

ULSTER TOWN BOARD MEETING

November 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 COMMENT

Mr. Robert Barton inquired about the change order for the Kingston Glass Company for the Town Hall windows and about the space study.

Supervisor Quigley reported that all the work has been completed with the exception of modification requested by the Town. The space study is to hire a professional to interview the department heads to figure out the space needs. This would cost less than \$4K.

COMMUNICATIONS

There were no communications.

Motion to set a Public Hearing for the Extinguishment of the Stormwater Management District at the Twin Creeks Subdivision for November 17, 2011 at 7:15 PM

Town Attorney Jason Kovacs reported that the developers of the Twin Creeks Subdivision have requested that the subdivision be nullified and the Stormwater Management District be dissolved before they can proceed.

Councilman Brink moved to set a Public Hearing for the Extinguishment of the Stormwater Management District at the Twin Creeks Subdivision for November 17, 2011 at 7:15 PM

2nd by Councilwoman Hendrick

All Ayes

Motion to allow the Supervisor to accept the auction results for the sale of Surplus Town Equipment

Councilman Morrow moved to allow the Supervisor to accept the auction results for the sale of Surplus Town Equipment via the internet auction house

2nd by Councilman Brink

All Ayes

Motion to hire part-time employee in the Police Department

Councilman Morrow moved to hire Richard Silsill Jr. as a part-time police officer at \$18.63 an hour effective November 7, 2011

2nd by Councilman Kitchen

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All Ayes

Discussion on Town of Ulster membership in NYWARN – New York Water/Wastewater Agency Response Network for Town Water and Sewer Departments

Supervisor Quigley reported that NYWARN, New York Water/Wastewater Agency Response Network, is a mutual aid agreement for Town Water and Sewer Departments that would allow them to borrow and lead equipment during emergencies. The town membership in the network would be voted on at a later meeting.

Resolution establishing a School Speed Zone on Van Keuren Highway

Councilman Morrow moved to approve the following:

Resolution establishing a School Speed Zone on Van Keuren Highway

WHEREAS, the Town Board was asked to consider a request to seek a school speed zone on Van Keuren Highway, and

WHEREAS, the Town Board felt a school speed limit zone was in order for Van Keuren Highway based upon the recommendation of the Highway Superintendent, and

THEREFORE, be It Resolved that the Town Board has determined to request a speed limit reduction to 15 mph by having the Town Clerk submit the appropriate TE 9a form to the Commissioner of Public Works for Ulster County to initiate the process of securing a school speed limit zone on Van Keuren Highway.

2nd by Councilwoman Hendrick
All Ayes

Resolution Authorizing the application by the Town of Ulster to the NYS DOT and Ulster County for a reduction in the speed limit from 30 MPH to 15 MPH on the following dead end streets: Stoll Court, Columbia St., Decker St., Pine Place, and Codwise St..

Councilman Kitchen moved to approve the following:

Resolution Authorizing the application by the Town of Ulster to the NYS DOT and Ulster County for a reduction in the speed limit from 30 MPH to 15 MPH on the following dead end streets: Stoll Court, Columbia St., Decker St., Pine Place, and Codwise St..

WHEREAS, a concerned citizen of the Town of Ulster has made a request to the Town for support lowering the speed limit on the following roads: Stoll Court, Columbia Street, Decker Street, Pine Place, and Codwise Street

WHEREAS, the current speed limit is 30 mph on the above-listed roads, and

WHEREAS, the Town Board agrees that consistency and safety would be served by lowering the speed limit on the above-listed roads to 15 mph, and

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WHEREAS, a request by the Town of Ulster to NYS DOT to lower the maximum speed limit requires the Town to execute a TE 9A Form, and

WHEREAS, the executed form is then forwarded to the Ulster County Department of Public Works for further consideration; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to execute and sign the TE 9A Form pursuant to Section 1622 of the Vehicle and Traffic Law requesting the lowering of the speed limit on the above-listed roads to 15 mph; and be it further

RESOLVED, that the executed form shall be transmitted to the Ulster County Department of Public Works for its execution of the TE 9A Form.

2nd by Councilwoman Hendrick
All Ayes

Mr. Joseph Bundy spoke highly in favor of the proposed speed limit in the Van Keuren area.

Public Hearing for the 2012 Budget

Supervisor Quigley opened the public hearing on the proposed 2012 budget at 7:15 PM.

Public Comment

Mr. Robert Crane spoke in favor of the proposed budget. He was shocked at the safety net costs to the town. He requested that the Town change their policy for the medical benefits for elected officials after they retire. He suggested employees contribute money towards their retirement benefits when they retire.

Mr. Robert Barton was not in favor of any budget increases. A discussion followed about the budget officer, a need for a bookkeeper, the cost of the legal expenses to defend the town's assessment, the increase in records management line item, the increase cost of maintenance for the building, and the vehicle leases. He was not in favor of the safety net costs.

Councilman Brink moved to close the Public Hearing at 7:36 PM

2nd by Councilman Morrow
All Ayes

Vote on a Proposed Local Law for 2011: A Local Law Authorizing Chargeback of Safety Net Expenses to the 2012 Town & County Tax Bill

Town Attorney Jason Kovacs stated that the purpose of this law is to itemize the Safety Net expenses on the tax bill so the public can see what they are paying for.

Councilman Morrow moved to approve the following:

A local law to authorize the chargeback of Safety Net expenses to the 2012 Town and

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County Tax Bill as a Separate Line Item

Section 1. Legislative Intent

It is the intent of this local law for the Town of Ulster to defer any Safety Net expenses that it may be required to pay to the County of Ulster for the year 2011 by placing these expenses onto the 2012 Town and County tax bill as a separate line item, to be paid directly by the taxpayers of the Town of Ulster on their 2012 tax bill.

Section 2. Authority

This local law is adopted pursuant to (1) Municipal Home Rule Law § 10(1)(ii)(a)(9-a), which states that every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, including but not limited to the fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon; (2) Real Property Tax Law § 922; (3) State Comptroller Opinion No. 83-132; and (4) Letter from Ulster County Commissioner of Finance Paul J. Hewitt to the Town Supervisors of Ulster County dated September 28, 2011.

Section 3. Chargeback

A. The Town Board of the Town of Ulster, County of Ulster is hereby authorized to defer any Safety Net expenses that it may be required to pay to the County of Ulster for the year 2011 by placing these expenses onto the 2012 Town and County tax bill as a separate line item, to be paid directly by the taxpayers of the Town of Ulster on their 2012 tax bill.

B. The Safety Net chargebacks shall be apportioned according to the taxable parcels within the Town of Ulster for the 2012 County Tax Levy.

C. The Town of Ulster Town Clerk shall send a certified copy of this local law to the Ulster County Department of Finance, the Town of Ulster Assessor, and the Ulster County Real Property Tax Service Agency.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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This local law shall take effect immediately upon filing with the Secretary of State.

2nd by Councilman Kitchen
All Ayes

Vote on Local Law for 2011: A Local Law Authorizing Chargeback of Board of Election Expenses to the 2012 Town & County Tax Bill

Town Attorney Jason Kovacs stated that the purpose of this law to itemize the Board of Election expenses on the tax bill, similar to the Safety Net law, so the public can see what they are paying for.

Councilman Kitchen moved to approve the following:

A local law to authorize the chargeback of Board of Elections expenses to the 2012 Town and County Tax Bill as a Separate Line Item

Section 1. Legislative Intent

It is the intent of this local law for the Town of Ulster to defer any Ulster County Board of Elections expenses that it may be required to pay to the County of Ulster for the year 2011 by placing these expenses onto the 2012 Town and County tax bill as a separate line item, to be paid directly by the taxpayers of the Town of Ulster on their 2012 tax bill.

Section 2. Authority

This local law is adopted pursuant to (1) Municipal Home Rule Law § 10(1)(ii)(a)(9-a), which states that every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, including but not limited to the fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon; (2) Real Property Tax Law § 922; (3) State Comptroller Opinion No. 83-132; and (4) Letter from Ulster County Commissioner of Finance Paul J. Hewitt to the Town Supervisors of Ulster County dated September 28, 2011.

Section 3. Chargeback

A. The Town Board of the Town of Ulster, County of Ulster is hereby authorized to defer any Ulster County Board of Elections expenses that it may be required to pay to the County of Ulster for the year 2011 by placing these expenses onto the 2012 Town and County tax bill as a separate line item, to be paid directly by the taxpayers of the Town of Ulster on their 2012 tax bill.

B. The Ulster County Board of Elections chargebacks shall be apportioned according to the taxable parcels within the Town of Ulster for the 2012 County Tax Levy.

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C. The Town of Ulster Town Clerk shall send a certified copy of this local law to the Ulster County Department of Finance, the Town of Ulster Assessor, and the Ulster County Real Property Tax Service Agency.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

2nd by Councilman Brink
All Ayes

Vote on a Local Law Authorizing Chargeback of Expenses for the Eddyville Fire Protection District LOSAP to the 2012 Town & County Tax Bill

Town Attorney Jason Kovacs stated that the purpose of this law is to itemize the Eddyville Fire Protection District LOSAP expenses on the tax bill, so the tax payers of the district can see how much the service award will cost them.

Councilman Morrow moved to approve the following:

A local law to authorize the chargeback of Eddyville Fire Protection District LOSAP expenses to the 2012 Eddyville Fire Protection District Town and County Tax Bills as a Separate Line Item

Section 1. Legislative Intent

It is the intent of this local law for the Town of Ulster to place a separate line item on the 2012 Town and County tax bills for property owners in the Eddyville Fire Protection District for the purpose of clearly identifying the expenses incurred by the recently enacted Eddyville Fire Protection District Length of Service Award Program (hereinafter "LOSAP"). The LOSAP expenses are to be placed onto the 2012 Town and County tax bill as a separate line item, to be paid directly by the taxpayers of the Eddyville Fire Protection District on their 2012 tax bill.

Section 2. Authority

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This local law is adopted pursuant to (1) Municipal Home Rule Law § 10(1)(ii)(a)(9-a), which states that every local government shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, including but not limited to the fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon; (2) Real Property Tax Law § 922; (3) State Comptroller Opinion No. 83-132; and (4) Letter from Ulster County Commissioner of Finance Paul J. Hewitt to the Town Supervisors of Ulster County dated September 28, 2011.

Section 3. Chargeback

A. The Town Board of the Town of Ulster, County of Ulster is hereby authorized to request the County of Ulster to place a separate line item onto the 2012 tax bills for the Eddyville Fire Protection District. The total sum for 2012 for the Eddyville Fire Protection District LOSAP is \$38,000.00. The LOSAP expenses are to be paid directly by the taxpayers of the Town of Ulster Eddyville Fire Protection District on their 2012 tax bill.

B. The LOSAP expenses shall be apportioned according to the taxable parcels within the Town of Ulster Eddyville Fire Protection District for the 2012 County Tax Levy.

C. The Town of Ulster Town Clerk shall send a certified copy of this local law to the Ulster County Department of Finance, the Town of Ulster Assessor, and the Ulster County Real Property Tax Service Agency.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

2nd by Councilman Brink
All Ayes

Discussion and approval of Change Order #4, Ulster Glass and Mirror, dated October 25, 2011 to Contract No.TU-111, requesting that the date for substantial completion be extended to November 22, 2011

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Councilman Kitchen moved to approve Change Order #4, Ulster Glass and Mirror, dated October 25, 2011 to Contract No.TU-111, requesting that the date for substantial completion be extended to November 22, 2011

2nd by Councilman Morrow

All Ayes

Discussion on results of RFP process for retaining an architect to perform a space study for the Town

The Town Board reviewed the results of an RFP for retaining an architect to perform a space study for the Town.

Councilman Kitchen moved to hire Scott Dutton as the architect to perform a space study for the Town in an amount not to exceed \$3,750.

2nd by Councilman Morrow

All Ayes

Motion to Set a Public Hearing for the Municipal Agreement by and between the City of Kingston and the Town of Ulster for the Hudson Landing Sewer District on December 1, 2011 at 7:15 PM

Councilman Brink moved to set a Public Hearing for the Municipal Agreement by and between the City of Kingston and the Town of Ulster for the Hudson Landing Sewer District on December 1, 2011 at 7:15 PM

2nd by Councilman Kitchen

All Ayes

Motion to Set a Public Hearing regarding the Redevelopment Overlay District Draft Zoning Legislation for Tech City on November 17, 2011 at 7:30 PM

Councilwoman Hendrick moved to set a Public Hearing regarding the Redevelopment Overlay District Draft Zoning Legislation for Tech City on November 17, 2011 at 7:30 PM

2nd by Councilman Kitchen

All Ayes

Tech City Draft Statement of Findings

Supervisor Quigley presented to the Town Board the Tech City draft statements of findings. This has been posted to the Town's website for public review.

Resolution authorizing the Supervisor to revoke the notification for withdrawing from the Ulster County Self-Insurance Plan

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Councilman Morrow moved to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO RESCIND ITS WITHDRAWAL OF THE TOWN OF ULSTER FROM THE ULSTER COUNTY SELF-INSURANCE PLAN

WHEREAS, the Town of Ulster presently participates in the Ulster County Self-Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has previously determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; and

WHEREAS, the Town Board of the Town of Ulster, at its regularly scheduled meeting on June 2, 2011, withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2011; and

WHEREAS, the Town of Ulster Town Board reserved the right to rescind the June 2, 2011 resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2011; and

WHEREAS, after exploring its financial options, the Town of Ulster Town Board now desires to rescind the June 2, 2011 resolution and to continue as a member of the Ulster County Self-Insurance Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby rescind its resolution approved on the 2nd day of June, 2011, which withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2011; and be it further

RESOLVED, that the Town of Ulster shall continue to participate in the Ulster County Self-Insurance Plan; and be it further

RESOLVED that the Town Clerk shall within ten days file a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive.

2nd by Councilman Hendrick
All Ayes

Overlay District (ROD) Law Town & County Planning Board referral

Town Attorney Jason Kovacs requested that the proposed overlay district be referred to the Town and County Planning Board for review as it is required by the law to do so.

Councilman Morrow moved to refer the proposed overlay district to the Town and County Planning Board for review.

2nd by Councilman Kitchen
All Ayes

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Public Comment

Mr. Bundy thanked the Town Board for their help in lowering the speed limit.

Mr. Renno Budziak thanked Supervisor Quigley for providing a good budget for the community. He requested that the Town Little League look into policing the parking along the road during the ball season.

Mr. Lawrence Quick requested that the police department be reduced.

Mr. Robert Barton inquired about the Time Warner Cable Contract. Supervisor Quigley has not received a response back. He reported that the money generated through the franchised agreement is used to offset the general fund expenses.

Mr. Mike Heinz, a representative of the Bloomington Fire District, inquired about the Eddyville Fire Protection District Contract.

Supervisor Quigley reported that the contract has been forwarded to the County Attorney for review for further comments.

Councilwoman Hendrick motioned to adjourn the meeting at 8:02 PM

2nd by Councilman Brink

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk