

ULSTER TOWN BOARD MEETING

April 4, 2013 at 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

THE SALUTE TO THE FLAG

The Town Board recognized the passing of Hugo E. Dachenhausen on March 28, 2013, who served in the Ruby Fire Department for over 56 years as a member, former Fire Chief and Commissioner.

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
SUPERVISOR JAMES QUIGLEY 3rd

PUBLIC COMMENT

There was no public comment.

COMMUNICATIONS

Rolling Meadow Water Corporation – A letter was read requesting a billing rate adjustment to match the City of Kingston billing rate.

Town Clerk Cosenza announced a Rabies Clinic for Cats and Dogs at the Town Hall on April 27, 2013 from 12 PM to 3 PM.

DEPARTMENT HEAD REPORTS

Town Clerk Cosenza reported that the paperwork for the credit card installation was filed. A dropbox was installed in front of the Town Hall for after-hour payments. He thanked the Highway Department for installing it. His office is prepping for the tax bill reminder notices that will be sent out around April 30, 2013.

Police Department – Chief Anthony Cruise read the monthly report. Training is being performed to keep the department skills on par. K-9 training is proceeding. They had some success with recent drug arrests. They also are performing underage alcohol buying sting operations in stores. The Ulster Hose Fire Department vehicles have been purchased, prepped and are ready for the Town Police Force.

Waste Water Department – Deputy Superintendent, Vincent Maggiore read the monthly report.

Water Department – Superintendent John Rose read the monthly report. All is running well. The last original fire hydrant for the Ulster Water District was replaced.

Highway Department – Highway Superintendent, Frank Petramale, read the monthly report.

His department is in the middle of a large FEMA project at the Robert E. Post Park.

Recreation Department – Recreation Director, Jeff Hayner, reported that the summer camp sign-ups will be starting soon. The Biddy Basketball and Volleyball seasons have ended.

Town Assessor – Town Assessor, James Maloney, reported that the exemption process session has ended. He thanked his staff for their work.

Report by Assessor Maloney on the status of Pilots within the Town for 2013

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Town Assessor, James Maloney, briefed the town on the status of all the Town's PILOT programs.

The Northeast Center for Special Care (Head Trauma Center) has paid their PILOT in advance for this year. Chambers Phase I and II PILOT was received April 2, 2013 and is being processed. The Kingston Hospitality is an IDA PILOT that the Town bills for and is current with their payments.

Building Department – Building Inspector, Kathy Moniz, read her monthly report.

7:15 - Open Development Area designation for property located at 1561 and 1601-1629 Ulster Ave. [SBL 39.82-2-7.1 and 39.82-2-19]

Town Attorney, Jason Kovacs, explained that this proposed open development area designation is needed to open up the property and would allow the developer flexibility with the interconnected private roads connecting Grant Avenue and Ulster Avenue.

The developers gave an overview of the proposed site plan.

Supervisor Quigley opened the hearing for public comment at 7:22PM

There was no public comment.

Councilwoman Hendrick moved to close the public hearing at 7:23 PM

2nd by Councilman Brink

All Ayes

Presentation by Neil Curri from the Cornell Cooperative Extension of educational initiatives of the Hudson Estuary Watershed Resiliency Program

Mr. Neil Curri gave a presentation on educating people on the dynamics of how streams work and the way they move materials to help prevent and mitigate flooding. They want to work with people involved in the local watersheds. Contact information was exchanged. Councilman Kitchen suggested that they set up a booth at the Town's Arbor Day Festival.

Discussion on the opening dates of the Town Parks

Recreation Director, Jeff Hayner, recommended that the opening date remain May 1, 2013.

Motion to authorize the Water Superintendent to purchase one 2013 Ford E350 Cargo Van from Van Bortel Ford under NYS bid, with an amount not to exceed \$22,000.00

Motion: Councilman Morrow

Second: Councilman Brink

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

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Town Councilman Morrow - Aye
Supervisor Quigley - Aye

CARRIED

Motion to authorize the Supervisor to close the Payroll account ending in 1722 with J.P. Morgan Chase as the account is no longer being used

Motion: Councilwoman Hendrick
Second: Councilman Morrow

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

CARRIED

Motion to authorize the Supervisor to close the East Kingston Water Capital Project account with Citizens Bank – project completed

Motion: Councilman Brink
Second: Councilman Morrow

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

CARRIED

Resolution on Retiring Dak the K-9 Dog

Resolution of the Town Board of the Town of Ulster Authorizing the Conversion to, and Sale of, Town of Ulster Police Canine DAK as Surplus Property of the Town of Ulster

WHEREAS, Town of Ulster Police Department has evaluated Officer Joseph Garvila's K-9, DAK, and has determined that it is best to retire the dog instead of trying to train the dog to a new officer; now, therefore, be it

RESOLVED, that the Town of Ulster has determined that K-9 DAK has reached the end of a reasonable service period and therefore determined that said canine should be surplus and

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should be sold to Joseph Garvila upon execution of the sale and waiver agreement in substantially the same form as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and be it further

RESOLVED, that the Supervisor of the Town of Ulster, and the Police Chief of the Town of Ulster, are both hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this resolution; and be it further

RESOLVED, that this resolution shall take effect and be in full force upon passage and signatures hereon.

EXHIBIT "A"

Agreement

THIS AGREEMENT made and entered into on this ____ day of April, 2013, by and between the Town of Ulster, a municipal corporation of the State of New York, hereinafter referred to as the "Town," and Joseph Garvila, hereinafter referred to as the "Buyer."

WHEREAS, the Town of Ulster Police Department has one (1) dog known as K-9 DAK ("DAK"); and

WHEREAS, the Town desires to retire K-9 DAK; and

WHEREAS, Buyer desires to purchase said retired K-9 DAK;

NOW, THEREFORE, in consideration of the mutual benefits to be derived herefrom and \$1.00, and other good and valuable consideration received by the Town from the Buyer, the parties herein do mutually agree as follows:

1. The Town agrees to assign, convey, and transfer all rights, title, and interest in the dog known as K-9 DAK to Buyer.
2. Acknowledgement of Training and Release of Liability. In accepting transfer from the Town of the dog known as K-9 DAK, Buyer recognizes that said animal has received training in police canine procedures and tactics, including, but not limited to, attack training and other forms of aggressive conduct, and by acceptance of this animal, Buyer, for and in consideration of the transfer to him of K-9 DAK, agrees to hold harmless the Town of Ulster, the Town of Ulster Police Department, and its officers, employees, and agents from any and all liability whatsoever that might arise from acts engaged in by the forenamed canine resulting from his training as herein described, as well as any other acts of said canine whether or not attributable to such training.

Buyer further agrees to waive any and all claims of liability insofar as the Town of Ulster, the Town of Ulster Police Department, and its officers, employees, and agents are concerned that might arise as a result of his use and/or possession of said animal.

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It is further understood by Buyer that, in consideration of this transfer, the Town makes no representations concerning the health of the animal, which is transferred “as is” and Buyer assumes all responsibility and obligation for the condition, care, and acts, of said animal.

3. Indemnification. Buyer agrees to assume any and all risks from the date first written above and the Buyer further agrees to release, indemnify, and promise to defend and save harmless the Town, its officers, employees, and agents, from and against any and all liability, injuries, loss, damage, expense, actions, and claims, including costs and reasonable attorney’s fees incurred by the Town, its officers, employees, and agents in defense thereof, asserting or arising directly or indirectly on account of or out of said canine’s activities from date of said transfer; provided, however, this paragraph does not purport to indemnify the Town against liability for any activities of said canine prior to said transfer date.
4. Severability. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, the remainder of the Agreement shall remain in full force and effect.
5. Venue. It is agreed that venue for any lawsuit arising out of this Agreement shall in the Supreme Court of the State of New York, in and for the County of Ulster.

Motion: Councilman Brink

Second: Councilwoman Hendrick

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

CARRIED

Motion to authorize the Supervisor to attend the NYS GFOA seminar on May 23, 2013 in Poughkeepsie, NY

Motion: Councilman Morrow

Second: Councilwoman Hendrick

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

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CARRIED

Motion to authorize the Supervisor to sign the Agreement and Stipulation by and between County of Ulster – Department of Health and Town of Ulster Water District requiring the Ulster Water District to drain the North Storage Tank for inspection and recoating

Motion: Councilman Morrow

Second: Councilwoman Hendrick

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

CARRIED

Motion to authorize the Supervisor to sign the Use & Occupancy Permits with the NYS DOT for the property located at the corner of Town Hall Dr. and Enterprise Dr. to place a Town sign

Motion: Councilman Brink

Second: Councilwoman Hendrick

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

CARRIED

Resolution Requesting Signage prohibiting Parking, Standing, and Unloading for Prestige Toyota, SBL: 48.050-2-7

Resolution Requesting Signage Prohibiting Parking, Standing, and Unloading for SBL: 48.050-2-7

WHEREAS, the Town of Ulster Town Board approved a Site Plan Revision for JBAF Management d/b/a Prestige Toyota Auto Dealership (SBL 48.050-2-7) on East Chester Street Bypass on October 18, 2012; and

WHEREAS, one of the site plan conditions was that signage prohibiting parking, standing, and the unloading of delivery vehicles was to be placed along the frontage of the property, if approved and authorized by the New York State Department of Transportation; and

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WHEREAS, such signage can only be obtained from the New York State Department of Transportation if requested in writing and by resolution of the Town Board; now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to submit a letter requesting that the New York State Department of Transportation install signage prohibiting parking, standing, and the unloading of delivery vehicles on the frontage of SBL 48.050-2-7 on East Chester Street Bypass.

Motion: Councilwoman Hendrick

Second: Councilman Morrow

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

CARRIED

Public Comments

Mr. Robert Barton expressed his opposition to flow control in Ulster County. He inquired about each individual Town Board Member's position on the issue. No Town Board Member offered any comment, as it was expressed that this was a county issue.

Councilwomen Hendrick left the meeting at 7:55 PM

Councilman Brink motioned to adjourn the meeting at 7:56 PM

2nd by Councilman Kitchen

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

CARRIED

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk