

ULSTER TOWN BOARD MEETING

August 2, 2012 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

THE 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 suggested that the town get the drainage study/work done on the Town Hall before they spend money in studying the mold issue.

COMMUNICATIONS

No communication was reported.

Department Head Reports

Highway Dept. – Highway Superintendent Frank Petramale gave his monthly report. There was a price drop in the cost of paving materials and his crew has been out paving.

Police Dept. – Acting Officer in Charge, Lt. Anthony Cruise read his monthly report. Supervisor Quigley asked if the report for the police responses/crimes statistics could be broken down between the residential and business district. Councilman Kitchen thanked Lt. Cruise for his work as the officer in charge.

Building Dept. – Building Inspector, Paul Andreassen, gave his monthly report. Permitting is up. A discussion occurred about making the compliance of the law easier to enforce.

Wastewater Dept. – Superintendent of Waste Water, Corey Halwick, reported all the districts are running satisfactorily. There was a problem with the recently ordered camera truck. The AC unit was placed on top and needs to follow the specs. This issue is being addressed by the vendor.

Water Dept. – Councilman Kitchen read the monthly report.

Town Clerk Office – Town Clerk Cosenza reported that the office is running satisfactorily.

Recreation – Councilwoman Hendrick reported that the summer camp is running well. Two grants were applied for that will improve Rider Park. Harbor Master Richard Metzger reported that revenues are exceeding expenditures. Councilman Kitchen reported that the Summer Camp has over 250 children signed up for the summer. The camp's field trips are paid for by the parents, not the town.

Resolution scheduling a Public Hearing Concerning Request of Warwick Properties, LLC for use of Town Law Section 280-a (4), Open Development Area, to obtain access to a proposed subdivided parcel at 662 East Chester St. [Part of SBL:48.058-7-21.1]

Councilman Morrow moved to approve the following:

RESOLUTION SCHEDULING A PUBLIC HEARING CONCERNING REQUEST OF WARWICK PROPERTIES, LLC, FOR USE OF TOWN LAW § 280-a(4), OPEN

**DEVELOPMENT AREA, TO OBTAIN ACCESS TO A PROPOSED SUBDIVIDED
PARCEL AT 662 EAST CHESTER STREET [Part of SBL: 48.058-7-21.1]**

WHEREAS, Warwick Properties, LLC has requested that the Town of Ulster Town Board declare an "open development area" with respect to two proposed tax parcels, identified as Lot #1A and Lot #1B on a map prepared by The Chazen Companies entitled "Ulster Gardens Senior Living and Multi-Family Community - Amended Subdivision Plat – Lot #1" dated May 14, 2012; and

WHEREAS, a portion of said property's northern and eastern boundary is contiguous to an established Town of Ulster open development area, entitled "Development Facilitation Improvement District No. 1"; and

WHEREAS, the subdivision of the two proposed tax parcels is currently pending before the Town of Ulster Planning Board – Lot #1, which is currently 46.25 acres is proposed to be split into a parcel of 9.36 acres (Lot #1A) and a parcel of 36.89 acres (Lot #1B); and

WHEREAS, while the proposed Lot #1A will have frontage on a public road, the proposed Lot #1B will have access to a public road only through an access easement over Lot #1A; and

WHEREAS, the said two lot subdivision is being requested to facilitate Ulster Gardens' financial acceptance by lending institutions; and

WHEREAS, the Town Board has determined to schedule a public hearing on notice to adjacent property owners;

NOW, THEREFORE, be it

RESOLVED, that the Town Board hereby schedules a public hearing for August 16, 2012 at 7:15 p.m., at the Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, with respect to the application by Warwick Properties, LLC for permission to obtain access to a 36.89 acre parcel to be approved by the Town of Ulster Planning Board, by right-of-way, pursuant to § 280-a(4) of the Town Law of the State of New York, and be it

FURTHER RESOLVED, that the Town Clerk prepare notice of such statutory hearing and that the Town Clerk cause the same to be published in the newspaper of general circulation and posting in the manner provided by law and file proof thereof in the Office of the Town Clerk, and be it

FURTHER RESOLVED, that this resolution is hereby referred to the Town of Ulster Planning Board, and the Town of Ulster Code Enforcement Officer, for review and recommendation, and be it

FURTHER RESOLVED, for the purposes of the New York State Environmental Quality Review Act (SEQRA), the Town Board determines that it shall act as lead agency and Alan Sorensen,

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Planning Consultant, is hereby authorized and directed to act as agent for the Town Board with respect to SEQRA review.

2nd by Councilman Kitchen
All Ayes

Motion to set a Public Hearing on a Proposed Local Law Establishing Chapter of the Code of the Town of Ulster Entitled “Prohibition of Synthetic Cannabinoids” for September 6, 2012 at 7:15 PM

Councilman Morrow moved to set a Public Hearing on a Proposed Local Law Establishing Chapter of the Code of the Town of Ulster Entitled “Prohibition of Synthetic Cannabinoids” for September 6, 2012 at 7:15 PM

2nd by Councilman Brink
All Ayes

Resolution Reaffirming SEQR Negative Declaration and granting revised Site Plan Approval to MHMG – KM Kingston, LLC to construct a 4-story 83,440 square foot medical office building [SBL:39.082-2-71, 1 and 19]

Councilman Morrow move to approve the following:

**RESOLUTION of the TOWN OF ULSTER TOWN BOARD
Reaffirm SEQR Negative Declaration Site Amendment Plan Approval
MHMG KM Kingston, LLC - Section-Block-Lot: 39.082-2-7.1 and 19**

WHEREAS, the Town of Ulster Town Board granted Site Plan Approval to *MHMG – KM Kingston, LLC* to construct a 4-story 83,440 sf medical office building (MOB), 419 associated parking spaces and construction of new access drives from Ulster Avenue on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Approval of the SWPPP by the Town Engineer;
3. Approval of the Highway Work Permit for access to and from U.S. Route 9W by the New York State Department of Transportation;
4. Approval of *final detailed* utility plans by the Town Engineer and Sewer & Water Departments and receipt of water & sewer permits prior to construction; and
5. All fees, including consultant fees, shall be paid.

WHEREAS, the applicant has submitted a Final Site Plan set to the Town Board for signature, which include the following plans:

- *Title Sheet* by Chazen Engineering & Surveying, P.C, dated May 7, 2012;
- *Map of Existing Conditions* by Chazen Engineering & Surveying, P.C, revised 12/13/11;
- *Overall Master Site Plan* by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Demolition Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;

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- *Site Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Grading, Drainage & ESC Plan* by Chazen Engineering & Surveying, P.C, revised 5/7/12;
- *Utility Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Fire Apparatus Access Plan* by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Signage Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Landscaping Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Lighting Plan* prepared by Chazen Engineering & Surveying, P.C, revised May 29, 2012;
- *Site Details* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Sanitary Sewer Details* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Water System Details* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Erosion & Sediment Control Plan* by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Stormwater Details* prepared by Chazen Engineering & Surveying, P.C, revised May 7, 2012;
- *Landscaping Details* by Chazen Engineering & Surveying, P.C, revised May 7, 2012; and
- *Section Elevations* prepared by Chazen Engineering & Surveying, P.C, dated 12/7/2011.

WHEREAS, the Town Board and its consultant planner have reviewed the final Site Plan set by *MHMG – KM Kingston, LLC* for consistency with the approved Site Plan and conditions set forth therein; and

WHEREAS, upon review of the Final Plan set, the Town’s consulting Planner concluded the revised plans reflected technical revisions authorized under the Conditional Site Plan approval, but also included minor changes of a ministerial nature requested by applicant, which should be referred to the Town Board for approval; and

WHEREAS, the Town Board issued a SEQR Negative Declaration on the Proposed Action and finds the minor changes of a ministerial nature requested by applicant will not have an adverse impact on the environment nor necessitate further environmental review.

NOW THEREFORE BE IT RESOLVED the Town of Ulster Town Board finds the Proposed Action will not result in any significant adverse environmental impacts and hereby endorses, approves and ratifies its original SEQR Determination of Non-Significance (Negative Declaration) for the Proposed Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Amendment approval to *MHMG – KM Kingston, LLC* to construct a 4-story 83,440 sf medical office building (MOB), 419 associated parking spaces and construction of new access drives from Ulster Avenue on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. The Town’s consulting planner and Building Inspector are hereby authorized to review and authorize minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development, and
3. All fees, including consultant fees, shall be paid.

2nd by Councilman Kitchen

All Ayes

Discussion of Agreement of Town of Ulster Mold North Wall proposal from Whitaker and Associates

Mr. Douglas Whitaker reported that wind driven rain water was coming in from the north wall and into the basement. The rain was penetrating the seams, under the roof area and around the windows. Their testing showed that the area was extremely wet and dried up over a couple of months. They met with FEMA and they are disputing a problem with the north wall. What he is recommending is to take samples from five areas, in 3 ft. by 5 ft. sections of the north wall. They would provide air control, so contaminants wouldn't affect indoor area quality and they would inspect for evidence of wind driven rain. After the sampling, the walls would be patched up to a condition that the town could paint them to match the surrounding wall. They would do this on a weekend, so that there would be little interference with the Town Hall Offices. The project is estimated to cost \$20,180. If the test comes back positive, the Town would recoup the test costs and be paid for the resulting damages from the 2011 storms (Hurricane Irene and Tropical Storm Lee). Otherwise, the town would identify a problem that could be addressed in the renovation or demolition of the building. The Town Board had a short discussion on the matter.

Approval for Jason Krakowski from the Sewer Dept. to receive CDL stipend per CBA with Local 17 and a promotion to Water Waste Water Operator Trainee for the Sewer Department and to hire Keith Felton as Water Waste Water Maintenance Worker for the Sewer Department

Councilwoman Hendrick moved to approve the following:

To give a yearly \$1,500 stipends to *Jason Krakowski* for receiving his CDL effective August 2, 2012, to promote him from a Water Waste Water Maintenance Worker to Waste Water Operator Trainee (Grade 6, Step 3) at a rate of \$16.91 per hour, effective August 5, 2012 and to hire *Keith Felton* as a Water Waste Water Maintenance Worker for the Sewer Department (grade 5, step 1) at a rate of \$11.64 an hour effective August 5, 2012, with the stipulation that he must successfully pass his physical exam.

2nd by Councilman Kitchen

All Ayes

Approval for the promotion of Joshua Brink to Water Waste Water Operator Trainee for the Sewer Department

Councilwomen Hendrick moved to approve the promotion of Joshua Brink to Water Waste Water Operator Trainee for the Sewer Department (grade 6, step 3) at a rate of pay of \$16.91 per hour effective August 5, 2012.

2nd by Councilman Kitchen

4 Ayes – Councilman Brink abstained due to a family relationship to the individual.

Discussion of Letter of Support Request from Ulster County regarding Grant funding for housing rehabilitation for homes damaged by Hurricane Irene and Tropical Storm Lee

Councilman Morrow moved to authorize the Town Supervisor to send a letter of support for RUPCO receiving grant funding for housing rehabilitation for homes damaged by Hurricane Irene and Tropical Storm Lee

2nd by Councilwoman Hendrick

All Ayes

Motion authorizing the Officer in Charge to purchase (2) Police cars, fully equipped from Warnock –Bayer under the Ontario County Bid

Councilman Kitchen moved to authorize the Officer in Charge to purchase (2) Police cars, fully equipped from Warnock –Bayer under the Ontario County Bid with payment for these vehicles to come from the 2011 unappropriated fund balance.

2nd by Councilman Brink

All Ayes

Motion authorizing the Town Clerk to go out to Public Bid for the purchase of Police Vehicles on behalf of the Town of Ulster Police Department for delivery in late 2012/early 2013

Councilman Morrow moved to authorize the Town Clerk to go out to public bid for the purchase of Police Vehicles on behalf of the Town of Ulster Police Department for delivery in late 2012 or early 2013

2nd by Councilwomen Hendrick

All Ayes

Presentation of information of the Narrow banding requirements for the Town of Ulster Radio System

Supervisor Quigley presented the Town Board with the purchase versus lease cost analysis for upgrading the town to a narrow band radio system for their review. This item would be acted on at the next meeting.

Awarding of bids for Full Depth Recycling & Cold Planning

Councilman Brink moved to award the following contracts as per the bid requirements for these services:

Callanan Industries - Cold Planing Bid

Reclamation LLC – Full Depth Recycling

2nd by Councilwoman Hendrick

All Ayes

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Presentation of a Proposed Town of Ulster of Local Law of 2012 – A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code [Code of Ethics of the Town of Ulster].

Supervisor Quigley presented a proposed Town of Ulster of Local Law of 2012 – A Local Law Providing for the Adoption of a New Chapter 22 of the Town Code [Code of Ethics of the Town of Ulster] to the Town Board. A draft was posted to the Town of Ulster Website.

Presentation to the Town Clerk the 2012 Report to the New York State Comptroller for the Town [Per the Resolution of February 2, 2012]

Supervisor Quigley presented to the Town Clerk the 2012 Report to the New York State Comptroller for the Town, as required by General Municipal Law § 30 and Town Law § 29(10-a)

Authorize the Town Supervisor to Sign a MOA with the Kingston School District for a School Resource Officer.

Councilman Kitchen moved to authorize the Town Supervisor to sign a MOA with the Kingston School District for the reimbursement allocation of a School Resource Officer

2nd by Councilman Brink

All Ayes

Go Out to Bid for Police Vehicle Equipment

Councilwoman Hendrick moved to go out to bid for Police vehicle equipment.

2nd by Councilman Morrow

All Ayes

Public Comments

Mr. Robert Barton inquired about the Town Hall update and PILOT Agreement for the Ulster Garden project.

Supervisor Quigley had no updates for the Town Hall.

Councilman Brink motioned to adjourn the meeting at 8:09 PM

2nd by Councilman Kitchen

All Ayes

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk