

ULSTER TOWN BOARD MEETING
DECEMBER 2, 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 3rd

Public Comments

Mr. Robert Barton inquired about the cable audit with Time Warner.

Supervisor Quigley stated that the town is considering hiring a professional to review the cable franchise fees and lighting expenses to ensure that the Town is getting its fair share of revenue and not over paying. The Town is still waiting for a response back from Time Warner in regard to a cable contract.

Mr. Richard Metzger inquired about the proposed dog license law. A discussion followed.

Mr. Robert Barton expressed concern that additional duties placed on the town by the state for dog licensing would not be covered by the revenue generated.

Discussion and vote on one year extension of Sawkill Meadows site plan approval pursuant to Town Code Section 145-12.

Councilman Kitchen motioned to grant a one year extension from the original expiration date of August 3, 2010 for the Sawkill Meadows site plan approval (SBL 48.14-2-32.420) pursuant to Town Code Section 145-12

2nd by Councilman Brink

All Ayes

Discussion on retaining Computel Consultants for audit of Cable Franchise Agreement & Town Lighting

Supervisor Quigley requested permission from the Town Board to undertake an audit of the cable franchise fees and town lighting fees to ensure that the town is being correctly accredited and billed.

Councilman Brink moved to authorize the Town Supervisor to enter into agreement with Computel Consultants for utility billing analysis and cable TV franchise agreement audit with a negotiated portion of the savings to be used as a commission to be paid to Computel Consultants.

2nd by Councilman Kitchen

All Ayes

Public Hearing - 7:15 – Proposed Local Law of 2010: Planning Board Bylaws (Revised)

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Supervisor Quigley opened the Public Hearing at 7:18 PM in regard to the proposed Planning Board Bylaws

Town Attorney, Jason Kovacs gave an overview of the proposed law. It establishes training requirements as required by NYS Law, it adds an attendance policy so Planning Board Members with poor attendance can be removed, and offers a provision to appoint up to two alternate members to the planning board to ensure quorums at meetings to conduct business.

Mr. Robert Barton requested that the minutes of the Planning Board be made available in a more timely fashion and that the meeting be conducted so that the audience can hear it better.

Councilman Morrow motioned to close the public hearing at 7:27 PM
2nd by Councilwoman Hendrick
All Ayes

Supervisor Quigley will talk to the Planning Board Chair, the Zoning Board Chair and the Building Department about the issues of audible meetings and the availability of the minutes.

7:25 - Proposed Local Law of 2010: Chapter 75 (Dog Law)

Supervisor Quigley opened the public hearing for the proposed dog law (chapter 75) at 7:28 PM

Mr. Robert Barton expressed concern that the cost of the dog license does not cover the time and expense.

Councilman Morrow moved to close the public hearing at 7:30 PM
2nd by Councilwoman Hendrick
All Ayes

Accepting Tech City Generic Environmental Impact Statement

Supervisor Quigley moved to make two corrections to the resolution accepting the Tech City Draft Generic Tech City Environmental Impact Statement (incorporated into the resolution as approved)

2nd by councilman Kitchen
All Ayes

Councilman Brink moved to approve the following resolution:

Whereas, the Town of Ulster on behalf of Tech City Properties, Inc. had a Draft Generic Environmental Impact Statement prepared in connection with a proposed amendment to the town of Ulster Zoning Code, and

Whereas, Tech City Properties, Inc. is contemplating the redevelopment of the east campus of Tech City;

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Now, Therefore, It Is Resolved:

1. The proposed amendment to the town of Ulster Zoning Code and the contemplated redevelopment of the east campus of Tech City may have an adverse environmental impact and as a result the town of Ulster town board designated itself as lead agency on February 5, 2009 for the environmental review process for the Draft Generic Environmental Impact Statement; and further designated itself as lead agency on March 19, 2009 with respect to the Generic Environmental Impact Statement.

2. A scoping session was opened on March 19, 2009 and closed on April 2, 2009, and the scoping document was adopted by the town board on April 16, 2009.

3. The Town of Ulster Town Board hereby accepts the Draft Generic Environmental Impact Statement, dated November 3, 2010, and that the Draft Generic Environmental Impact Statement is adequate with respect to its scope and content for the purpose of commencing public review; a copy of the Draft Generic Environmental Impact Statement is filed with the town clerk.

4. The Town of Ulster Town Board hereby authorizes the filing and publication of a notice of completion of the Draft Generic Environmental Impact Statement and that copies of the Draft Generic Environmental Impact Statement be filed in accordance with Section 617.12 of the State Environmental Quality Review Regulations;

5. There is sufficient interest in the action shown by the public or other involved agencies and there are substantive and significant environmental impacts identified within the Draft Generic Environmental Impact Statement to warrant a public hearing on the proposed action;

6. A public hearing will commence no less than 15 calendar days or no more than 60 calendar days after filing of the notice of completion of the Draft Generic Environmental Impact Statement by the Town of Ulster Town Board.

2nd by Councilman Kitchen
All Ayes

To set a public hearing for a Special Use Permit for Ralph Kennel, property of Sherry Ralph

Councilman Kitchen moved to set a public hearing for Thursday, December 16, 2010 at 7:15 PM for a special use permit for Ralph Kennel, property of Sherry Ralph, to establish a kennel on a 5.85 acre lot, located at 319 East Side Hill Road, SBL 39.1-4-26.3, in the hamlet of Ruby. The property is located within a R-60 residential zone.

2nd by Councilman Morrow
All Ayes

To authorize the Superintendent of Highway to fill the open vacancy in the Highway Department

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Councilman Kitchen motioned to transfer Bryan Hill, a Waste Water Maintenance Worker (grade 5, Step 1, pay rate of \$11.64), to Motor Equipment Operator (MEO - grade 6, step 1) at rate of pay of \$13.03 effective December 13, 2010 (based on the Union Contract that expired on December 31, 2009)

2nd by Councilwoman Hendrick
All Ayes

Councilwoman Hendrick motioned to transfer Christopher Kohler as Motor Equipment Operator (MEO - grade 6, step 5, pay rate of \$19.12) to Road Maintenance Leader (grade 9, Step 4,) at rate of pay of \$19.40 effective November 29, 2010 (based on the Union Contract that expired on December 31, 2009)

2nd by Councilwoman Hendrick
All Ayes

To authorize the Town Justices to fill the part time court clerk position

Councilman Morrow motioned to hire Barbara McElrath as a part-time court clerk at a rate of pay of \$8.75 an hour with a maximum of twenty hours a week effective December 2, 2010

2nd by Councilwoman Hendrick
All Ayes

Public Hearing - 7:40 - Proposed Local Law of 2010: Chapter 145 (Site Plan)

Supervisor Quigley opened the Public Hearing at 7:40 PM in regard to the proposed Chapter 145 site plan

Town Attorney, Jason Kovacs gave an overview of the proposed law. These are minor changes to the site plan law.

Mr. Robert Barton requested that any industrial or commercial proposal that goes to the Planning Board, that goes adjacent to a residential area, have the proper buffer for sound and viewing for their commercial application as not to affect the residential area.

Councilman Brink moved to close the public hearing at 7:44 PM

2nd by Councilman Morrow
All Ayes

Town of Ulster to Declare Lead Agency for installation of a Water Tank in Glenerie

Councilman Brink moved to approve the following resolution:

Whereas, the Glenerie Water District, located in the Town of Ulster, intends to construct a water storage tank (standpipe) with a minimum volume of 120,000 gallons. In order to provide minimum water pressures in accordance with New York State Department of Health regulations, the tank will stand approximately 116 feet high, and;

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Whereas, funding for the project exists in the form of a \$600,000 grant from the New York State Office of Community Renewal Small Cities Program, and;

Whereas, the project requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA), and;

Whereas, a conceptual Site Plan/Subdivision Map has been prepared for the tank site by Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

Whereas, the Town has prepared a Short Environmental Assessment Form.

Therefore, be it resolved that the Town Board declares its desire to be Lead Agency and authorizes the Town Clerk to distribute a Lead Agency Coordination Form, Short Environmental Assessment Form, and conceptual site plan/subdivision map to the other involved agencies.

By Order of the Town Board, Town of Ulster, this second day of December 2010.

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

Appraisal for the land to purchase for placement of the Glenerie Water Tank

Councilman Morrow motioned to hire Hudson Valley Appraisal Corporation to perform an appraisal on the land proposed to be purchased for the placement of the Glenerie Water Tank for \$1,500.00 with the money coming from the Small Cities Grant

2nd by Councilman Brink
All Ayes

Councilman Morrow motioned to authorize the Town Supervisor to hire and enter into an agreement with a secondary appraisal service for review of Hudson Valley Appraisal for the placement of the Glenerie Water Tank, as required by law with the money coming from the Small Cities Grant

2nd by Councilwoman Hendrick
All Ayes

Discussion on the sale of the parcel of land owned by the Town that is adjacent to the old library on Morton Blvd.

Councilwoman Hendrick moved to authorize Councilmen Kitchen and Brink to enter into negotiation to sell the town's lot to the owner of the old library on Morton Blvd.

2nd by Councilman Morrow
All Ayes

Resolution to close the Landfill Closure account at Citizens Bank

Councilman Morrow moved to approve the following:

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RESOLUTION AUTHORIZING THE TOWN OF ULSTER SUPERVISOR TO CLOSE BANK ACCOUNT(S) AT CITIZENS BANK

WHEREAS, the Town of Ulster Town Board has heretofore declared JP Morgan Chase Bank, N.A. an official depository for town funds; and

WHEREAS, the Town of Ulster Town Board has heretofore opened various checking accounts at JP Morgan Chase Bank, N.A. to handle the town's financial and depository needs; and

WHEREAS, the following bank account(s) at Citizens Bank contain zero balances, are no longer needed for the town's banking needs, and are considered superfluous;

Citizens Bank checking accounts

Landfill Closure Account

THEREFORE, 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 authorizes the Supervisor to close the following bank account(s) at Citizens Bank according to the terms and conditions of the authorizations granted in this resolution:

Citizens Bank checking accounts

Landfill Closure Account

2. That the Town Clerk is hereby authorized to file with Citizens Bank a duly certified copy of this resolution.

2nd by Councilman Brink
All Ayes

Pass through Resolution for Ulster Airport for runway markings, tree removal and sign positioning

Councilman Morrow motioned to approve the following:

RESOLUTION

WHEREAS: Kingston-Ulster Airport, Inc. received grants from the Federal Aviation Administration to pay 95% of the allowable costs incurred in accomplishing the following projects at Kingston-Ulster Airport:

Rehabilitate and mark runway 15/33, including associated lighted holding position signs (engineering design only)

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Perform obstruction removal to runway end 33

WHEREAS: the New York State Department of Transportation is offering a matching grant to the federal grants for 50% of the non-federal share of eligible costs; and

WHEREAS: the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding.

NOW, THEREFORE, BE IT RESOLVED: that the Town Board of the Town of Ulster endorses the above described projects for the purpose of making the projects eligible for State funding;

RESOLVED: that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Ulster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Kingston-Ulster Airport;

RESOLVED: it has heretofore been determined by the Town Board, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid projects, including basic data collection, research and engineering studies, constitute a Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Ulster is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and, be it

FURTHER RESOLVED: that this Resolution shall take effect immediately.

2nd by Councilman Brink
All Ayes

Resolution Authorizing the Supervisor to open a new checking account at JP Morgan Chase for the Town of Ulster Drainage Capital Projects

Councilman Morrow motioned to approve the following:

RESOLUTION AUTHORIZING THE TOWN OF ULSTER SUPERVISOR TO OPEN A NEW CHECKING ACCOUNT 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 one (1) new checking account at MP Morgan Chase Bank, N.A.,

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.

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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:

A. Town of Ulster Drainage Capital Projects Account.

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.

2nd by Councilwoman Hendrick
All Ayes

7:50 - Referral to Planning Board for review of proposed Local Law of 2010: Chapter 145 (Site Plan)

Supervisor Quigley opened the Public Hearing at 7:55 PM in regard to the proposed Chapter 145 site plan

Town Attorney, Jason Kovacs gave an overview of the proposed law. This law revises and deals with parking, loading requirements, lighting and encouraging cross access easements for site plans.

Mr. Robert Barton inquired about road approvals and a discussion followed.

Councilwoman Hendrick moved to close the public hearing at 8:00 PM
2nd by Councilman Morrow
All Ayes

City of Kingston Shared Services – Use of the Town of Ulster Transfer Station

Councilman Morrow motioned for the Town Supervisor to enter into shared service agreement with the City of Kingston to allow them to use the Town of Ulster Transfer Station for a fee of \$10,000.00

2nd by Councilwoman Hendrick
All Ayes

Mr. Robert Barton suggested that the Town Board do this on a trial basis as he does not want the Town to subsidize the City of Kingston's trash.

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Designating the Building Department as the proper enforcement vehicle for enforcement of the Town's junkyard law

Mr. Maloney gave a brief overview of the problems at Buck's Junkyard. A discussion followed among the Town Board.

Councilman Morrow motioned to appoint the Town of Ulster Building Department as the enforcement agency for the Town's junkyard licensing law
2nd by Councilwoman Hendrick
4 Ayes – 1 Nay by Councilman Brink

Public Comment

Mr. Richard Metzger inquired about the DEC involvement in junkyards. He was upset that there had been no actions taken to enforce safety compliances. He further inquired if Buck's Junkyard is in a flood plain.

Supervisor Quigley believes that it is in a flood plain.

Mr. Robert Barton inquired if there was any flooding in the town with the current rains. Supervisor Quigley reported that there was high water but no reports of flooding.

Councilman Brink motioned to adjourn the meeting at 8:24 PM
2nd by Councilwoman Hendrick
All Ayes

Respectfully submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk