

ULSTER TOWN BOARD MEETING  
NOVEMBER 18, 2010 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:02 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 3<sup>rd</sup>

**Public Comments**

Mr. Robert Barton feels that the Town Budget is too high. He suggested that the town contact some of its vendors to see if they can get better rates. He requested that the Town Board review what they can do to cut costs.

Supervisor Quigley reported that equipment is budgeted to be installed to save money such as programmable thermostats, new windows and more efficient lighting. A discussion followed about various budget lines in the proposed 2011 budget.

Mr. James McCausland appreciates the time the Town Board has put into the budget, but feels the taxes are too high. The town needs to cut the budget and negotiate employee contracts reflecting the economy.

Mr. David DiDonna, a property owner that leases to Hannaford, stated that he is in favor of the cross easement as part of their site plan approval.

Mr. Barry Medenback, representative for the Hampton Inn, expressed that they are in favor of the cross easement as their site plan was designed for this easement use.

Mr. Jay Modhwadiya, owner of the Hampton Inn, requests that the Town Board keep the cross road as part of the site plan for Hannaford because he had developed his site plan based on that.

Mrs. Jennifer Porter, a representative for Chase Bank who has subleased a parcel property from Hannaford, stated that there is case law where their plan should not be affected by Hannaford's refusal to comply to the cross easement requirements. Hannaford's position is that they have already complied to the requirements and have given their fair share. They have properly developed to handle the traffic so they shouldn't have to be punished for other site plans that have not had proper planning. Also, the Town has asked Chase to subdivide the lot so that they can be treated as an individual site plan, so why should they be lumped to Hannaford's site plan requirements.

Mr. Robert Barton inquired about the animal control operation costs. Supervisor Quigley stated that animal control is not a profitable business.

Mr. David DiDonna, landlord for Hannaford, reported that the tenants need to seek his consent for any site plan approval. He is in favor of the cross easement to reduce congestion on 9W.

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**APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Councilman Kitchen motioned to accept the minutes of October 7, 2010, October 15, 2010 and October 21, 2010

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

All Ayes

**ABSTRACT OF CLAIMS**

Councilwoman Hendrick motioned to approve the following:

FUND	CLAIM #	AMOUNT
<b>UTILITIES</b>		
GENERAL	1101-1128	<b>6,061.35</b>
ULSTER WATER	1101-1106a	<b>3,319.96</b>
HALCYON PK. WATER	1101	<b>223.29</b>
SPRING LAKE WATER	1101-1103	<b>228.40</b>
BRIGHT ACRES WATER	1101	<b>179.40</b>
GLENERIE WATER	1101	<b>32.00</b>
EAST KINGSTON WATER	1101	<b>64.00</b>
WHITTIER SEWER	1101	<b>59.76</b>
ULSTER SEWER	1101-1106	<b>10,332.70</b>
WASHINGTON AVE. SEWER	1101-1102	<b>83.02</b>
SPECIAL LIGHT	1101-1106	<b>3,949.66</b>
<b>ALL OTHERS</b>		
GENERAL	1101-11148	<b>114,203.83</b>
HIGHWAY	1101-1144	<b>111,625.20</b>
ULSTER WATER	1101-1119	<b>162,605.75</b>
HALCYON PK. WATER	1101-1107	<b>1,813.09</b>
SPRING LAKE WATER	1101	<b>25.00</b>
BRIGHT ACRES WATER	1101-1103	<b>1,123.00</b>
CHERRY HILL WATER	1101	<b>25.00</b>
GLENERIE WATER	1101	<b>25.00</b>
EAST KINGSTON WATER	1101	<b>25.00</b>
WHITTIER SEWER	1101-1106	<b>1,557.69</b>
ULSTER SEWER	1101-1118	<b>47,638.81</b>
WASHINGTON AVE. SEWER	1101	<b>1,900.76</b>
INSURANCE (ALL FUNDS)	1101-1121	<b>127,845.62</b>
<b>CAPITAL PROJECTS</b>		
TRUST & AGENCY	1101-1111	<b>24,703.00</b>
SENIOR CENTER CAP. PROJ.	1101-1106	<b>27,054.70</b>
	<b>TOTAL</b>	<b>\$ 646,704.99</b>

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

**Budget Mods**

Councilman Brink moved to approve the following 2010 budget modifications:

<b>General Fund:</b>	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League) payment to Greg Maisch for reimb. for cash paid to referees	225.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)shoulder pads from Anaconda Sports	52.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)helmets from Anaconda Sports	253.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)helmets and jaw pads from Herb's Sport Shop	442.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Chris Ray	110.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Bob Siniscalchi	110.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Bob Burnswick	110.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)cookie dough from Perkins Distrib. Co.	1,792.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)shirts, art work & screening, helmet stripes and decals from Deitz Printing	359.50
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)shoulder pads from Anaconda Sports	78.00
<b>General Fund:</b>	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Edward Pomerantz	50.00

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	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Glenn Pomerantz	50.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fee/Bob Siniscalchi	50.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Football League)referee fees/Hudson Valley Knights	330.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Softball League)softballs and scorebooks from Anaconda Sports	231.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Softball League)softballs from Anaconda Sports	56.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Softball League) trophies from Deuire's Trophies	200.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Softball League)water bill	10.00
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Softball League)electric bill from Central Hudson	401.13
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Biddy Basketball League) reimb. for lumber and screws for signs to Eric Kitchen	38.35
<b>General Fund:</b>	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Biddy Basketball League)receipt books from Staples	15.98
	Modify Appropriation A7140.401 (Recreation Equip. Reserves) to be funded through A5110 (Approp. Reserve-Biddy Basketball League) basketballs, whistles, scorebooks, clip/boards, pens from Anaconda Sports	449.40
	Modify Revenue A2705 (Gifts & Donations) and Appropriation A2989.400 (DARE Program) grant from Wal-Mart	250.00
<b>Ulster Water:</b>	Modify Revenue SW1-1950.400 (Taxes on Property)to be funded through SW1-5990 (Approp. Fund Balance)school taxes on Fording Place Road property	1,783.00

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	<b>Transfer From:</b>	<b>Transfer To:</b>	
<b>General Fund:</b>	A9060.800 Hosp. & Dental	A9060.802 Retirees Hosp.& Dental	37,300.00
<b>Highway Fund:</b>	D9060.800 Hosp. & Dental	D9060.802 Retirees Hosp.& Dental	10,150.00
	D9060.804 Hosp. & Dental	D9060.802 Retirees Hosp.& Dental	10,150.00

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

Councilwoman Hendrick moved to approve the following 2009 budget modifications:

	<b>Transfer From:</b>	<b>Transfer To:</b>	
<b>General Fund</b>	A9060.800 Hosp. & Dental	A9060.802 Retirees Hosp.& Dental	66,500.00
	A1355.200 Equipment	A1355.403 Office Supplies	700.00
	A1990.400 Contingency	A1622.409 Repairs & Supplies	200.00
	A1990.400 Contingency	A1622.454 Maintenance	300.00
	A1990.400 Contingency	A1920.400 Dues	42.00
	A8160.200 Equipment	A8160.420 Gas & Oil	500.00
<b>Highway Fund</b>	D9060.800 Hosp. & Dental	D9060.802 Retirees Hosp.& Dental	8,700.00
	D9060.804 Hosp. & Dental	D9060.802 Retirees Hosp.& Dental	8,700.00
<b>Ulster Water District</b>	SW1-9060.800 Hosp. & Dental	SW1-9060.802 Retirees Hosp.& Dntl	3,540.00
<b>Whittier Sewer</b>	SS1-8130.409 Repairs & Supplies	SS1-8130.200 Equipment	3,000.00
	SS1-8130.409 Repairs & Supplies	SS1-8130.451 Chemicals	1,000.00
<b>Ulster Sewer</b>	SS2-9060.800 Hosp. & Dental	SS2-9060.802 Retirees Hosp.& Dntl	5,295.00

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

**Set Public Hearings for Proposed Local Law of 2010**

Councilman Kitchen moved to set public hearings for the following:

Proposed Local Law of 2010: Planning Board By-laws (Revised) on December 2, 2010 at 7:15 PM

Proposed Local Law of 2010: Chapter 75 (Dog Law) on December 2, 2010 at 7:25 PM

Proposed Local Law of 2010: Chapter 145 (Site Plan) on December 2, 2010 at 7:40 PM

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

All Ayes

**Referral to Town Planning Board for Review of Proposed Local Law of 2010: Chapter 145 (Site Plan)**

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Councilman Brink motioned to set a public hearing for the review of Proposed Local Law of 2010: Chapter 145 (Site Plan) on December 2, 2010 at 7:50 PM and to refer it to the Town Planning Board

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

All Ayes

**Adoption of 2011 Town of Ulster Budget**

Councilman Morrow motioned to adopt the proposed 2011 Town of Ulster Budget as submitted (on file in the Town Clerk's Office)

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

A Roll Call Vote was taken – All Ayes

**Presentation of Actuarial Report required under GASB45 to the Town Board**

Supervisor Quigley presented to the Town Board the actuarial report that is required under GASB45 in regard to liability to past and present employees for their health care benefits.

**Discussion on cross-access easement Hannaford – JP Morgan Chase Bank subdivision – Ulster Ave.**

Town Attorney Jason Kovacs reported that the Ulster County Planning Board placed stipulations on their approval in regard to altering the cross-access easement that required a majority plus one vote to override. There was no interest by the Town Board in altering or overriding the site plan approval.

**Resolution authorizing the Supervisor to revoke the notification for withdrawing from the Ulster County Self-Insurance Plan**

Councilman Morrow motioned to approve the following:

**RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO RESCIND ITS WITHDRAWAL OF THE TOWN OF ULSTER FROM THE ULSTER COUNTY SELF-INSURANCE PLAN**

WHEREAS, the Town of Ulster presently participates in the Ulster County Self- Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has previously determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; and

WHEREAS, the Town Board of the Town of Ulster, at its regularly scheduled meeting on June 17, 2010, withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2010; and

WHEREAS, the Town of Ulster Town Board reserved the right to rescind the June 17, 2010 resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2010; and

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WHEREAS, after exploring its financial options, the Town of Ulster Town Board now desires to rescind the June 17, 2010 resolution and to continue as a member of the Ulster County Self-Insurance Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby rescind its resolution approved on the 17<sup>th</sup> day of June, 2010, which withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2010; and be it further

RESOLVED, that the Town of Ulster shall continue to participate in the Ulster County Self-Insurance Plan; and be it further

RESOLVED, that the Town Clerk shall, within ten days file, a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive.

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

**Resolution authorizing the Supervisor to pay for the boiler replacement cost from the Landfill Closure Account**

Councilman Morrow motioned to approve the following two:

**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 BUILDINGS RESERVE FUND FOR THE PURCHASE OF BOILERS FOR THE ULSTER TOWN HALL**

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

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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: EIGHTEEN THOUSAND TWO HUNDRED FOURTEEN (\$18,214.00) DOLLARS from said fund for the purchase and installation of three boilers for the Ulster Town Hall; now

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 Buildings Reserve Fund in the sum of: EIGHTEEN THOUSAND TWO HUNDRED FOURTEEN (\$18,214.00) DOLLARS from said fund for the purchase and installation of three boilers for the Ulster Town Hall; and it is further

RESOLVED that this resolution is subject to a permissive referendum.

**RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO § 6-c OF THE GENERAL MUNICIPAL LAW TO EXPEND MONIES FROM THE BUILDINGS RESERVE FUND TO FOR THE PURCHASE AND INSTALLATION OF BOILERS FOR THE ULSTER TOWN HALL**

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 “BUILDINGS RESERVE FUND” to finance the cost of acquisition of buildings; and

WHEREAS monies have been deposited in a bank account known as the Buildings 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 expend monies from the BUILDINGS RESERVE FUND as follows: EIGHTEEN THOUSAND TWO HUNDRED FOURTEEN (\$18,214.00) DOLLARS from said fund for the purchase and installation of boilers for the Ulster Town Hall; now

THEREFORE, BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the Buildings Reserve Fund in the sum of EIGHTEEN THOUSAND TWO HUNDRED FOURTEEN (\$18,214.00) DOLLARS for the purchase and installation of boilers for the Ulster Town Hall and it is further

RESOLVED that this resolution is subject to a permissive referendum.

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



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All Ayes

Councilwoman Hendrick moved to approve the following:

**Resolution to refer Kingston Buick/GMC site plan to Planning Board for further review**

WHEREAS, the Town of Ulster Town Board, after holding a public hearing on September 16, 2010, granted Kingston Buick GMC conditional Special Permit and Site Plan Approval to establish a 24,037 square-foot (sf) Chevrolet Car Dealership and 3,477 sf Buick & GMC Car Dealership on their property at SBL 39.82-2-17 & 18; and

WHEREAS, conditional Special Permit and Site Plan approval was granted, subject to the conditions, limitations and restrictions set forth below.

1. Full compliance with applicable Building Code requirements.
2. Submission of final set of plans, which address technical revisions recommended by the Town's consulting planner and engineer and agreed to by the Town Board.
3. Escrow account paid in full.
4. Any required modifications that the Ulster County Planning Board, the New York State Department of Transportation, Town of Ulster Highway Superintendent, the Town of Ulster Water Department, and the Town of Ulster Sewer Department recommend after their review and report; and

WHEREAS, it appears that required modifications to the site plan need to be completed, based on recommendations of various involved agencies; and

WHEREAS, it is appropriate that this matter be referred to the Town of Ulster Planning Board to determine whether the conditions, limitations and restrictions as set forth above have been met by the applicant;

NOW THEREFORE BE IT RESOLVED that the application by - Kingston Buick GMC - for Special Permit and Site Plan Approval to establish a 24,037 square-foot (sf) Chevrolet Car Dealership and 3,477 sf Buick & GMC Car Dealership on their property, which is situated at the northwest corner of Grant Street and NYS Route 9W is referred to the Town of Ulster Planning Board to determine whether the conditions, limitations and restrictions as set forth above have been met by the applicant.

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

**DWI Contract with Ulster County**

Councilman Kitchen moved to authorize the Town Supervisor to enter into agreement with Ulster County for their annual DWI agreement

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

**Surplus Police Equipment Sale**

Councilwoman Hendrick moved to authorize the Town Supervisor to sign all the documentation required to sell the Town of Ulster Police's surplus equipment as discussed at a prior board meeting

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

**Authorization for the Chief of Police to go out to bid for 2011 Fleet Maintenance**

Councilman Kitchen moved to authorize the Chief of Police to go out to bid for the 2011 Fleet Maintenance

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

**To authorize the Superintendent of Highways to fill the open vacancy in the Highway Department for the Working Supervisor position**

Councilman Kitchen moved to authorize the Superintendent of Highways to hire Charles Freer as the Working Supervisor (grade 10, Step 5) at a rate of \$20.79 an hour, plus longevity & Deputy Supt. stipend, effective November 18, 2010

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

**MOA for Sidewalks for Prestige Kia**

Councilman Morrow motioned to approve the following:

Whereas, on August 19, 2010, the Town Board of the Town of Ulster approved an application by JBCR LLC d/b/a Prestige KIA to construct a 16,950 square foot addition to an existing Prestige Kia Auto Dealership at SBL 487.7-1-12.1 and 48.7-1-12.2; and

Whereas, said approval was granted subject to various conditions, one of which being JBCR LLC entering into a Memorandum of Agreement with the Town of Ulster regarding sidewalks on the property at SBL 487.7-1-12.1 and 48.7-1-12.2; and

Whereas, a proposed Memorandum of Agreement has been drafted by the Town Attorney and signed by a member of JBCR LLC; now therefore

Be it resolved, that the Town Board of the Town of Ulster hereby authorize the Supervisor of the Town of Ulster to sign the annexed Memorandum of Agreement on behalf of the Town of Ulster.

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

**Authorizing the Supervisor to waive the building permit fees for Habitat for Humanity for the home being built on Codwise Street in the Town of Ulster**

Councilwoman Hendrick moved to authorize the Supervisor to waive the building permit fees for Habitat for Humanity for the home being built on Codwise Street in the Town of Ulster  
2<sup>nd</sup> by Councilman Brink  
All Ayes

**Approval of fee's for the Transfer Station for 2011 and the approval of a new nonresidential permit**

**Councilwoman Hendrick moved to approve the following fee schedule for the Town Transfer Station effective January 1, 2011:**

**PERMITS:**

Town of Ulster Residents	\$35.00 per year \$25.00 second permit (yearly only) \$25.00 half year (after July 1st) \$15.00 single day
Senior Rate – 62 yrs. (proof of age required)	\$25.00 per year \$15.00 second permit (yearly only) \$15.00 half year (after July 1st)

COUPONS: 1 coupon = \$3.00      Book of 20 coupons = \$60.00

<u>Non Residents</u>	\$70.00 per year \$40.00 second permit (yearly only) \$35.00 half year (after July 1st) \$20.00 single day
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COUPONS: 1 coupon = \$4.00      Book of 20 coupons = \$80.00

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

**Resolution authorizing the Supervisor to open new checking accounts at JP Morgan Chase for Choice One Care ACH**

Councilman Brink moved to approve the following:

TO OPEN NEW CHECKING ACCOUNTS AT JP MORGAN CHASE BANK, N.A.

WHEREAS, the Town of Ulster Town Board determines it is in the best interest of the Town of Ulster to open two (2) new checking accounts at JP Morgan Chase Bank, N.A., in order to obtain the highest possible interest rates on Town accounts,

BE IT RESOLVED by the Town Board of the Town of Ulster, Ulster County, as follows:

1. That the Town Board of the Town of Ulster hereby declares JP Morgan Chase Bank, N.A. an official depository for town funds.
2. That the Town Board of the Town of Ulster authorizes the Supervisor to open the following checking accounts at JP Morgan Chase Bank, N.A. according to the terms and conditions of the authorizations granted in this resolution:

Choice One Care - ACH

3. That JP Morgan Chase Bank, N.A. is hereby authorized to pay and charge to any account of the Town of Ulster on their books, all such checks, drafts, or other orders when signed with mechanically affixed facsimile signatures of Town Supervisor James E. Quigley 3rd, Town Clerk Jason Cosenza, or Town Bookkeeper Ann Mitchell, regardless of by whom the facsimile signatures may have been affixed thereon, if the signature resembles the facsimile specimens furnished JP Morgan Chase Bank, N.A. Either of these three may act individually; this is not intended as solely a joint authorization.

4. That the Town Clerk is hereby authorized to file with JP Morgan Chase Bank, N.A. a duly certified copy of this resolution.

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

### **Resolution regarding Employee Accrued Benefit Liability Fund withdrawals**

Councilman Morrow motioned to approve the following two resolutions:

#### **RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO 6-p OF THE GENERAL MUNICIPAL LAW TO WITHDRAW MONIES FROM THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND FOR HIGHWAY DEPARTMENT EMPLOYEES**

WHEREAS on August 2, 2004, pursuant to 9 6-p of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Reserve Fund known as the "EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND;" and

WHEREAS four separate reserve fund accounts were established for employees of the Town of Ulster Highway Department; Water Districts, Sewer Districts, and General Town employees; and

WHEREAS, the purpose of these reserve funds was to collect and appropriate monies for the payment or part of the cost, including interest, of the cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation, and other forms of payment for accrued leave time and

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benefits due a municipal employee and separation of service as required by local law, ordinance, collective bargaining agreement or section six of the civil service law; and

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

WHEREAS, five employees of the Town of Ulster Highway Department have retired from service in the year 2010, and an appropriation of the EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND for Highway Department employees, representing accrued sick, vacation, and comp time, is warranted as follows:

- |                        |               |
|------------------------|---------------|
| 1. Stephen Benson      | - \$18,104.73 |
| 2. James Corrigan      | - \$ 2,294.69 |
| 3. Robert Dachenhausen | - \$16,899.74 |
| 4. Nancy Pavay         | - \$ 5,324.92 |
| 5. Russell Winchell    | - \$ 7,383.87 |

Total: \$50,007.95

NOW, THEREFORE,

BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from the EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND for Highway Department employees in the sum of: FIFTY THOUSAND SEVEN DOLLARS AND 95/100 (\$50,007.95) DOLLARS from said fund for payment to the five (5) retired town employees as listed above.

**RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER PURSUANT TO 6-p OF THE GENERAL MUNICIPAL LAW TO WITHDRAW MONIES FROM THE EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND FOR GENERAL TOWN EMPLOYEES**

WHEREAS on August 2, 2004, pursuant to 9 6-p of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Reserve Fund known as the "EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND;" and

WHEREAS four separate reserve fund accounts were established for employees of the Town of Ulster Highway Department; Water Districts, Sewer Districts, and general Town employees; and

WHEREAS, the purpose of these reserve funds was to collect and appropriate monies for the payment or part of the cost, including interest, of the cash payment of the monetary value of accumulated or accrued and unused sick leave, holiday leave, vacation leave, time allowance granted in lieu of overtime compensation, and other forms of payment for accrued leave time and benefits due a municipal employee and separation of service as required by local law, ordinance, collective bargaining agreement or section six of the civil service law; and

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

WHEREAS, four general Town of Ulster employees have retired from service in the year 2010, and an appropriation of the EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND for these general town employees, representing accrued sick, vacation, and comp time, is warranted as follows:

1. Nicholas Monaco - \$ 35,024.40
2. Donald Koeppen - \$ 5,839.18
3. Paul Watzka - \$ 12,488.07
4. Ann Mitchell - \$ 35,888.79

Total: \$ 89,240.44

NOW, THEREFORE,

BE IT RESOLVED that the Supervisor of the Town of Ulster be and he is authorized to expend monies from EMPLOYEE BENEFIT ACCRUED LIABILITY RESERVE FUND for general Town employees in the sum of: EIGHTY NINE THOUSAND TWO HUNDRED FORTY DOLLARS AND 44/100 (\$89,240.44) from said fund for payment to the four (4) retired town employees as listed above

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

**Resolution to declare the Town of Ulster Building Department as the “Authority Having Jurisdiction” under NFPA-72 (National Fire Alarm Code, 2002 Version) for purpose of reviewing fire alarm plans under State Fire Code**

Councilman Morrow motioned to approve the following:

Resolution to Declare the Town of Ulster Building Department as the “Authority Having Jurisdiction” under NFPA-72 (National Fire Alarm Code, 2002 Version) for purpose of reviewing fire alarm plans under State Fire Code

WHEREAS, the Fire Code of New York and the Building Code of New York - both of which apply to the Town of Ulster - reference NFP A-72 (National Fire Alarm Code, 2002 version); and

WHEREAS, NFPA-72 is applicable whenever the Town of Ulster Building Department reviews a fire alarm system; and

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WHEREAS, Section 3.2.2 of the NFPA-72 (National Fire Alarm Code, 2002 Version) defines the "Authority Having Jurisdiction" as "the organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure;" and

WHEREAS, the Town of Ulster Town Board desires to clarify which office in the Town of Ulster is responsible for reviewing fire alarm plans and attending the Fire Code of New York required "acceptance testing" performed upon completion of a fire alarm system installation; now therefore

BE IT RESOLVED that the Town of Ulster Building Department is hereby designated as the "authority having jurisdiction" for the purpose of reviewing fire alarm plans and attending the Fire Code of New York required "acceptance testing", performed upon completion of the system installation; and

BE IT FURTHER RESOLVED that the Town of Ulster Building Department shall adhere to the requirements of NFPA-72 (National Fire Alarm Code, 2002 version), as amended, when reviewing any fire alarm system for code compliance.

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

Resolution to modify the Recreation Equipment Fund

Councilman Kitchen moved to approve the following:

**RESOLUTION TO EXPAND THE USES OF FUNDS IN THE RECREATION EQUIPMENT FUND**

WHEREAS, on August 2, 2004, the Town Board of the Town of Ulster created a Recreation Equipment Fund, the purpose of which was to (1) collect monies generated by the fees charged for participation in the Town of Ulster Summer Camp Program, and (2) support the funding of recreation equipment; and

WHEREAS, it is in the best interest of the Town of Ulster to broaden the uses of the Recreation Equipment Fund; NOW, THEREFORE,

BE IT RESOLVED, that the Town Board hereby declares that the Recreation Equipment Fund may not only be utilized to support the funding of recreation equipment, but may also be used to fund any and all activities and operations of the Town of Ulster Recreation Department.

Councilwoman Hendrick  
All Ayes

**Public Comment**

Councilwoman Hendrick announced that on November 28, 2010 at 5 PM the Town will host its annual Tree Lighting at the Town Hall.

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Mrs. Rosalind Stark inquired about the lawsuit against the town for mining, the tree logging permit clearing in Eddyville and the fire at Buck's Junk Yard.

Supervisor Quigley stated that there was nothing new in regard to the lawsuit. He referred the land clearing issue to the Building Department for the logging issue for Eddyville Mining Corp.

Mr. Maloney reported that the Building Department has inspected the Buck's Junk Yard site where there was a fire and explosion and the report will be forwarded to the Supervisor's office.

Mr. Richard Metzger inquired if the proposed local laws will be on the website.

Supervisor Quigley stated that they would.

Mr. James McCausland expressed disappointment that a large tax increase was passed.

Mr. Robert Mitchell stated that the budget would be better if it was explained more.

Supervisor Quigley stated that there was no money in the reserve fund to offset the upswing in taxes. A discussion followed.

Mr. Renno Budziak thanked the Highway Department for doing a great job on the leaf pickup.

Mr. Robert Barton inquired if the town has looked to reduce future expenses such as sick days for employees.

Town Supervisor Quigley stated it would take some negotiation with the unions to do that.

Councilman Morrow motioned to enter into executive session at 8:06 PM to discuss current legal litigation in regard to Eddyville Corp. v Town of Ulster

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

All Ayes

Councilman Morrow motioned to end executive session at 9:00 PM

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

All Ayes

Councilman Morrow motioned to adjourn the meeting at 9:01 PM

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

All Ayes

Respectfully submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk