

ULSTER TOWN BOARD MEETING
September 5, 2013 at 7:00 PM

CALLED TO ORDER BY SUPERVISOR JAMES 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 COMMENT

Mr. Robert Crane felt that Mr. King was an excellent choice for a Fire Inspector and he requested that the Supervisor abstain from voting as he is related to him.

COMMUNICATIONS

NYS Dept. of Health – A letter was read offering free advisory signs about eating fish and crabs from the Hudson River.

COMMITTEE REPORTS

Councilman Kitchen reported from Parks and Recreation Committee that attendances and expenses dropped while income remained the same. Bidly Basketball signs are scheduled with a rate of \$20 per child.

Councilman Brink reported from the Finance Committee that the abstracts have been reviewed.

Councilman Kitchen reported from the Water and Waste Water Department that the Whittier Sewer District is having some upgrades. New pumps, panels, ball joints, flood proof doors and other water/weather proofing items were installed. They had received insurance money for some storm damage. He reported that the Newer Quick Check on Washington Avenue, in the Washington Avenue Sewer District is running. The Ulster North Tower has been drained and repairs will be starting. The Town will try to perform the repairs in house to save money.

Councilman Kitchen reported from the Personnel Committee that they had discussed hiring a Fire Inspector.

Councilman Brink reported from the Assessor, Building and Planning Committee. He was impressed with how fast a place like Quick Chek can grow strong green grass on their site. There is some development that is being worked on. He is happy with the new Building Inspector's performance.

Councilwoman Hendrick reported from the Constitute Committee that the people in Glenerie are having an issue with the trains blowing their horns. She is reviewing setting up a quiet zone for the area. She also received some concerns from residents on Plainfields St. about the new parking area and about people parking in the streets when it snows. There are people who smoke

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along the county property line in that area leaving cigarette butts there. The county is looking to install ash trays there to resolve the issue.

Public Hearing

7:15 - Local Law Providing for the Adoption of a New Section 105-3(c) of Chapter 105 of the Town Code

Town Attorney Jason Kovacs reported that this proposed local law is a mild revision of the original in that this law provides a provision that a fee may be charged.

Public Comment

Mr. David Brink stated that he is charged by Ulster County for his trailer park to be inspected and the Town has their own inspection fee, for the same thing.

Councilwoman Hendrick moved to close the hearing at 7:17 PM
2nd by Councilman Brink

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

Motion Carried

Motion to accept the request for Leanne Buchinger to take an unpaid leave of absence as Court Clerk for up to one year

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

Motion Carried

Motion to appoint Patti Ilgner as a full time temporary Court Clerk for 90 days with a pay rate of \$12.75 per hour, with no benefits, effective August 5, 2013.

MOTION: Councilman Morrow
SECOND: Councilwoman Hendrick

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

Motion Carried

Motion to appoint Robert C. King Jr. as a part-time Fire Inspector at a rate of \$16.22 an hour, effective August 8, 2013.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Brink - Aye
Town Councilman Kitchen - Aye
Town Councilwoman Hendrick - Aye
Town Councilman Morrow - Aye
Supervisor Quigley - Abstained due to a family relationship

Motion Carried

Resolution granting Site Plan Approval to H& V Collision on a parcel of land identified as SBL 48.042-3-14, Ulster Avenue, Kingston

**Resolution Approving Site Plan Amendment
H&V Collision : SBL: 48.42-3-14 : 1051 Ulster Avenue**

WHEREAS, the Town of Ulster Planning Board and its consultant planner, have reviewed an application by *H&V Collision with the consent of DHR Properties, LLC* (owners) for *Site Plan Amendment* approval to construct a 7,509 square foot (SF) addition to the former 13,137 SF *Grossmans Bargain Outlet* building (located at 1051 Ulster Avenue) and Site Plan Amendment approval for a *Change in Use* from “retail” to “automobile service & car rental” with ancillary office and meeting space; and

WHEREAS, the Town of Ulster Planning Board has the authority to make an advisory recommendation to the Town Board; and

WHEREAS, the Town of Ulster Town Board is the only agency with the authority to approve the Proposed Action; and

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Written Narrative* prepared by Scott Dutton, R.A. dated 7/8/13;
- *Existing Conditions Plan* prepared by Scott Dutton, RA dated 7/8/13;
- *Site Plan with New Work* prepared by Scott Dutton, RA revised 8/7/13;
- *Existing Floor Plan* prepared by Scott Dutton, RA dated 7/8/13;

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- *Existing Roof Framing Plan* prepared by Scott Dutton, RA dated 7/8/13;
- *Existing Elevations* prepared by Scott Dutton, RA dated 7/8/13;
- *New Work Floor Plan* prepared by Scott Dutton, RA revised 8/7/13; and
- *New Work Elevations Plan* prepared by Scott Dutton, RA revised 8/7/13.

WHEREAS, the Planning Board upon review of the entire record (including SEQR Short EAF) found the Proposed Action was an *Unlisted Action* pursuant to Part 617 of SEQRA and further determined the current proposed action did not pose any potentially significant adverse environmental impacts, which could not be mitigated through project design and recommended the Town Board issue a SEQR Negative Declaration;

WHEREAS, at its August 19, 2013 meeting, the Planning Board recommended that the Town Board make a Determination of non-significance and issue a SEQR Negative Declaration on the Proposed Action, and also recommended that the Town Board grant Site Plan Amendment Approval to H&V Collision; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board make a Determination of non-significance and issue a SEQR Negative Declaration on the Proposed Action; and be it further

RESOLVED that the Town of Ulster Town Board grant Site Plan Amendment Approval to H&V Collision subject to the conditions, limitations and restrictions set forth below

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Provision of revised plans, which address all the required site improvements requested by the Town of Ulster Sewer Department;
4. Applicant to re-appear before Planning Board when lighting and sign specifications;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

Motion Carried

Discussion on participating in UC Multi-Jurisdictional Hazard Mitigation Plan

Councilman Kitchen motioned to appoint James Maloney as the Town's coordinator/ liaison for

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the UC Multi-Jurisdictional Hazard Mitigation Plan with Kathryn Moniz, Building Inspector as an alternate for 2013

2nd by Councilman Morrow

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

Motion Carried

Resolution to award contract TU-132 Interior Cleaning and Coating of a Water Storage Tank to Amstar of Western New York, Inc. in the amount of \$92,500 and to authorize the Supervisor to sign Change Order No. 1 reducing the contract price by \$25,000

Whereas, The Town Board authorized bids to be advertised for Contract TU-132 (General Construction), Interior Cleaning and Coating Repair of a Water Storage Tank, for the Ulster Water District, Town of Ulster, and;

Whereas, bids were advertised in accordance with the General Municipal Law and opened on August 29, 2013, and;

Whereas, three bids were received - ranging from \$92,500.00 to \$122,131.00, and;

Whereas, the lowest qualified bidder is Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York, 14225, in the amount of \$92,500.00, and;

Whereas, after further review of the project specifications, and considering the limited extent of coating repairs, it is recommended by the Town Engineer, Brinnier and Larios, P.C., to eliminate the requirement to provide and maintain de-humidification equipment, and Amstar of Western New York has offered a \$25,000.00 credit for elimination of this work.

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

1. The Town Board awards Contract TU-132 (General Construction) to Amstar of Western New York, Inc., 825 Rein Road, Cheektowaga, New York, 14225, in the amount of \$92,500.00, and concurrently approves a \$25,000.00 credit Change Order, resulting in a revised Contract Amount of \$67,500.00.
2. The Town Board authorizes the Supervisor to enter into a contract with Amstar of Western New York, Inc., in the amount of \$92,500.00, and to concurrently execute a credit Change Order of \$25,000.00, on behalf of the Ulster Water District and the Town of Ulster.

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MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

Motion Carried

Motion to authorize the Supervisor to sign an Agreement with Ulster County Department of Health regarding the North Water Tower

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

Motion Carried

Resolution Authorizing Town Attorney to Serve 10 Day and 30 Day Notice to Quit and to Commence Eviction Proceedings – 90 & 94 North Drive

WHEREAS, by deeds dated August 13, 2013 and recorded in the office of the Ulster County Clerk on August 14, 2013, the Town of Ulster was awarded ownership of parcels of real property located at 90 and 94 North Drive (SBL: 39.7-10-15 and 39.7-10-23); and

WHEREAS, a house situated on said parcels is occupied by one or more individuals, none of whom has a license or lease or other authorization to occupy said parcels; and

WHEREAS in order to commence an eviction proceeding, the Town Board must authorize the Supervisor of the Town of Ulster to sign the appropriate “notices to quit,” and

WHEREAS, if the individuals residing at the property at issue do not comply with the notice to quit, it will be necessary to commence an eviction proceeding in the Town of Ulster Justice Court;

NOW THEREFORE BE IT RESOLVED that the Town Board authorizes and directs the Town Supervisor to sign the relevant notices to quit, the Town Board authorizes and directs the Town Attorney to serve the notices to quit on the occupants, and the Town Board hereby directs the Town Attorney to commence and maintain an eviction proceeding against any and all occupants

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of the real property located at 90 and 94 North Drive if the occupants have not complied with the notice to quit.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

Motion Carried

Schedule a Public Hearing on September 19, 2013 at 7:35 PM for Local Law # of 2013 Providing for the Adoption of a New Section 53-2 of Chapter 53 of the Town Code

MOTION: Councilman Brink

SECOND: Councilman Councilwoman Hendrick

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

Motion Carried

Authorize the Supervisor to sign a letter to the Watershed Coalition on assistance with Esopus Creek/NYC DEP issues

MOTION: Councilman Morrow

SECOND: Councilman Hendrick

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

Motion Carried

Motion to authorize the Supervisor to sign Change Order #2 dated 8/23/2013 for Mid Atlantic Storage Systems, Inc. reducing the Project Costs of the Glenerie Water Storage Tank by \$2500.00

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MOTION: Councilman Morrow

SECOND: Councilman Brink

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

Motion Carried

Motion to authorize the Supervisor to sign Change Order #1 dated 8/19/2013 for J. Squared Construction Corporation, for Additions and Alterations to the Wastewater Pump Station, Whittier Sewer District

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

Motion Carried

Motion to authorize the Supervisor to sign Change Order #2 dated 8/19/2013 for J Squared Construction Corporation for Additions and time extension to the Wastewater Pump Station, Whittier Sewer District

MOTION: Councilman Brink

SECOND: Councilman Hendrick

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

Motion Carried

Motion to authorize the Supervisor to sign Change Order #3 dated 9/3/2013 for Whalen Electric, LLC reducing the Project Costs of the Glenerie Water Storage Tank by \$2500.00

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

Motion Carried

Motion to set a Public Hearing on September 19, 2013 at 7:15 pm for Kyriacou/Carbone Selective Timber Harvest – Stickles Terrace

MOTION: Councilman Brink
SECOND: Councilman Kitchen

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

Motion Carried

Motion to set a Public Hearing on September 19, 2013 at 7:25 pm for Feller-Dykeman Selective Time Harvest – Hoyer Road

MOTION: Councilwoman Hendrick
SECOND: Councilman Brink

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

Motion Carried

Motion to approve Chief of Police Contract

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

Motion Carried

Motion to approve SRO Agreement with Kingston City School District

MOTION: Councilman Kitchen
SECOND: Councilman Hendrick

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

Motion Carried

Resolution Approving Galunas v. Reynolds Settlement

1 WHEREAS, a Summons and Complaint in the matter of Galunas v. Reynolds, bearing United States District Court for the Northern District of New York File No. 8:11-CV-0014 was duly served upon the Town of Ulster on or about January 24, 2011; and

WHEREAS, the Town of Ulster, with the assistance of the Shantz & Belkin, Attorneys for the Town of Ulster, having duly made and filed their Answer to said Summons and Complaint, and

WHEREAS, the Plaintiff and the Town of Ulster are prepared to enter into an agreement and stipulation of compromise and settlement of their differences in summary as follows:

The Town of Ulster shall pay \$25,000.00 to Plaintiff Matthew Galunas, and Selective Insurance Company of New York, on behalf of the Town of Ulster, shall pay Plaintiff Matthew Galunas \$25,000.00, for a total sum of \$50,000.00 paid to Plaintiff.

WHEREAS, it appears to be in the best interests of the Town of Ulster to settle said matters as recommended by Shantz & Belkin without further attendant legal costs relating to said matters,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster in regular session duly convened as follows:

1. The Town Board be and they hereby are authorized to enter into a stipulation of settlement of said pending proceeding on the terms set forth herein.
2. The Supervisor of the Town of Ulster be and hereby is authorized to make and pay the sum of \$25,000.00 to Matthew Galunas upon receipt of a fully executed General Release

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running in favor of Robert Reynolds, the Town of Ulster, and Selective Insurance Company of New York.

3. This Resolution shall take effect immediately.

MOTION: Councilman Brink

SECOND: Councilman Kitchen

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

Motion Carried

Discussion – Policy for Festivals at Robert E. Post Park

The Town Board discussed setting a policy for people to host festivals at the Robert E. Post Park. A proposed contract was presented for review. Concerns were discussed over parking and the charging of fees. There was a discussion as to whether police would be needed, as well if there is New York State law requirements. Supervisor Quigley expressed concern about the parking situation.

Public Comment

Mr. Robert Crane thanked Supervisor Quigley for his work on last year's Arbor Day Ceremony. He inquired about Councilwoman Hendrick's involvement. There was no comment.

Town Assessor Maloney reported that the state is requiring everyone to reregister for the basic STAR program. A mailer is being sent out for people to register on-line.

Councilwoman Hendrick moved to close the meeting at 8:04 PM

2nd by Councilman Brink

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

CARRIED

Respectfully Submitted by
Jason Cosenza, RMC FHCO - Ulster Town Clerk