

ULSTER TOWN BOARD WORKSHOP
MARCH 3, 2011 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN JOHN MORROW
SUPERVISOR JAMES QUIGLEY 3rd

PUBLIC COMMENTS

There were no public comments

COMMUNICATIONS

Councilwoman Hendrick announced the various events at the Senior Center.

Resolution in Support of Eagle Scout Project of Brian Rafferty

Mr. Brian Rafferty presented his proposal on installing some playground equipment at the Elmendorf Park as well as adding some additional improvements.

Councilman Brink motioned to approve the following:

RESOLUTION OF SUPPORT FOR EAGLE SCOUT PROJECT

WHEREAS, Brian Rafferty, a resident of the Town of Ulster and an active Boy Scout in Rip Van Winkle Council, BSA, Troop 20, has proposed to build a swing set and install benches at Elmendorf Park, a Town of Ulster park facility; and

WHEREAS, Brian Rafferty's proposal is submitted to the Town of Ulster as partial fulfillment of the requirements for the rank of Eagle Scout in the Boy Scouts of America; now therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes Brian Rafferty to do the work at Elmendorf Park as described in his Eagle Scout Project; and be it further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents in support of Brian Rafferty's Eagle Scout Project; and be it further

RESOLVED, that Brian Rafferty coordinate his work with the Town of Ulster Highway Department, and keep the Town of Ulster Highway Department informed as to its status.

2nd by Councilman Morrow
All Ayes

Award bid for Superintendent of Highways purchase of dump body (RFB-TOUH2011-01)

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Councilman Morrow moved to award the bid for the Superintendent of Highways to purchase a dump body from Hudson River Truck & Trailer in the amount of \$10,475.00.

2nd by Councilwoman Hendrick

All Ayes

Award bid for Police Fleet Maintenance Contract

Councilwoman Hendrick moved to award the Town's 2011 Police Fleet Maintenance Contract to Paramount II Garage Transmission (bid opened on February 16, 2011 at 3:30 PM).

2nd by Councilman Brink

All Ayes

Purchase Two New Police Cars

Councilman Brink moved to authorize the Police Chief to purchase two new police cars from the NY State bid in an amount not to exceed \$55,000. \$30,000 is in the line item and \$25,000 will come from landfill closure money.

2nd by Councilwoman Hendrick

All Ayes

Discussion on the revised version of Chapter 145 of the Town Code - Site Plan Review

Supervisor Quigley stated that this revised proposed law will be posted to the Town website and at the next meeting, a public hearing will be scheduled.

Authorize the Supervisor to open a new checking account for Glenerie Water Tank Capital Project

Councilman Morrow moved 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 JP 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.

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. Glenerie Water Tank Capital Project

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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

Resolution proclaiming the month of March, National Nutrition Month, in the Town of Ulster

Councilman Brink moved to approve the following:

RESOLUTION PROCLAIMING MARCH AS "NATIONAL NUTRITION MONTH" IN THE TOWN OF ULSTER

WHEREAS food is the substance by which life is sustained; and

WHEREAS the type, quality, and amount of food that individuals consume each day plays a vital role in their overall health and physical fitness; and

WHEREAS there is a need for continuing nutrition education and a wide-scale effort to enhance good eating practices;

NOW, THEREFORE, BE IT RESOLVED that the month of March shall be NATIONAL NUTRITION MONTH in the Town of Ulster; and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby encourages all citizens to become concerned about their nutrition in the hope of achieving optimum health for both today and tomorrow.

2nd by Councilwoman Hendrick
All Ayes

7:15 - Small Cities Grant Application Public Hearing

Supervisor Quigley opened the public hearing for Small Cities Grant Application Proposals at 7:15 PM

Mr. Mark Blauer, the town grant writer, gave an overview of the HUD program. This hearing is to solicit suggestions on public projects. These ideas are then reviewed by the Town Board and a decision is made on what to pursue. He suggested that the Town apply for a drainage project for the Glenerie area because they have major drainage problems and they already have an income

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survey that would qualify them. He also has a letter from the health department in favor of this project and a petition from the residents. The Town has submitted this proposal in the past, but there was no money to fund the project.

Public Comments

Mr. Robert Crane suggested that the town apply for a grant to improve and repair the town's aging sewer system. He suggested that the town also purchase a sewer camera that can move through the pipes to check the infrastructure. He offered to volunteer his services.

Councilman Kitchen moved to close the public hearing at 7:25 PM

2nd by Councilman Brink

All Ayes

7:25 - Proposed Smoking Law Public Hearing

Supervisor Quigley opened the public hearing on the proposed smoking law at 7:25 PM

Town Attorney Jason J. Kovacs explained that Councilman Morrow had requested a law be proposed that would prohibit smoking on certain town properties. The town can design enforcement offices of the law and add or subtract locations.

Public Comments

Mrs. Megan White spoke in favor of the law.

Mr. George Lucente spoke in favor of the law.

Mr. Jeffery T. Hayner, Director of Recreation, inquired on how the law would be enforced at the Town Park.

Mrs. Ellen Reinhard, Director of the Tobacco Free Coalition of Ulster County, spoke in favor of the law and also submitted a letter of support from Dr. LaMar Hasbrouck from the Ulster County Department of Health for the record (see Exhibit "A").

Councilman Kitchen moved to close the public hearing at 7:35 PM

2nd by Councilman Hendrick

All Ayes

7:35 - Proposed Subdivision Law Public Hearing

Supervisor Quigley opened the public hearing on the proposed subdivision law at 7:35 PM

A letter from Mrs. Marlene Engelhardt was submitted for the record (see exhibit "B").

Town Attorney Jason J. Kovacs explained that the Town had a problem in the past where a sub-division was approved when a prior Town Board had placed a condition on the property that prohibited a sub-division. This proposed requirement will prevent this situation from reoccurring.

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Mr. James Maloney requested that the law include that the title search be made by a certified title search company and to include a listing of all the prior sub-divisions. He also requested that the Town Board send a letter out for all zoning changes to all the surrounding property owners on all special use permits, sub-divisions, and site plans. He feels people need to be notified so if the town doesn't have the right to enforce provisions like deed covenant then the people need to be notified so they can protect themselves.

Mrs. Roslyn Stark spoke in favor of retro activating the law and inquired how it can be enforced.

Councilman Kitchen moved to close the public hearing at 7:42 PM

2nd by Councilman Morrow

All Ayes

7:45 - Proposed Special Use Permit for Sherry Ralph

Supervisor Quigley opened the public hearing for a special use permit at 7:45 PM and explained that the applicants were unable to attend. He requested that the Public Hearing be reconvened for March 17, 2011 at 7:30 PM when they can be present to listen to all the comments. Anyone who arrived for the purpose of making comments can do so during the regular comment period of this meeting.

Councilman Brink moved to reconvene the public hearing on March 17, 2011 at 7:30 PM

2nd by Councilwoman Hendrick

All Ayes

Public Comment

Mr. Robert Barton is not in favor of the recently created budget officer position.

Mr. George Lucente is in favor of the Town Board doing whatever they feel is right to run the town.

Mr. Gary Feddes spoke against the Special Use Permit for Sherry Ralph (See exhibit "C").

Mr. William Fiore spoke against the proposed Special Use Permit for Sherry Ralph due to the barking noise. The proposed improvements don't mediate the situation, they only seem to benefit the owner. There are no other dogs in the area that are causing this noise problem. The neighborhood tolerated the situation, to be neighborly, but they do not want it to continue.

Mr. Hans Funccius inquired about the logging operation on the Eddyville Mine Corp. property. He suggested that the town require a timber and logging consultant to review the property before logging begins and to have clearly defined areas so they don't cut down neighbor's trees. There should also be some clean-up requirements.

Mr. Robert Barton inquired about the status of the Tech City DGEIS?

Supervisor Quigley reported the public comment period ended on February 28, 2011 and all comments have been forwarded to Mr. Dan Shuster, a special planning consultant for the Town to review and address.

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Mr. Kirk Felton is against the Special Use Permit for Sherry Ralph due to the barking noise situation.

Mr. Dan Halwick is also against the Special Use Permit for Sherry Ralph due to the barking noise situation.

Mr. Renno Budziak expressed concern about enforcement of the stipulations that were attached to the logging permit for the Eddyville Mine Corporation.

Councilman Kitchen is in favor of revising the special logging permit process to include the items suggested by Mr. Hans Funccius. He has witnessed logging permits in his neighborhood where the neighbor's trees were cut down and there is little that can be done.

Mr. James Maloney suggested that a bond be posted for cleaning up and require an updated contact number.

The logging permit process was referred to the Town Attorney for review.

Mrs. Roslyn Stark requested a survey be required as part of the logging permit.

Supervisor Quigley recognized Deputy Chief Sinagra for earning his Bachelor's Degree from the Empire State College

Councilman Kitchen motioned to adjourn the meeting at 8:18 PM
2nd by Councilwoman Hendrick
All Ayes

Respectfully submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk



ULSTER COUNTY DEPARTMENT OF HEALTH

300 Flatbush Avenue, Kingston, NY 12401-2740, (845) 340-3150, Fax (845) 334-8337

MICHAEL P. HEIN
County Executive

LA MAR HASBROUCK, MD, MPH
Public Health Director

March 1, 2011

Dear Supervisor Quigley and Town of Ulster Town Board members,

As a parent, physician, and the lead public health official in Ulster County, I am writing to express my enthusiastic support of your proposed legislation to restrict smoking on municipal property within the Town of Ulster.

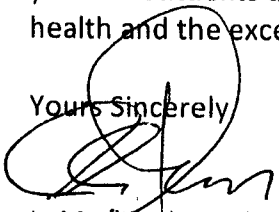
There are enormous health risks and costs associated with smoking and exposure to second hand smoke. Cigarette smoke contains over 4,000 chemicals, 40 of which are considered to be highly toxic and carcinogenic. Moreover, the U.S. Surgeon General has determined that there is no safe level of exposure to second hand smoke.

Public recreation areas are by definition places where our families and children go to exercise, appreciate nature, relax and breathe fresh air. Allowing smoking in these places it defies all of the reasons why we set aside these spaces in the first place. The residents of Ulster County couldn't agree more. In a recent survey, conducted by the Tobacco Free Action Coalition (TFAC), 80% of county residents support restricting smoking in parks and playgrounds.

Currently, 11 out of 24 municipalities in Ulster County, including the County itself, have policies or local laws in place which prohibit and restrict smoking on public property. As of today, at least two municipalities, including your own, are considering similar regulations.

I applaud the fact that, in addition to public recreation areas, you have also included a large portion of your municipal property in the pending legislation. It could not send a better message, both to your constituents and to the residents of Ulster County, that your care about preserving their health and the excellent quality of life that we all enjoy.

Yours Sincerely



LaMar Hasbrouck, MD, MPH
Public Health Director
Ulster County

Exhibit "A"

March 3, 2011

Town of Ulster Town Board
1 Town Hall Drive
Lake Katrine, New York 12449

RE: Comments to Proposed 2011 Local Law, New Section 161-27 of Chapter 161 of the
Town Code, Subdivision of Land - Title Requirement

Mr. Supervisor, members of the board,

In the April 16, 2009 Scoping Document included in the appendices of the GDEIS for Tech City,
under Site Location and Description, Item # 6 reads as follows:

An identification of the dimensions of the property through an existing conditions metes & bounds
survey prepared by a licensed land surveyor, including any easements, rights-of-way, covenants &
restrictions or agreements of record affecting the subject property. The survey will also delineate
any special district boundaries and will include a calculation of the amount of restricted areas on
the site, such as the acreage of easements, all regulated freshwater wetlands (i.e. State
Protected, Federal Jurisdictional) , open space and recreation areas, streams, floodplains and
slopes equal to or greater than 15 percent. (See copy attached.)

This may be useful for what you are trying to accomplish to protect the citizens of the Town of
Ulster.

Another suggestion to consider for subdivision applications including minor subdivisions,
especially in areas where public water and sewer is not available, would be to make sure that
the landform of the parcel/parcels in question has enough area to accommodate a new septic
system if that need ever became necessary. The Board of Health maybe helpful in that regard
for guidelines.

Thank you very much for your consideration,

Sincerely,



Marlene Engelhardt
101 Old Flatbush Road
Kingston, New York 12401

Exhibit "B"

2. Current Use of the Site - including office, commercial, industrial uses and description of the ongoing environmental investigations, studies and anticipated remediation of the ground water contamination being undertaken in collaboration with NYSDEC, IBM and the current property owner.
3. Existing Site Plan and Subdivision - including future resubdivision
4. Comprehensive Plan Recommendations
5. Description of easements and private agreements that affect the future development and use of the site.

B. Site Location and Description

1. Provide written and graphical description of geographic boundaries of the project, including, acreage, tax identification numbers and list of abutting properties. Map the geographical boundaries of the project on local and regional scale maps. The site shall be described relative to surrounding land uses, zoning designations and other key features such as Enterprise Drive, Boices Lane, CSX rail line and other prominent natural and man-made features on and within 500 feet of the project site.
2. Provide a detailed description of the previous and existing use of the site with respect to the environmental setting of the site and the natural resources identified. Include use, number, size, height, operation and condition of existing on-site structures.
3. General description of the existing infrastructure serving the project site, including a map of surrounding areas within 500 feet of the site boundaries. Existing water supply and sewage disposal systems, site access, road networks, and storm sewers shall be mapped.
4. Description of access to site from Enterprise Drive and Boices Lane and immediately adjacent County and Town roadways including but not limited to Old Neighborhood Road.
5. Identify existing zoning (OM-Office Manufacturing) and proposed zoning (OM-Comprehensive Development Plan (CDP) of site including density calculations, allowed uses and constraints.
6. An identification of the dimensions of the property through an existing conditions metes & bounds survey prepared by a licensed land surveyor, including any easements, rights-of-way, covenants & restrictions or agreements of record affecting the subject property. The survey will also delineate any special district boundaries and will include a calculation of the amount of restricted areas on the site, such as the acreage of easements, all regulated freshwater wetlands (i.e. State protected, Federal Jurisdictional), *open space and recreation areas, streams, floodplains, and slopes equal to or greater than 15 percent.*
7. List abutting landowners, their mailing addresses and corresponding tax parcel numbers.

C. Description of the Proposed Action

- a. Amendment to OM District to provide Comp. Dev. Plan for certain properties
- b. Summary of CDP provisions and procedures
2. Proposed Comprehensive Development Plan for Tech City site
 - a. Color Illustrative Site Plan - Campus Master Plan
 - b. Proposed future re-subdivision plan - Sketch Parcel Layout]
 - c. Site Access and Traffic Circulation

March 2, 2011

TO: TOWN of ULSTER TOWN BOARD

**REF: SPECIAL PERMIT & SITE PLAN submitted by
SHERRY RALPH**

**I AM HERE TONIGHT TO INSURE THE TOWN BOARD THAT
THE NOISE ISSUE CREATED BY THE SHERRY RALPH ILLEGAL
DOG KENNEL, IS STILL GOING ON.**

**I HAVE READ ROTH ENGINEERING'S REPLY TO THE TOWN,
AT BEST, IT'S FICTION. ONE POINT OF THE MEMO DOES
CLARIFY THAT THE COMPLETE PROJECT HAS BEEN ONE
LARGE DECEPTION. Mr. ROTH STATES "THE KENNEL WAS
DESIGNED TO HOLD 20 DOGS". WHY WERE THE TOWN
PERMITS SUBMITTED TO BUILD A RESIDENTIAL STORAGE
GARAGE? DECEPTION RECORD ESTABLISHED.**

**THE LAW STATES THE TOWN COULD ISSUE A SPECIAL
USAGE PERMIT WITH RESTRICTIONS. BASED UPON ALL THE
DECEPTION OF THIS PROJECT, HOW COULD THE TOWN
INSURE THE ADJOINING PROPERTY OWNERS THAT ALL THE
RESTRICTIONS AND CONDITIONS ARE ADHERED TO?**

**SHERRY RALPH STATED AT A PREVIOUS TOWN MEETING, "I
WOULD CONSIDER LIMITING THE NUMBER OF DOGS TO
EIGHT (8) BREEDING FEMALES". TIM RALPH'S REPLY TO A
BOARD QUESTION REGARDING LITTER SIZES REPLIED
"AVERAGE SIZE IS 10 PUPPIES". LET'S DO SOME MATH ...**

8	BREEDING FEMALES
80	10 PUPPIES PER FEMALE
7	TOWN REGISTERED PERSONAL SHEPPARDS

TOTAL BARKING DOGS IS 95, YUP 95

Exhibit "C"

AS I SIT IN MY DEN TO WRITE THIS MEMO, THE DOGS ARE BARKING. THEY STARTED BEFORE 8am AND HAVE CONTINUED TO BARK, STILL BARKING UPON MY LEAVING, AT 1:45 pm. THE EFFECT OF THE BARKING IS THE SAME AS THE OLD CHINESE WATER TORTURE.

AT PREVIOUS MEETINGS REGARDING THE SHERRY RALPH DOG KENNEL, QUESTIONS WERE ASKED. HAS THE TOWN BOARD GOTTEN ANY ANSWERS?

QUESTIONS:

HAS THE TOWN EVERY GOTTEN AN ACCURATE DOG COUNT? DOES THE COUNT INCLUDE SHERRY RALPH'S 7 TOWN REGISTERED GERMAN SHEPPARD'S?

ARE THERE ANY VIOLATIONS AGAINST THIS PROPERTY? CAN THE BOARD STATE HOW MANNY AND THEIR CONTENT?

ACCORDING TO TOWN CODE A196-6 #9 (SITE PLAN REVIEW REGULATIONS), STATES "FORMAL REFERRAL FROM THE PLANNING DEPARTMENT TO TOWN BOARD FOR FINAL ACTION", HAS A REFERRAL BEEN SUBMITTED? AND THE RECOMMENDATION IS?

ACCORDING TO TOWN CODE "THE FIRST PROVISION IS TO PROTECT THE SINGLE HOUSE RESIDENCE", HOW DOES THIS PERMIT REQUEST FIGURE INTO THE 1st PROVISION, SINCE IT EFFECTS THE QUALITY OF LIFE FOR THE ADJOINING PROPERTY SINGLE FAMILY RESIDENTS ?

JUST TO STATE AGAIN, THE CURRENT DOG BARKING NOISE IS INTOLERABLE... YES, IT HAS BEEN REDUCED, BUT NOT BY SHERRY, BUT THE WEATHER. MY FEARS ARE THAT ONCE THE WEATHER IS BETTER THE NOISE LEVEL WILL INCREASE.

**I LOOK FORWARD TO THE TOWN BOARD TO PROTECT ME
AND MY NEIGHBORS FROM THE CURRENT INTOLERABLE
CONDITIONS AND INSURE US THAT THIS WILL NOT
REOCCUR.**

GARY & VIRGINIA FEDDES