

ULSTER TOWN BOARD MEETING  
NOVEMBER 17, 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 - absent*  
TOWN COUNCILMAN JOHN MORROW  
SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**PUBLIC COMMENT**

Mr. Robert Barton inquired about the safety net costs and what the cost per thousand would be? Supervisor Quigley reported that the Town has not been billed yet by UC Social Services. The town may know by the December Town Board meeting. The Election bill is going to be paid this year.

*Councilwoman Hendrick entered the meeting at 7:05 PM*

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Morrow motioned to accept the minutes of the October 6, 2011 and October 20, 2011 meetings.

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

**COMMUNICATIONS**

A follow up letter was read from Mrs. Ruth Port in regard to the "No Parking" sign request for Northfield Street, starting from Plainfield Street, past her home, because county workers park there and obstruct her leaving her home.

**ABSTRACT OF CLAIMS**

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

**BUDGET MODIFICATIONS:**

Councilwoman Hendrick moved to approve the following:

**2011 BUDGET MODIFICATIONS**

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil ) Sept.  
Gas Reimb. (Oper. Funds) \$ 9,675.59

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Sept.  
Gas Reimb. (Ruby Fire Dept.) \$ 326.76

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Sept.  
Gas Reimb. (East Kingston Fire Co.) \$ 547.28

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Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) Oct. Gas Reimb. (East Kingston Fire Co.) \$ 552.64

Modify Appropriation 05130.200 (Equipment) to be funded through D5990 (Approp. Fund Bal.) dump body w/plow and chain purchased from T&T Sales \$72,130.00

**Bright Acres Water:**

Modify Appropriation SW4-9730.600 (B.A. Note/Prin.) to be funded through SW4-5990 (Approp. Fund Bal.) addl. prin. pymt. \$ 2,000.00

**Glenerie Water Tank Cap. Project:**

Modify Revenue HGT-5031 (Interfund Transfer) and Appropriation HGT-8310.200 (Construction) advance from Glenerie Water Dist. for payment to Ulster Co. Health Dept. for review \$ 500.00

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

**Douglas Whitaker & Associates presentation on the conditions in the Town Hall**

Mr. Douglas Whitaker reported that they were called in as there were concerns in regard to the flooring being flooded and concerns about the health and indoor air quality. They have looked at the buildings. The north wall toward the parking lot is continually wet. There is a problem with drainage. Water drains through the roof, to the outside and then comes downstairs. Complaints were received about water coming through the wall. The fiberglass insulation has been damage from water. He reported additional damage was observed during Tropical Storm Irene. Water was pooled in the east stairwell outside of the training room approximately three feet in depth. Water from those events entered the building through the east stairwell, the west entrance and the north wall. Water infiltrated through the training room, the detective's office, locker room, main hallway, the sergeant's offices, Deputy Chief Sinagra's office, and the east wall of Chief Taggard's office. The Town Hall's roof has reached its life's span. The Town Insurance and town engineer are looking into the roof. He reported that the Town Hall does not lend itself to working in one room at a time due to how the HVAC system is set up. The HVAC has reached the end of its life cycle. He suggested that temporary accommodations will be needed be made for all Town Hall offices while mold and drainage problems are addressed. The estimated cost for the cleanup is up to \$270,430, with additional expenses anticipated for engineering fees, temporary office space and renovation cost. He further reported that the insulation that was installed above the ceiling tile had a paper backer that acted as a vapor barrier and the roof was designed to be a vapor barrier. This has caused rusting in the metal beams and HVC equipment.

**Public hearing for the Extinguishment of the Stormwater Management District at the twin Creeks Subdivision**

Supervisor Quigley opened the public hearing for the Extinguishment of the Stormwater management District at the Twin Creeks Subdivision at 7:21 PM

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Town Attorney Jason Kovacs reported that the owners of the property have asked the planning Board to nullify the subdivision of their property and in order for that to proceed, the Stormwater Management District would have to be dissolved.

There was no public comment.

Councilman Morrow moved to close the public hearing at 7:24 PM  
2nd Councilman Brink  
All Ayes

**Resolution for the Extinguishment of the Stormwater Management District at the Twin Creeks Subdivision**

Councilman Morrow moved to approve following:

WHEREAS, the owners of the Twin Creeks Subdivision have applied to the Town of Ulster Planning Board for permission to annul and set aside the Subdivision; and

WHEREAS, the Town of Ulster Planning Board, at its regularly scheduled meeting held on the 18<sup>th</sup> day of October, 2011, have approved a lot line adjustment vacating and setting aside the Subdivision; and

WHEREAS, the Stormwater Management District at the Twin Creeks Subdivision is no longer necessary due to the Twin Creeks Subdivision having been rendered a nullity; and

WHEREAS, the Town Board of the Town of Ulster duly held a public hearing on November 17, 2011 at 7:15 p.m. on the proposed extinguishment of the Stormwater Management District at the Twin Creeks Subdivision. Said subdivision map was filed in the office of the Ulster County Clerk as Map No. 08-188A-J on August 25, 2008; and

WHEREAS considerable discussion on the matter having been had and all persons desiring to be heard have been heard; and therefore be it

RESOLVED that the Supervisor of the Town of Ulster is hereby authorized to sign the attached "Extinguishment of Stormwater Management District Agreement" on behalf of the Town of Ulster Town Board; and be it further

FURTHER ORDERED, that the Town Clerk record a certified copy of this Resolution to the State Comptroller, the Ulster County Clerk, and Michael Morriello, Esq., attorney for owners of the Twin Creeks Subdivision, within ten (10) days after adoption hereof.

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

**Motion to approve the hiring of one part-time employee for the Justice Court**

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Councilwoman Hendrick moved to hire Saskia Choinsky as a part-time Court Clerk effective November 14, 2011 at a rate of \$10.00 an hour  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Public Hearing for a Proposed Redevelopment Overlay District (ROD) for Tech City**

Supervisor Quigley opened the public hearing at 7:30 PM for the ROD for Tech City Area

Mr. Alan J. Sorensen, the Town Planner, gave a brief overview of the ROD. This overlay district is to add an amendment to the zoning code for the use and development of certain projects on site in the office manufacturing district. Once this is adopted there will be some map amendments made on the Tech City campus. The purpose of the ROD is to limit the scope of activities or narrow use of the property to make it more attractive to development. The Town Planning recommended approval of the ROD. For activities not listed in the ROD, there are options that would allow an amendment by the Town Board. Any proposed project would still have to follow the zoning law and would mostly likely go before the Town Board for application review. A discussion followed between Mr. Sorensen and the Town Board.

**Public Comment:**

Mr. Lawrence Quick was not in favor of allowing any drinking establishment to be opened in the area. This would include any restaurants that served alcohol.

Mr. William Kimble inquired about the uses and what is the advantage of this to Tech City. Mr. Alan J. Sorensen reported that the advantage to Tech City is that perspective tenants would have a guarantee that another non-competing heavy use would not be placed next to them that was in conflict with their business, such a recycling plant being placed near a light manufacturing plant. As for zoning uses, there are types of establishments that the town can't predict, such as when video stores started appearing.

Councilman Kitchen moved to close the hearing at 7:51 PM  
2<sup>nd</sup> by Councilman Morrow  
All Ayes

**Resolution requesting the transfer from Ulster County to the Town of Ulster of the property at 12 Mulvin Dr.**

Supervisor Quigley explained that the purpose of acquiring this property is for the Town to handle the overflow parking in case the town needs to perform any work on the Town Hall.

Councilman Morrow moved to approve the following:

**Resolution requesting the transfer from Ulster County to the Town of Ulster of the property at 12 Mulvin Dr.**

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WHEREAS, the County of Ulster is the owner of property formerly owned by Charles H. Whitaker and Patricia L. Whitaker, situated in the Town of Ulster at 12 Mulvin Drive, Lake Katrine, New York, and designated as SBL No. 39.81-2-34, and

WHEREAS, the subject property was conveyed to the County of Ulster on April 5, 2010 and filed in the Office of the Ulster County Clerk on April 9, 2010 as Instrument Number 2010-00004747, and

WHEREAS, The Ulster County Legislature approved resolution No. 241 on November 15, 2011, and

WHEREAS, this property was acquired by the County of Ulster through a New York State grant program known as the Greater Catskills Flood Remediation Program, and

WHEREAS, the conditions of the grant program require that acquired property be restricted to, dedicated to, and maintained in perpetuity for use that is compatible with open space, recreation, flood mitigation and/or wetlands management, and

WHEREAS, the Town of Ulster has requested that the County convey the subject property to it for general municipal purposes, and

WHEREAS, Section 72-h of the New York State General Municipal Law permits the Legislature of the County of Ulster to transfer the property described herein to another municipality, subject to approval by the Town of Ulster, either without consideration or for such consideration and upon such terms and conditions as shall be approved by the Ulster County Legislature and the Town Board of the Town of Ulster, and

WHEREAS, the Ulster County Legislature has determined that the subject property is surplus property that is unneeded by the County of Ulster for county purposes, and

WHEREAS, Resolution No. 178, dated July 20, 2010, amended the project description for the Greater Catskills Floodplain Remediation Program to include the transfer of acquired properties to third parties and requiring that third-party purchasers be subject to the same restrictions upon use of the properties as are imposed by the program upon the County, and

WHEREAS, Resolution No. 178 also adopted an amended negative declaration that provides notice of the determination by the County that the project, as amended to include the transfer of property to third parties, is an unlisted action and has no significant impact on the environment, and

WHEREAS, in accordance with both the provisions of the State Environmental Quality Review Act, 6 NYCRR Part 627 (SEQRA), and the County of Ulster's SEQRA Type II List, adopted by Resolution No. 119 on April 20, 2010, the Ulster County Legislature has examined the proposed conveyance and determined it to be an unlisted action with no significant impact on the environment, and

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RESOLVED, that the Town of Ulster Town Board accepts such property as described to be conveyed to the Town of Ulster without consideration and with the following terms and conditions as set forth in the deed: that the property be restricted to, dedicated to, and maintained in perpetuity for use that is compatible with open space, recreation, flood mitigation and/or wetlands management, and be it further

RESOLVED, that the Town of Ulster shall not name the subject property after any political figure, in light of the state funding used by the County to acquire the property from its former owners, and be it further

RESOLVED, that the Town of Ulster Supervisor and the Attorney for the Town are hereby authorized to take such actions as they deem necessary or appropriate to complete the acquisition of the subject property, and be it further

RESOLVED, that the Town Clerk of the Town of Ulster provide a certified copy of this resolution to the Chairman of the Ulster County Legislature.

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

**Vote on Proposed Local Law of 2011. A Local Law authorizing the Town to override the tax levy limit established in General Municipal Law Section 3C**

Councilman Morrow moved to approve the following:

**Local Law No. 9 of the year 2011 Town of Ulster, County of Ulster**

**A local law to override the tax levy limit established in General Municipal Law § 3-c**

Section 1. Legislative Intent.

It is the intent of this local law to override the limit on the amount of real property taxes that maybe levied by the Town of Ulster pursuant to General Municipal Law § 3-c, and to allow the Town of Ulster to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

Section 2. Authority.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override.

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The Town Board of the Town of Ulster, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c. 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.

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

**Adoption of 2012 Town of Ulster Budget**

Councilman Kitchen moved to approve the 2012 Town of Ulster Budget.

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

**Motion declaring surplus certain Town of Ulster property and authorizing the public sale of same**

Highway Superintendent Frank Petramale reported that the Town has gone out to bid for its surplus equipment with an on-line service and there is a limited amount of time to accept or decline the final bid. This motion would allow the Supervisor to make that decision.

Councilman Morrow moved to authorize the surplus auction and for the Town Supervisor to accept the final bids if they are prudent.

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

**Presentation of a Revised Contract between the Town of Ulster on behalf of the Eddyville Fire Protection District and the Bloomington Fire Company**

Supervisor Quigley presented the Town Board with a revised contract between the Town and Bloomington Fire Company. There are some changes in the contract that would allow the Fire Company to participate in fund raising activities and remove language for the company to perform fire inspections which it is unable to do from a personal point of view. This contract will be for a fixed schedule of three years.

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**Set a Public Hearing for the Eddyville Fire Protection District Contract for December 1, 2011 at 7:30 PM**

Councilman Morrow moved to set a public hearing for the Eddyville Fire Protection District Contract for December 1, 2011 at 7:30 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Discussion on Tech City Findings Statement**

Supervisor Quigley reported that the Environment Impact Statement was accepted by this Town Board and the Town Board is required to produce a finding statement. The finding will be voted on at the December 15, 2011 Town Board Meeting.

**Public Comment:**

Mr. Quick inquired if the public budget could be a public vote.  
Supervisor Quigley reported that the budget is required to be voted on by the Town Board as per NYS Town Law.

Mr. James Maloney requested that the resolution for the property of 12 Mulvin Dr. be forwarded to the Clerk to the Legislator and the County Attorney

Mr. Jeff Hayner, Director of Recreation, announced that the Annual Town of Ulster Holiday Tree Lighting Ceremony is scheduled for Sunday, November 27, 2011 at 5:00 PM at the Town Hall.

Mr. Marvin Cole reported that he has a problem with water in his driveway and his yard. His contact information would be forward to the Town Supervisor after the meeting.

Mr. Richard Metzger complained that the speaker system isn't working properly.

Councilwoman Hendrick motioned to adjourn the meeting at 8:13 PM  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk