

ULSTER TOWN BOARD MEETING
JANUARY 27, 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.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Councilwoman Hendrick motioned to accept the minutes of December 2, 2010, December 16, 2010 and December 30, 2010
2nd by Councilman Kitchen
All Ayes

ABSTRACT OF CLAIMS

Councilman Kitchen motioned to approve the following:

| FUND | CLAIM # | AMOUNT |
|-----------------------|----------|-------------------|
| UTILITIES | | |
| GENERAL | 101-131 | 11,325.10 |
| ULSTER WATER | 101-109a | 5,584.29 |
| HALCYON PK. WATER | 101 | 307.48 |
| SPRING LAKE WATER | 101-103 | 213.91 |
| BRIGHT ACRES WATER | 101 | 290.33 |
| GLENERIE WATER | 101 | 32.37 |
| EAST KINGSTON WATER | 101 | 98.25 |
| WHITTIER SEWER | 101-103 | 2,313.57 |
| ULSTER SEWER | 101-105 | 11,299.47 |
| WASHINGTON AVE. SEWER | 101-102 | 135.84 |
| SPECIAL LIGHT | 101-106 | 3,941.90 |
| ALL OTHERS | | |
| GENERAL | 101-1142 | 214,844.03 |
| HIGHWAY | 101-159 | 51,979.91 |
| ULSTER WATER | 101-114 | 17,701.12 |
| HALCYON PK. WATER | 101 | 656.60 |
| WHITTIER SEWER | 101-105 | 705.00 |

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|-----------------------|--------------|----------------------|
| ULSTER SEWER | 101-125 | 44,927.37 |
| WASHINGTON AVE. SEWER | 101 | 1,736.87 |
| CAPITAL PROJECTS | | |
| TRUST & AGENCY | 101-123 | 21,724.33 |
| | TOTAL | \$ 389,817.74 |

Councilman Kitchen moved to approve the following:

Budget Modifications:

| General Fund: | Transfer From: | Transfer To: | |
|----------------------|---------------------------------|---------------------------------------|-----------|
| | A1110.101 Clerks' Wages | A1110.400 Court Stenographers | 540.00 |
| | A1110.101 Clerks' Wages | A1220.101 Secretary Salary | 6,188.00 |
| | A1220.404 Payroll/Acct.Servs. | A1220.400 Contractual Expenses | 3,153.00 |
| | A1220.404 Payroll/Acct.Servs. | A1220.403 Office Supplies | 353.00 |
| | A1320.100 Bookkeeper Salary | A1220.103 P/T Payroll Clerk | 1,307.00 |
| | A1320.100 Bookkeeper Salary | A1220.410 Computer Tech. | 5,397.00 |
| | A1320.100 Bookkeeper Salary | A1320.403 Office Supplies | 18.00 |
| | A1320.100 Bookkeeper Salary | A1320.404 Data Processing | 1,098.00 |
| | A1355.200 Equipment | A1355.403 Office Supplies | 1,139.00 |
| | A1355.200 Equipment | A1410.101 Deputy Clerks' Wages | 378.00 |
| | A1410.454 Copy Lease Machine | A1410.410 Computer Tech. | 85.00 |
| | A1410.454 Copy Lease Machine | A1410.420 Mileage | 188.00 |
| | A1410.454 Copy Lease Machine | A1460.400 Records Management | 335.00 |
| | A1620.407 Electric | A1620.100 Custodian Salary | 1,281.00 |
| | A1450.400 Election | A1420.400 Legal Fees | 12,993.00 |
| | A1620.406 Telephone | A1420.400 Legal Fees | 824.00 |
| | A1620.407 Electric | A1420.400 Legal Fees | 6,407.00 |
| | A1620.408 Heat | A1420.400 Legal Fees | 8,112.00 |
| | A1910.400 Unallocated Insurance | A1420.400 Legal Fees | 32,970.00 |
| | A3310.100 School Cross.Guards | A1420.400 Legal Fees | 3,400.00 |
| | A1670.404 Postage | A1420.400 Legal Fees | 1,839.00 |
| | A1620.420 Gas & Oil | A1620.409 Repairs & Supplies | 38.00 |
| | A1620.420 Gas & Oil | A1621.406 Telephone | 73.00 |
| | A1621.407 Electric | A1622.407 Electric - Senior Center | 443.00 |
| | A1670.404 Postage | A1622.408 Heat - Senior Center | 311.00 |
| | A1670.404 Postage | A1622.454 Maintenance - Senior Center | 345.00 |
| | A3121.400 Drug Forfeiture | A1355.418 Legal/Profess.Service | 50,000.00 |
| | A9010.800 State Retirement | A1355.418 Legal/Profess.Service | 20,681.00 |
| | A9015.800 State Retirement | A1355.418 Legal/Profess.Service | 24,319.00 |
| | A1670.415 Legal Notices | A1920.400 Dues | 210.00 |
| | A3120.100 Police Wages | A3120.101 O.T. Earnings | 26,575.00 |
| | A3120.106 Training | A3120.101 O.T. Earnings | 14,205.00 |
| | A3120.200 Equipment | A3120.101 O.T. Earnings | 15,488.00 |
| | A3120.104 P/T Police Wages | A3120.102 DWI-Task Force | 627.00 |
| | A3120.105 Holiday Pay | A3120.101 O.T. Earnings | 5,065.00 |
| | A3120.201 Vehs. & Prep. | A3120.107 Sick,Vac,Personal Buyouts | 10,000.00 |
| | A3120.421 Veh. Maintenance | A3120.107 Sick,Vac,Personal Buyouts | 14,903.00 |
| | A3120.202 Computer | A3120.107 Sick,Vac,Personal Buyouts | 3,329.00 |
| | A3310.434 Street signs, signals | A3310.433 Two-Way Radio Service | 581.00 |

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|-----------|---------------------------|-----------|--------------------------------|-----------|
| A3120.431 | Detective Division | A3510.436 | Harbouring, Euthanasia, Food | 5,943.00 |
| A3620.102 | Clerks' Wages | A3620.101 | P/T Building Inspector | 9,329.00 |
| A1670.414 | Meter Rental | A1620.454 | Maintenance | 1,702.00 |
| A3620.200 | Office Equipment | A1620.454 | Maintenance | 1,231.00 |
| A3620.419 | Vehicle Lease | A1620.454 | Maintenance | 5,000.00 |
| A5132.406 | Telephone | A5010.200 | Equipment | 729.00 |
| A5132.407 | Electric | A5010.200 | Equipment | 160.00 |
| A5132.407 | Electric | A5010.403 | Office Supplies | 108.00 |
| A5182.400 | Lighting | A5132.454 | Maintenance | 395.00 |
| A6772.400 | Programs for Aging | A7110.101 | Park Attendants | 1,469.00 |
| A7140.101 | Program Personnel | A7140.400 | Program Supplies, Events | 1,114.00 |
| A8010.103 | Sec.-Zoning Bd.Appeals | A8010.102 | Clerk Wage | 997.00 |
| A7110.406 | Telephone | A7110.407 | Electric | 726.00 |
| A7110.426 | Repairs, Constr. | A7110.420 | Gas & Oil | 52.00 |
| A1341.100 | Purchasing clerk Wage | A8020.400 | Planner | 2,274.00 |
| A1355.400 | Data Processing | A8020.400 | Planner | 2,000.00 |
| A1110.410 | Computer Tech. | A8020.400 | Planner | 2,000.00 |
| A8160.401 | Dumping Costs | A8020.400 | Planner | 14,750.00 |
| A8160.401 | Dumping Costs | A8160.420 | Gas & Oil | 461.00 |
| A8160.404 | Printing-Permits | A8160.100 | Recycling Wages | 1,014.00 |
| A8160.409 | Reps. & Supplies | A8160.100 | Recycling Wages | 480.00 |
| A9030.800 | Social Security | A8989.400 | Landfill Fees/Fire Districts | 7,091.00 |
| A9060.800 | Hosp. & Dental Insur. | A9050.800 | Unemployment Insurance | 13,881.00 |
| A9070.800 | Medicare Reimb. | A9060.802 | Retirees Hosp. & Dental Insur. | 4.00 |
| A3120.432 | Ammunition, Guns | A6140.400 | Home Relief | 10,981.00 |
| A3120.420 | Gas & Oil | A6140.400 | Home Relief | 2,644.00 |
| A3120.435 | Canine | A6140.400 | Home Relief | 1,375.00 |
| A3120.430 | Clothing-Cleaning | A6140.400 | Home Relief | 7,339.00 |
| A3120.436 | Training | A6140.400 | Home Relief | 2,065.00 |
| A3620.403 | Office Supplies | A6140.400 | Home Relief | 1,027.00 |
| A3620.100 | Building Inspector | A6140.400 | Home Relief | 39,108.00 |
| A3620.103 | P/T Fire Inspector | A6140.400 | Home Relief | 2,465.00 |
| A5132.408 | Heat | A6140.400 | Home Relief | 5,189.00 |
| A6410.401 | Empire Zone | A6140.400 | Home Relief | 6,250.00 |
| A7140.100 | Director | A6140.400 | Home Relief | 11,000.00 |
| A1110.101 | Clerks' Wages | A6140.400 | Home Relief | 1,000.00 |
| A1110.404 | Training/Conferences | A6140.400 | Home Relief | 1,000.00 |
| A1320.400 | Computer & Supplies | A6140.400 | Home Relief | 1,480.00 |
| A1355.101 | Office Manager, P/T Clerk | A6140.400 | Home Relief | 900.00 |
| A1355.404 | Geographic Info. System | A6140.400 | Home Relief | 600.00 |
| A1989.400 | Grants Writer | A6140.400 | Home Relief | 500.00 |
| A3120.104 | P/T Police Wages | A6140.400 | Home Relief | 2,691.00 |
| A7110.102 | Park/Grounds Wages | A6140.400 | Home Relief | 2,303.00 |
| A7110.200 | Equipment | A6140.400 | Home Relief | 1,085.00 |

| | | | |
|----------------|---------------------------|---------------------|-----------|
| Highway | Transfer From: | Transfer To: | |
| Fund: | D5130.100 Mechanics Wages | D5110.100 Wages | 16,511.00 |

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| | D5110.420 Gas & Oil | D5110.400 Street Program | 1,310.00 |
| | D5110.420 Gas & Oil | D5112.200 CHIPS Program | 642.00 |
| | D5110.420 Gas & Oil | D5130.429 Oil & Lubricants | 1,602.00 |
| | D9060.804 Hosp. & Dental | D9060.806 Retirees Hosp. & Dental | 10,167.00 |
| Ulster Water District: | Transfer From: | Transfer To: | |
| | SW1-8310.403 Office Supplies | SW1-8310.404 Postage | 285.00 |
| | SW1-8310.403 Office Supplies | SW1-8310.406 Telephone | 200.00 |
| | SW1-8330.451 Chemicals | SW1-8330.401 Lab Testing | 516.00 |
| Halcyon Park Water: | Transfer From: | Transfer To: | |
| | SW2-8330.401 Lab Testing | SW2-8330.451 Chemicals | 13.00 |
| Spring Lake Water: | Transfer From: | Transfer To: | |
| | SW3-8310.437 Schooling | SW3-8310.404 Postage | 40.00 |
| | SW3-8320.250 Meters | SW3-8320.455 Water Costs | 1,800.00 |
| | SW3-8320.409 Repairs & Supplies | SW3-8320.455 Water Costs | 1,440.00 |
| | SW3-8320.407 Electric | SW3-8320.455 Water Costs | 300.00 |
| | SW3-8310.437 Schooling | SW3-8320.455 Water Costs | 160.00 |
| | SW3-8310.403 Office Supplies | SW3-8320.455 Water Costs | 150.00 |
| | SW3-8330.401 Lab Testing | SW3-8320.455 Water Costs | 50.00 |
| Bright Acres Water: | Transfer From: | Transfer To: | |
| | SW4-8320.250 Meters | SW4-8320.407 Electric | 346.00 |
| Cherry Hill Water: | Transfer From: | Transfer To: | |
| | SW5-8310.403 Office Supplies | SW5-8310.404 Postage | 68.00 |
| Glenerie Water: | Transfer From: | Transfer To: | |
| | SW6-8320.409 Repairs & Supplies | SW6-8310.404 Postage | 114.00 |
| East Kingston Water: | Transfer From: | Transfer To: | |
| | SW7-8320.409 Repairs & Supplies | SW7-8320.407 Electric | 51.00 |
| Whittier Sewer: | Transfer From: | Transfer To: | |
| | SS1-8110.406 Telephone | SS1-8110.404 Postage | 167.00 |
| | SS1-8130.458 DEC Permit | SS1-8130.437 Meal Allowances | 10.00 |
| Ulster Sewer Dist.: | Transfer From: | Transfer To: | |
| | SS2-8110.101 O.T. Earnings | SS2-1990.481 Sewer Rent/City of Kng. | 12,430.00 |
| | SS2-8110.406 Telephone | SS2-8110.404 Postage | 105.00 |
| | SS2-8130.200 Equipment | SS2-8110.453 Lab. Fees | 5,088.00 |
| | SS2-8110.101 O.T. Earnings | SS2-8110.438 Engineer | 6,019.00 |
| | SS2-8130.437 Meal Allowance | SS2-8130.430 Uniform Rental & Cleaning | 210.00 |
| | SS2-9060.800 Hosp. & Dental | SS2-9710.700 Serial Bond - Interest | 8,136.00 |

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Insur.

| Wash.Ave. | Transfer From: | Transfer To: | |
|------------------|---------------------------------|---------------------------------------|--------|
| Sewer: | SS3-1420.400 Legal Services | SS3-8130.455 Sewer Rents/City of Kng. | 500.00 |
| | SS3-1440.400 Engineering | SS3-8130.455 Sewer Rents/City of Kng. | 500.00 |
| | SS3-1990.480 Contingency | SS3-8130.455 Sewer Rents/City of Kng. | 500.00 |
| | SS3-8110.403 Office Supplies | SS3-8130.455 Sewer Rents/City of Kng. | 36.00 |
| | SS3-8130.407 Electric | SS3-8130.455 Sewer Rents/City of Kng. | 699.00 |
| | SS3-8130.409 Repairs & Supplies | SS3-8130.455 Sewer Rents/City of Kng. | 300.00 |
| | SS3-8130.422 Equip. Maintenance | SS3-8130.455 Sewer Rents/City of Kng. | 600.00 |
| | SS3-8110.403 Office Supplies | SS3-9710.700 Serial Bond - Int. | 1.00 |

2nd by Councilwoman Hendrick
 All Ayes

Award Presentation for Town Retirees

Supervisor Quigley recognized the following people with service awards:

| Names: | Department | Service Time |
|----------------------|------------|--------------|
| Benson, Stephen | Highway | 38 |
| Corringan, James | Highway | 36 |
| Dachenhausen, Robert | Highway | 36 |
| Pavay, Nancy* | Highway | 33 |
| Winchell, Russell* | Highway | 36 |
| Monaco, Nicholas | Police | 20 |
| Koeppen, Donald | Police | 35 |
| Watzka, Paul* | Police | 9 |

*were unable to attend the ceremony

Set a Public Hearing for 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]

Town Attorney Jason Kovacs explained that this proposal is needed to update the current code and to be compliant with NYS building code. This was submitted before and a public hearing was held. Input from the Town employees was solicited and their input is in this revision. Another public hearing needs to be scheduled.

Councilman Kitchen motioned to set a public hearing on the proposed chapter 61 - Building Construction & Fire Prevention local law for February 17, 2011 at 7:15 PM
 2nd by Councilwoman Hendrick

All Ayes

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

Town Attorney Jason Kovacs explained that this proposal updates the current code and strengthens the law to help prevent false fire alarm calls that affect the local fire departments. A public hearing needs to be scheduled.

Councilman Brink motioned to set a public hearing for February 17, 2011 at 7:35 PM

2nd by Councilman Kitchen

All Ayes

Resolution of Final Site Plan Approval for Kingston Buick GMC

Councilman Brink motioned to approve the following:

RESOLUTION

TOWN OF ULSTER TOWN BOARD

Final Site Plan Approval

Kingston Buick GMC

Section-Block-Lot: 39.82-2-17 & 18

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, the Town of Ulster Planning Board and its consultant planner and engineer have reviewed the revised application by *Kingston Buick GMC* intended to satisfy the conditions, limitations and restrictions set forth by the Town of Ulster Town Board; and

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WHEREAS, the revised materials submitted in support of the Proposed Action includes:

- *Existing Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Existing Site Modification Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Proposed Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Proposed Site Grading Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Proposed Site Utilities Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Erosion Control Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Proposed Site Lighting/Photometric Plan* by P & C, PC dated 10/21/2010; revised 11/1/10;
- *Proposed Landscaping Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10;
- *Details Sheets No. 1-5* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 11/1/10.
- *Existing Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Existing Site Modification Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Proposed Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Proposed Site Grading Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Proposed Site Utilities Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Erosion Control Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Proposed Site Lighting/Photometric Plan* by P & C, PC dated 10/21/2010; revised 12/7/10;
- *Proposed Landscaping Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10;
- *Details Sheets No. 1-5* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 12/7/10.
- *Existing Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Existing Site Modification Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Site Plan* prepared by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Site Grading Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Site Utilities Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Erosion Control Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Site Lighting/Photometric Plan* by P & C, PC dated 10/21/2010; revised 1/4/11;
- *Proposed Landscaping Plan* by Praetorius & Conrad, PC dated 10/21/2010; revised 1/4/11;
- *Details Sheets No. 1-5* prepared by Praetorius & Conrad, PC dated; revised 1/4/11; and
- Additional Landscaping/Sidewalk Plan along Grant Avenue prepared by Praetorius & Conrad, PC dated January 12, 2011.

WHEREAS, the *New York State Department of Transportation* (via an e-mail dated January 18, 2011) has stated there are only a few minor technical details, which need to be addressed prior to their final approval; and

WHEREAS, the Town Planning Board motioned to override the *Ulster County Planning Board's* required modification to provide cross access between the subject site and property to the north, but required modifications to the Site Plan which addressed the UCPB's other required modifications; and

WHEREAS, the *Town Highway Superintendent* requested a sidewalk be installed along Grant Avenue and the applicant has submitted a revised Site Plan, which provides for a sidewalk along Grant Avenue; and

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WHEREAS, the *Town Water Superintendent* in a memorandum dated January 11, 2011 stated his comments were addressed by the applicant in the revised set of plans; and

WHEREAS, the *Town Sewer Superintendent* requested that trees be prohibited within the Town Sewer Easement and these comments were addressed by the applicant in the revised set of plans; and

WHEREAS, the *Town of Ulster Planning Board* requested that additional plantings and shrubs be placed on the northeast corner of Grant Avenue and NYS Route 9W along with the placement of stones to define the new planting bed; and

WHEREAS, the *Town of Ulster Planning Board's* request was addressed by the applicant in the *Additional Landscaping Plan along Grant Avenue* prepared by Praetorius & Conrad, PC dated January 12, 2011.

WHEREAS, the Town of Ulster Planning Board [pursuant to a resolution adopted on January 18, 2011] determined the conditions, limitations and restrictions set forth by the Town Board were addressed by the applicant, but recommended the Town Board impose the following conditions and limitations, which may be addressed by the applicant and Building Department during construction of the Proposed Action:

1. Full compliance with applicable Building Codes requirements.
2. Submission of the building plans that include the provisions for interior oil separators, which are acceptable to the Town of Ulster Sewer Department.
3. Submission to the Building Department of monument sign specification for approved location in compliance with Section 190-33 of Town Code.
4. Submission of final set of plans that address minor technical revisions, which may be required by the New York State Department of Transportation.
5. Escrow account paid in full.

WHEREAS, the Town of Ulster Planning Board [pursuant to a resolution adopted on January 18, 2011] recommended the Town of Ulster Town Board override the Ulster County Planning Board required modification to provide a cross access easement between the subject site and the abutting property to the north; and

NO THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby overrides the Ulster County Planning Board required modification to provide a cross access easement between the subject site and the abutting property to the north; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants final Special Permit and Site Plan Approval of the Proposed Action subject the following conditions and

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limitations, which may be addressed by the applicant and Building Department during construction of the Proposed Action:

1. Full compliance with applicable Building Codes requirements.
2. Submission of building plans that include provisions for interior oil separators, which are satisfactory to the Town of Ulster Sewer Department.
3. Submission to the Building Department of monument sign specification for approved location [i.e. as shown on 1/4/11 Site Plan] in compliance with Section 190-33 of Town Code.
4. Submission of final set of plans that address minor technical revisions, which may be required by the New York State Department of Transportation.
5. Escrow account paid in full

2nd by Councilwoman Hendrick
All Ayes

Authorize the Highway Superintendent to purchase one S650 Bobcat Skid-Steer Loader from Clark Equipment Company under NYS bid

Councilman Morrow motioned to authorize the Highway Superintendent to purchase one S650 Bobcat Skid-Steer Loader from Clark Equipment Company under NYS bid for \$30,538.00. The money is in the budget.

2nd by Councilwoman Hendrick
All Ayes

Discussion on the Town of Ulster's contribution toward the local EZ administrative operations for the 2010-2011 fiscal year

Supervisor Quigley reported that the Town had allotted \$5,000.00 in the budget for the town's local cost share of the EZ administrative operations for the 2010-2011 fiscal year. They had sent a bill for \$8,000.00. He requested permission of the Town Board to offer the EZ \$5,000.00 rather than the \$8,000.00 they had requested.

Councilman Brink motioned to authorize the Town Supervisor to negotiate the EZ request down to \$5,000.00, as that was the amount the town had budgeted.

2nd by Councilman Kitchen

Councilwoman Hendrick motioned to amend the motion to negotiate the amount lower than the \$5,000.

2nd by Councilman Morrow

A vote on accepting the amendment to the motion followed – 4 Ayes – 1 Nay by Councilman Brink

A vote on amended motioned – 3 Ayes – 2 Nays - Councilmen Brink and Kitchen voted Nay

Resolution to adopt the Annual Fee Schedule

Councilman Kitchen motioned to approve the following:

**RESOLUTION OF THE TOWN BOARD ESTABLISHING FEES FOR THE YEAR 2011
AS PROVIDED BY ARTICLE 194 OF THE TOWN CODE**

WHEREAS, Article 194 of the Town of Ulster Code provides that there shall be fees for certain permits and services in the Town of Ulster, and

WHEREAS, Article 194 provides that said fees shall be set on an annual basis, and

WHEREAS, the Town Board of the Town of Ulster has reviewed the fees charged by the Town and has determined that the following fees should apply for the calendar year 2011,

NOW THEREFORE, be it resolved that:

The following fees shall apply for permits and services in the Town of Ulster:

A. Town Clerk

Copies of Town Code:

- (1) Complete Code Book: fifty dollars (\$50.)
- (2) Zoning regulations: zoning books- ten dollars (\$10.), zoning maps- six dollars (\$6.), subdivision books- five dollars (\$5.).

Town Clerk fees:

- (1) Accident report: twenty-five cents (\$0.25) per page.
- (2) Bingo, per occasion: eighteen dollars and seventy-five cents (\$18.75).
- (3) Copies, per sheet: twenty-five cents (\$0.25).
- (4) Boat fees:
 - (a) Seasonal permit: fifty dollars (\$50.) per trailer.
 - (b) Daily permit: eight dollars (\$8.) per trailer.
- (5) Carnival, per scheduled occasion: one hundred dollars (\$100.).
- (6) Freedom of Information Act:

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- (a) Per page copy fee: twenty-five cents (\$0.25).
- (b) For extensive searches of archive records: twenty-two dollars (\$22.) per hour.
- (7) Games of chance, per occasion: twenty-five dollars (\$25.).
- (8) Going out of business: five hundred dollars (\$500.).
- (9) Hawkers and peddlers:
 - (a) Per day: twenty-five dollars (\$25.)
 - (b) Three days: fifty dollars (\$50.)
 - (c) Per month: one hundred dollars (\$100.)
 - (d) Per year: three hundred dollars (\$300.)
- (10) Junkyard permit fee: one thousand dollars for start up (\$1,000.)
two hundred dollars (\$200.) per year renewal.
- (11) Marriage license: Forty dollars (\$40.).
- (12) Mobile home permits (on private land for originals and replacements): fifty dollars (\$50.).
- (13) Mobile home parks, per lot permitted: five dollars (\$5.).
- (14) Pavilion permit:
 - (a) For resident: small pavilion – Weekend: one hundred dollars (\$100.),
Weekday: fifty dollars (\$50.); large pavilion – Weekend: two hundred dollars (\$200.).
Weekday: one hundred dollars (\$100.).
 - (b) Nonresident: small pavilion – Weekend: one hundred-fifty dollars (\$150.)
Weekday: seventy-five dollars (\$75.); large pavilion – Weekend: two hundred-seventy-five dollars (\$275.)
Weekday: one hundred-fifty dollars (\$150.)
- (15) Special events permits, per scheduled occasion: one hundred dollars (\$100.00)

B. Tax Collector

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- (1) Tax bill requests for copies: to be picked up only with a fee of one dollar (\$1.) per copy.
- (2) The fee for mailing of the notice of unpaid taxes, shall be a charge against the parcel, shall be pursuant to section 987 of Real Property Tax Law \$2.00.

C. Building Department

Building Permits:

(1) Residential – 1 and 2 family

Fee

Value of Construction

| | |
|----------------------|--|
| \$0 to \$2,000 | \$12.00; permit must be obtained |
| \$2,001 to \$25,000 | \$18.00, plus \$6.00 for each additional \$1,000 or fraction over \$2,000 to and including \$25,000 |
| \$25,000 to \$50,000 | \$150.00 for first \$25,000, plus \$5.00 for each additional \$1,000 or fraction thereof to and including \$50,000 |
| Over \$50,000 | \$270.00 for the first \$50,000 plus \$4.00 for each additional \$1,000 or fraction thereof |

Along with the Building Permit fee, the Certificate of Occupancy fee will be paid.

(2) Commercial and Multi-family Uses

New Construction:

The Building permit fee will be calculated on the gross floor square foot area (based on exterior building dimensions including all walls and common-areas) .

| Gross Sq. Ft of Buildings/Structures | Fee Per Sq. Ft. |
|---|---|
| Up to 5,000 | \$0.45 per sq. ft. or a min. of \$300 |
| Over 5,000 up to 20,000 | \$2,250.00 plus \$0.35 per sq. ft. over 5,000 |
| Over 20,000 up to 50,000 | \$7,500.00 plus \$0.25 per sq. ft. over 20,000 |
| Over 50,000 | \$15,000.00 plus \$0.15 per sq. ft. over 50,000 |

An escrow account will be established to cover consultant's costs as required.

See *Escrow Amounts*.

Alterations or modification under construction:

\$0.15 per sq. ft. of gross floor area. Minimum of \$100

An escrow account will be established to cover consultants costs as required.
See *Escrow Amounts*.

(3) Improvement Plan Inspection Fee:

Commercial and Multi-family residential: Where special site conditions require full-time inspection, the additional cost will be paid by the applicant.

(4) Other inspections and fees related to building construction:

(a) Requested inspections outside of normal business hours: fifty dollars (\$50.) per hour [minimum charge: two (2) hours in addition to the permit fee].

(b) Additional plan review required by changes, additions or revisions to approved plans: forty dollars (\$40.) per hour.

(c) In the event that an application for a building permit is not approved, the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid. There is no refund on approved and issued permits.

(d) Building permit extension of one year: twenty dollars (\$20.) or ten percent (10%) of the original building permit fee, whichever is larger.

(5) Certificate of occupancy: **If building permit is in effect:** fifty dollars (\$50.) for one or two family dwellings. For all others, the charge is fifty percent (50%) of building permit fee. **If a building permit is not in effect:** and the work is partially or completely done, then in addition to the certificate of occupancy fee and building permit fee, there will be an additional compliance fee of two hundred dollars (\$200.) for a one or two family dwelling and one thousand dollars (\$1000.) for all other uses.

(6) Temporary certificates of occupancy:

(a) First temporary certificate of occupancy: two hundred dollars (\$200.) plus performance bond on remaining work required under site plan approval.

(b) Second and subsequent temporary certificates of occupancy: two hundred dollars (\$200.).

(c) No more than three (3) temporary certificates will be issued.

(7) Floodplain permit:

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- (a) Flood development permit: one hundred fifty dollars (\$150.).
- (8) Copy certificate of occupancy title search: fifty dollars (\$50.).
- (9) Demolition permit: one hundred fifty dollars (\$150.) per occasion.
- (10) Blasting Fee: one hundred fifty dollars (\$150.) per parcel. Permit expires 30 days after issuance
- (11) Other Permits (includes inspection for certificate of compliance):
 - (a) Fences - \$25
 - (b) Woodstoves - \$100
 - (c) Tents – Residential: No charge
Commercial: \$10 per day with no more than 15 days within a calendar year
 - (d) Fire/Burglar Installation Permit Fee for other than a 1 or 2 family residence is \$100 per install or remodel/alteration
- (12) Fire Inspections: As mandated by the Uniform Fire Prevention & Building Code
For each visit, fee based on gross square footage of floor area.

| Size of Structure | Fee per Square Foot |
|---|---|
| Up to 2,000 sq. ft. | \$0.0150 per sq. ft. |
| Over 2,000 sq. ft. but not over 5,000 sq. ft. | \$30.00 plus \$0.0125 per sq. ft. for area over 2,000 sq. ft. |
| Over 5,000 sq. ft. but not over 10,000 sq. ft. | \$67.50 plus \$0.0100 per sq. ft. for area over 5,000 sq. ft. |
| Over 10,000 sq. ft. but not over 25,000 sq. ft. | \$117.50 plus \$0.0075 per sq. ft. for area over 10,000 sq. ft. |
| Over 25,000 sq. ft. | \$230.00 plus \$0.0060 per sq. ft. for area over 25,000 |

- (13) Sign Fees:
 - (a) Fixed freestanding signs:

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- (1) Twenty dollars (\$20.) revised sign permit.
- (2) Twenty dollars (\$20.) each, plus five dollars (\$5.) per square foot of sign face.

(b) Temporary and/or portable signs:

- (1) Maximum size: five by ten (5 x 10) feet; permit must be obtained by property owner.
- (2) Seventy-five (\$75) a month.

(c) Certificate of compliance for non-occupied structures - \$15.00.

D. Planning Board Fees [Note: Refunds of site plan fees shall be limited to plans withdrawn prior to Planning Board review.]:

- (1) Site plans, residential (attached; multiple dwellings; duplex, etc.): fifty dollars (\$50.) per dwelling unit applied for, plus one hundred dollars (\$100.00) per one thousand (1,000) gross square feet of nonresidential structure.
- (2) Site plans, commercial/office/individual:
 - (a) Three hundred dollars (\$300), plus a fee based on the gross square footage of the floor area as follows:

| Size of Structure In Square Feet | Fee per Square Foot |
|---|---------------------------------|
| Up to 2,000 | \$0.10 |
| Over 2,000 up to 5,000 | \$200 plus \$0.15 over 2,000 |
| Over 5,000 up to 20,000 | \$650 plus \$0.17 over 5,000 |
| Over 20,000 up to 50,000 | \$3,200 plus \$0.20 over 20,000 |
| Over 50,000 | \$9,200 plus \$0.10 over 50,000 |

- (b) Site plan for signs only: fifty dollars (\$50.), plus sign permit fee of twenty dollars (\$20.) each, plus five dollars (\$5.) per sq. ft. of sign face.
- (3) Site plan renewal/extension: twenty percent (20%) of application fee.
- (4) Special Use Permit: fifty dollars (\$50.) plus Site Plan fees.
- (5) SEQR review [additional fee]:
 - (a) SEQR, Type II and unlisted actions: included in site plan fee except when a positive SEQR declaration is reached, in which case the fees are the same as for a Type I action.

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- (b) Type I action: application fee of three hundred dollars (\$300.) plus actual expense of review (time and materials), subject to the fee limitation in 6 NYCRR Part 617.13.

2% of total cost for residential;
½ of 1% of total cost as provided in 6 NYCRR 617.13

- (6) Sign permit fee: Same as Site Plan.
- (7) Subdivisions:
 - (a) Sketch plan review: One hundred dollars (\$100.) for each submission to Planning Board.
 - (b) Lot line revision – no additional fee above sketch plan;
 - (c) Preliminary plat, major subdivision: Three hundred dollars (\$300.), plus two hundred dollars (\$200.) per each newly created lot.
 - (d) Preliminary plat, minor subdivision: Three hundred dollars (\$300.), plus one hundred (100.) per lot
 - (e) Recreation fee (in lieu of land) One Thousand Five Hundred dollars (\$1,500.) per dwelling unit.
- (8) Workshop: A fifty (\$50.) dollar cancellation fee will be charged to all persons making appointments to the weekly workshop sessions. This fee is to be received at the scheduling of workshop appointments and will be returned to the individual at the time of the appointment. If the appointment is not kept, the fee will be retained by the Town.

E. Zoning Board of Appeals Fees

RESIDENTIAL

- (1) Area Variance: fifty dollars (\$50.)
- (2) Use Variance: one hundred dollars (\$100.)
- (3) Public Hearing: fifty dollars (\$50.)
- (4) Sign variances: one hundred dollars (\$100.) plus public hearing - \$50.
- (5) 280-a variances: two hundred fifty dollars (\$250.)
- (6) Interpretation: fifty dollars (\$50.)
- (7) Appeals from decisions of administrative officer: two hundred fifty dollars (\$250.)

COMMERICAL

- (1) Area or Use Variance: two hundred fifty dollars (\$250.)

F. Escrow Amounts

- (1) Upon application to the Town Board, Building Department, Planning Board or Zoning Board of Appeals for any action or approval provided by law, the applicant shall deposit with the Town an amount determined by the approving agency to be sufficient to cover the reasonable and necessary costs of engineering, planning, legal and other consulting fees incurred by the Town in connection with the inspection and review of the application, including all costs necessary to comply with the State Environmental Quality Review Act. The approving agency may require the deposit of additional amounts from time to time thereafter if necessitated by further professional consulting fees in connection with the inspection and review of an application. If such additional amount is not deposited with the Town within 20 days after the applicant is notified in writing of the requirement for such additional deposit, the approving agency may suspend its inspection and review of the application. The amount of the deposits and costs set forth herein shall be audited by the Town Supervisor.
- (2) Any portion of the deposit that is not expended during the inspection and review of the application shall be returned to the applicant upon final approval by the Town.
- (3) Should the actual consulting fees exceed the deposit made to the Town for the application, the applicant shall reimburse the Town for the difference prior to the final approval of the application. No final approval shall be granted to the applicant unless all professional consulting fees charged in connection with the inspection and review of the application have been reimbursed to the Town.
- (4) The deposits made to the Town hereunder shall be placed in an account deemed appropriate by the Town Board.

G. Water Rates

Bright Acres Water District, water rates: first 9,000 gallons or any portion thereof for \$50.61; 9,001 - 20,000 gallons for \$4.44 per 1,000 gallons or any portion thereof; 20,001 – 50,000 gallons for \$4.87 per 1,000 gallons or any portion thereof; 50,001 gallons and above for \$5.89 per 1,000 gallons or any portion thereof.

Cherry Hill Water District, water rates: first 5,000 gallons or any portion thereof for \$15.00; 5,001 gallons and above for \$3.00 per 1,000 gallons or any portion thereof.

Glenerie Water District, water rates: first 5,000 gallons or any portion thereof for \$13.10; 5,001 gallons and above for \$2.62 per 1,000 gallons or any portion thereof.

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Halcyon Park Water District, water rates: first 5,000 gallons or any portion thereof for \$10.00; 5,001 – 20,000 gallons for \$2.25 per 1,000 gallons or any portion thereof; 20,001 – 50,000 gallons for \$2.65 per 1,000 gallons or any portion thereof; 50,001 gallons and above for \$3.05 per 1,000 gallons or any portion thereof.

East Kingston Water District, water rates: first 5,000 gallons or any portion thereof for \$14.70; 5,001 gallons and above for \$2.94 per 1,000 gallons or any portion thereof.

Spring Lake Water District, water rates: Minimum charge up to 4,000 gal. \$21.00. Over 4,000 gal.: \$5.25 per thousand gallons or portion thereof.

Ulster Water District: Five thousand (5,000) gallons or any portion thereof in each quarter: ten dollars (\$10.00). For over five thousand (5,000) gallons: two dollars (\$2.00) per one thousand (1,000) gallons up to two hundred thousand (200,000) gallons. Over two hundred thousand (200,000) gallons, two dollars and forty cents (\$2.40) per one thousand (1,000) gallons.

H. Water tap permit:

H-1 Fees:

| <u>Size of Tap (inches)</u> | <u>Fee</u> |
|---------------------------------|------------|
| ¾ | \$250.00 |
| 1 | 350.00 |
| 1 ¼ | 400.00 |
| 1 ½ | 450.00 |
| 2 | 700.00 |
| 4 | 1,000.00 |
| 6 | 1,500.00 |
| 8 | 2,200.00 |
| 10 | 4,000.00 |
| 12 | 6,000.00 |

Tap Fee for Glenerie Water District contract area:

¾” Permit Fee: \$150.00 (One Hundred Fifty Dollars)

1” Permit Fee: \$250.00 (Two Hundred Fifty Dollars)

1 1/2” Permit Fee: \$350.00 (Three Hundred Fifty Dollars)

These rates apply to Glenerie Water District only. Variance due to meter cost being included in the contract.

H-2 The tapping of water mains or distribution pipes, the furnishing of the corporation cocks, the curb cock and the box shall be provided by the district. The cost of the above-mentioned material shall be included in the permit fee for a three-fourths inch

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tap. All materials for a larger tap shall be provided by owner of the property.

H-3 Water usage studies: If prior years' records have to be removed from storage to compile request, a fee of fifteen dollars (\$15.) per hour with a two-hour minimum will have to be paid in advance via estimate to actual settled at conclusion of project.

H-4 Turning water on after being turned off at the curb stop: twenty-five dollars (\$25.).

H-5 Replacement of residential meters after pipe burst: eighty-five dollars (\$85.) or value of meter. Replacement of frost plate for residential meters: forty dollars (\$40.) or value of frost plate, plus value of water lost as estimated by the district superintendent.

H-6 Reapplication for water after water has been shut off at the corporate cock: not less than one hundred dollars (\$100.).

H-7 Quarterly commercial minimum meter charge: all districts

| METER SIZE | MINIMUM GALLONS |
|--------------|-----------------|
| 1" | 23,000 |
| 1 ½" | 38,000 |
| 2" | 75,000 |
| 3"-7" | 100,000 |
| 8" and above | 200,000 |

H-8 Bulk water sales for distribution, use or consumption outside the water district: ten dollars (\$10) per thousand (1,000) gallons.

H-9 Sprinkler Systems: One Hundred Sixty Dollars (\$160.00) per year or Forty Dollars (\$40.00) per quarter.

H-10 Outside district: district rate plus ten percent (10%).

I. Sewer rates

Ulster Sewer Improvement Area: Five thousand (5,000) gallons or any portion thereof in each quarter: seven dollars and fifty cents (\$7.50). For over five thousand (5,000) gallons, one dollar and fifty cents (\$1.50) per one thousand (1,000) gallons or any portion thereof.

J. Sewer permit fee, Ulster Sewer Area and Whittier:

- (1) Residential: seventy-five dollars (\$75.).
- (2) Commercial: two hundred fifty dollars (\$250.).
- (3) Industrial: one thousand dollars (\$1,000.).

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- (4) Wastewater discharge permit: three thousand five hundred dollars (\$3,500.).

K. Transfer Station Fees

PERMITS: *TOWN OF ULSTER RESIDENTS ONLY*

- Per year \$35.00
- Half year \$25.00 (pro-rated on a half-year basis after July 1)
- Single day \$10.00
- Second permit \$20.00 (yearly only)

For Town of Ulster Residents over the age of 62 only, the following fees apply

- Per year \$25.00
- Half year \$15.00 (pro-rated on a half-year basis after July 1)
- Second permit \$10.00

COUPONS:

- Book of Twenty \$60.00
- One coupon \$ 3.00

Non Residents

\$70.00 per year
\$40.00 second permit (yearly only)
\$35.00 half year (after July 1 st)
\$20.00 single day

COUPONS: 1 coupon = \$4.00
Book of 20 coupons = \$80.00

Permit for Landscapers - \$100.00 annually

Permits, coupon books and single coupons may be purchased with cash, check or money order at the Town Clerk's Office. Permits and coupon books may be purchased at the Transfer Station by check or money order only.

CHARGEABLE ITEMS:

Household Trash: 1 coupon per 30-35 gallon bag
Tires: (car & pickup **only**) - 3 coupons
Appliances: 5 coupons
Couch: 5 coupons
Love Seat / Living Room Chair: 4 coupons
Non-Upholstered Chair: 3 coupons
Folding Chair: 1 coupon
Dressers / Chests: 5 coupons
Bedding: Twin or full mattress or box spring: 5 coupons

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Queen or larger mattress or box spring: 6 coupons

Televisions:

13"– 19" 3 coupon 20"– 27" 4 coupons

28"– 36" 5 coupons 37" or larger 7 coupons

Propane Gas Tank: 20 lb. - 1 coupon *VALVES MUST BE REMOVED*

****Refrigerators, Air Conditioners & Dehumidifiers are not accepted**

THE FOLLOWING ITEMS WILL BE ACCEPTED AT NO CHARGE: (permit required)

Recyclable Glass: bottles and jars (only clear, green or brown)

Recyclable Plastic: bottles and jugs only

Metal Cans, Lids or Caps

Cardboard: brown, gray or brown bags (must be flattened)

Magazines and junk mail: various types of colored printed material

Phone Books

Newspapers

Compost: grass clippings, leaves, etc. (do not leave it in a bag unless it's bio-degradable)

Scrap Metal: (must be separated – steel / aluminum / copper) metal items only (less than 2 cu. ft.)

Brush & Clean Lumber: must be 6" or less in diameter and 6' or less in length

Pick-up truck load - 2 coupons

1 ton truck or larger - 4 coupons

leaves & grass clippings – no charge

brush - \$25.00 per load

THE FOLLOWING ITEMS ARE NOT ACCEPTED:

- CONSTRUCTION MATERIAL

- DEMOLITION MATERIAL

- HAZARDOUS WASTE

- Paint, Paint thinner, and Solvents

- Pesticides, weed killers, insecticides, fungicides furniture, floor and metal polishes

- Automotive products: used oil, used oil filters, and carburetor cleaner

2nd by Councilman Brink

All Ayes

Resolution to Approve Conference Attendance for the Town Assessor and Town Justices

Councilman Morrow motioned to approve the following:

**RESOLUTION TO APPROVE CONFERENCE ATTENDANCE FOR THE TOWN
ASSESSOR AND TOWN JUSTICES**

WHEREAS, the Assessor for the Town of Ulster, James Maloney, and Ulster Town Justices Marsha S. Weiss and Susan Kesick, have requested to attend the New York Association of Towns Annual Meeting and Training School in New York City from February 20-23 as part of

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their required training for their town offices and have requested that the Town provide payment for tuition, meals, hotel, and transportation for their attendance; now therefore

BE IT RESOLVED, that the Assessor and both Town Justices may attend the New York Association of Towns Annual Meeting and Training School in New York City from February 20- 23; and be it further

RESOLVED, that the Town Board approve payment for this conference as follows, for each of the above-listed town officers: (1) Tuition: \$135.00; (2) Travel: \$76.00; (3) Per Diem: \$50.00; and (4) Hotel: \$295.00 per night.

Also this resolution is to include the Town to pay the registration cost for Councilwoman Cris Hendrick in the amount of \$135.00 to attend the conference.

2nd by Councilman Kitchen
All Ayes

Public Comment

Mr. Robert Barton requested that the fees cover the costs and that a reserve fund be established to replace items when they need to be replaced.

Mr. Mario Catalano thanked highway Superintendent Frank Petramale and his crew for the super job that they had performed in plowing and handling the snow.

Councilmen Brink and Kitchen reported that the Assessor, Building, Planning and Zoning Committee had met and they are looking to hire a full time Building Inspector via a civil service list.

Supervisor Quigley announced that on Tuesday, February 1, 2011 at 7 PM at the Town Hall that **the Lower Esopus Watershed Partnership and the Town of Ulster will hold an information seminar to address the unprecedented recent pattern of turbid releases of waters from the Ashokan Reservoir into the Esopus Creek .**

Executive Session

Councilman Kitchen moved to enter into executive session at 7:28 PM to discuss pending litigation in the matter of Eddyville Mine Corp. vs Town of Ulster and a personnel matter

2nd by Councilwoman Hendrick
All Ayes

Town Assessor James Maloney was invited into the meeting and left 8:13 PM

Councilwoman Hendrick moved to exit executive session at 8:16 PM

2nd by Councilman Morrow
All Ayes

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Supervisor Quigley resumed the meeting at 8:17 PM.

Councilman Morrow motioned to adjourn the meeting at 8:20 PM
2nd by Councilman Brink
All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk