

ULSTER TOWN BOARD MEETING  
OCTOBER 20, 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 3<sup>rd</sup>

**PUBLIC COMMENT**

Mr. Robert Barton requested that the town offer the gas and electric cost savings program plan from Hess Corp. to the general public. How long will it take to fix the mold problem in the Town Hall? He requested to know how much has been spent in infrastructure improvements to the Town Hall.

Supervisor Quigley reported that the mold situation in the basement was recently studied by professionals and that there are no health concerns. All the options are being reviewed.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Brink motioned to accept the minutes of September 22, 2011  
2<sup>nd</sup> by Councilman Morrow  
All Ayes

**COMMUNICATIONS**

A letter was read from Ruth Port requesting that "No Parking" signs be installed on both sides of the streets from the beginning of Northfield Street, starting from the Plainfield Street, past her home, as county workers park there and obstruct her leaving her home.

**ABSTRACT OF CLAIMS**

Councilman Brink motioned to approve the October 2011 abstract as submitted.  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**BUDGET MODIFICATIONS:**

Councilwoman Hendrick moved to approve the following:

**General Fund:**

Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric payment	363.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) 4 <sup>th</sup> qtr. water billing- Orlando St. Ballfield	10.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Junior Football League) Matt Grossman - refereeing	125.00

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Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Junior Football League) Kevin Barry - refereeing	125.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Junior Football League) Brian Frarcida - refereeing	125.00
Modify Revenue A2705 (Gifts & Donations) and Appropriation A2989.400 (Youth Education Programs-DARE) DARE Donation-Agnes R. Kelly	30.00
Modify Revenue A3989 (State Aid, Child Seat Grant) and Appropriation A3120.440 (Car Seat Grant) reimb. From Gov. Traffic Safety Committee	3,139.89
Modify Revenue A2089 (Senior Center) and Appropriation A6772.400 (Programs for the Aging) yard sale proceeds	280.45
<b>Highway Fund:</b>	
Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5142.420 (Gas & Oil) Aug. Gas Reimb. (Oper.Funds)	11,749.07
Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5142.420 (Gas & Oil) Aug. Gas Reimb. (Ruby Fire Dept.)	619.89
Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5142.420 (Gas & Oil) Aug. Gas Reimb. (Ulster Hose #5)	1,028.98
Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5142.420 (Gas & Oil) Sept. Gas Reimb. (Ulster Hose #5)	484.37
Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5142.420 (Gas & Oil) Aug.Gas Reimb. (East Kingston Fire Co.)	810.12

**General Fund:**

**Transfer From:**

A6140.400 Home Relief  
 A6140.400 Home Relief

**Transfer To:**

A9730.600 B.A.Note/ Prin. 150,000.00  
 A9730.600 B.A.Note/ Prin. 92,708.00

**Highway Fund:**

**Transfer From:**

D5110.413 Equipment Rental  
 D5110.443 Culvert,Pipe & Drain

**Transfer To:**

D5110.420 Gas & Oil 6,200.00  
 D5110.420 Gas & Oil 6,000.00

2<sup>nd</sup> by Councilman Morrow  
 All Ayes

**DEPT. HEAD REPORT – SEWER**

Waste Water Superintendent Corey Halwick reported that the storms caused havoc with the sewer systems and they suffered damage. They are working with the Town's engineers to fix the problems. The Camera Truck has gone out to bid.

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**Authorize the Supervisor to Sign a Consent Order with DEC for closing the Town Hall Fuel Oil Storage Tank Violation. Fine is \$2,500.00**

Councilman Morrow moved to authorize the Supervisor to Sign a Consent Order with DEC for closing the Town Hall Fuel Oil Storage Tank Violation. The fine was \$2,500.00.

2<sup>nd</sup> by Councilman Brink

All Ayes

**Motion to authorize the Supervisor to sign a contract with Hess Corporation for the purchase of Electric and Natural Gas**

Supervisor Quigley stated this program is limited to local municipalities due to the quantity of energy used. He estimates a 10-15 % savings for the town.

Councilman Morrow moved to authorize the Supervisor to sign a contract with Hess Corporation for the purchase of Electric and Natural Gas for 1 year

2<sup>nd</sup> by Councilman Kitchen

Councilwoman Hendrick noted that the contract was for 2 years

Councilman Morrow withdrew his original motion and moved authorize the Supervisor to sign a contract with Hess Corporation for the purchase of Electric and Natural Gas for a 2 year contract

2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

**Motion to schedule a Public Hearing for the 2012 Town of Ulster Preliminary Budget for November 3, 2011 at 7:15 PM**

Councilman Kitchen moved to schedule a Public Hearing for the 2012 Town of Ulster Preliminary Budget for November 3, 2011 at 7:15 PM and to authorize the Town Clerk to advertise accordingly.

2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

**Motion authorizing the revision of the amount authorized in the October 6, 2011 meeting for the rental of an Office Trailer for the temporary housing of the Police Department for 90 days from \$2,000 to an amount not to exceed \$4,200 for the period**

Councilman Kitchen moved to authorize the revision of the amount authorized in the October 6, 2011 meeting for the rental of an Office Trailer for the temporary housing of the Police Department for 90 days from \$2,000 to an amount not to exceed \$4,200 for the period

2<sup>nd</sup> by Councilwoman Hendrick

All Ayes

**Motion authorizing the Supervisor to rent a 2<sup>nd</sup> Office Trailer for the temporary housing of the Police Department for 90 days not to exceed \$4,100 for the period**

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Councilman Morrow moved to authorize the Supervisor to rent a 2<sup>nd</sup> Office Trailer for the temporary housing of the Police Department for 90 days not to exceed \$4,100 for the period 2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Motion authorizing the Supervisor to write a letter of support to the Hudson Valley Regional Economic Development Council for the proposed Hudson Landing Residential/Retail Development site in East Kingston**

Councilman Morrow moved to authorize the Supervisor to write a letter of support to the Hudson Valley Regional Economic Development Council for the proposed Hudson Landing Residential/Retail Development site in East Kingston  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Motion authorizing the Supervisor to have prepared documents and studies for the formation of the Hudson Landing Sewer District**

Councilman Kitchen moved to authorize the Supervisor to prepare documents and studies for the formation of the Hudson Landing Sewer District  
2<sup>nd</sup> by Councilman Morrow  
All Ayes

**Setting a Halloween Curfew for Children age 16 or less without a parent – 7:30 PM**

Councilman Brink moved to set a Halloween Curfew of 7:30 PM for Children age 16 or less without a parent  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Presentation of Municipal Agreement by and between the City of Kingston and the Town of Ulster for the Hudson Landing Sewer District**

Councilman Morrow moved to accept the presentation of a Municipal Agreement by and between the City of Kingston and the Town of Ulster for the Hudson Landing Sewer District  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Presentation of the Redevelopment Overlay District Draft Zoning Legislation**

Councilwoman Hendrick moved to approve the presentation of the Redevelopment Overlay District Draft Zoning Legislation (for Tech City)  
2<sup>nd</sup> by Councilman Brink  
All Ayes

**Resolution authorizing the Supervisor to sign the contract between the Town of Ulster, on the behalf of the Eddyville Fire Protection District and the Bloomington Fire Company for Fire Protection Services for 2012**

Councilman Morrow moved to authorize the Supervisor to sign the contract between the Town of Ulster and the Bloomington Fire Company for Fire Protection Services for 2012 for the Eddyville Fire Protection District  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Resolution approving of Site Plan for Big Matt Associates – Old Sawkill Road**

Councilman Brink moved to approve the following:

**RESOLUTION TOWN OF ULSTER TOWN BOARD**

**Site Plan Amendment Approval**

*Big Matt Associates, Inc.*

Section-Block-Lot: 48.14-1-12.1

**WHEREAS**, the Town of Ulster Town Board and its consultant planner and engineers have reviewed an application by Big Matt Associates, Inc. for Site Plan Amendment approval to construct a 4,725 square-foot (sf) office/manufacturing building and 3,900 sf garage (car storage) on a 1.6-acre site (SBL 48.14-1-12.1) served by municipal central water and on-site sewage disposal system; and

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

- *Application for Sketch Plan Review* prepared by John G. Stotz, Jr. dated July 20, 2011;
- *SEQRA Short Environmental Assessment Form* by John G. Stotz, Jr. dated July 20, 2011;
- *Project Narrative for Old Sawkill Rd Development* by Brinnier & Larios, P.C. dated July 2011;
- *Sketch Plan for Old Sawkill Road Development* by Brinnier & Larios, P.C. dated July 2011;
- *Cover Letter* by Nadine D. Carney, Project Engineer of B&L, P.C. dated August 15, 2011;
- *Photos of Project Site* Illustrating Existing Conditions by Brinnier & Larios, P.C. dated 8/12/11;
- *Revised Narrative for Old Sawkill Rd Development* by Brinnier & Larios, P.C. dated August 2011;
- *Lighting Specification sheet* by Hi-Lite MFG. Co., Inc, dated September of 2011;
- *Garage and Foundation Floor Plans & Schedules* by Wright Architects dated September 7, 2011;
- *Garage Sections and Elevations* by Wright Architects dated September 7, 2011;
- *Sketch Plan for Old Sawkill Road Devel.* by Brinnier & Larios, P.C. dated September 7, 2011; and
- *Lighting Schedule for Old Sawkill Road Development* by Brinnier & Larios, P.C. dated July 2011.

**WHEREAS**, the subject site is situated within the Town of Ulster R-30 Residential Zoning District, which does not allow office, manufacturing or warehouse uses; and

**WHEREAS**, the Proposed Action was referred to the Ulster County Planning Board (UCPB) pursuant to Section 239 l and m of NYS General Municipal Law to consider the Site Plan and Use Variance; and

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**WHEREAS** the UCPB required the Town of Ulster Zoning Board of Appeals (ZBA) to document how the Proposed Action meets the NYS *four-part test* for granting a Use Variance; and

**WHEREAS**, the applicant applied to the ZBA for a *Use Variance* to allow the adaptive reuse of an existing 6,000 sf metal-frame building for office/manufacturing use and the use of a proposed 4,725 sf office/manufacturing building and 3,900 sf warehouse (car storage) building on the site; and

**WHEREAS**, the ZBA considered the application materials submitted by the applicant in support of the Proposed Action, along with written comments of its consultants confirming it met the *four-part test* for granting a Use Variance; and

**WHEREAS**, the ZBA held a public hearing on October 5, 2011 and subsequently adopted a *Notice of Decision* granting a *Use Variance* to the applicant for the Proposed Action and affirmed its override of the UCPB's required modification;

**WHEREAS**, the Town Board considered the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants and the Town Departments made via memoranda (which memoranda are incorporated herein by reference); and

**WHEREAS**, the Town of Ulster Town Board determined the applicant submitted a complete application and the ZBA complied with the UCPB's required modifications; and

**WHEREAS**, the Town Board upon review of the entire record (including SEQRA Short Environmental Assessment Form (EAF)) found that the Proposed Action will not have an adverse impact on the environment; as Lead Agency made a determination of non-significance and issued a Negative Declaration pursuant to Part 617 of SEQRA.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board has determined that they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review Act (SEQRA); and

**FURTHER BE IT RESOLVED**, the Town of Ulster Town Board hereby grants Site Plan Amendment Approval to Big Matt Associates, Inc. to construct a 4,725 square-foot (sf) office/manufacturing building and 3,900 sf garage (car storage) on a 1.6-acre site (SBL 48.14-1-12.1) subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant; and
3. All fees, including consultant fees, shall be paid.

2<sup>nd</sup> by Councilman Morrow  
All Ayes

**Resolution Authorizing Acceptance of Easement for the Glenerie Water District of the Town of Ulster**

Councilman Morrow moved to approve the following:

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT FOR GLENERIE WATER DISTRICT OF THE TOWN OF ULSTER**

WHEREAS, a proposed water tower for the Glenerie Water District will require employees and agents of the Town of Ulster to have ingress and egress on property owned by Phyllis Playford at 24 Hauns Hill Road; and

WHEREAS, the water tower plans designated by Brinnier & Larios, P.C. require the obtaining of a certain easement from Phyllis Playford, and

WHEREAS, said easement has been offered by Phyllis Playford to the Town of Ulster, and

WHEREAS, the Town Board of the Town of Ulster is desirous of accepting said offered easement on behalf of said Town, and

WHEREAS, the Town Board of the Town of Ulster has examined said instrument, and finds the consideration described above to be fair and reasonable for the value of such taking,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulster does hereby accept an easement from Phyllis Playford in accordance with the terms and conditions contained in said instrument, authorizes the Town Supervisor to sign said easement and any transfer documents, and directs that the same be recorded in the Office of the Clerk of the County of Ulster, the fee for said recording to be borne by said Town.

2<sup>nd</sup> by Councilman Brink  
All Ayes

**Public hearing for proposed Local Law of 2011: A Local Law Authorizing Chargeback of Safety Net Expenses to the 2012 Town & County Tax Bill at 7:20 PM**

Supervisor Quigley called the public hearing to order at 7:18 PM

Town Attorney Jason Kavocs briefed the Town Board that this proposed local law is to separate the Safety Net expenses from the town general tax that is charged by the County on the Town's general tax bill.

Supervisor Quigley stated that he feels this law is important because the Town has no control over this expense and the public should know what expenses the town has no control over.

**Public Comment:**

Robert Barton asked for clarification on the delay of payment for costs.

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Supervisor Quigley reported that the proposed law creates a cushion under the tax cap. The town can delay expenses at no cost and use that money, that would have been used on that expense, to pay off debt. This is similar to what the City of Kingston does.

Councilman Morrow moved to close the public hearing at 7:33 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Public Hearing for Proposed Local Law of 2011: A Local Law Authorizing Chargeback of Board of Election Expenses to the 2012 Town & County Tax Bill at 7:30 PM**

Supervisor Quigley called the public hearing to order at 7:34 PM

Town Attorney Jason Kavocs reported to the Town Board that this is a proposed local law that separates the Board of Election Charges from the town general tax that is charged by the County on the Town's general tax bill.

**Public Comment:**

Robert Barton asked for clarification on the payment for process.  
Supervisor Quigley stated that the County Board of Elections charges the town for the election process and the Town pays them a year later. The law is to disclose the amount of money that the Town is charged that it has no control over.

Councilman Morrow moved to close the public hearing at 7:38 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

Councilwoman Hendrick announced that a spaghetti dinner fundraiser is being held at the Senior Center on October 26, 2011, from 5 PM to 7 PM, to help offset the cost of the Town's senior bus trip. A nickel social is planned next month.

**Public Hearing for Proposed Local Law of 2011: A Local Law Authorizing Chargeback of Expenses for the Eddyville Fire Protection District LOSAP to the 2012 Town & County Tax Bill**

Supervisor Quigley called the public hearing to order at 7:40 PM

Town Attorney Jason Kavocs reported to the Town Board that this is a proposed local law that separates the LOSAP charges from the Eddyville Fire Protection District tax, so that the residents in Eddyville will see a Fire Protection Service and LOSAP tax charge on their general tax bill.

**Public Comment:**

Robert Barton asked for clarification that this is only for the residents of the hamlet of Eddyville.  
Supervisor Quigley confirmed that this is only for the residents of the hamlet of Eddyville.



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Councilman Morrow moved to close the public hearing at 7:43 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Hire Ryan Watt – temporary full time Police Officer**

Councilman Kitchen moved to hire Ryan Watt as temporary full time Police Officer for 90 days effective November 1, 2011 with pay according to contract  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Public Comment:**

Mr. Quick read that Wal-Mart wanted a reduction in taxes and they get a lot of services from the police department. He feels they should pay more taxes since they use so much service. Town Assessor James Maloney reported that Wal-Mart had dropped their tax grievance.

Mr. Hein inquired if the Eddyville contract was 1 year or 3 years. Supervisor Quigley reported that it was a 3 year contract. The Freeman reported that it was 1 year because that was what was printed in the budget. This will be fixed in the next budget update.

Councilwoman Hendrick motioned to adjourn the meeting at 7:46 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk