

ULSTER TOWN BOARD MEETING

June 20, 2013 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 COUNCILWOMAN CRIS HENDRICK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
SUPERVISOR JAMES QUIGLEY 3rd

PUBLIC COMMENT

There was no public comment.

COMMUNICATIONS

There were no communications.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of the May 2, 2013, May 16, 2013 and May 31, 2013 meetings.

2nd by Councilman Brink

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

CARRIED

ABSTRACT OF CLAIMS

Councilwoman Hendrick motioned to approve the June 2013 abstract as submitted

2nd by Councilman Morrow

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

CARRIED

2013 BUDGET MODIFICATIONS

General Fund:

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Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric-Orlando St. Ballfield 211.98

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) marking paint, score books, softballs from Hat World 877.30

Modify Appropriation A3121.401 (Seizure Fund) to be funded through A5110 (Approp.Reserve-Seizure Fund) disposition of case-J.Bockelmann 261.00

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric-Orlando St. Ballfield 367.78

Highway Fund:

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Oper.Funds) 10,999.52

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Ulster Hose #5) 260.36

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Ruby Fire Dist.) 290.48

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Town of Kingston Hwy. Dept.) 675.62

Modify Revenue D1289(Oth.Dept.Income) and Appropriation D5142.420 (Gas & Oil) April Gas Reimb. (E. Kingston Vol. Fire Co.) 382.62

Whittier Sewer:

Modify Appropriation SS1.9950.900 (Interfund Transfer,Capital Project) to be funded through SS1.5990 (Approp.Fund Bal.) funding for expenses for Whittier Sewer Cap. Project - J.Squared Construction, Brinnier & Larios & Whalen Electric 65,000.00

Whittier Sewer Cap.Proj.:

Modify Revenue HWS.5031 (Interfund Transfer) and Appropriations:
HWS.8110.200 Construction \$32,645.00
HWS.8110.400 Engineering 10,381.00
HWS.8110.402 Electrical 21,974.00
Funding for Additions and Alterations to Whittier Sewer pump station for J. Squared Construction, Brinnier & Larios, & Whalen Electric 65,000.00

Whittier Sewer Cap.Proj.:

Transfer From Transfer To

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HWS.8110.200	Construction	HWS.8110.400	Engin.	35,237.00
HWS.8110.200	Construction	HWS.8110.402	Electrical	20,250.00

MOTION: Councilwoman Hendrick
SECOND: Councilman Morrow

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

CARRIED

Presentation of Retirement Awards

Town Supervisor Quigley presented Frank Sabotia an award for his years of service. Officer James Kilfoyle and Day Minervini were recognized as well, but were unable to attend.

Authorize the Supervisor to open a new checking account at Chase for the General Disbursement Account

MOTION: Councilwoman Hendrick
SECOND: Councilman Morrow

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

CARRIED

Motioned to hire Part-Time Police Officer

Councilman Morrow moved to hire James Kilfoyle as a part-time police officer at a rate of pay of \$18.63 an hour effective June 21, 2013

2nd by Councilman Brink

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

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CARRIED

Motion to approve the hiring of thirty seasonal employees for the Recreation Department for Summer Youth Program

MOTION: Councilman Kitchen

SECOND: Councilwoman Hendrick

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

CARRIED

Motion to approve the hiring of one seasonal employee for the Sewer Department

MOTION: Councilwoman Hendrick

SECOND: Councilman Morrow

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

CARRIED

Discussion by Town Board on Forest Hill Drive situation

The floor was opened to public comment.

Mrs. Stanley Meketa reported that site work is being performed on the property in question and inquired if any permits or permissions are required.

Mrs. Terri Lynn Valenti stated that she has been in touch with the DEC. Any trees that will be removed will be behind the buffer.

Supervisor Quigley advised Mrs. Terri Lynn Valenti that a forestry permit may be required for more than causal tree removal.

Mrs. Jennifer Ennis inquired if building permits could be issued for a land lock property, if water and electric were needed for the animal shelters. She expressed concern about a fire hazard. She inquired as to what the definition of a domestic animal. She doesn't think a horse or cow would be considered domestic.

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Town Attorney Jason Kovacs stated that a building permit could not be issued to a land lock property. He would review the legal definition of a domestic animal.

Building Inspector, Kathryn Moniz, stated that she has inspected the property and there is no electric to the building in question. There were no extension cords used. She does have a well and that is connected properly.

A person from the audience stated they have seen lights at night from the buildings.

Mr. Gary Valentine, one of the property owners, stated that there are no lights to those buildings. There is a well there. There were trees that were cut due to dead growth. He felt it was ridiculous to stop a person from using their property especially since they are renting property to have access to it.

Mr. Mark Ennis stated that the rear of his property faces them and they see lights on in one of the structures. The property that they are renting has had its driveway extended to access the landlocked property. He felt that they should get access through a public roadway, not through a private property. He expressed concern over the accessibility of the property if they have an emergency.

Mr. Packard Dutkiewicz inquired what would be the difference in having an emergency now verse 10 years ago.

Mr. Jamal Mahdavian inquired how many buildings under the 100 square foot requirement can a person build on a property.

Mr. Keith Dieter inquired as to when the line changes from domestic animals to farm animals. He believes the property owners were compensated not to use the property for agriculture purposes.

Mr. Herber Heckler inquired if a commercial farm stand could be a permitted use in the zoned area? Supervisor Quigley stated that he believes they not permit in the R-30 section but there is a question on what constitutes a commercial sale.

Mrs. Bonita Roll reported that the person has filed for a DBA and an agriculture exemption. She was upset that a commercial enterprise is using a neighborhood road for business access.

Mr. Geoffrey Ring wanted the Town Board to honor the initial site plan for the area and to maintain the integrity of the neighborhood by not allowing a commercial farm there. He explained it not a barn environment, the animals have gotten loose. He requested that the Town Board maintain the standard of living for the area.

A discussion occurred about a right of way to the landlocked property and deed restrictions.

Mrs. Elizabeth Maxsoe gave a brief history of the development of the Town. When IBM came to the area, the developers followed and people had to get along with the development. She felt there should be some compromise in the area.

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Mrs. Terri Lynn Valenti explained that the money received from the government for the property was compensation for removing the toll gate along the road. There is a right away on the property near Fawn Hill, but she didn't want to give up any more land as her family had lost so much prior. Their lawyer would handle the right of away issue.

Mr. Bill Quinn inquired what an R-60 property is. He felt that there is an access point elsewhere.

Mrs. Stanley Meketa inquired what he can do if he hears non-selective cutting or removal of trees. He expressed concern as to what makes a use exceed threshold of its purpose (small operation now, but when does it become a larger one). He has lived in the area for five years and doesn't want to see the area change. There have been complaints that their animals (dogs) have gotten loose. Supervisor Quigley stated that building and forestry activities should be reported to the Building Department.

Councilman Kitchen had a discussion with Building Inspector, Kathryn Moniz, as to what is holding the animals and what permits were needed. Town Attorney Jason Kovacs stated there are several legal issues involved and recommended that the Town Board enter into executive session to discuss this matter if they wish to discuss this.

Mr. Roll Kenneth expressed that he doesn't know the history of the area but he feels the community should have to change how they live, so that they can have access to their land.

A gentleman from the audience stated that a 50 foot wide easement would be granted from Fawn Hill to Route 28 if a road was built to town spec.

Mr. Mark Ennis stated that the people in the area don't have a vendetta against the Valenti Family. They are not in favor of the activities happening on the property. There are easements available to the property owners, but they want to go around it by connecting to an existing drive way.

1 Resolution Scheduling Public Hearing about Correction of Structure Owned by New L & J Corp.

WHEREAS, that the code enforcement officer of the Town of Ulster, Ulster County, has filed a written report with the Town Board of the Town of Ulster pursuant to the provisions of the Unsafe Buildings Law [Chapter 64 of the Town Code of the Town of Ulster] regarding a structure situated on premises reputedly owned by New L & J Corp., at 454 Hurley Avenue in the Town of Ulster, designated by Tax Map No. 48.17-1-41.1, deeming the same to be unsafe to the public in that there is a potential for injury, damage, or possible arson, and that it is open at the doorways and windows and there are debris, garbage and combustible materials in the structure and the doors and windows should be secured against unauthorized entry.

NOW THEREFORE, the Town Board of the Town of Ulster, in regular session, duly convened resolves as follows:

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1. After considering said report, and pursuant to the provisions of said Local Law, does hereby schedule a public hearing on July 18, 2013 at 7:15 p.m. at Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, to determine whether said structure is unsafe and dangerous and if so to order that such structure be secured against unauthorized entry and/or demolished.

2. This resolution shall take effect immediately.

MOTION: Councilman Morrow

SECOND: Councilwoman Hendrick

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

CARRIED

Resolution authorizing the removal of No Parking Signs on Plainfield Street

MOTION: Councilman Morrow

SECOND: Councilwoman Hendrick

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

CARRIED

Approval of the form of Agreement for Out of District Sewer Use for Bread Alone and authorize the Supervisor to sign an agreement

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Resolution adopting Local Law 3 of 2013 – A Local Law to allow purchasing of Best Value

1 TOWN OF ULSTER

Local Law No. 3 of 2013

A Local Law to Allow Purchasing of the Best Value

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

Section I. Authority and Purpose

New York General Municipal Law § 103(1) allows the Town to authorize, by local law, the award of certain purchase contracts (including contracts for services) subject to competitive bidding under General Municipal Law § 103 on the basis of "best value" as defined in § 163 of the New York State Finance Law. The "best value" option may be used, for example, if it is more cost efficient over time to award the good or service to other than the lowest responsible bidder or offerer if factors such as lower cost of maintenance, durability, higher quality and longer product life can be documented.

Section II. Award Based on Best Value

The Town Board may award purchase contracts, including contracts for services, on the basis of "best value," as that term is defined in New York State Finance Law § 163. All awards based on best value shall require Town Board approval.

Section III. Applicability

The provisions of this chapter apply to Town purchase contracts, including contracts for services, involving an expenditure of more than \$20,000, but excluding purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the New York Labor Law and any other contract that may in the future be excluded under state law from the best value option. If the dollar thresholds of New York General Municipal Law § 103 are increased or decreased in the future by the State Legislature, the dollar thresholds set forth herein shall be deemed simultaneously amended to match the new General Municipal Law thresholds.

Section IV. Standards for Best Value

Goods and services procured and awarded on the basis of best value are those that the Town Board determines optimize quality, cost and efficiency, among responsive and responsible bidder or offerers. Where possible, the determination shall be based on an objective and quantifiable analysis of clearly described and documented criteria as they apply to the rating of bids or offers. The criteria may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.

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Section V. Documentation

Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder, the basis for determining best value shall be thoroughly and accurately documented.

Section VI. Procurement policy superseded where inconsistent

Any inconsistent provision of the Town's procurement policy, as adopted prior to the effective date of this chapter by resolution of the Town Board, or as amended thereafter, shall be deemed superseded by the provisions of this chapter.

Section VII. 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 VIII. Effective Date

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

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

Resolution approving Sign for installation of No Parking Sign – Church Hill Road and Creeks Locks Road, Eddyville

MOTION: Councilwoman Hendrick

SECOND: Councilman Morrow

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

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Supervisor Quigley - Aye

CARRIED

Authorize the Town Clerk's office to go out to bid for the Town of Ulster Highway Department to soliciting bids for a Used 2009 Lee Boy Paver – bid number - RFB-TOUH-13-02

MOTION: Councilman Morrow

SECOND: Councilwoman Hendrick

Town Councilman Brink - Aye

Town Councilman Kitchen - Aye

Town Councilwoman Hendrick - Aye

Town Councilman Morrow - Aye

Supervisor Quigley - Aye

CARRIED

7:15PM – Public Hearing on a Proposed Local Law of 2013: A Local Law Providing for the Adoption of a New Section 61-4(A) of Chapter 61 of the Town Code [Building Permits Required]

Supervisor Quigley opened the public hearing at 8:30 PM.

Town Attorney Jason Kovacs stated this proposed law offers a minor change to the Town's code that requires a permit when commercial property has a change of business. This would allow the town to inspect the property and help ensure public safety. Other towns in this county have this law in place.

Building Inspector, Kathryn Moniz, stated the use of this law allows the Town to know what is going into a building, ensure a fire inspection is performed and emergency contact information is current.

Councilman Morrow moved to open public comment for the public hearing at 8:32 PM
2nd by Councilwoman Hendrick

Town Councilman Brink - Aye

Town Councilman Kitchen - Aye

Town Councilwoman Hendrick - Aye

Town Councilman Morrow - Aye

Supervisor Quigley - Aye

CARRIED

HEARING PUBLIC COMMENT

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Mr. Robert Barton inquired about the plumbing and heating section of the law. He feels the laws should be better detailed.

Building Inspector Kathryn Moniz explained that, if a person replaces their heating system, there is no permit required. If a person changes their system from oil to gas heat, then a permit is required.

Councilwoman Hendrick moved to close the public hearing at 8:40 PM
2nd by Councilman Morrow

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

CARRIED

PUBLIC COMMENT

Mrs. Katherine J Beinkafner, Ph.D. inquired about getting a street opening permit for the purpose of extracting water samples. The cost to purchase a bond to get a permit is more expensive than any damage they can do. She requested that the Town consider a cash deposit directly to the town. A discussion followed.

Executive Session - Medical Condition of a Current Employee

Councilman Morrow moved to enter into executive session at 8:48 PM to discuss a personnel issue in regard to an employee health condition
2nd by Councilwoman Hendrick

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

CARRIED

Executive session ended at 8:51 PM

Councilwoman Hendrick left at 8:52 PM.

Supervisor Quigley reported that no actions were taken in executive session.

Sign a MOA with Local #17 in relation to uncompensated leave of absence for Brian Palen.

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MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Councilman Morrow motioned to adjourn the meeting at 8:53 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