

ULSTER TOWN BOARD MEETING

November 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 3rd

PUBLIC COMMENTS

There was no public comment.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of the October 4, 2012 meeting.

2nd by Councilwoman Hendrick

All Ayes

COMMUNICATIONS

There were no communications.

ABSTRACT OF CLAIMS

Councilwoman Hendrick motioned to approve the November 2012 abstract as submitted.

2nd by Councilman Brink

All Ayes

Councilman Morrow moved to approve the following:

General Fund:

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Biddy Basketball)basketballs,whistles and carry bags
from Hat World 182.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Softball League) ground anchor from Hat World 25.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-William Buckton 130.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-John Carter 110.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-Glenn Pomerantz 130.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-Brian Franciola 110.00

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Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-William Stevenson 110.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct. refereeing-Rick Tavares 110.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Football League) Oct.bowl game charges-Mid-
Hudson Conference 564.00

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Biddy Basketball) candy from Target 48.43

Modify Appropriation A7140.401 (Rec. Equip. Rsrv) to be funded through
A5110 (Approp.Rsrv-Softball League) electric-Orlando St. Ballfield 352.05

Highway Fund:

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Aug. & Sept. Gas Reimb. (Oper.Funds) 9,356.55

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Sept. Gas Reimb. (East Kng. Vol. Fire Co.) 272.15

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil) Sept. Gas Reimb. (Ulster Hose #5) 367.89

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420
(Gas & Oil)Sept. Gas Reimb. (Ruby Fire Dist.) 87.72

Modify Revenue D1289 (Oth.Dept.Income) and Appropriations D5110.100
Wages (\$10,992.33) and D5130.413 Equip.Rental (\$10,159.75) reimb.
From Glenerie Water Tank Cap. Proj. 21,152.08

Ulster Water:

Modify Revenue SW1-1289 (Oth.Dept.Income) and Appropriations SW1-
8310.100 Wages (\$11,613.61) and SW1-8320.413 Equip.Rental
(\$12,628.25) reimb. From Glenerie Water Tank Cap. Proj. 14,291.86

Halcyon Park:

Transfer From		Transfer To	
SW2.1910.400 Unalloc.Insur.		SW2.8320.400 Engin.	250.00
SW2.1910.400 Unalloc.Insur.		SW2.9030.800 Soc.Sec.	132.00

Spring Lake Water:

Transfer From		Transfer To	
SW3.1910.400 Unalloc.Insur.		SW3.8310.404 Postage	50.00

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SW3.1910.400 Unalloc.Insur.	SW3.9030.800 Soc.Sec.	132.00
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Bright Acres Water:

Transfer From	Transfer To	
SW4.1910.400 Unalloc.Insur.	SW4.8330.401 Lab.Test.	156.00
SW4.1910.400 Unalloc.Insur.	SW4.9030.800 Soc. Sec.	133.00

Cherry Hill Water:

Transfer From	Transfer To	
SW5.1910.400 Unalloc.Insur.	SW5.8310.404 Postage	2.00
SW5.8320.455 Water Cost	SW5.8320.409 Rep.&Supp.	300.00

Glenerie Water:

Transfer From	Transfer To	
SW6.1910.400 Unalloc.Insur.	SW6.8310.404 Postage	100.00
SW6.1910.400 Unalloc.Insur.	SW6.9030.800 Soc.Sec.	132.00

East Kingston Water:

Transfer From	Transfer To	
SW7.1910.400 Unalloc.Insur.	SW7.8320.455 Maint.	100.00
SW7.1910.400 Unalloc.Insur.	SW7.8330.401 Lab.Test.	200.00
SW7.1910.400 Unalloc.Insur.	SW7.9030.800 Soc.Sec.	129.00

2nd by Councilman Brink
All Ayes

Motion to accept Certificate of Abandonment for a portion of Old Sawkill Road under Section 205 of the Highway Law of the State of New York

Councilman Brink moved to approve the following:
Unqualified Abandonment of Former Old Sawkill Road Under Section 205 of the Highway Law of the State of New York

Whereas, Frank Petramale, Town Superintendent of Highways of the Town of Ulster County of Ulster NY hereby certifies that the highway in said Town of Ulster known and described as Old Sawkill Road as further described in Schedule "A" attached hereto has not been traveled or used as a highway for six and more years prior to the date of this certificate and said highway is hereby declared abandoned pursuant to Section 205 of the Highway Law as a highway and a public right of way.

2nd by Councilman Kitchen
All Ayes

Discussion on Agreement between the Ulster Sewer District and Ulster Water District on sharing of Emergency Generator – Dogwood Street

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Councilwoman Hendrick moved to table the matter until the December 6, 2012 meeting, so that the agreement can be reviewed by the Town's Water and Sewer Department Heads

2nd by Councilman Brink

All Ayes

Resolution approving the SEQR form and approval of Kingston-Ulster Airport's repaving project approved by the FAA

Councilman Morrow moved to approve the following:

WHEREAS, Kingston-Ulster Airport, Inc. received a grant from the Federal Aviation Administration to pay 90% of the allowable costs incurred in accomplishing the following project at Kingston- Ulster Airport: Rehabilitate Runway 15-33, Including Marking, Lighting and Signage (Construction)

WHEREAS, the New York State Department of Transportation is offering a matching grant to the federal grants for 50% of the non-federal share of eligible costs; and the New York State Department of Transportation, under Section 14h of the State Transportation Law, requires privately owned reliever facilities to obtain local municipal support to receive New York State funding; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster endorses the above described project for the purpose of making the project eligible for State funding; and be it further

RESOLVED: that the adoption of this Resolution shall be solely for the purposes stated herein and in no way binds the Town Board, the Planning Board and/or the Zoning Board of Appeals of the Town of Ulster to any approvals, permits and/or licenses which may be required by the applicant for future projects or work related to Kingston-Ulster Airport; and be it further

RESOLVED: it has heretofore been determined by the Town Board, under Part 617 of the State Environmental Quality Review Act (SEQR), of the State of New York, that the aforesaid project, including basic data collection, research and engineering studies, constitutes a Type II Action which will not have a significant impact upon the environment. The Supervisor of the Town of Ulster is hereby authorized to sign and date the State Environmental Quality Review form, as attached herewith; and, be it further

RESOLVED: that this Resolution shall take effect immediately.

2nd by Councilwoman Hendrick

All Ayes

Resolution awarding two contracts TU-121 [General Construction] and TU-121 [Electrical Construction] for the repair of the Whittier Waste Water Pump Station

Councilman Morrow moved to approve the following:

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Whereas, The Town Board authorized bids to be advertised for Contract TU-121 (General Construction and Electrical Construction), Additions and Alterations to the Wastewater Pump Station for the Whittier Sewer District, and;

Whereas, bids were advertised in accordance with the General Municipal Law and opened on November 13, and;

Whereas, eight(8) bids were received for General Construction and ten(10) bids were received for Electrical Construction, and;

Whereas, the bids and qualifications of the low bidders have been reviewed by Brinnier and Larios, P.C., the engineers for the Whittier Sewer District project; and

Whereas, the lowest qualified bidder for General Construction is J Squared Construction Corporation, Voorheesville, N.Y., in the amount of \$234,900.00.; and

Whereas, the lowest qualified bidder for Electrical Construction is Whalen Electric LLC of Kingston, N.Y., in the amount of \$39,000.00.

Therefore, be it resolved by the Town Board as follows:

1. The Town Board awards Contract TU-121 (General Construction) to J Squared Construction Corporation, Voorheesville, N.Y., in the amount of \$234,900.00.;
2. The Town Board awards Contract TU-121 (Electrical Construction) to Whalen Electric LLC of Kingston, N.Y., in the amount of \$39,000.00.;
3. The Town Board authorizes the Supervisor, on behalf of the Town of Ulster and the Whittier Sewer District, to enter into a contracts for TU-121 General and TU-121 Electrical in these amounts stipulated above.

2nd by Councilwoman Hendrick
All Ayes

Resolution adopting Local Law 5 of 2012: A Local Law Providing for the Adoption of a new Chapter 123 of the Town Code [Parking, Stopping and Standing]

Councilwoman Hendrick moved to approve local law #5 of 2012 as hereby attached.

2nd by Councilman Morrow
All Ayes

A local law providing for the adoption of a new Chapter 123 of the Town Code.

Be it enacted by the Town Board of the Town of Ulster as follows:

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Section I. A new Chapter 123 is hereby enacted as appears in Schedule "A" attached hereto.

Section II. Severability

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence,

paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

Section III. Effective Date

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

SCHEDULE "A"

CHAPTER 123. PARKING, STOPPING, AND

STANDING ARTICLE I. Definitions

§ 123-1. Purpose; Terms defined.

- A. The purpose of this chapter shall be to improve and promote the health, safety and general welfare of the community pertaining to traffic regulations at parking areas, which are regularly used by the public within the Town of Ulster, to adopt reasonable rules and regulations with respect to traffic and parking in such areas as local conditions may require for the safety and convenience of the public or of the users of the area, to regulate winter parking based upon the findings of the Ulster Town Board that the leaving of vehicles on Town streets during periods of snowfall has hindered and obstructed the Town of Ulster Highway Department in snow removal operations, and that the leaving of vehicles on streets within the Town during snowstorms causes hazards to persons using the streets. Accordingly pursuant to the authority granted under New York State Vehicle and Traffic Law, Article 41, Regulation of Traffic by Towns, §§ 1660, 1660-a, 1662-a, 1663 and 1664, under New York State Vehicle and Traffic Law, Article 42, Regulation of Traffic by Local Authorities and School Districts, §1670, under New York State Vehicle and Traffic Law, Article 32 and in accordance with the Municipal Home Rule Law, the Town Board of the Town of Ulster does hereby regulate the parking of vehicles within the Town of Ulster.

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- B. The words and phrases used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them by Article 1 of the Vehicle and Traffic Law of the State of New York.

ARTICLE II. Traffic Control Devices

§ 123-2. Authority to install traffic control devices.

- A. The Town Superintendent of Highways shall have the authority to install and maintain such traffic control devices as he may deem necessary to regulate, warn or guide traffic upon roads, streets and highways maintained and controlled by the Town of Ulster, subject to the provisions of §§ 1682 and 1684 of the Vehicle and Traffic Law of the State of New York.
- B. All traffic control devices installed and maintained shall conform to the provisions and specifications of the Manual of Uniform Traffic Control Devices of the State of New York, Department of Transportation.

ARTICLE III. Parking, Standing and Stopping

§ 123-3. Applicability.

The provisions of this article shall apply except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with directions of a police officer or an official traffic control device.

§ 123-4. Stopping, standing or parking prohibited in certain locations.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, in any of the following places, unless otherwise indicated by official signs or markings:

- A. Within 15 feet of a fire hydrant.
- B. In front of or within five feet of a public or private driveway.
- C. Within an intersection.
- D. In front of, in or within 20 feet of the driveway, entrance or paved approach to any fire station.
- E. On or within a crosswalk.

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- F. Within 20 feet of a crosswalk at an intersection.
- G. Within a fire lane, which shall be defined as follows: A designated fire lane is the area within a public right-of-way, easement, or on private property set aside for the purpose of permitting fire trucks and other firefighting or emergency equipment to use, travel upon, and park.
- H. On a sidewalk.
- I. In an area of space posted as a no-parking or a no-standing zone or in an area of space designated for handicapped parking on all property, whether public or private, within the Town of Ulster, except those persons prominently displaying a valid handicapped parking permit on the dashboard or sun visor on the driver's side of the vehicle.
- J. So as to prevent a parked vehicle from moving away.
- K. Outside designated or striped parking spaces within a parking area.

§ 123-5. Shopping

Centers. A. Purpose.

The Town Board finds that it is in the best interest of the public welfare and safety to have reasonable traffic regulations for traffic control and parking within malls and office building complexes located in the town. The Town hereby adopts this section to permit enforcement of traffic regulations pursuant to the traffic control plan on file with the Town Clerk and this chapter.

B. Authority.

This section is enacted pursuant to N.Y. Vehicle & Traffic Law Section 1660-

a. C. Applicability.

This chapter shall be applicable to:

- 1. The drives, driveways, and parking areas for:
 - a. Hudson Valley Mall;
 - b. Kings Mall;
 - c. Benderson Plaza;
 - d. Tech City [East Campus];
 - e. Dena Marie Plaza.

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2. Any other mall or office building complex that maintains drives, driveways, and parking areas that exceed one acre in size may be included in the provisions of this chapter pursuant to a resolution of the Town Board.

D. Traffic Control Plan.

Mall and office building complex authorities shall provide the Town with a current traffic control plan that includes the location of all traffic control devices as well as restricted parking areas.

The traffic control plan shall be filed with the Town Clerk. The mall or office building complex authority shall submit a revised traffic control plan at any time that the plan is amended or modified. Such revised plan shall be filed with the Town Clerk within five (5) days of executing such amendment.

E. Speed Limit and Moving Restrictions.

1. The maximum speed limit on traffic lanes within the parking area of a shopping center or office building complex shall be twenty-five (25) miles per hour unless otherwise posted with traffic control devices.
2. Except when directed by a police officer or other competent authority, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line. However, if there is not a clearly marked stop line provided, the driver shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.
3. After having stopped pursuant to § 123-5(E)(2), the driver shall yield right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway or traffic lane as to constitute an immediate hazard during the time which such driver is moving across or within the intersection.

F. Parking Restrictions.

1. Vehicles will be parked in the parking areas provided and in accordance with the posted signs.
2. Within parking areas, vehicles will be parked between the lines indicating individual parking spaces.
3. Overnight parking is prohibited except with the permission of the mall or

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office building complex management.

G. Enforcement.

All provisions of this chapter shall be enforced by:

1. The Ulster County Sheriff Department;
2. The New York State Police.
3. The Town of Ulster Police

Department. H. Violations – Penalties.

Any violation of this section shall be a traffic infraction and shall be punishable as specified in the Vehicle and Traffic Law.

§ 123-6. No-parking zones.

- A. Parking is prohibited at any time in the following designated street locations: RESERVED
- B. Parking is prohibited at any time at any other street location as may be designated hereafter by resolution of the Town Board.
- C. No parking from 11:00 p.m. to 9:00
a.m.: RESERVED

§ 123-7. Seasonal or temporary no-parking zones.

Parking of vehicles is hereby prohibited on all streets within this town between 2:00 a.m. and 6:00 a.m. from November 15 to April 1. Violators of this section shall have automobiles towed away at the owner's expense.

ARTICLE IV. Removal and Storage of Abandoned or Illegally Parked Vehicles

§ 123-8. Authority to impound vehicles.

- A. When any vehicle is parked or abandoned on any highway within this Town during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed by the Town of Ulster Police Chief or his authorized agent.
- B. When any vehicle is found unattended on any highway within this Town where said

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vehicle constitutes an obstruction to traffic, said vehicle may be removed by the Town of Ulster Police Chief or his authorized agent.

- C. When any vehicle is parked in violation of the provisions of §§ 123-4, 123-5, 123-6 and 123-7, or found abandoned on any highway within the Town of Ulster, said vehicle may be removed by the Town of Ulster Police Chief or his authorized agent to any place designated by the Town Board as a vehicle pound.

§ 123-9. Storage and charges.

- A. After removal and impoundment of any vehicle pursuant to this Chapter, the Town of Ulster Police Department may store such vehicle in a suitable storage place, and shall charge the owner or person responsible for the vehicle a charge sufficient to cover the reasonable costs of towing, storage, and any costs incident to the impoundment. No vehicle so impounded may be redeemed or released to the person responsible except upon payment of such charge.
- B. All fees and charges shall be payable to the Town of Ulster and payable to the Town Clerk. The Town of Ulster shall charge a fee of \$50.00 per vehicle to cover impound expenses, plus the actual towing fee incurred. If the owner or person responsible for the vehicle does not claim such vehicle within ten (10) business days from the date of impoundment, a storage fee of \$25.00 per day will be assessed to the impound fee and actual towing fee, which will compound daily after ten business days.
- C. The Town Board of the Town of Ulster may revise the fees listed in this section by resolution adopted at a duly authorized meeting of the Town Board.
- D. The Chief of the Town of Ulster Police Department has the authority to waive or reduce towing costs and storage fees if the vehicle was determined to be unfairly impounded or if other mitigating or extenuating circumstances exist.

ARTICLE V. Truck Exclusions

§ 123-10. Prohibitions; exceptions.

All trucks, tractors and tractor-trailers having a gross vehicle weight of 10,000 pounds or more are hereby excluded from all Town roads in the Town of Ulster, except for the purpose of making local deliveries or pickups, and except for farm operations, local construction operations, Town highway and public utility trucks in similar local purposes, school buses, fire trucks, emergency vehicles and federal, county-owned and state-owned trucks and military vehicles.

ARTICLE VI. Littering

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§ 123-11. Littering from a motor vehicle.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter or recklessly cause litter to be deposited upon any street or other public place within the Town or upon private property.

ARTICLE VII. Penalties

§ 123-12. Penalties for offenses.

- A. Any person convicted of a traffic infraction for a violation of any provision of this chapter or for operating a motor vehicle in violation of any traffic control device installed pursuant to the provisions of § 123-2 of this chapter shall be subject to the penalties provided in § 1800 of the Vehicle and Traffic Law.
- B. Failure to respond to the issued summons will result in forwarding a report to the New York State Department of Motor Vehicles under the Scofflaw Law.
- C. A violation of this chapter with respect to littering shall be an offense against this chapter which shall be punishable by a fine of not less than \$25.00 and no more than \$500.00 or imprisonment for a period not exceeding 10 days for each offense, or by both such fine and imprisonment.

ARTICLE VIII. Enforcement

§ 123-13. Enforcement agencies; appearance tickets.

- A. The provisions of this chapter shall be enforced by members of the state police, Ulster County Sheriff's Department, Town of Ulster Police Department, and other law enforcement officers and, in addition, by anyone authorized by the Town Board of the Town of Ulster to issue appearance tickets.
- B. When a law enforcement officer or a Town employee authorized to issue an appearance ticket as aforesaid finds a vehicle so parked or standing as to constitute a violation of §§ 123-2, 123-4, 123-5, 123-6 and 123-7 of this chapter, and when the absence of the operator or owner prevents present personal service of a notice as prescribed in the following subsection, said officer or duly designated Town employee shall attach a ticket form to the vehicle and shall prepare, sign and verify the information. The ticket bearing the information shall be in a form prescribed by the Town Board of the Town of Ulster, with the advice of the Town Justices and the Town of Ulster Police Department Chief. The signed and verified information shall be delivered promptly to

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the Justice Court of the Town of Ulster.

- C. The attachment of a parking violation ticket to a vehicle shall be deemed a sufficient notice to the operator or owner of said vehicle.
- D. All persons receiving a parking violation ticket, or having a parking violation ticket attached to his or her vehicle, as provided section 123-13(B), shall, within twenty (20) days, either (1) answer at the Town Hall the charges set forth in such notice by paying the amount prescribed on the notice, and admitting the violation charged, in writing, and waiving a hearing in court, or (2) plead not guilty to the violation and request a trial date. The acceptance of the prescribed amount stated in the notice, together with the admission and waiver set forth, shall be deemed complete satisfaction for the violation, and the Town of Ulster Justice Court or Traffic Violations Bureau shall issue a receipt which so states.
- E. In the event a violator does not appear with twenty (20) days to answer a ticket by either pleading guilty and paying a fine, or by pleading not guilty and requesting a trial date, the Town of Ulster Justice Court or Traffic Violations Bureau shall report the facts thereof to the Town Justice, who shall issue to the owner of the motor vehicle, to which such notice was attached, a trial notice directing the violator to appear in court.

ARTICLE IX. Traffic Violations Bureau

§ 123-14. Authorization for establishment; purpose.

Notwithstanding the provisions of any other local law, ordinance, resolution or order of the Town Board of the Town of Ulster pertaining to a Traffic Violations Bureau, the Town Board of the Town of Ulster hereby authorizes the Justice Court of the Town of Ulster to establish a Traffic Violations Bureau, pursuant to Article 14-B, §§ 370, 371 and 373, of the General Municipal

Law, to aid said Court in the disposition of traffic offenses when such traffic offenses shall not constitute a traffic infraction known as "speeding" or a misdemeanor or felony.

§ 123-15. Officers and hours.

Said Bureau shall be in charge of such person or persons and shall be open at such hours as the Justice Court of the Town of Ulster may designate.

§ 123-16. Authority to dispose of certain violations; procedure.

Said Traffic Violations Bureau so established is authorized to dispose of traffic violations of traffic laws, ordinances, rules and regulations, when such offenses shall not constitute the traffic infraction known as "speeding" or a misdemeanor or felony, by permitting a person charged with an offense within the limitations herein stated to answer, within a specified time,

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at the Traffic Violations Bureau, either in person or by written power of attorney as herein prescribed, by paying a prescribed fine and, in writing, waiving a hearing in Court, pleading guilty to the charge and authorizing the person or persons in charge of the Bureau to make such a plea and pay such a fine.

§ 123-17. Authorization to prescribe form of complaint.

The Town Justices of the Town of Ulster shall be authorized to prescribe the form of complaint in all cases involving a violation of any traffic law, ordinance, rule or regulation relating to parking, which complaint shall be known as a "parking violations ticket."

§ 123-18. Right to counsel.

Said Traffic Violations Bureau of the Town of Ulster shall not be authorized to deprive a person of his right to counsel or to prevent him from exercising his right to appear in Court to answer, explain or defend any charge of a violation of any traffic law, ordinance, rule or regulation.

§ 123-19. Fines.

The Justice Court shall designate the fines to be paid for offenses which may be satisfied at the Bureau as hereinbefore stated, provided that such fines are within the limits established as penalties for such offenses.

§ 123-20. Maintenance of records.

The Traffic Violations Bureau as herein authorized shall keep a record of all violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also maintain a record of all fines collected and the disposition thereof. It shall also perform such other duties and keep such other or additional records as shall be prescribed by the Court and/or the Town Board of the Town of Ulster.

§ 123-21. Form of waiver and plea.

All persons who shall appear by written power of attorney must execute the waiver and plea on any uniform traffic or parking ticket or a waiver and plea in substantially the following form and forward the same to the Traffic Violations Bureau, together with their operator's license if a moving violation is involved other than a speeding or a traffic offense which would be a misdemeanor or a felony, in addition to the sum prescribed by the Justice Court of the Town of Ulster to: Traffic Violations Bureau, Justice Court of the Town of Ulster, 1 Town Hall Drive, Lake Katrine, NY 12449:

Authorization and Waiver

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I, the undersigned, hereby waive a hearing in the Justice Court of the Town of Ulster, County of Ulster, and plead guilty to the charge specified herein. I authorize the person or persons in charge of the Traffic Violations Bureau of said Court to make such a plea and pay the prescribed fine in Court. All statements are made under the penalty of perjury.

Affirmed the _____ day of _____, 20_____

Signature: Address:

Motion authorizing the Supervisor to sign an Animal Boarding Agreement with the Hurley Veterinary Hospital

Councilman Morrow moved to table the matter
2nd by Councilwoman Hendrick
All Ayes

Resolution authorizing the Supervisor to revoke the notification for withdrawing from the Ulster County Self-Insurance Plan

Councilwoman Hendrick moved to approve the following:

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO RESCIND
ITS WITHDRAWAL OF THE TOWN OF ULSTER FROM THE
ULSTER COUNTY SELF-INSURANCE PLAN

WHEREAS, the Town of Ulster presently participates in the Ulster County Self- Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has previously determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; and

WHEREAS, the Town Board of the Town of Ulster, at its regularly scheduled meeting on June 21, 2012, withdrew the Town of Ulster from participation in the Ulster County Self- Insurance Plan at the conclusion of the fiscal year ending December 31, 2012; and

WHEREAS, the Town of Ulster Town Board reserved the right to rescind the June 21, 2012 resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2012; and

WHEREAS, after exploring its financial options, the Town of Ulster Town Board now desires to rescind the June 21, 2012 resolution and to continue as a member of the Ulster County Self-Insurance Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby rescind its resolution approved on the 21st day of June, 2012, which withdrew the Town of Ulster

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from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2012; and be it further

RESOLVED, that the Town of Ulster shall continue to participate in the Ulster County Self-Insurance Plan; and be it further

RESOLVED that the Town Clerk shall within ten days file a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive.

2nd by Councilman Morrow
All Ayes

Discussion on letter of November 9, 2012 from Ulster County Department of Social Services re: Safety Net

Councilman Morrow moved to authorize the Supervisor to accept the County Social Services offer of participating in the levying of \$85,000 in taxes for Safety Net Expenses

2nd by Councilman Kitchen
All Ayes

Resolution adopting Local Law 6 of 2012, a local law authorizing the Town to override the tax levy limit established in GML Section 3-C

Councilman Morrow moved to approve the following:

Resolution adopting Local Law 6 of 2012, A local law authorizing the Town to override the tax levy limit established in GML Section 3-C

A local law to override the tax levy limit established in General Municipal Law § 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Ulster pursuant to General Municipal Law § 3-c, and to allow the Town of Ulster to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

ULSTER TOWN BOARD MEETING

November 15, 2012 AT 7:00 PM

The Town Board of the Town of Ulster, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2013 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

2nd by Councilman Brink
All Ayes

Adoption of Town of Ulster 2013 Budget

Councilman Morrow moved to approve the 2013 Town Budget as submitted

2nd by Councilman Kitchen

A Roll Call Vote was taken -

Town Councilman Joel B. Brink	- Aye
Town Councilman Eric Kitchen	- Aye
Town Councilwoman Cris Hendrick	- Aye
Town Councilman John Morrow	- Aye
Supervisor James Quigley 3 rd	- Aye

Discussion and Approval of Transfer Station fee schedule for 2013

Councilman Brink moved to adopt a new fee schedule, effective December 1, 2012, for the Town of Ulster Transfer Station as follows:

Town of Ulster Residents	\$40.00 per year
	\$30.00 second permit (yearly only)
	\$30.00 half year (after July 1st)
	\$20.00 single day
Senior Rate – 62 yrs. (proof of age required)	\$30.00 per year
	\$20.00 second permit (yearly only)

ULSTER TOWN BOARD MEETING
November 15, 2012 AT 7:00 PM

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk