

ULSTER TOWN BOARD MEETING
SEPTEMBER 22, 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

PUBLIC COMMENT

Mr. Robert Barton was not in favor of the tax override limit.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of August 4, 2011 and August 18, 2011
2nd by Councilman Brink
All Ayes

COMMUNICATIONS

There were no communications.

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the September 2011 abstract as submitted.
2nd by Councilwoman Hendrick
All Ayes

BUDGET MODIFICATIONS:

Councilman Brink moved to approve the following:

Highway Fund:

Transfer From:

D5130.413 Rental
D5110.442 Road Oil

Transfer To:

D5110.420 Gas & Diesel	5,597.00
D5130.429 Oil & Lubricants	2,000.00

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General Fund:

Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Softball League) electric payment	.07	335
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Softball League) Ron Kelder field prep. (May-July 24th)	.00	275
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) cheering uniforms from Team Cheer	.60	1,149
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) reimb. For purchase of 5 footballs	.99	80
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) fundraiser cards from Kentucky Fried Chicken	.00	100
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) 229 tubs of cookie dough from MQ Connect Fund Raising	.00	2,061
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) hooded sweatshirts from Burton Deitz	.00	261
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Softball League) electric payment	.79	343
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) reconditioned and painted helmets, NOCSAE surcharge, decals, shoulder pads, shipping less trade in from Herb's Sport Shop	.68	4,024
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Junior Football League) National & regional fees, conference dues & ref. coordinator fee to Mid Hudson Conference	.05	1,081
Modify Revenue A2680 (Insur. Recoveries) and Appropriation A3120.421 (Veh. Maint.) insurance check from Travelers-property damage to Police Veh.- 2003 Chevy Impala, loss date 9/9/11, Reavy	.70	454
Highway Fund:		
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) July Gas Reimb. (Oper. Funds)	.99	10,036
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Aug. Gas Reimb. (Town of Kingston Hwy. Fund)	.15	934

2nd by Councilman Morrow
All Ayes

Eagle Scout Project – Build from Senior Center to gazebo and other misc.

Mr. Tyler Carelli, a scout from Troop 8, gave an overview of the Eagle Scout project. This consists of building a pathway from the Senior Center to the gazebo. It also includes a few other projects like building a case for the bingo machine.

A brief discussion followed between him and the Town Board.

Councilman Morrow moved to approve the project.
2nd by Councilman Hendrick
All Ayes

Discussion on Town of Ulster becoming lead agency for the Landing Woods project in Whittier

Planning Chairman Renno Budziak gave a brief overview of the project.

Councilman Morrow moved to approve the following:

RESOLUTION DECLARING INTENT TO BE LEAD AGENCY FOR THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) ENVIRONMENTAL REVIEW OF A PROPOSED UNLISTED ACTION KNOWN AS LANDING WOODS AT ULSTER.

WHEREAS, the Town of Ulster Town Board has received an application by *Landing Woods at Ulster, LLC* seeking special use permit approval to develop an 84-unit townhouse development (attached dwellings) on a 31.43-acre site identified on the Town of Ulster Tax Maps as SBL 39.16-4-19.210 served by private central water and municipal sewer; and

WHEREAS, Subdivision Approval by the Town of Ulster Planning Board under Chapter 161 of the Town Code is also being requested, as each town home will be situated on a separate lot; and

WHEREAS, upon review of the application, the Town of Ulster Town Board has determined that the Proposed Action is subject to the State Environmental Quality Review Act and its implementing regulations (6 NYCRR Part 617) as an Unlisted Action, pursuant to Section 617 of the SEQRA regulations; and

WHEREAS, under the applicable standards of SEQRA, 6 NYCRR Part 617.6, the Town Board of the Town of Ulster has concluded it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed Unlisted Action.

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NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board does hereby declare its intent to serve as Lead Agency for the coordinated environmental review of the proposed Unlisted Action.

FURTHER BE IT RESOLVED, the Town of Ulster Town Clerk is hereby authorized to circulate a Notice of Intent to be Lead Agency to other involved agencies.

2nd by Councilman Brink
A Roll Call Vote was taken – All Ayes

Discussion on Town of Ulster becoming lead agency for the MHMG-KM KINGSTON, LLC project on Ulster Avenue

The developers of the project gave a brief overview of the project.

Councilman Kitchen moved to approve the following:

RESOLUTION DECLARING INTENT TO BE LEAD AGENCY FOR THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) ENVIRONMENTAL REVIEW OF A PROPOSED TYPE 1 ACTION KNOWN AS MHMG-KM KINGSTON, LLC.

WHEREAS, the Town of Ulster Town Board has received an application by MHMG-KM Kingston, LLC seeking *site plan approval* for the phased redevelopment of 14.88-acre site (consisting of two parcels SBL 39.082-2-7.1 and 19) served by municipal water and municipal sewer; and

WHEREAS, the first phase of the project would consist of the construction of a 4-story 80,000 square foot (sf) medical office building (MOB), 344 associated parking spaces and construction of new access drives from Ulster Avenue and Grant Avenue.

WHEREAS, subsequent phases of development would include the construction of 14,000 sf pharmacy, 40,000 sf of retail, 69,000 sf hotel with 100 rooms, a 4,000 sf bank and 3,000 sf fast-food restaurant and site-specific site plan approval will be required for subsequent phases; and

WHEREAS, upon review of the application, the Town of Ulster Town Board has determined that the Proposed Action is subject to the State Environmental Quality Review Act and its implementing regulations (6 NYCRR Part 617) as an Type 1 Action, pursuant to Section 617.4(b)(6)(i) of the SEQRA regulations; and

WHEREAS, under the applicable standards of SEQRA, 6 NYCRR Part 617.6, the Town Board of the Town of Ulster has concluded that it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed Type 1 Action.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board does hereby declare its intent to serve as Lead Agency for the coordinated environmental review of the proposed Type 1 Action

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FURTHER BE IT RESOLVED, the Town of Ulster Town Clerk is hereby authorized to circulate a Notice of Intent to be Lead Agency to other involved agencies.

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

Approval of Agreement between 756-768 East Chester St. LLC and the Town of Ulster for sidewalks on East Chester St. Bypass

Town Attorney, Jason Kovacs, gave an overview of the agreement.

Councilman Morrow moved to authorize the Town Supervisor to enter into an MOA for sidewalks along the East Chester St. Bypass.

2nd by Councilman Kitchen
All Ayes

Presentation of a Local Law to override the tax levy limit established in General Municipal Law Section 3-C and the setting of a date for a Public Hearing

Councilwoman Hendrick moved to set a public hearing in regard to the proposed Local Law to override the tax levy limit established in General Municipal Law Section 3-C for October 6, 2011 at 7:15 PM

2nd by Councilman Brink
All Ayes

Set a Public Hearing for the Bloomington Fire Protection District Contract

Councilman Kitchen moved to set a public hearing for October 6, 2011 at 7:40 PM in regard to the Eddyville Fire Protection Contract.

2nd by Councilman Brink
All Ayes

Authorizing the Town Court to submit a grant application to the Office of Court Administration.

Councilman Morrow moved to approve and authorize the Court to submit a grant to the Office of Court Administration for any court improvements or enhancements.

2nd by Councilwoman Hendrick
All Ayes

Discussion and Approval of Change Order #3 for Ulster Glass and Mirrors - TU-111

Councilman Brink moved to approve the contract change #3 as submitted, requesting that the date for substantial completion be extended to October 7, 2011 and that the contract for the window modifications be increased in the amount of \$950.00.

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2nd by Councilman Morrow
All Ayes

Discussion and approval of the Town Justice Court Audit for the year-ended December 21, 2010 performed by Toski & Schaefer & Co., P.C. CPA's

Councilwoman Hendrick moved to approve and accept the Town Justice Court Audit for the year-ended December 21, 2010 performed by Toski & Schaefer & Co., P.C. CPA's as submitted.
2nd by Councilman Brink
All Ayes

Discussion on renewal of Town Insurance for January 1, 2012

Councilman Kitchen moved to authorize the Town Supervisor to enter into an agreement with Kingston Rick Management to shop out the town insurance policies to save money.
2nd by Councilman Morrow
All Ayes

PUBLIC COMMENTS

Mrs. Jeannine M McCullough reported that Councilman Morrow came to her house and felt it "rocked and rolled" during the blasting from Callanan Industries. She expressed concern about people not able to afford their house and individuals preying on them with loan amendments. She had an experience with a Steven J. Baum Foreclosure Firm. They added \$20,000 to mortgage for her papers being in his office for 25 minutes. She is developing a program called "Helping Hands" that helps clean up, refresh and re-style houses to improve the area. She expressed concern about the caves in the area with the blasting from Callanan. She can't afford to hire an expert to monitor and review damages caused.

Mrs. Josephine Reina expressed concern about damage to her property from the blasting from Callanan near East Kingston. Her basement has developed cracks that have made it a bowl for water. The east side blasting was supposed to stop, which seems to be the greatest cause of the damage. She presented pictures of the mountains before the mining. The blasting knocked her gutters off her house. The wetlands are gone. There are alternative blasting methods that would reduce or eliminate the blasting effect.

Mrs. Eva Clausi was present from east Kingston to confirm what was said about the blasting effect.

Mr. Larry Quick was not in favor of the local law exceeding the proposed tax cap increase.

Mr. Robert Barton was not in favor of the local law exceeding the proposed tax cap increase. He requested that the Town post a list of increases for the budget for public viewing and input before the budget is voted on.

Executive Session – Carpino v. Town of Ulster

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Councilman Morrow motioned to enter into executive session at 8:05 PM to discuss pending litigation with the Town Attorney in regard to Carpino v. Town of Ulster.

2nd by Councilman Kitchen

All Ayes

Executive session ended at 8:18 PM and the regular meeting was resumed.

Councilman Brink moved to approve a \$2,500 settlement in the matter of the Carpino v. Town of Ulster that would be paid by Travelers Insurance, the Town's insurance company

2nd by Councilwoman Hendrick

All Ayes

Councilwoman Hendrick motioned to adjourn the meeting at 8:19 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk