

ULSTER TOWN BOARD MEETING

December 6, 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 - absent*

TOWN COUNCILMAN JOHN MORROW

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

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Brink motioned to accept the minutes of the October 18, 2012 and October 24, 2012 meetings.

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

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

**COMMUNICATIONS**

Town Clerk Cosenza announced that the 2013 Transfer Station Permits were available for sale.

**Presentation by Quick Chek on the Walker property on Sawkill Road**

Mr. Derrick Jordan, a representative from Quick Chek, gave a brief overview of the proposed Quick Chek Station on the corner of Sawkill Road and Washington Ave, across the street from their current location. They propose building an approximately 6,500 square foot convenience store with 12 multi-product dispensers with a canopy over them that would be facing Route 28. There would be two access points to the site: one off Sawkill Road and Route 28 (right in – right out). There would be 80 parking spots with landscaping surrounding the perimeter. The light is designed to be directed down so that there would be little impact to the surrounding area. There were no plans for the current operating business across the street. Councilman Morrow suggested that they install a pump generator in case of an emergency so they could pump gas.

**Resolution to Approve Conveyance of Surplus Town Property Located on Abandoned Old Sawkill Road to the Adjacent Property Owners**

WHEREAS, on November 15, 2012, the Town Board of the Town of Ulster consented to the Town of Ulster Highway Superintendent's Certificate of Abandonment of a portion of Old

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Sawkill Road; and

WHEREAS, said Certificate of Abandonment was duly signed by all members of the Town Board and was filed with the Town of Ulster Town Clerk on November 15, 2012; and

WHEREAS, this particular portion of Old Sawkill Road is no longer necessary for municipal purposes and is surplus property; and

WHEREAS, the two (2) adjoining property owners -Vincent & Marina Maggiore and JMW Family Preservation Trust-have requested that said particular portion of Old Sawkill Road be divided into two equal portions and said portions be conveyed to each adjoining property owner; now therefore be it

RESOLVED, that the Town Board of the Town of Ulster authorizes the conveyance of the portion of Old Sawkill Road as described in Schedule "A" to Vincent & Marina Maggiore and the portion of Old Sawkill Road described in Schedule "B" to JMW Family Preservation Trust, and authorizes the Supervisor of the Town of Ulster to executed a Quitclaim Deed and conveyance documents in a form satisfactory to the Town Attorney for these portions of Old Sawkill Road, previously abandoned, and be it

FURTHER RESOLVED that such conveyance is subject to the following:

1. Easements, covenants, and restrictions, if any;
2. Zoning Law of the Town of Ulster;
3. Such statement of facts that an accurate survey or personal inspection may reveal, and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum and the Town Clerk is directed to post this resolution.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

**Resolution to Convey an Easement to James A. Steinberg and The Catskill Tennis Club, LLC for ingress and egress to 470 Old Neighborhood Road over an abandoned town roadway**

RESOLUTION AUTHORIZING TRANSFER OF PERMANENT EASEMENT TO THE CATSKILL TENNIS CLUB, LLC, SUBJECT TO PERMISSIVE REFERENDUM

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Whereas, the Catskill Tennis Club, LLC, has requested the Town of Ulster to convey to The Catskill Tennis Club, LLC a permanent easement consisting of a parcel of land as described in Schedule "A", annexed hereto, constituting the abandoned town roadway at the western terminus of Old Neighborhood Road, and

Whereas, the Catskill Tennis Club, LLC intends to construct on such permanent easement area a roadway leading from the western terminus of Old Neighborhood Road to real property to be acquired by The Catskill Tennis Club, LLC, identified as 470 Old Neighborhood Road, and

Whereas, the location of such proposed roadway is suitable for the easement as it will allow The Catskill Tennis Club, LLC to gain ingress and egress to the real property at 470 Old Neighborhood Road;

Now, therefore, be it resolved, that the Town Board of the Town of Ulster, in regular session duly convened, does hereby authorize and direct the Supervisor of said Town to execute and deliver to the Catskill Tennis Club, LLC a permanent easement as described in Schedule "A", annexed hereto, for the purpose of constructing a roadway, subject to permissive referendum as permitted by law.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ULSTER, NEW YORK.

MOTION: Councilman Brink

SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

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

Councilman Brink moved to authorize the Supervisor to sign an Animal Boarding Agreement with the Hurley Veterinary Hospital  
2<sup>nd</sup> by Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

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**Motion to accept Town Justice Court Audit by Toski & Co., CPA's for year ending December 31, 2011**

Councilman Morrow moved to accept Town Justice Court Audit by Toski & Co., CPA's for year ending December 31, 2011  
2<sup>nd</sup> by Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

**Discussion on site conditions of 236 Glenerie Blvd., Glenerie Parcel owned by Horst Bier, Public Hearing held on November 1, 2012**

The Town Attorney was instructed by the Town Board to send a letter to Mr. Horst Bier advising him that he has until the January 17, 2013 Town Board meeting to offer a remedy to the situation or the Town Board will take the necessary actions to resolve the problem.

**Authorize the Highway Superintendent to develop and advertise for bids for a new excavator as part of the Equipment Replacement Program for 2013**

Councilman Brink moved to authorize the Highway Superintendent to develop and advertise for bids for a new excavator as part of the Equipment Replacement Program for 2013  
2<sup>nd</sup> by Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

**Resolution eliminating the full time position of Transfer Station Attendant effective January 1, 2013**

RESOLUTION OF THE TOWN OF ULSTER ABOLISHING  
THE POSITION OF TRANSFER STATION SUPERVISOR

WHEREAS, the Town of Ulster currently maintains the full-time position of Transfer Station Supervisor; and

WHEREAS, for the purposes of economy and to aid in meeting the budget requirements for the current year and in future years, and there is no longer an operational need for a full-time

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Transfer Station Supervisor, adjustments to the general fund require that positions be abolished or eliminated; and

WHEREAS, on or about Thursday, November 15, 2012, the Town of Ulster Town Board adopted its 2013 Budget; and

WHEREAS, the 2013 Adopted Budget eliminated the full-time position of Transfer Station Supervisor; now therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby abolishes or eliminates the full-time position of Transfer Station Supervisor; and be it further

RESOLVED, that this resolution shall take effect on January 1, 2013.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

**Presentation and discussion on Engineering and Professional Services Agreement between the Town of Ulster and Brinnier & Larios, P.C. for the Survey and Design of the Primary Clarifier, Preparation of Bid Specs, Assistance in Public Bid and Administration of Contract for the Whittier Waste Water Plant Improvements. Professional Services estimated total approximately \$36,000**

Councilman Brink moved to authorize the Supervisor to enter into agreement between the Town of Ulster and Brinnier & Larios, P.C. for the survey and design of the primary clarifier, preparation of bid specs, assistance in public bid and administration of contract for the Whittier Waste Water Plant improvements at an estimated cost of \$36,000.

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

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilwoman Hendrick	- Absent
Town Councilman Morrow	- Aye
Supervisor Quigley	- Aye

CARRIED

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**Resolution appropriating Unassigned Fund Balance to fund the Employer Benefit Liability in the following Funds: General Fund - \$80,000, Highway Fund - \$10,000, Ulster Sewer District - \$10,000, Ulster Water District - \$10,000**

Resolution Authorizing Supervisor to Transfer Funds from the Excess Fund Balance to the Employee Benefit Accrued Liability Reserve Fund Accounts

WHEREAS, the Town of Ulster Town Board has previously established four (4) separate reserve accounts as follows:

1. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for the General Fund;
2. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for the Highway Department;
3. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for Ulster Water;
4. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for Ulster Sewer; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board hereby reaffirms the authorization for the above-listed reserve accounts, and be it further

RESOLVED, that the Town of Ulster Town Board authorizes transfers from the excess fund balance into the following reserve accounts, and authorizes the Supervisor of the Town of Ulster to effectuate said transfers:

1. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for the General Fund - \$80,000.00
2. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for the Highway Department - \$10,000.00
3. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for Ulster Water - \$10,000.00
4. Employee Benefit Accrued Liability Reserve Fund under General Municipal Law Section 6-p for Ulster Sewer - \$10,000.00

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Brink - Aye

Town Councilman Kitchen - Aye

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Town Councilwoman Hendrick - Absent  
Town Councilman Morrow - Aye  
Supervisor Quigley - Aye  
CARRIED

**Authorization to purchase two new Dell Power Edge C2100 Servers under NYS OGS Contract to update Town wide IT Equipment in the amount not to exceed \$27,000**

Councilman Morrow moved to approve the purchase of two new Dell Power Edge C2100 Servers under NYS OGS Contract to update the Town wide IT Equipment in the amount not to exceed \$27,000

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

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilwoman Hendrick - Absent  
Town Councilman Morrow - Aye  
Supervisor Quigley - Aye  
CARRIED

**Public Comments**

Mr. Robert Barton inquired if the Safety Net and Home Relief program are the same. Supervisor Quigley stated from a budget point of view that they are and the County bills the Town for safety net benefits. Home Relief was the name used when the Town administered the program.

Mrs. Nancy Ebel inquired about the length of time that Buck's Junkyard can operate without a permit before being closed down.

Town Attorney Jason Kovacs stated that the Building Department has issued an order to remedy to Buck's to cease and desist from operating. If they fail to comply, then the Town Board can authorize a Supreme Court action. A discussion followed about actions being taken by other agencies.

Mrs. Rosalind Stark expressed the same concerns about Buck's Junkyard and its detriment to the environment.

Councilman Morrow moved to enter into executive session at 7:32 PM to discuss pending litigation in regard to a personnel matter.

Councilman Morrow withdrew his motion.

Councilman Kitchen motioned to adjourn the meeting at 7:33 PM

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

Town Councilman Brink - Aye  
Town Councilman Kitchen - Aye  
Town Councilwoman Hendrick - Absent  
Town Councilman Morrow - Aye

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Supervisor Quigley  
CARRIED

- Aye

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk