

ULSTER TOWN BOARD MEETING

July 19, 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

PUBLIC COMMENTS

Mr. Robert Barton inquired about the PILOT for the Ulster Gardens.

Supervisor Quigley reported that Town Board is just looking to retain an attorney to develop a PILOT. The fee would come out of the developer's escrow account.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Brink motioned to accept the minutes of the June 7, 2012, June 21, 2012, June 27, 2012 and July 2, 2012 meetings.

2nd by Councilman Morrow

All Ayes

COMMUNICATIONS

A letter was read from Mrs. Audrey L. Kenyon who inquired about a Town right of way and the Town's intent with it located near 30 Robin Lane.

This item was turned over to the Constitute Relations Committee.

NYS DOT – A letter was read initiating a traffic study to reduce the speed limit on County Route 28 (Dewitt Lake Rd. & Mountain Rd.)

NYS DOT – A letter was read initiating a left turn on Green Sign on Route 9W at Grant Ave.

Mrs. Stephanie Freeman – A message was read making a complaint about the traffic situation in the Town Hall parking lot during Court hours. She requested a one way in and one way out.

Town Clerk Cosenza noted a failure of the Town Hall building to maintain a suitable climate during working hours.

ABSTRACT OF CLAIMS

Councilman Brink motioned to approve the July 2012 abstract as submitted.

2nd by Councilman Morrow

All Ayes

BUDGET MODIFICATIONS

Councilwoman Hendrick moved to approve the following:

General Fund:

Modify Revenue A2705 (Gifts & Donations) and Appropriation
A7140.400 (Program Supplies,Events) donation from Brian Rafferty-
Eagle Scout Project-Elmendorf Heights

582.19

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Modify Revenue A2615 (Stop-DWI Fines) and Appropriation A3120.102 (DWI-Task Force) April DWI wage reimb. 232.10

Modify Appropriation A7140.401 (Rec.Equip.Rsrv) to be funded through A5110 (Approp.Rsrv-Softball League) electric, Orlando St. 212.59

Modify Revenue (A3390 (State Aid, STEP, Buckle Up NY) and Appropriation A3120.103 (Traffic Safety Program) reimb. Oct. 1, 2011 thru April 5, 2012 1,341.61

Highway Fund:

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) Apr. Gas Reimb. (Oper.Funds) 11,318.99

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) Mar. Gas Reimb. (East Kng. Vol. Fire Co.) 720.89

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) Apr. Gas Reimb. (East Kng. Vol. Fire Co.) 541.69

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) Apr. Gas Reimb. (Ulster Hose #5) 324.88

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Town of Kng. Hwy.) 424.04

2nd by Councilman Morrow
All Ayes

Resolution authorizing the Supervisor to sign a revised letter of support (May 3, 2012 Resolution) for the application by the City of Kingston for a grant through the Consolidated Funding Application process for the Hudson Landing Promenade, Utility and Road Construction Project

Councilwoman Hendrick moved to approve the following:
RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULSTER, NEW YORK, AUTHORIZING THE SUPERVISOR TO SUPPORT THE APPLICATION BY THE CITY OF KINGSTON FOR, AND EXECUTE DOCUMENTS FOR, A GRANT OR GRANTS THROUGH THE CONSOLIDATED FUNDING APPLICATION PROCESS AND RELATED FUNDING PROCESSES FOR THE HUDSON LANDING PROMENADE, UTILITY AND ROAD CONSTRUCTION PROJECT; TO ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF KINGSTON FOR THE APPLICATION, PUBLIC BIDDING, ADMINISTRATION AND INTERIM FUNDING, IF NECESSARY, TO ADVANCE THE DESIGN AND CONSTRUCTION OF THE HUDSON LANDING PROMENADE; TO NEGOTIATE AND ENTER INTO AN INTER-MUNICIPAL AGREEMENT WITH THE CITY OF KINGSTON AND A POSSIBLE THIRD PARTY ORGANIZATION FOR THE MAINTENANCE AND RELATED OPERATING ISSUES FOR THE PROMENADE; AND TO EXECUTE ANY AND ALL AGREEMENTS RELATED TO

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THE PROJECT, REQUIRED INTERMUNICIPAL COOPERATION AND STATE REQUIREMENTS.

WHEREAS, the Town of Ulster and City of Kingston are desirous of working with Hudson Landing Development LLC to advance the project known as Hudson Landing which is located in both municipalities; and

WHEREAS, this cooperation will create a public/private, inter-municipal Partnership; and

WHEREAS, the build-out of the Hudson Landing project will result in the construction of a projected 1,682 housing units in the City of Kingston and Town of Ulster, over 75,000 square feet of neighborhood retail/commercial space supporting an estimated 4,060 new residents for the Kingston and Ulster waterfront area; and

WHEREAS, those units and commercial facilities are projected to generate over \$2 million annually in new property taxes to the City of Kingston, \$653,000 to the Town of Ulster and over \$5 million to the Kingston Consolidated School District; and

WHEREAS, the Partnership believes that constructing the mile-long Hudson Riverfront Promenade, Access Road and Utilities will help jump start the first phase of the Hudson Landing Development Project; and

WHEREAS, the Town of Ulster and City of Kingston will benefit from the construction of a deeded, permanent, publicly-owned Promenade in the immediate future rather than waiting for it to be built over years in several phases if ever; and

WHEREAS, Hudson Landing Development LLC has offered to provide resources and cash up to \$2.9 million to match state and federal grant funding to construct the Hudson Landing Promenade and leverage the advancement of the Hudson Landing Development residential project creating significant jobs, tax base, property and sales taxes and economic benefits to the Kingston/Ulster area; and

WHEREAS, grants through the New York State Consolidated Funding Application process and other state and federal funding sources could provide the public funding to match the private commitment made by Hudson Landing Development LLC; and

WHEREAS, the City of Kingston would be the applicant for the grant funding with the Town of Ulster assuming a partnership role in support of the City's application(s) as there can only be one municipal sponsor along with a municipal co-sponsor; and

WHEREAS, the City of Kingston, Town of Ulster and County of Ulster have had preliminary discussions together and with funding agencies about the concept and have received indications of support; and

WHEREAS, the City of Kingston and Town of Ulster would need to enter into intermunicipal agreements for the cooperative advancement of the grant project as well as the structure through

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which the Promenade would be operated with those agreements subject to the approval of the Kingston Common Council and the Town of Ulster Town Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK, AS FOLLOWS:

SECTION 1. The Supervisor of the Town of Ulster is hereby authorized and directed to apply for and execute documents for a grant (or grants) application through the Consolidated Funding Application process and related funding processes for the Hudson Landing Promenade, Utility and Road Construction project; to enter into an inter-municipal agreement with the City of Kingston for the Application, public bidding, administration and interim funding, if necessary, to advance the design and construction of the Hudson Landing Promenade, Utility and Road project;

SECTION 2. To negotiate and enter into an inter-municipal agreement with the City of Kingston and a possible third party organization for the maintenance and related operating issues for the project;

SECTION 3. To execute any and all agreements related to the Project, required Intermunicipal cooperation and state and federal requirements of the funding agencies.

SECTION 4. That an Environmental Impact Statement has been approved for the Hudson Landing project, including the Promenade,

SECTION 5. That this Resolution take effect immediately.

2nd by Councilman Kitchen
All Ayes

Authorize the Highway Superintendent to go out to bid to seek prices for Full Depth Recycling & Stabilization Services

Councilman Brink moved to authorize the Highway Superintendent to go out to bid to seek prices for Full Depth Recycling & Stabilization Services

2nd by Councilman Kitchen
All Ayes

Authorize the Highway Superintendent to go out to bid to seek prices for Cold Planing Road Services

Councilman Morrow moved to authorize the Highway Superintendent to go out to bid to seek prices for Cold Planing Road Services

2nd by Councilwoman Hendrick
All Ayes

Discussion on the use and relocation of the repeater of the Town behind the Highway Department by UC RACES for use by HAM radio operators

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A discussion followed among the Town Board about the above issue. The HAM radio operators serve as a backup to 911 services in case of emergencies. Highway Superintendent Frank Petramale suggested that the town issue them a license to use the location. This has been a past practice with other agencies like Ulster Fire Department. Councilman Morrow inquired if the group had permission of the tower owner, Ulster Fire Department. This would be reviewed.

Councilman Brink moved to authorize the Town Attorney to enter into a discussion with the group to draw up a use agreement, to determine the ownership of the tower and to see if any material changes are required for the tower.

2nd by Councilwoman Hendrick

All Ayes

7:15pm – Local Law of 2012: Residential Permit Parking

Town Attorney, Jason Kovacs, gave an overview of the proposed local law. This would create a parking district for certain streets where people would need a permit to park alongside the road. Residents would get free parking permits, while non-residents would have to pay a prohibitive fee to obtain one. The purpose of the law is to improve the quality of life for the area by preventing non-residents from parking on the side of the streets, obstructing local traffic. This would be in effect 8 AM to 5 PM, Monday to Friday.

Councilwoman Hendrick moved to open the public hearing at 7:17 PM.

2nd by Councilman Brink

All Ayes

Public Comments

Mrs. Ruth Port reported that she has been affected greatly by the nonresident parking directly parallel behind her driveway making it difficult for her to leave her house. They also like to park on both sides of the street and it narrows the lanes for traffic.

Mrs. Lynda Engholm inquired about having friends visiting and holidays.

Councilwoman Hendrick stated that the residents would have permits that they could lend/give to their visitors to park.

Supervisor Quigley requested that a holiday clause be added to the proposed law exempting the parking permit requirement on those days.

Mr. Eric Blackwell reported that a berm was to be built there with no parking alongside it to offer the residents a buffer from the business. The parking has caused a lot of problems. He is in favor of the plan if it solves the problem. He inquired about the non-resident permit.

Town Attorney Jason Kovacs reported that anyone can get a non-resident permit, but the cost would be very prohibitive.

Mrs. Darlene Shumen inquired if the law included Southfield Street, whether all no parking signs would be removed and how many resident parking permits a person could get.

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It was confirmed that the law does include Southfield Street. All the no parking signs would be removed, freeing up space for more parking. It was suggested that she submit how many permits she would need to give the town an idea of how many people should be entitled to.

Mrs. Kathleen Houghtaling expressed concern about the inconvenience of having to use a parking permit for her friend and family to park on their street.

Supervisor Quigley reported that to resolve the problem, a process has to be initiated to offer valid enforcement powers.

A discussion followed about the County changing the use of their building by moving one organization out and having another moving in. The Town Board expressed that they want the County to go through the Town Planning Board review process to help prevent and mediate problems like this.

Councilman Morrow moved to close the hearing at 7:33 PM

2nd by Councilwoman Hendrick

All Ayes

Resolution Requesting the County of Ulster to Submit any Proposed Modification to the Business Resource Center to the Town of Ulster Planning Board for Review and Approval

Councilman Brink moved to approve the following:

Resolution Requesting the County of Ulster to Submit any Proposed Modification to the Business Resource Center to the Town of Ulster Planning Board for Review and Approval

WHEREAS, the Town of Ulster is a municipal corporation existing under the laws of the State of New York, having those powers of zoning and land use regulation specified in Article 16 of New York Town Law; and

WHEREAS, the County of Ulster is a municipal corporation existing under the laws of the State of New York; and

WHEREAS, the County of Ulster is proposing to move county offices located in the City of Kingston on Flatbush Avenue and South Manor Avenue to soon-to-be vacated space at the Business Resource Center on Ulster Avenue in the Town of Ulster (Daily Freeman, Kingston, N.Y., July 11, 2012 at A1); and

WHEREAS, the Town of Ulster has received no formal or informal notification from the County of Ulster regarding any changes in use or modifications to the Business Resource Center; and

WHEREAS, the Town of Ulster has received no information from the County of Ulster regarding any changes, if any, in the parking patterns at the Business Resource Center; and

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WHEREAS, Town of Ulster residents who live in the neighborhood around the Business Resource Center have voiced their concerns over the lack of parking spaces on Town roads during work hours due to Business Resource Center employees parking on the roads; and

WHEREAS, pursuant to Matter of County of Monroe v. City of Rochester, 72 NY2d 338, the County's proposed change in use and modifications to the Business Resource Center is presumed to be subject to the Town Code of the Town of Ulster absent an expression of contrary legislative intent; and

WHEREAS, there is no expression of legislative intent to exempt the County's change in use and modifications to the Business Resource Center from compliance with the Town Code; and

WHEREAS, the James A. Coon Local Government Technical Series, promulgated by the New York State Department of State, instructs a municipality that is developing a project in another community to assume that the project be subject to the host community's zoning requirements and that any disagreement between the parties should be resolved by the appeals process of the host community; and

WHEREAS, pursuant to the Town Code of the Town of Ulster, the change in use and modifications to the Business Resource Center may require, *inter alia*, a variance, site plan approval, coordinated review pursuant to the State Environmental Quality Review Act ("SEQRA"), fire safety review, a building permit, and certificate of occupancy; and

WHEREAS, the Town of Ulster's permitting process would allow full analysis to be made regarding the suitability of the site from a land use and environmental perspective; and

WHEREAS, traffic issues for the site need to be studied, as any increase in traffic and parking will have a significant adverse impact on the residential neighborhood surrounding the Business Resource Center, as area residents have frequently objected to the lack of parking spaces on the nearby Town roads; and

WHEREAS, the Town of Ulster has historically followed a policy of requiring municipal projects within the Town to comply with the Town Code. Most recently, a lot line adjustment of a Town parking lot on Morton Blvd., the Glenerie Water Storage Tank project, and the East Kingston Water Storage Tank project --- all Town of Ulster projects --- have been subjected to the requirements of the Code; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster, after due deliberation, finds that the proposed change in use or modification of the Business Resource Center, located on Ulster Avenue in the Town of Ulster, must comply with the Town of Ulster Town Code, and hereby requests that the County of Ulster submit these proposed changes to the Town of Ulster Planning Board for its review and approval; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Town of Ulster Planning Department, the Chairwoman of the Ulster County Legislature, and the Ulster County Attorney's Office.

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2nd by Councilwoman Hendrick

All Ayes

Discussion on purchase of (2) new Ford Police Cars under Ontario County Contract from Warnock –Bayer

This item was tabled pending further reviewed by Acting Officer in Charge, Lt. Anthony E. Cruise.

Discussion and Vote on one year extension of Sawkill Meadows site plan approval from August 24, 2011 pursuant to Town Code Section 145-12, previous extension granted on August 20, 2011 until August 20, 2012

Councilman Kitchen moved to approve a one year extension of Sawkill Meadows site plan approval from August 24, 2011 pursuant to Town Code Section 145-12, previous extension granted on August 20, 2011 until August 20, 2012

2nd by Councilman Morrow

All Ayes

Resolution adopting SEQRA Negative Declaration for the Glenerie Storm Water Drainage Project

Councilwoman Hendrick moved to approve the following:

Resolution adopting SEQRA Negative Declaration for the Glenerie Storm Water Drainage Project

WHEREAS, the Town of Ulster intends to install approximately 3,850 feet of storm sewers within four specific sub-catchments that exist within the greater Glenerie neighborhood in order to significantly reduce property damage, alleviate ponding, improve the effectiveness of private septic system and reduce the incidence of public contact with contamination sources, and;

WHEREAS, funding for the project can be constructed using funds provided by a \$599,492 NYS Office of Community Renewal Small Cities grant (#1159PR110-11), and;

WHEREAS, the Action requires that an Environmental Review be conducted pursuant to Article 8 of the Environmental Conservation Law, Part 617 of NYCRR (SEQRA), and;

WHEREAS, a preliminary engineering report was prepared by the project Engineer, Brinnier and Larios, P.C., Professional Engineers, of Kingston, New York, and;

WHEREAS, by Town Board Resolution (April 19, 2012), a Lead Agency Coordination Form, Short Environmental Assessment Form, and supporting documents were distributed to involved agencies, declaring the Town Board's intention to be Lead Agency, and;

WHEREAS, none of the involved agencies had any objection to the Town Board of the Town of Ulster being Lead Agency, and;

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THEREFIORE, be it resolved that after careful consideration, analysis and review, the Town Board, as Lead Agency, determines that the Action will not have a Significant Impact on the Environment and that a Determination of Non-Significance (Negative Declaration) shall be adopted and that an Environmental Impact Statement will not be required, and;

Be it further resolved that the Town Clerk is hereby authorized and directed to file the Negative Declaration and any appropriate notices of this determination in accordance with 6 NYCRR Part 617.12(b).

A copy of the Negative Declaration shall be filed with:

- < Ulster County Health Department
- < NYS Department of Environmental Conservation - Region 3
- < The Environmental Notice Bulletin (ENB)

2nd by Councilman Kitchen
All Ayes

Resolution authorizing the Supervisor to apply for a grant from the Hudson River Estuary Program for improvements at Charles Rider Park

Highway Superintendent, Frank Petramale, reported that the purpose of the grant is to make the Charles Rider Park more accessible by removing the unwanted brush along the shore, adding some walking paths and picnic tables and firming up the banks to prevent erosion.

Councilman Morrow moved to approve the following:

Resolution authorizing the Supervisor to apply for a grant from the Hudson River Estuary Program for improvements at Charles Rider Park

That James Quigley, as Supervisor, of the Town of Ulster, or such person's successor in office, is hereby authorized and directed to file an application for funds from the Hudson River Estuary Program or Mohawk River Basin Program in accordance with the provisions of the Request for Applications of the New York State Department of Environmental Conservation in an amount not to exceed \$10,000, and upon approval of said request to enter into and execute a contract with the Department of Environmental Conservation for such financial assistance to this Town of Ulster for Charles Rider Park .

2nd by Councilwoman Hendrick
All Ayes

Resolution authorizing the Supervisor to retain Segel, Goldman, Mazzotta & Siegel, P.C. for the purpose of documenting a PILOT Agreement for the Ulster Gardens Project to be developed by Warwick Properties, Inc.

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Councilman Morrow moved to approve the following:

Resolution Authorizing Segel, Goldman, Mazzotta & Siegel, P.C. to Represent the Town of Ulster in Connection with its Approval and Documentation of a PILOT Agreement for the Ulster Gardens Project

The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

Section 1. The Town Board of the Town of Ulster hereby authorizes the law firm of Segel, Goldman, Mazzotta & Siegel, P.C., to represent the Town of Ulster in the negotiation, approval, and documentation of a PILOT agreement pursuant to Article XI of the Private Housing Finance Law for the Ulster Gardens Project.

Section 2. For its services hereunder, the law firm of Segel, Goldman, Mazzotta & Siegel, P.C. shall be compensated at the rate of \$150.00 per hour, and shall also be reimbursed for any costs and disbursements incurred on behalf of the Town of Ulster in connection with said action. Any requests for payments pursuant to this Resolution shall be set forth in a signed, itemized voucher to be submitted to the Town Board of the Town of Ulster for its review, audit and approval. The Supervisor of the Town of Ulster is hereby authorized to sign the retainer agreement and disclosure dated July 18, 2012.

Section 3. This resolution shall take effect immediately.

2nd by Councilman Brink
All Ayes

Presentation to the Town Board on a proposed local law establishing the prohibition of synthetic cannabinoids

Town Attorney, Jason Kovacs, reported that the proposed local law would prohibit and ban the possessing of synthetic cannabinoids. The State has no law for this at this time. Earlier this year, the State has been the sale and distribution of the substance. This proposed local law was recommended to the Town Board by the Town Police Department. The penalty would be a fine ad or imprisonment.

Hire three Part-time Police Dispatchers

Councilman Kitchen moved to hire the following individuals as part-time Police Dispatchers; Joel Benicase, Jordyn Kilfloyle, and Jonathan Wolf. This would be effective for July, 2012 at a rate of pay of \$13.72 an hour.

2nd by Councilman Kitchen
All Ayes

Public Comment

Mr. Robert Barton inquired about the building status of the Town Hall. Supervisor Quigley reported that there has been no change since the last report.

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Mr. Richard Metzger requested that outdated hours of operation park signs in Charles Rider Park be removed.

This was forwarded to the Constitute Relations Committee.

Councilman Morrow motioned to adjourn the meeting at 7:50 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk