

ULSTER TOWN BOARD MEETING

August 16, 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- absent*

TOWN COUNCILWOMAN CRIS HENDRICK

TOWN COUNCILMAN JOHN MORROW

SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**PUBLIC COMMENTS**

Mr. Robert Barton inquired about the Ulster Garden PILOT and if a public hearing was required. Supervisor Quigley stated that there is no statutory requirement for a public hearing for a PILOT.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Morrow motioned to accept the minutes of the July 19, 2012 meeting.

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

Four Ayes

**COMMUNICATIONS**

Town Clerk Cosenza read a letter from the Town Historian Committee requesting to install a display in Robert E. Post Park that highlights the history of the Town's former brickyards. The matter was forwarded to the Recreation Committee.

**ABSTRACT OF CLAIMS**

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

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

Four Ayes

Councilwoman Hendrick moved to approve the following:

**BUDGET MODIFICATIONS**

Councilwoman Hendrick moved to approve the following:

**General Fund:**

Modify Revenue A1289 (DWI-Task Force) and Appropriation  
A3120.102 (DWI-Wages) June DWI wage reimb. 139.75

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded  
through A5110 (Approp.Rsrv-Softball League) Electric, Orlando St.  
Ballfield 361.30

Modify Revenue A3390 (State Aid, STEP,Buckle Up NY) and  
Appropriation A3120.103 (Traffic Safety Program) April-June STEP  
wage reimb. 754.65

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Modify Revenue A2680 (Insur.Recoveries) and Appropriation  
A3120.421 (Veh.Maint.) Veh.Loss-7/5/12 - 2007 Dodge Charger-  
J.Trapanese 11,700.00

**Highway Fund:**

Modify Revenue D1289(Oth.Dept.Income) and Appropriation  
D5142.420 (Gas & Oil) June Gas Reimb. (Oper.Funds) 9,080.54

Modify Revenue D1289(Oth.Dept.Income) and Appropriation  
D5142.420 (Gas & Oil) May Gas Reimb. (East Kng. Vol. Fire Co.) 384.54

Modify Revenue D1289(Oth.Dept.Income) and Appropriation  
D5142.420 (Gas & Oil) June Gas Reimb. (Ulster Hose #5) 351.97

Modify Revenue D1289(Oth.Dept.Income) and Appropriation  
D5142.420 (Gas & Oil) June Gas Reimb. (Ruby Fire Dist.) 283.29

**General Fund:**

TRANSFER FROM	TRANSFER TO	
A1220.400 Contractual Expenses	A1220.200 Office Equipment	700.00
A1320.401 IBM-Contractual Expenses	A1320.200 Computer Equipment	400.00
A1355.401 Cataloging	A1355.403 Office Supplies	300.00
A1990.400 Contingency	A1410.420 Mileage	600.00
A1990.400 Contingency	A1440.400 Engineering	2,810.00
A1990.400 Contingency	A1622.454 Maint.-Senior Center	1,800.00
A1990.400 Contingency	A3310.434 Street signs,signals	5,000.00
A1990.400 Contingency	A3510.100 Animal Control Officer	5,000.00
A1990.400 Contingency	A3620.420 Gas & Oil	500.00
A1990.400 Contingency	A5132.409 Repairs & Supplies	3,000.00
A1990.400 Contingency	A5132.454 Maintenance	3,000.00
A7110.427 Handicap Fishing Platform	A7110.421 Veh. Maint.	500.00
A9060.802 Retirees-Hosp.&Dental	A9070.800 Medicare Reimb.	40,800.00

2<sup>nd</sup> by Councilman Morrow  
Four Ayes – Councilman Kitchen was absent

**Presentation of Project Hope - A community outreach program to serve county residents impacted by Hurricane Irene**

A representative of Project Hope gave an overview of the outreach program for people affected by Hurricane Irene. They offer consulting, education and some other assistance. The representative was referred to the Town Assessor, James Maloney, who also served as an emergency coordinator to further help with the outreach program.

**Public Hearing - 7:15pm - 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]**

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Councilwoman Hendrick moved to open the public hearing at 7:15 PM

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

Four ayes – Councilman Kitchen was absent

Town Attorney, Jason Kovacs, gave an overview of the proposed open development request. The Ulster Garden project is seeking to subdivide its property into two sections representing a phase one and a phase two for financial purposes. The phase two section doesn't have access to a town road. According to the law, a subdivision, that doesn't have access to a town road, requires an open development area approval by the Town Board.

**Public Comment**

Mr. Robert Barton was not in favor of the approval and wanted the property to connect to a town road.

Councilwoman Hendrick moved to close the hearing at 7:19 PM

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

Four Ayes – Councilman Kitchen was absent

**Presentation of Proposed Local Law of 2012; A Local Law authorizing the override of the tax levy limit established in General Municipal Law Section 3-C, A Local Law Authorizing Chargeback of Safety Net Expenses to the 2013 Town & County Tax Bill, A Local Law Authorizing Chargeback of Board of Election Expenses to the 2013 Town & County Tax Bill, and A Local Law Authorizing Chargeback of Expenses for the Eddyville Fire Protection District LOSAP to the 2013 Town & County Tax Bill**

Supervisor Quigley presented the Town Board the proposed local laws and announced their posting on the Town Website. Public hearings of the proposed local laws would be considered at the next Town Board meeting.

**Resolution of the Board Members of the Town of Ulster Authorizing the Execution of a Payment in Lieu of Taxes (“Pilot”) Agreement by and between the Town of Ulster, Ulster Gardens Limited Partnership and Ulster Gardens Housing Development Fund Company, Inc.**

Town Assessor, James Maloney, gave an overview of the PILOT. He cited that the proposed project would pay \$400 per unit with a 1% increase with any rent increase. The other PILOT Programs such as Chambers, phase one, pays \$113.89 and Chambers, phase 2, pays \$103.39 per unit.

Councilwoman Hendrick moved to approve the following:

RESOLUTION OF THE BOARD MEMBERS OF THE TOWN OF ULSTER AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE TOWN OF ULSTER, ULSTER GARDENS LIMITED PARTNERSHIP AND ULSTER GARDENS HOUSING DEVELOPMENT FUND COMPANY, INC.

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WHEREAS, the Town of Ulster (the “Town”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for senior citizens and income-restricted persons based upon the results of the 2010 decennial Federal Census; and

WHEREAS, Ulster Gardens Housing Development Fund Company, Inc., an Article XI New York State Private Housing Finance Law corporation and a New York not-for-profit corporation (the “HDFC”), and Ulster Gardens Limited Partnership, a New York limited partnership (the “Partnership”), have identified a 51.16 acre parcel of land (SBL No. 48.58-7-21.10) located at 662 East Chester Street By-Pass, Town and County of Ulster, State of New York (the “Land”), commonly known as the Ulster Gardens project (the “Property”) for the purpose of the construction on the Property of a housing project for senior citizens and income-restricted persons, said project to consist of: (i) the acquisition and subdivision of the Land into two parcels of 3.46 acres and 46.25 acres while dedicating 1.45 acres to the Town for the purpose of extending Quail Drive to Memorial Drive within a 50-foot right-of-way; (ii) the construction of up to 164 units of housing for persons of low-income on the aforesaid 46.25 acre parcel (the “Improvements”); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Project”); and

WHEREAS, the Town Board previously granted the Project conditional site plan and special permit approval on May 17, 2012, and endorsed, ratified and approved the Town of Ulster Planning Board’s Amended Statement of Findings and made a SEQR Determination of Non-Significance (Negative Declaration); and

WHEREAS, the HDFC has been formed for the purpose of providing residential rental accommodations for senior citizens and income-restricted persons; and

WHEREAS, the HDFC has or will acquire fee title to the Land, as nominee for the Partnership, and has or will convey its equitable and beneficial interests in the Land to the Partnership in furtherance of the development of the Project; and

WHEREAS, the HDFC’s and the Partnership’s plan for the use of the Property constitutes a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

WHEREAS, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Members of the Town Board to exempt the Project from real property taxes; and

WHEREAS, the HDFC is or will be the co-general partner of the Partnership; and

WHEREAS, the Town Board has scheduled a public hearing for August 16, 2012, in connection with a further subdivision of the Property’s two parcels of 3.46 acres and 46.25 acres which is currently pending before the Town of Ulster Planning Board and 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

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WHEREAS, the Partnership and HDFC intend to construct in two phases approximately 52 multifamily units (42 one-bedroom, 8 two-bedroom and 2 three-bedroom) and approximately 112 one-bedroom senior living units with approximately 82 total units (56 senior units and 26 non-senior units) on Lot #1A and 82 total units (56 senior units and 26 non-senior units) on Lot #1B in order to facilitate the Project's development, tax credit equity and mortgage financings; and

WHEREAS, the Partnership and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to this Board for approval, a copy of which is attached hereto as Exhibit A, which PILOT Agreement may be amended to reflect any approved subdivision creating Lot #1A and Lot #1B; and it is

NOW THEREFORE, BE IT RESOLVED, that the Members of the Town Board hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the Town of Ulster, the Partnership and the HDFC, in substantially the form attached hereto as Exhibit A, providing for annual payments as set forth in such agreement, as the same may be amended to reflect any approved subdivision creating Lot #1A and Lot #1B; and it is

FURTHER RESOLVED, that a building permit shall be issued by the Town for the Project within one year of the date hereof and a certificate of occupancy issued for the Project within three years of the date hereof or this Resolution shall become null and void; and it is

FURTHER RESOLVED, that the Supervisor of the Town is hereby authorized on behalf of the Town to execute and deliver the forgoing PILOT Agreement and any amendments to the same reflecting any approved subdivision creating Lot #1A and Lot #1B; and it is

FURTHER RESOLVED, that a fully executed copy of the PILOT Agreement, and any amendments to the same reflecting any approved subdivision creating Lot #1A and Lot #1B, will be filed in the Office of the Town Clerk of the Town of Ulster, Ulster County, New York; and it is

FURTHER RESOLVED, that this resolution shall take effect immediately.

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

Four Ayes- Councilman Kitchen was absent

**Presentation of DRAFT Investment Policy of the Town of Ulster dated August 15, 2012 to replace the adopted policy dated May 17, 1994**

Supervisor Quigley presented a proposed updated investment policy for the town for the Town Board to review.

**Resolution Establishing Planning Board Recreation Fee for 2012**

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Councilwoman Hendrick moved to approve the following:  
Resolution Establishing Planning Board Recreation Fee for 2012

Whereas, in 2011, the Town Board established, by resolution, a recreation fee (in lieu of land) in the amount of One Thousand Five Hundred Dollars (\$1,500.00) per dwelling unit; and

Whereas, the Town Board has not yet established a recreation fee for the year 2012; now therefore, be it

Resolved, that the Town Board establishes the recreation fee (in lieu of land) for subdivisions to be One Thousand Dollars (\$1,000.00) per dwelling unit. This fee becomes effective upon passage of this resolution.

2<sup>nd</sup> by Councilman Brink  
Four Ayes – Councilman Kitchen was absent

**Discussion on Long Term Care Insurance for Town Employees**

Supervisor Quigley presented the item to the Town Board and referred the matter to the Personnel Committee for review.

**Approval for hiring Matthew Molinaro as Laborer for the Water Department for a 90 day temporary period**

Councilwoman Hendrick moved to approve the hiring of Matthew Molinaro as Laborer for the Water Department for a 90 day temporary period effective Sept. 4, 2012, at a rate of pay of \$10.92 an hour

2<sup>nd</sup> by Councilman Brink  
Four Ayes – Councilman Kitchen was absent

**School Resource Officer Contract between the Town of Ulster and the Kingston City School District**

Councilwoman Hendrick moved to authorize the Town Supervisor to execute the contract presented to the Town from the Kingston City School District to reimburse the Town's cost of providing a School Resource Officer to them.

2<sup>nd</sup> by Councilman Brink  
Four Ayes – Councilman Kitchen was absent

**Motion to Set a Public Hearing for Proposed 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] for September 6, 2012 at 7:35PM.**

Councilwoman Hendrick moved to set a public hearing for proposed 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] for September 6, 2012 at 7:35PM.

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

Four Ayes – Councilman Kitchen was absent

**Discontinue a Lawsuit against Ulloa, Burfeindt and Parenteau**

Councilwoman Hendrick moved to discontinue a lawsuit against Ulloa, Burfeindt and Parenteau

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

Four Ayes – Councilman Kitchen was absent

**Public Comment**

Mr. Robert Barton inquired about how many local Town of Ulster residents would be hired by the Bread Alone Company and the status of the Town Hall.

Councilman Morrow stated that they have no control on who a private business hires.

Supervisor Quigley stated that he would have a report on the Town Hall at the September meeting.

Councilman Morrow motioned to adjourn the meeting at 7:42 PM

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

Four Ayes – Councilman Kitchen was absent

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk