

ULSTER TOWN BOARD MEETING
MARCH 22, 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 3rd

Resolution in Opposition to Proposed Amendment to New York Vehicle & Traffic Law Section 1806

Councilman Morrow moved to approve the following:

Memorializing Resolution in Opposition to Proposed Amendment to New York Vehicle & Traffic Law Section 1806

WHEREAS, the Town of Ulster Justice Court handles over five thousand (5,000) Vehicle & Traffic Law cases each year; and

WHEREAS, many of the cases heard by the Town of Ulster Justice Court involve violations of New York Vehicle and Traffic Law, such as speeding, operating a vehicle while on a cell phone, passing on the right, passing in a no passing zone, failure to use a seatbelt, etc; and

WHEREAS, in Ulster County, most Vehicle and Traffic Law violations are prosecuted by the police officer who issued the uniform traffic ticket or by a Special Prosecutor when the ticket has been issued by a New York State Trooper; and

WHEREAS, presently, if an defendant pleads “not guilty” in writing to a violation of the New York Vehicle and Traffic Law, defendants are notified of a pre-trial conference/trial date by the Town of Ulster Justice Court; and

WHEREAS, at the pre-trial conference/trial date, if a defendant and a police officer/prosecutor cannot agree upon a resolution of the alleged violation, the Town of Ulster Justice Court immediately holds a trial on the same date; and

WHEREAS, New York Vehicle and Traffic Law violations where a defendant pleads “not guilty” are thereby resolved in a single court appearance at the Town of Ulster Justice Court; and

WHEREAS, Governor Andrew Cuomo's 2012 Executive Budget – Public Protection and General Government Article VII Legislation, Part C, proposes to amend New York Vehicle and Traffic Law Section 1806 to require that, upon a plea of “not guilty” in writing, a defendant be provided an appearance date, at which no testimony shall be taken, and if the matter is not resolved at that appearance date, a separate, subsequent, trial date shall be scheduled; and

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WHEREAS, the proposed amendment places an undue burden on Town and Village Justice Courts by requiring an additional court appearance if a defendant pleads “not guilty” and requests a trial, instead of holding a trial on the same date as is the current practice; and

WHEREAS, the proposed amendment penalizes defendants charged with a violation of New York Vehicle and Traffic Law by requiring defendants to make an additional court appearance if they desire a trial; and

NOW THEREFORE BE IT RESOLVED that the Town of Ulster Town Board opposes the proposed amendment to New York Vehicle and Traffic Law Section 1806 because the amendment would slow the timely resolution of cases on the Town of Ulster Justice Court docket by mandating at least two court appearances for all New York Vehicle and Traffic Law Violations, and the proposed amendment unfairly penalizes defendants who plead “not guilty” to a minor traffic offense because the offense could no longer be adjudicated at a single court appearance.

NOW THEREFORE BE IT FURTHER RESOLVED that the Town of Ulster Town Clerk send a certified copy of this resolution to:

- Govenor Andrew Cuomo;
- State Senator John Bonacic;
- Assemblyman Kevin Cahill;
- New York State Association of Towns

2nd by Councilwoman Hendrick
All Ayes

Resolution for Authorization for the combined Notice of Finding of No significant Impact and Request for Release of Funds for Glenerie Storm Drainage Improvement Project (OCR #1159PR110-11)

Councilwoman Hendrick moved to approve the following:

Authorization for the Combined Notice of Finding of No Significant Impact and Request for Release of Funds for Glenerie Storm Drainage Improvement Project (OCR #1159PR110-11)

Whereas, the Town of Ulster applied for and received a Federal grant under the Housing and Urban Development Corporation, NYS Office of Homes and Community Renewal's Grant Program; and

Whereas, the Office of Homes and Community Renewal requires an Environmental Review Record (ERR) pursuant to the National Environmental Policy Act, Consistent with 24 CFR Part 58 to be completed, reviewed by the public and approved by the Town Board prior to a Release of Funds for project implementation; and

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Now, therefore be it resolved, that the Town Board of the Town of Ulster determines, accepts, approves, authorizes and designates as follows:

1. Accepts the ERR findings asserting that Glenerie Storm Drainage Improvement Project will not have an adverse environmental impacts to the human and natural environment and approves the ERR.
2. Approves the ERR Finding of No Significant Impact (FONSI).
3. Authorizes the Town Clerk to advertise the FONSI and Notice of Intent to Request Release of Funds (NOI/RROF) associated with this project for public review and comment.
4. Designates James E. Quigley, 3rd, Town Supervisor, as the Certifying Officer responsible for all activities associated with the environmental review process to be completed in conjunction with grant number 1159PR11 0-11 awarded to the Town of Ulster.
5. Authorizes James E. Quigley, 3rd to consider any public comments and then to request release of funds for this project from OCR and further authorizes James E. Quigley, 3rd in his official capacity as Certifying Officer, to accept the jurisdiction of the Federal Courts on behalf of the Town of Ulster if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action.

2nd by Councilman Brink
All Ayes

Advertise Bid for the Glenerie Water Tank Storage Project

Councilman Brink moved to authorize the Town Clerk to advertise for bids for the Glenerie Water Tank Storage Project based upon the approval of the plans from the Ulster County Dept. of Health.

2nd by Councilwoman Hendrick
All Ayes

NY DEC to Discuss the Application of Barney Millens & Sons Inc. for a Site Plan Amendment & Special Permit approval to establish a scrap metal recycling and transfer facility on a 4.2-acre on the lands of Northeast Panel & Truss, located on parcel lots # 48.66-2-2.1, located on 2-4 Kieffer Lane and East Chester Bypass, Kingston,

The entire transcript of this discussion and public comment is on file in the Town Clerk's Office (see exhibit "A").

Councilman Kitchen motioned to adjourn the meeting at 8:28 PM
2nd by Councilwoman Hendrick

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All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk