

ULSTER TOWN BOARD MEETING  
MARCH 15, 2012 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 complained that there are no transcripts of the previous public hearing regarding Millen's and Sons, Inc. available to the public. He feels that there should not be any more public hearings for them until all the information is posted to the website.

Town Attorney Jason Kovocs stated that there are no laws requiring them to have transcriptions. The purpose of the public hearing is for the Town Board to gather information from citizens, experts and the applicants.

Mr. August Wiedemann reported that Millens and Sons has not cleaned up their current location. The developer claims that they need to move to the new site in order to do so. He reported that they already own two other sites that they can shift their location to while they mediate the problem at the old site.

Mr. Robert Barton inquired about the NY Department of State resolution pertaining to the Police Department.

Supervisor Quigley reported that the Town is seeking to apply for a grant to perform a study on consolidating the Town Police's database with Ulster County and the City of Kingston. Based on the study, the Town has the potential to save money with the purchase of one shared licensed software package versus each municipality purchasing their own software license.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Brink motioned to accept the minutes of the February 2, 2012 and February 15, 2012 meetings.

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

All Ayes

**COMMUNICATIONS**

Town Clerk Cosenza read correspondence from the NY DOT reporting that they will investigate the Town's 35 MPH speed limit request on Old Sawkill Road.

A letter was read announcing Paul Vogt and the Ulster Water District as the recipients of the 2012 Water District of the Year Award from the NYS Rural Water Association.

**ABSTRACT OF CLAIMS**

Councilwoman Hendrick motioned to approve the March 2012 abstract as submitted

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

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All Ayes

Councilwoman Hendrick moved to approve the following:

**General Fund:**

<b>Transfer From</b>		<b>Transfer To</b>		
A1110.102	COURT SECURITY	A1110.402	OFF.EQUIP.&COMPUTER	165.00
A1622.407	ELECTRIC	A1620.454	MAINTENANCE	3,146.00
A9060.800	HOSP.& DENTAL	A9060.802	RETIREEES HOSP.&DN TL	1,120.00
A9040.800	WORKERS' COMP.	A8760.400	EMERGENCY DISASTER	10,115.73
A9060.800	HOSP.&DENTAL	A8760.400	EMERGENCY DISASTER	26,065.92

**Highway Fund:**

<b>Transfer From</b>		<b>Transfer To</b>		
D5110.100	WAGES	D5110.101	OVERTIME	33,567.00
D5110.100	WAGES	D5110.420	GAS & OIL	74,712.00
D5142.420	GAS & OIL	D5142.100	WAGES	75,210.00
D9060.800	HOSP.&DENTAL	D9060.804	HOSP.&DENTAL	55,198.00
D9060.802				32,826.00
HOSP.&DENTAL/RETIREEES		D9060.806	HOSP.&DENTAL/RETIREEES	
D9060.800	HOSP.&DENTAL	D9060.806	HOSP.&DENTAL/RETIREEES	19,429.00
D5142.447	SAND	D8760.400	EMERGENCY DISASTER	2,107.37

**Glenerie Water:**

<b>Transfer From</b>		<b>Transfer To</b>		
SW6.8310.100	WAGES	SW6.8320.455	WATER COST	0.13
SW6.9030.800	SOCIAL SECURITY	SW6.9010.800	STATE RETIREMENT	202.00

**Whittier Sewer:**

<b>Transfer From</b>		<b>Transfer To</b>		
SS1.8130.438	ENGINEER	SS1.8760.400	EMERGENCY DISASTER	3,044.53

**Ulster Sewer:**

<b>Transfer From</b>		<b>Transfer To</b>		
SS2.8130.456	MAINTENANCE	SS2.8760.400	EMERGENCY DISASTER	1,317.55

**General Fund:**

Modify A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp. Reserve-Biddy Basketball League) Paul Remick-Dec. refereeing fees	150.00
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**Highway Fund:**

Modify Revenue D.1289 (Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Nov. 2011' Gas Reimb.(E.Kng.Fire Vol.Fire Dept.)	476.97
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**General Fund:**

Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp. Reserve-Biddy Basketball) Patrick Ryan-Jan. 2012 refereeing fees	75.00
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Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be

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funded through A5110 (Approp. Reserve-Biddy Basketball) Jan. refereeing-Simpson Brown	400.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) Feb. refereeing-Simpson Brown	350.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) Mar. refereeing-Simpson Brown	100.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) Jan. refereeing-Paul Remick	250.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) Feb. refereeing-Paul Remick	200.00
Modify Appropriation A7140.401 (Recreation Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) Mar. refereeing-Paul Remick	50.00
	45.00
Modify Appropriation A7140.401 (Recreation Equip. Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball) display invoice from Ulster Publishing	
Modify Revenue A2012 (Rec.Concessions) and Appropriation	41.35
A7140.400 (Program Supplies,Events) Oct. & Nov. 2011 commissions from Pepsi Cola	
Modify Revenue A4960 (Fed.Aid,Emergency Disaster Assistance and Appropriation A8760.400 (Emergency Disaster) FEMA AID,Hurricane Irene, Orlando St. Park, VOUCHER #38617IR	10,513.80
<b>General Fund:</b>	
Modify Appropriation A6772.400 (Programs For The Aging) to be funded through A5990 (Fund Balance) down payment for bus trip from unexpended fundraiser revenues in 2011	100.00
Modify Revenue A4960 (Fed.Aid,Emergency Disaster Assistance and Appropriation A8760.400 (Emergency Disaster) FEMA AID,Hurricane Irene, Park Road - Voucher #38468IR	65,298.68
<b>Highway Fund:</b>	
Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. (Town of Kingston Hwy.)	683.13
Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. (Oper. Funds)	10,003.75

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Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) 446.10  
(East Kng. Vol. Fire Co.) Jan. Gas Reimb.

**Highway Fund:**

Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) 427.31  
(Ruby Fire Dept.) Jan. Gas. Reimb.

Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) 175.32  
(Ulster Hose #5)Jan. Gas Reimb.

Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) 53.21  
(Sawkill Fire Dept.) Jan. Gas Reimb.

Modify Revenue D1289 (Oth. Dept.Income) and Appropriation D5142.420 (Gas & Oil) 732.11  
(Town of Kingston Hwy.) Feb. Gas Reimb.

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

**Setting a Public Hearing for Millen's & Sons to establish a scrap metal recycling and transfer facility at 2-4 Kieffer Lane off East Chester Street Bypass**

Councilwoman Hendrick moved to reopen a public hearing for Millen's & Sons to establish a scrap metal recycling and transfer facility at 2-4 Kieffer Lane off East Chester Street Bypass as a continuation of the current public hearing for March 22, 2012 at 7:30 PM for the purpose of having the NYS DEC answer questions.

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

**Motion to hire Berger Engineering and Surveying PLLC of Poughkeepsie, NY as the Consulting Engineer to the Town Board for a review of the Millen's Recycling Project plans**

Councilman Morrow moved to hire Berger Engineering and Surveying PLLC of Poughkeepsie, NY as the Consulting Engineer to the Town Board for a review of the Millen's Recycling Project plans

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

**Hire Stenographer for public hearing for Millen's & Sons**

Councilwoman Hendrick moved to hire a stenographer for the public hearing for Millen's & Sons to be charged to the escrow account for the Millen's & Sons Project

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

**Award bid for Water and Sewer to Purchase Chemicals for 2012**

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Councilman Morrow moved to award the lowest qualified bid for Water and Sewer for Salt and Chemicals bids as follows:

Surpass Chemical for Bulk salt TX-10 at \$144.16 per ton (22 ton min.)  
JCI for 150# Cylinder of Liquid Chlorine at \$80.00  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**Public Hearing - Millen's & Sons to establish a scrap metal recycling and transfer facility at 2-4 Kieffer Lane off East Chester Street Bypass**

Councilwoman Hendrick moved to reopen the public hearing from March 1, 2012 for Millen's & Sons to establish a scrap metal recycling and transfer facility at 2-4 Kieffer Lane off East Chester Street Bypass at 7:20 PM  
2<sup>nd</sup> by Councilman Brink  
All Ayes

**Public Comment**

Mr. Robert Barton stated that Millen's & Sons should not be allowed to proceed due to the pollution issue in the City of Kingston. Furthermore, all the information should be gathered beforehand and then be made available to the public before any action is taken. He doesn't want any environmental problems to occur.

Mr. Ron Miller read a letter into the record (See exhibit "A").

Mr. Ray Guerin stated that scrap yard business is highly regulated by the DEC and the modern operations bare little resemblance to what they were like many years ago.

Councilman Kitchen moved to reconvene the meeting on March 22, 2012 at 7:30 PM  
2<sup>nd</sup> by Councilwoman Hendrick  
All Ayes

**Presentation by Ray Guerin on Environmental Insurance Coverage**

Mr. Ray Guerin gave an overview of the environmental exposure of the town. He gave an example where in the City of Kingston sewer had backed up into people's homes and the city had to pay the damages out of their general fund.

A discussion followed about what is the best policy for the township.

Councilman Morrow moved to have the town purchase a one year premium at \$19,656 with a \$50,000 deductible.  
2<sup>nd</sup> by Councilman Brink  
All Ayes

**To authorize the Highway Superintendent and Deputy to attend the Association of Towns Annual School for Highway Superintendents, June 11<sup>th</sup>-13<sup>th</sup>**

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Councilwoman Hendrick moved to authorize the Highway Superintendent and his deputy to attend the Association of Towns Annual School for Highway Superintendents from June 11<sup>th</sup> - 13<sup>th</sup> with a cost not to exceed \$700.00  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes

**To Authorize the Town Clerk to attend the NYS Town Clerks Association Conference  
April 22<sup>nd</sup> – 25<sup>th</sup>**

Councilman Brink moved to authorize the Town Clerk to attend the NYS Town Clerks Association Conference April 22<sup>nd</sup> – 25<sup>th</sup> with a cost not to exceed \$825.00  
2<sup>nd</sup> by Councilman Hendrick  
All Ayes

**Motion to authorize the Supervisor to sign Plan Documents for the Town of Ulster Premium Only Plan “Cafeteria 125 Plan” as required under the IRS Code for pre-tax payment by employees of Health Care Premium Costs**

Councilwoman Hendrick moved to authorize the Supervisor to sign the plan documents for the Town of Ulster Premium Only Plan “Cafeteria 125 Plan” as required under the IRS Code for pre-tax payment by employees of Health Care Premium Costs  
2<sup>nd</sup> by Councilman Morrow  
All Ayes

**Resolution authorizing the Supervisor to enter into agreement to apply for a grant from the NYS Department of State to identify potential economies achievable through the collaborative delivery of police services through research to be conducted by the Center for Research Regional Engagement and Outreach (CRREO) at SUNY New Paltz**

Councilman Kitchen moved to approve the following resolution:  
**Authorization for the Town of Ulster Supervisor to enter into agreement with the City of Kingston and SUNY New Paltz to apply for a grant from the New York State Department of State under the 2011-2012 Local Government Efficiency Program to identify potential economies achievable through the collaborative delivery of police services through research to be conducted by the Center for Research Regional Engagement and Outreach (CRREO) at SUNY New Paltz.**

Whereas New York State, through the Department of Stat Local Government Efficiency Program, again this year is “providing technical and financial assistance to help municipalities identify opportunities for cost savings,” and

Whereas delivering high quality services at the lowest possible cost to the taxpayer is a priority for the Town of Ulster, and

Whereas the need for efficiency is even more compelling at a time in which resources are diminished as a result of national and statewide economic stress and as a result of the state enactment of a 2% cap on local property tax levies, and

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Whereas, notwithstanding persistent ongoing efforts to control expenses, the delivery of police services constitutes one of the leading cost centers for the Town of Ulster Town Board, and Whereas, the geographic proximity of the Town of Ulster, the City of Kingston and the Sheriff's office for the County of Ulster suggests the potential value of further exploration of collaboration among these governments' three police agencies, Therefore be it

RESOLVED that the Town Supervisor is authorized to enter into a collaborative application with the City of Kingston and SUNY New Paltz to the New York State Department of State under the Local Government Efficiency program to identify potential areas of collaboration to reduce the cost of local police services while maintaining service quality through research conducted by the Center for Research, Regional Education and Outreach (CRREO) at SUNY New Paltz, and be it further

RESOLVED that the cost to the Town of Ulster for the local match required to obtain state grant funds not exceed \$1,000.

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

**Resolution establishing the position of Payroll/Personnel Assistant in the Supervisor's Office**

Councilman Kitchen moved to approve the following:

**RESOLUTION TO ESTABLISH POSITION OF TOWN OF ULSTER  
PAYROLL/PERSONNEL ASSISTANT**

WHEREAS, the Town of Ulster Town Board has reviewed the customary duties of certain employees of the Town of Ulster and has determined that the Clerk in the Town of Ulster Supervisor's Office is functioning in a capacity more consistent with the position of Payroll/Personnel Assistant; and

WHEREAS, it is the position and recommendation of the Town of Ulster Town Board that it would prefer that the position of Payroll/Personnel Assistant be created in order to be consistent with the duties actually performed; and

WHEREAS, consistent with the preference and guidance of the Ulster County Personnel Department, the Town Board of the Town of Ulster desires to create the position of Payroll/Personnel Assistant; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby creates the position of Payroll Clerk; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to prepare and execute all documents required by the Ulster County Personnel Department in connection with creation of the position of Payroll/Personnel Assistant; and

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BE IT FURTHER RESOLVED, that the Payroll/Personnel Assistant position's responsibilities shall include some or all of the following:

- Prepares and runs the municipal payroll;
- Establishes and maintains personnel files and records;
- Provides information to employees concerning a variety of areas e.g. fringe benefits, leave with and without pay, compensatory time or other aspects of employee benefit policies, civil service status, laws or rules, salary information, etc.;
- Reviews, processes and may complete a variety of personnel transaction forms and maintains related records;
- Maintains liaison with County Personnel Office concerning proper and legal course of action in civil service and personnel matters;
- Reviews accounts, reports, vouchers, payrolls and other documents for completeness, accuracy and conformity with established procedures;
- Advises employees on various aspects of health insurance, both verbally and in writing;
- Maintains time and leave records for the municipality;
- Verifies employee net earnings for pay period based on salary deductions;
- Reviews payroll register to verify appropriate changes are made;
- Sends copy of payroll to civil service for certification purposes;
- Prepares annual salary and hourly rate tables;
- Corrects payroll errors;
- Compiles fiscal data and assists in preparing reports for financial, statistical and budget purposes;
- Utilizes electronic data processing equipment and other office equipment in the performance of duties and responsibilities;
- Answers telephone calls and gives information on various matters;
- Verifies payroll data prior to data entry.

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

**Public Comment**

Mrs. Rose Sorcinelli reported that several years ago she discovered diesel fuel in her well. She had to purchase an expensive filter system and she doesn't want that to happen to anyone with the new Millen's & Sons project. She doesn't know where this came from and she had professionals investigate the matter.

Councilwoman Hendrick moved to enter into executive session at 7:50 PM to discuss litigation for Greenberger vs. TOU  
2<sup>nd</sup> by Councilman Kitchen  
All Ayes



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Supervisor Quigley resumed the regular meeting at 8:20 PM and reported that no actions were taken.

Councilwoman Hendrick motioned to adjourn the meeting at 8:21 PM  
2<sup>nd</sup> by Councilman Brink  
All Ayes

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk

March 4, 2012

Dear Mr. Doyle and Ulster County Planning Board Members:

Typically, Local Planning Boards are administratively structured to function autonomously of governing bodies, in part, for the purpose of averting political influences and influences of special interest groups. Because of the unusual advisory role of the Town of Ulster Planning Board, its intended independent operational role is severely compromised. Accordingly, this was demonstrated at the February 21<sup>st</sup> Planning Board meeting during which time Supervisor Quigley unilaterally pronounced that a public hearing on the incomplete Millens junk yard application was already scheduled for March 1st. and without the authority of the Planning Board's recommendation to do so and contrary to the sentiments of concern expressed by the Chairman. The Supervisor's direct interference with the proceedings of the Planning Board is a serious breach of accepted protocol and clearly demonstrates his intent to steer this incomplete application on a fast track of approval.

It is clearly evident from the Planning Consultant's application review notes and associated correspondence from other involved parties and consultants, that there are still a number of significant open issues that need to be addressed and therefore in the absence of required studies, information and documentation, it was premature and inappropriate to have held a public hearing on this application on March 1st. The nature of the incomplete application was demonstrated by the Town Board's decision to keep the public hearing open until some future time pending the availability of required studies, reports and DEC's input.

Of equal concern, are the Chairman's and the Planning Consultant's irresponsible recommendation that this incomplete application be referred to the County Planning Board for its review and deliberation. If the Town Planning Board has not completed its own review of this application, why was it referred to the County Planning Board knowing that the application is incomplete? Certainly the Town's attorney should have been aware of the serious legal ramifications of instances where the County Planning Boards are asked to render their determination and recommendations based on intentionally submitted incomplete information. There is legal precedent regarding this issue. The referral to the County Planning Board must be withdrawn until the Town Planning Board has responsibly completed its own review and recommendation based on all submitted and required information, evidence and documentation which in this instance is still currently lacking.

**Exhibit "A"**

March 9, 2012

Mr. Dennis Doyle  
Director, Ulster County Planning Department

Re: Millens Junk Yard

Dear Mr. Doyle:

As a supplement to the letter that I had read to the Ulster County Planning Board on March 7<sup>th</sup> regarding the incomplete nature of the Millens Junk Yard application, I am submitting a list of specific open issues that have not been adequately addressed by the Town of Ulster Planning Board and therefore the review by the County Planning Board must be judged to be incomplete. Open issues in need of review and completion by the Town Board include:

- Noise study and report
- Visual Resource report
- Air Resource report
- Responses to 2/21/2012 Praetorius and Conrad report regarding proposed storm water management system (see attached copy)
- Details regarding proposed drainage district i.e. how will cost be borne; who will be responsible for its maintenance and monitoring and overall management protocol?

The current storm water management proposal only offers oil-water separators when in reality the nature of Millens' activity encompasses a broad range of illicit discharges of which many are miscible fluids, and which unlike oil, cannot be simply separated from storm water. How will fluids such as coolants, benzene, toluene, xylene, among others that have been dumped at the current Kingston site, be managed and kept from entering the storm water management system?

Ron Miller

# Praetorius and Conrad, P.C.

Professional Engineering and Land Surveying  
*Established 1981*

Richard J. Praetorius, P.E.  
Thomas W. Conrad, E.S.  
Jeffrey A. Hogan, P.E.  
Bruce D. Uiter, PE  
Khattar E. Elmassalemah, P.E.

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Saugerties, New York 12477

Telephone: (845) 246-3671  
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21 February 2012

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

ATTENTION: TOWN OF ULSTER PLANNING BOARD

SUBJECT: **MILLENS HOLDING, LLC – MILLEN'S RECYCLING FACILITY,  
REVIEW OF STORMWATER MANAGEMENT, 2-4 KIEFFER LANE  
AND EAST CHESTER STREET BYPASS, TOWN OF ULSTER,  
ULSTER COUNTY, NEW YORK – OUR JOB NO.: D12-008**

Dear Planning Board Chairperson and Members:

Pursuant to your request, our office has completed a review of the Stormwater Management System proposed for the SUBJECT project. The following items were provided for our review:

- Plan Sheets entitled "Proposed Site Plan – Millen's Recycling Kieffer Lane" prepared by Brinnier and Larios, P.C.:

Cover Sheet – Revision dated February 1, 2012

Sheet 1 of 6 – Existing Conditions, revision dated January 11, 2012

Sheet 2 of 6 – Demolition Plan, revision dated January 31, 2012

Sheet 3 of 6 – Proposed Improvements, revision dated January 31, 2012

Sheet 4 of 6 – Lighting & Processing Procedure Plan, revision dated January 31,  
2012

Sheet 5 of 6 – Elevation Views, revision dated January 31, 2012

Sheet 6 of 6 – Details, revision dated January 11, 2012

- Project Narrative – no date – assumed to be prepared by Brinnier and Larios, P.C.
- NYSDEC Letter of Correspondence dated January 13, 2012, addressed to Alan Sorenson regarding Millen's Recycling – proposed Keiffer Lane facility
- Town of Ulster Highway Department Review Comments dated February 17, 2012

- Application Project Review Notes prepared by Alan Sorenson dated January 13, 2012

These items were reviewed to determine compliance with SPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) and generally accepted engineering practices. The results of our review are as follows:

### STORMWATER MANAGEMENT SYSTEM

1. Automobile salvage yards and scrap recycling facilities have been designated by the NYSDEC as stormwater "hot spots". Stormwater runoff from "hot spot" areas cannot be allowed to infiltrate untreated into the groundwater.

Therefore, the currently proposed exfiltration trenches should be provided with a stormwater treatment system prior to allowing the stormwater to infiltrate into the ground.

2. Sector M (Automobile Salvage Yards) and Sector N (Scrap Recycling Facilities) of the NYSDEC Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (GP-0-06-002) contains Special Conditions, additional requirements for Stormwater Pollution Prevention Plans (SWPPP), and specific stormwater discharge monitoring/testing requirements for the type of facility proposed. The facility proposed will need to gain coverage under SPDES GP-0-06-002, unless the facility is certified with a "No Exposure" exclusion.

No exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snow melt and/or runoff. However, the NYSDEC may determine that a facility's stormwater discharges has a reasonable potential to cause or contribute to a violation of applicable water quality standards and deny the no exposure exclusion.

Our office recommends a SWPPP be prepared for this project which demonstrates eligibility for a "No Exposure" exclusion and/or which complies with the requirements of GP-0-06-002.

3. The proposed plans show a new stormwater drainage system to be installed on the easterly and northerly sides of the site. The requested SWPPP should include calculations which demonstrate post development flows will be less than or equal to pre-development flows.

It is our understanding that existing town's drainage system is already at or near capacity.

4. The plans propose the use of exfiltration trenches, therefore, final design concept soil testing will need to be performed in accordance with the NYSDEC Stormwater Management Design Manual. This information should also be provided in the requested SWPPP.
5. The SWPPP should also discuss how floor and equipment cleaning measures will be completed and how metal cutting fluids will be contained so that there are no discharges to the municipal sewer system. How will rain or snow be cleaned up within the building area since there is a potential for precipitation to enter the building with no perimeter walls?

Our office recommends a Stormwater Pollution Prevention Plan be prepared and submitted for review, prior to determining any potential stormwater impacts.

If you have any questions or require any additional information, please feel free to contact me.

Respectfully submitted,

PRAETORIUS AND CONRAD, P.C.



Bruce D. Utter, P.E.

BDU/gsl

cc: Alan Sorenson - Town Planner  
Donald Brott, P.E. - Brinnier and Larios, P.C.

ulster(t)-millenst

March 7, 2012

Dear Mr. Doyle and Ulster Planning Board Members,

Knowing you are busy people, I will make this very brief.

I am a union electrician who depends on construction projects for my livelihood. If this project in question concerned a new medical building or restaurant, I wouldn't be here tonight. But Millens Recycling is on the agenda and that is a totally different matter.

The Town of Ulster planning Board meeting on January 17 struck many citizens in our community with a sickening sense of deja vu as we learned Millens Recycling was making yet another attempt to relocate to the Town of Ulster. In 2009, Millens wanted to relocate on 32 pristine woodland acres next to my house on Rte. 32. While my neighbors and I had issues involving water, noise, and traffic, our main concern then - and is now - Millens' egregious reputation as a polluter. Many town and county residents may be unfamiliar with the record of this company and unaware of the health threats currently posed by the Millens operation on the Strand in Kingston.

Spills and other toxic contaminations emanating from Millens' property have at times necessitated response from the Kingston Fire Dept., the Kingston DPW, the Ulster County Health Dept., the NYSDEC - and even the US Coast Guard. All of this being the result of one man putting his business interests above the health concerns of his neighbors and fellow citizens while thumbing his nose at environmental laws. To this day, Mr. Millens has failed to comply with the requirements of an Order on Consent imposed by the NYSDEC in 1996 which demanded he remediate his own property and surrounding properties onto which contaminants originating from his land had migrated. In 16 years he has failed to comply with this order. Millens' land on the Strand is a "brownfield", part of the NYS Superfund clean-up effort overseen by DEC authorities.

The building site on Kiefer Lane he now wants to call home is notorious for storm water problems. Just ask current owners and tenants. One businessman has had the motors for his loading dock levellers burned out by repeated flooding. Supposedly, one former tenant completed questionable terrain alterations which may have exacerbated the situation. The storm water problem, coupled with the inherent dangers of the chemicals involved in recycling and Millens' past propensity to ignore safeguards and shirk responsibility equal a recipe for disaster.

At the last Town Planning Board meeting, Mr. Don Brot, an employee of Brinnier & Larios,

admitted the applicant had not finished all testing. Also, there had been no report as of yet by the town's alternative consulting engineering firm, Praetorius & Conrad, P.C., which was supposed to confirm findings by Brinnier & Larios. One citizen questioned the premature March 1 date of a scheduled Town Board public meeting since reports were obviously incomplete. Supervisor James Quigley said the date had been set and would not be changed. He instructed material pertinent to the project be entered on the town's website the next day, ignoring the fact that the Planning Board couldn't possibly have this information by that time. Mr. Alan DeForrest, Chairman of the Board, said he was "uncomfortable" with the March 1 date. Unless it miraculously appeared overnight, any reports this body tonight may have received are incomplete.

We all know Kingston would love to rid itself of Millens' Recycling, but that is no reason for the Town of Ulster to welcome a notorious polluter with open arms. All Planning Board members of any county or township are expected to operate completely autonomously and are stewards of their community's welfare and its future. They are expected to duly consider every aspect of a potential business applicant - including any dangers associated with that business and previous failures of a given applicant to properly address such dangers. Planning Board members are expected to be familiar with zoning laws, town laws, and civil engineering, to have common sense, and to be immune to political pandering.

Sincerely, *AUGIE WIEDEMANN*

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March 13, 2012

Supervisor Quigley and Members of the Town Board:

Applications reviewed by the Planning Board must follow a logical, systematic and chronological review process to assure a transparent, thorough and complete review. As was stated previously, given that the Town Planning Board's review of the Millens junk yard application is incomplete and with many open issues still requiring closure, it was premature and irresponsible to have referred the application to the County Planning Board as well as to have scheduled a public hearing on the matter. This protocol is supported by Section 190-43 of the Town of Ulster code which in part states:

“.....The Town Board may set a public hearing for a special use permit upon receipt of the report and recommendation of the Planning Board. The public hearing shall be held within forty-five (45) days of receipt of properly filed materials....”

The public must be given the opportunity to review the complete application and provide informed comments on all submitted information and evidence.

Planning Boards' function and responsibility is to assure that applications under review are compliant with local laws, regulations and zoning ordinance and to assure that its actions preserve the community's welfare and safety. While the community's expressed reservations and concerns regarding the Millens Junk Yard non-compliant operational history and the detrimental impact the operation will have on our community are unquestionably justified, the immediate issue before the Town Board should be whether issuance of a special use permit should be allowed relative to stipulated restriction contained in Section 190-40 of the Town Code which in part reads:

"Before approving any special permit use, the Town Board shall determine the conformity of such use and the proposed development with conditions and standards as set forth in this chapter. Conditions prerequisite to approval of special permit uses may be general or specific. In various provisions of this chapter, specific standards are enumerated for certain uses which are minimum conditions for the use. General standards are outlined below:

A. The proposed use shall be located, sized and of character that will harmonize with the orderly development of the area in which it is located. **It shall not be detrimental to the site or adjacent properties.** .....

While this general area already has a number of manufacturing and service type operations, none of them have an unending history of environmental violations and non-compliance and arrogance associated with the Millens junk yard operation. To date, DEC and the City of Kingston have been totally ineffective in reigning Millens into compliance and based on its polluting history, why should we transfer Kingston's problems to the Town of Ulster? Millens junk yard operation will be detrimental to the site and adjoining properties and represents a substantial on-going risk to the storm water management system given the nature of its hazardous operation. This unsavory operation will only serve as a magnet for other similar undesirable operations in this area and its presence will further diminish the Town's character and add to its existing reputation as a haven for undesirable businesses. The Town must not prostitute itself for the instant gratification of an incremental tax base but must take into account the serious long term negative impact and consequences of the Millens junk yard operation. As a Town, we must not allow the continuation of Millens' long standing problems in the Town of Ulster and therefore it is imperative that the requested special use permit be denied.

In recognition of the Town's need to create a framework that would define its vision for future smart growth strategies and development calculated to serve the general welfare of the community, a Town of Ulster Comprehensive Plan was developed under the visionary leadership of Councilman John Morrow and the active participation of its Town's residents and stakeholders. While creation of a Comprehensive Plan is not required under New York State Law Section 272-a, once one is adopted, as it has been by the Town, all subsequent land use regulations must be in accordance with a community's adopted Comprehensive Plan. The vision statement of the adopted Plan states:

“... it is the goal of the Town of Ulster Comprehensive Plan to form an inclusive plan which fosters growth and development while preserving the integrity of the Town. Residential and business growth and development will be managed to retain our rural and historic character and a quality environment...”

It is stated in the body of the Comprehensive Plan that “in order for the Plan to be effective, the Town of Ulster must actively apply the policies that are contained in the Plan. Furthermore, its Planning Board and Zoning Board of Appeals must use the Plan as a framework to guide their decisions with respect to the review of development proposals.” The Plan clearly stipulates that “the Town strictly enforce its site plan review in order to ensure that the development complements rather than detracts from the community's character.”

While economic development should be encouraged and pursued, we as a community must be selective in embracing the types of businesses that promote the integrity and reputation that the Town desires and at the same time comply with the vision and intent of the adopted Comprehensive Plan. Millens junkyard, by virtue of its historical disdain of regulatory requirements and continuous environmental violations and hazardous practices, does not by any means fit the profile of compatible and desirable operations. It is on this pragmatic basis that the Town Board must deny the special use permit requested by Millens junk yard.