

ULSTER TOWN BOARD MEETING
JANUARY 13, 2011 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

Robert Barton inquired about whether the two proposed local laws have had any changes made to them.

Supervisor Quigley reported that the two proposed local laws are listed on the agenda to introduce them to the Town Board and public so that everyone is aware of them.

DEPARTMENT HEAD REPORTS

Director of Recreation – Jeffrey T. Hayner reported that the Bidy Basketball and Volleyball programs are running well. Summer camp is being planned now. The camp counselor job applications are on-line and are being received. Adult softball is coming up.

Water Department – Paul Vogt, Town Water Superintendent, reported that all is running well with the exception of several water breaks. They are still waiting for the Water Tank to be completed. The tank placement has been approved. Hopefully it will be finished by spring. The water tank installation for Glenerie should also start in the spring. The temporary line for Bright Acres is still connected. The reason is because if there is a water break, the water needs to be replenished.

Highway Department – Highway Superintendent, Frank Petramale, reported that his department is in its busy season. Every road was swept at least three times in 2010. The brush pick up is running well. He reported that the equipment is running well, and he encouraged the town to maintain and keep the equipment updated. The fishing platform and senior center have been completed and he thanked his department for their work there. He has made some changes at the Transfer Station. This year it is open Tuesday, Friday and Saturday. He is working to make it self-sufficient. He thanked Councilman Joel B. Brink for his work with his committee.

Police Department – Police Chief Taggard read the monthly report. He has increased the police patrols in the neighborhoods. His department is in contact with the Town Attorney to modify town laws to make them more effective. His officers are visiting the local businesses to build a rapport and to see what services they need. The Department will receive a four wheel drive vehicle paid for with Federal grant money thanks to Deputy Chief Sinagra. The sick time use is down. He is working on a warrant detail force to reduce the number and is working on traffic enforcement. Arrests are up. Supervisor Quigley recognized Detective Reynolds, Detective Thomas and the Police Department for their work in apprehending a suspect in a recent armed robbery case.

Town Clerk – Mr. Jason Cosenza reported that the office is busy with the tax collection process. He reported that tax bills are available online for viewing and there is a payment option with a convenience fee. The office has also set up a lockbox system where the public sends their

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checks directly to the bank to process. This is estimated to save around \$4,000.00 in time and labor cost.

Town Assessor – James Maloney reported on the exemption process for assessments. He announced his extended office hours for exemptions to allow people to reach his office. He recommended a full-time building inspector to be hired to run the department. At the next Assessment, Building, Planning and Zoning Committee meeting this will be discussed. He reported that the County may sue the DEP for the pollution of the Esopus Creek. About 8 miles runs through the Town of Ulster. He requested that the Town Board pass a memorializing resolution supporting the County.

Councilman Morrow motioned to authorize James Maloney to contact the County Executive's Office to coordinate an effort to join the county legal action to help clean up the Esopus and to report the results back at the next meeting.

2nd by Councilman Brink

All Ayes

Supervisor Quigley reported that the Waste Water report was excused for this meeting and would be reported at the next.

Resolution to Sell Vacant Parcel on Morton Blvd to S4 Incorporated

Councilman Brink moved to approve the following:

RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF ULSTER TO SELL EXCESS PROPERTY TO S4 INCORPORATED

WHEREAS, the Town of Ulster ("Town") owns a 0.309 acre vacant parcel of real property on Morton Blvd., Town of Ulster, County of Ulster, currently designated as being a portion of Ulster County SBL 48.50-5-33 ("Property"); and

WHEREAS, when real property is no longer needed for Town purposes, the Town Board, upon adoption of a resolution subject to permissive referendum, may convey real property in accordance with Town Law Section 64(2); and

WHEREAS, under Town Law Section 64(2), when selling unneeded real property, the Town Board has a fiduciary duty to secure the best price obtainable for the most beneficial terms in the public interest. The method of sale chosen is within the Town Board's discretion, but such method should be one which the Board believes will yield the best price or maximum financial benefit. To fulfill this fiduciary duty, the Town Board has taken all appropriate measures, which included obtaining an appraisal and seeking buyers; and

WHEREAS, pursuant to an offer letter dated December 4, 2010, S4 Incorporated has offered to purchase the Property for \$40,000.00. A copy of the letter of offer is attached as Exhibit A; and

WHEREAS, the Property has been appraised by Homestead Appraisals as of October 27, 2010 as having a value of \$35,000.00; and

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WHEREAS, the Town Attorney has drafted a contract of sale, which has been signed by an officer of the Purchaser S4 incorporated, and is attached hereto as Exhibit B; and

WHEREAS, the proposed action consists of a sale of real property consisting of a parcel less than 100 acres in size, thus making it an Unlisted action as set forth in 6 NYCRR Part 617 for which the Town is the sole involved agency, and

WHEREAS, the Town has prepared and considered a Short Environmental Assessment Form pertaining to the proposed action, in which no issues of environmental significance were identified;

NOW THEREFORE, BE IT RESOLVED, that pursuant to the provisions of SEQR 6 NYCRR Part 617, the Town hereby determines that it is the sole involved agency with jurisdiction over the proposed action and further hereby confirms its status as lead agency for the environmental review of this Unlisted action; and

BE IT FURTHER RESOLVED, that the Town does hereby issue a SEQR Negative Declaration, relying upon the following reasons for making its determination of non-significance:

- a) The proposed action will not affect existing air-quality, surface or groundwater quality or quantity, noise levels, traffic, erosion, drainage or flooding conditions.
- b) The proposed action will not affect aesthetic, agricultural, archeological, historical or other natural or cultural resources.
- c) The proposed action will not affect vegetation, fauna, fish or wildlife species or significant habitats, or threatened or endangered species.
- d) The proposed action does not involve any construction or land alteration activities; and

BE IT FURTHER RESOLVED, that the Town Board has determined that this Property is not needed by the Town for any purpose and that the purchase price is the best price attainable; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Supervisor to execute the attached contract of sale, and other documents as necessary, to sell the Property to S4 Incorporated for the sum of \$40,000.00; and

BE IT FURTHER RESOLVED, that this resolution is subject to a permissive referendum in the manner provided in Town Law Section 64(2) and Section 90.

BE IT FURTHER RESOLVED, after passing such a resolution and within 10 days of its adoption, the Town Clerk shall post and publish a notice, in the same manner as provided for a notice of a special election, which shall set forth the date of the adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof. The notice shall specify that such resolution was adopted subject to permissive referendum in accordance

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with Town Law Section 90. Any such resolution shall take effect 30 days after its adoption unless the Town Clerk received a petition signed and acknowledged within 30 days after the adoption of the resolution seeking a permissive referendum.

2nd by Councilman Morrow

4 Ayes – Councilwoman Hendrick abstained, due to personal relationship with the owner.

New business:

Appoint Jason Cosenza, Town Clerk as a FOIL Officer

Councilman Morrow motioned to appoint Jason Cosenza, Town Clerk as the Town's Official FOIL Officer

2nd by Councilwoman Hendrick

All Ayes

Approval of Petty Cash (\$50) Fund for Rider Park

Councilman Kitchen motioned to establish a petty cash fund of \$50.00 for use at Rider Park.

2nd by Councilwoman Hendrick

All Ayes

Authorize the Supervisor to sign the Engagement Letter for Toski and Schaefer to perform the 2010 Town Audit

Councilman Morrow moved to authorize the Supervisor to sign the engagement Letter for Toski and Schaefer to perform the 2010 Town Audit in the amount of \$29,000.

2nd by Councilman Brink

All Ayes

Authorize the Highway Superintendent to purchase a Ford F450 (Chassis only) from Van Bortel Ford, E. Rochester, NY under NYS bid

Councilman Brink moved to authorize the Highway Superintendent to purchase a Ford F450 (Chassis only) from Van Bortel Ford, E. Rochester, NY under NYS bid

2nd by Councilman Kitchen

All Ayes

Motion to accept Audit of the Town Court by Toski and Schaefer for the year end 12/31/09

Councilwoman Hendrick moved to accept the audit of the Town Court by Toski and Schaefer for the year end 12/31/2009

2nd by Councilman Morrow

All Ayes

Resolution to adopt a Standard Work Day & Reporting Resolution

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Councilwoman Hendrick moved to approve the following:

STANDARD WORK DAY RESOLUTION

WHEREAS, Regulation 315.4 of the New York State & Local Retirement System requires the Governing Body of the town to establish a Standard Workday and Reporting system for all elected and appointed town officers that were elected or appointed after September 12, 2009, and

WHEREAS, persons affected are those that are enrolled in the New York State Retirement System as either Tier 2, 3, 4 or 5 members, and

WHEREAS, the persons affected are those that receive monetary compensation for their duties and do not use the town's Time Clock nor use Time Sheets to document their work hours; now therefore be it

RESOLVED, that seven (7) hours is established as the Standard Workday; and be it further

RESOLVED, that the recording of time worked consists of a three month Time/Work log starting on January 1, 2010. This Time/Work log shall be created and maintained by the affected worker; and be it further

RESOLVED, that once passed, this Resolution shall be posted on the Town's Website and the Official Sign Board for a period of at least 30 days; and be it further

RESOLVED, that the Ulster Town Clerk shall submit a certified copy of the resolution and affidavit of its posting to the Office of State Comptroller; and be it further

RESOLVED, that once the three month time period Time/Work log is completed, the affected person shall sign and submit their Time/Work log to the Ulster Town Clerk; and be it further

RESOLVED, that the Governing Body of the Town shall utilize the Time/Work logs to calculate the percentage of the Standard Workday worked over the 3 month time period and report the findings to the New York State & Local Retirement System so that the New York State & Local Retirement System may determine pension credits; and be it further

RESOLVED, that the Ulster Town Clerk shall retain the Time/Work logs submitted for a period of ten years. Elected or Appointed Officers affected by regulation 2 NYCRR 315.4

Name	Title	Term of Office
James E. Quigley III	Supervisor	1/01/10 to 12/31/11

2nd by Councilman Brink
All Ayes

Resolution for Determination of Non-Significance (Negative Declaration) for proposed East Kingston Water Tank

Councilwoman Hendrick moved to approve the following:

**TOWN BOARD RESOLUTION
Town of Ulster, Ulster County, New York
January 13, 2011**

Whereas, the East Kingston Water District, located in the Town of Ulster, intends to construct a portable water storage tank (the Action), having a minimum volume of 120,000 gallons, and;

Whereas, funding for the project exists in the form of remaining grant funds from the United States Department of Agriculture (USDA) - New York Rural Development, and;

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

Whereas, potential tank sites were evaluated by the project Engineer, Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

Whereas, the initial tank site considered during the USDA funding application and original SEQRA determination, being a location near the Town of Ulster / City of Kingston municipal boundary line, was subsequently rejected by the property owner, and;

Whereas, a subsequent feasible tank site was located at the northern-end of the District, on property owned (now or formerly) by Mr. David Plotkin. The required elevated tank height at this location would have been approximately 140'. Due to the revised tank location, a new SEQRA review was necessary, and;

Whereas, by Town Board Resolution (December 4, 2008), a Lead Agency Coordination Form, Full Environmental Assessment Form (for a +/-140' tall elevated water tank at the new location), and supporting documents were distributed to involved agencies, declaring the Town Board's intention to be Lead Agency, and;

Whereas, in reviewing documents noted above, the New York State Department of Environmental Conservation (NYSDEC) indicated (by letter dated December 29, 2008) that they were unable to determine a position on Lead Agency, and requested additional information, including specific information relative to visual impact, and;

Whereas, a firm (Creative Visuals, Inc.) was engaged to conduct a visual assessment for the +/-140' tall proposed elevated water tank (January 2009), and;

Whereas, additional information requested by NYSDEC was submitted (Brinnier and Larios, P.C., letter dated March 27, 2009), including maps and photographs, for further review, and;

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Whereas, by letter dated July 14, 2009, the NYSDEC indicated that no NYSDEC permits were required, and that they had no objection to the Town of Ulster being Lead Agency, and suggested that the New York State Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) be consulted with respect to potential impacts to both archeological resources and visual impacts from the proposed +/- 140' tall elevated water tank, and;

Whereas, having no objections from any involved agencies, the Town of Ulster Town Board declared itself Lead Agency by Resolution on July 23, 2009, and;

Whereas, after reviewing the NYSDEC recommendations with representatives of the Town, Brinnier and Larios, P.C., forwarded documents to NYSOPRHP addressing archeological resources and visual impacts on October 5, 2009, for review and comment, and;

Whereas, by letter dated December 1, 2009, the NYSOPRHP requested further information relative to archeological resources and visual impacts, essentially requiring preparation of a detailed visual simulation for the proposed elevated water tank, and;

Whereas, due to the potential significant visual impacts the proposed elevated water tank would create (from photographs alone, no visual simulations performed), and in consultation with Town representatives, the Plotkin property and the proposed +/- 140' tall elevated water tank was rejected from further consideration, and;

Whereas, a subsequent feasible tank site was located at the southern-end of the District, on property owned (now or formerly) by Kingston Landing Development, LLC. The required tank height(standpipe) at this location would be approximately 45'. In order to provide adequate pressure and supply for domestic and fire-fighting purposes, the proposed tank would have a diameter of 25', providing a nominal volume of 139,000 gallons.

Whereas, pursuant to SEQRA protocols, supplemental documents were distributed by Brinnier and Larios ,P.C., on February 9, 2010, to involved agencies reflecting the revised tank location, tank type, and overall tank height, and;

Whereas, on March 30, 2010, the NYSOPRHP again recommended additional studies relevant to archeological resources and potential visual impacts to the Hudson River Historic District, and;

Whereas, a firm (Hunter Research, Inc.) was engaged to conduct the recommended archeological investigations; and a firm (Creative Visuals, Inc.) was again engaged to conduct a worst-case (i.e., leaf-off scenario) visual assessment, and;

Whereas, documents and reports prepared by Hunter Research, Inc., and Creative Visuals, Inc. (including photographs and visual simulations), were subsequently submitted to NYSOPRHP by Brinnier and Larios, P.C., on December 21, 2010, for further review. By letter dated December 28, 2010, the NYSOPRHP concluded that the proposed water tank would "have No Adverse Impact upon properties in or eligible for inclusion in the National Register of Historic Places. Although the proposed tank may be visible from historic properties, the local topography, the

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distance from and the color (green) of the tank would result in no more than a minor addition into the existing viewshed”, and;

Whereas, the Town Board has carefully reviewed the aforementioned documents, and considering all attempts to mitigate the potential impacts of a proposed water tank; including relocation and change of tank type from an elevated tank to a standpipe, utilization of existing trees to provide a natural visual buffer, and use of a paint color to further minimize the visual impact, and;

Therefore, be it resolved that after careful consideration, analysis and review, the Town Board, as Lead Agency, determines that the Action will not have a Significant Impact on the Environment and that a Determination of Non-Significance (Negative Declaration) shall be adopted and that an Environmental Impact Statement will not be required, and;

Be it further resolved that although this Action is an Unlisted Action, a Full EAF has been prepared, and a Coordinated Review has been conducted, therefore, the Town Clerk is hereby authorized and directed to file the Negative Declaration and any appropriate notices of this determination in accordance with 6 NYCRR Part 617.12(b), as if the Action were a Type 1 action.

A copy of the Negative Declaration shall be filed with:

Ulster County Health Department
New York State Department of Environmental Conservation - Region 3
New York State Office of Parks, Recreation and Historic Preservation
The Environmental Notice Bulletin (ENB)

2nd by Councilman Morrow
All Ayes

**Resolution for Determination of Non-Significance (Negative Declaration) for proposed
Glenerie Water Tank**

Councilman Morrow motioned to approve the following:

**TOWN BOARD RESOLUTION
Town of Ulster, Ulster County, New York
January 13, 2011**

Whereas, the Glenerie Water District, located in the Town of Ulster, intends to construct a portable water storage standpipe (the Action), having a minimum volume of 120,000 gallons, and;

Whereas, funding for the project can be constructed using funds provided by a \$600,000 NYS Office of Community Renewal Small Cities grant (#1159PW23-09), and;

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

Whereas, potential tank sites were evaluated by the project Engineer, Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

Whereas, a feasible tank site was located within the District, on property owned (now or formerly) by Mr. Salvatore Culoso, and;

Whereas, by Town Board Resolution (December 2, 2010), a Lead Agency Coordination Form, Short Environmental Assessment Form, and supporting documents were distributed to involved agencies, declaring the Town Boards intention to be Lead Agency, and;

Whereas, none of the involved agencies had any objection to the Town Board of the Town of Ulster being Lead Agency, and;

Therefore, be it resolved that after careful consideration, analysis and review, the Town Board, as Lead Agency, determines that the Action will not have a Significant Impact on the Environment and that a Determination of Non-Significance (Negative Declaration) shall be adopted and that an Environmental Impact Statement will not be required, and;

Be it further resolved that the Town Clerk is hereby authorized and directed to file the Negative Declaration and any appropriate notices of this determination in accordance with 6 NYCRR Part 617.12(b).

A copy of the Negative Declaration shall be filed with:

- < Ulster County Health Department
- < New York State Department of Environmental Conservation - Region 3
- < New York State Department of Health
- < The Environmental Notice Bulletin (ENB)

2nd by Councilwoman Hendrick
All Ayes

Supervisor Quigley presented the following to the Town Board to be considered setting a public hearing at the next meeting:

Proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 61 of the Town Code [Building Construction & Fire Prevention]

Proposed Local Law of 2011: A Local Law Providing for the Adoption of a New Chapter 54 of the Town Code [Fire Alarms]

Public Comment

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Mr. Larry Begnal, a representative of Begnal Motor Company, inquired about the police fleet maintenance.

Supervisor Quigley reported that the item is still being reviewed. A discussion followed.

Mr. Geoffrey Ring expressed concern about a sub-division in the Bright Acres area that could affect the water supplies. The property was prohibited from being allowed to sub-divide by the Town Board and it was recently sub-divided.

Supervisor Quigley referred to the Town Attorney to review.

Mr. Robert Barton wanted to hear about the town decreasing expenses.

Mrs. Rosalind Stark stated that she is very happy that the Town law was upheld against Eddyville Mine Corp.

Councilman Morrow moved to enter into executive session at 7:53 PM to discuss pending litigation in the matter of Eddyville Mine Corp. vs Town of Ulster and a personnel matter involving the Court.

2nd by Councilman Brink

All Ayes

Town Justice Susan Kesick and Town Assessor James Maloney were invited into the meeting.

Justice Kesick left at 7:59 PM

Town Assessor James Maloney left at 8:04 PM

Councilwoman Hendrick moved to exit executive session at 8:32 PM

2nd by Councilman Kitchen

All Ayes

Supervisor Quigley reported that no action was taken during the executive session.

Councilman Morrow motioned to adjourn the meeting at 8:41 PM

2nd by Councilman Brink

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk