcoming meetings. The current estimated cost will be less than \$15,000 that will be bourn by the Water District through water charges and property taxes.  
4 Ayes – Councilman Morrow was absent

**Public Comments**

Kevin Hines, President of the Bloomington Fire Department, reported that the fire protection district was interested in starting an incentive program to keep members and encourage others to join or return. On September 7, 2010, at the Bloomington Fire House there will be a vote on the matter.

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Mr. James McCausland inquired about the town financial matters.  
Supervisor Quigley stated that he will have a financial report at the next meeting.

Mr. Robert Barton voiced a complaint against a blast recently from Callanan blasting.

Mrs. Nancy Ebl, Mr. Russell Wilber, Mrs. Judith Hansen, Mrs. Rosalind Stark, Mr. Paul Gemma, Mr. Todd Banister, Mrs. Jayne Wagner, Mr. Larry Winkler, Mr. Timothy Rodier, Mrs. Megan Rodier and Mr. Hans Funccius spoke in favor of the town defending the local law that prevents mining in Eddyville for economic, health and ecological purposes.

Councilman Kitchen moved to enter into an executive session at 8:44 PM for the purpose of discussing litigation in regard to Finch v. Berardi and to discuss a personnel matter for retirement.  
2<sup>nd</sup> by Councilwomen Hedrick  
4 Ayes – Councilman Morrow was absent

Councilman Brink moved to exit executive session at 9:24 PM  
2<sup>nd</sup> by Councilman Kitchen  
4 Ayes – Councilman Morrow was absent

Councilman Kitchen moved to authorize the Town Attorney to offer a settlement with in the Finch v. Berardi matter in an amount not to exceed \$4,500.00  
2<sup>nd</sup> by Councilwomen Hendrick  
4 Ayes – Councilman Morrow was absent

Councilman Kitchen motioned to propose a retirement incentive to Chief Watzka  
2<sup>nd</sup> by Councilman Brink  
4 Ayes – Councilman Morrow was absent

Councilman Kitchen motioned to adjourn the meeting at 9:26 PM  
2<sup>nd</sup> by Councilwoman Hendrick  
4 Ayes – Councilman Morrow was absent

Respectfully submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk