

ULSTER TOWN BOARD MEETING

December 19, 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 3<sup>rd</sup>

**ACKNOWLEDGEMENT**

Supervisor Quigley presented Councilwomen Hendrick with a memento in appreciation of her time serving as a Councilmember.

**PUBLIC COMMENT**

There was no public comment.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilwoman Hendrick motioned to accept the minutes of the October 28, 2013, November 12, 2013 and November 21, 2013 meetings.

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

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

CARRIED

**COMMUNICATIONS**

There were no communications.

**ABSTRACT OF CLAIMS**

Councilwoman Hendrick motioned to approve the December 2013 abstract as submitted

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

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

CARRIED

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BUDGET MODIFICATION

**General Fund:**

Modify Appropriation A7140.401 (Rec. Equip. Reserve) to be funded through A5110 (Approp. Reserve-Football League) trophies from Deuire's Trophies 380.00

Modify Revenue A3897 (St.Aid, Park Grant) and Appropriation A7110.201 (Post Park Pavilion) reimb. From NYS DEC-Arbor Day-Quick Start Grant #T304849 905.89

Modify Revenue A3897 (St. Aid, Park Grant) and Appropriation A7110.201 (Post Park Pavilion) reimb. From NYS DEC-Urban & Community Forestry Grant #T304826 6,000.00

Modify Revenue A3897 (St. Aid, Park Grant) and Appropriation A7110.428 (C.Rider Pk. Imprv. Proj.) reimb. From NYS DEC-Hudson River Estuary Grant#T304779 10,000.00

Modify Appropriation A3120.100 (Wages) to be funded through A5110 (Approp.Reserve-DARE) Police Wages 17,982.94

**Highway Fund:**

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

Modify Revenue D1289(Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil ) Oct. Gas Reimb. (Ruby Fire Dept.) 209.62

Modify Revenue D1289(Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil ) Oct. Gas Reimb. (Town of Kingston Hwy. Dept.) 501.84

Modify Revenue D1289(Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Oct. Gas Reimb. (E. Kingston Vol. Fire Co.) 754.34

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 to close multiple savings accounts at JP Morgan Chase Bank**

WHEREAS, the Town of Ulster Town Board has heretofore declared JP Morgan Chase

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Bank, N.A. an official depository for town funds; and

WHEREAS, the Town of Ulster Town Board has heretofore opened various checking accounts at JP Morgan Chase Bank, N.A. to handle the town's financial and depository needs; and

WHEREAS, the following bank account(s) at JP Morgan Chase Bank, N.A. contain zero balances, are no longer needed for the town's banking needs, and are considered superfluous;

JP Morgan Chase Bank, N.A. checking account  
Bright Acres Water Capital Project

THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster, Ulster County, as follows:

1. That the Town Board of the Town of Ulster authorizes the Supervisor to close the following bank account(s) at JP Morgan Chase Bank, N.A. according to the terms and conditions of the authorizations granted in this resolution:

JP Morgan Chase Bank, N.A. checking account  
Bright Acres Water Capital Project

2. That the Town Clerk is hereby authorized to file with JP Morgan Chase Bank, N.A. a duly certified copy of this resolution.

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 approve the hiring of one seasonal employee, Andre Castro, for the Sewer Department for a four week period, effective December 12, 2013 at a rate of pay of \$8.50 an hour**

MOTION: Councilman Morrow

SECOND: Councilwoman Hendrick

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

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Supervisor Quigley - Aye

CARRIED

**Motion to approve the hiring of a Part-Time Deputy Clerk, Lauren L. Hommel, for the Town Clerks office effective December 17, 2013 with a rate of pay of \$11.00 an hour.**

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

**Motion to authorize the Highway Superintendent to advertise for bids for a new single axle Chassie and Dump Body with Plow as part of the Equipment Replacement Program for 2014**

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Brink - Aye

Town Councilwoman Hendrick - Aye

Town Councilman Kitchen - Aye

Town Councilman Morrow - Aye

Supervisor Quigley - Aye

CARRIED

**Motion setting the 2014 Organizational Meeting for Tuesday, January 5, 2014 at 7 PM**

MOTION: Councilwoman Hendrick

SECOND: Councilman Kitchen

Town Councilman Brink - Aye

Town Councilwoman Hendrick - Aye

Town Councilman Kitchen - Aye

Town Councilman Morrow - Aye

Supervisor Quigley - Aye

CARRIED

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**Motion to authorize the Supervisor to sign a letter to the Ulster County Legislature re: a County wide Radio System for Emergency Management**

Mr. Quick gave an overview of the outdated radio system Ulster County uses for emergency management and stressed the importance of updating it.

MOTION: Councilwoman Hendrick

SECOND: Councilman Brink

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

CARRIED

**Discussion on Traffic Conditions on Hillside Terrace/Robin Lane**

Police Chief Anthony Cruise reported on the conditions on Hillside Terrace and Robin Lane. There were approximately 10 traffic details performed to collect data. He recommended no “Stop” signs be installed in the area at this time. However the police will have a greater presence in the area. In the spring, another study would be performed.

**Discussion on No Parking on Links Lane, Whittier**

Police Chief Anthony Cruise recommended that “No Parking Overnight” signs be installed on Links Lane in the area in question.

Councilman Morrow moved to replace the “No Parking” signs on Links Lane and replace them with “No Parking Overnight” as recommended by the Chief.  
2<sup>nd</sup> by Councilwoman Hendrick

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

CARRIED

**Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Glenerie Water District**

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as

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amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the "LANDFILL CLOSURE RESERVE FUND" to finance the closing of the Town's landfill, and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund is no longer needed for this purpose and may be transferred to another account pursuant to the authority vested in the Town Board by General Municipal Law Section 6-c (9-a), and

WHEREAS it is proposed to loan monies from the Landfill Closure Reserve Fund to the Glenerie Water District (hereinafter the "District") to cover the balance of expenses for the Glenerie Water Tank Cap. Project; and

WHEREAS, such loan from the Landfill Closure Reserve Fund to the Glenerie Water District will save the Glenerie Water District the cost and expense of borrowing the needed funds, and

WHEREAS, given these circumstances, the District has requested that the Town Board authorize an interfund loan in order to advance the costs of the Glenerie Stormwater Project from the Landfill Closure Reserve Fund to the District's Fund, until such time that the District can collect such taxes or otherwise generate sufficient revenue; and

WHEREAS, pursuant to General Municipal Law § 9-a, all interfund loans must be authorized by Town Board resolution, now therefore be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes an interfund loan of up to \$92,500.00 from the Landfill Closure Reserve Fund to the Glenerie Water District; and be it further

RESOLVED, that, pursuant to General Municipal Law § 9-a, said monies shall be repaid to the Landfill Closure Reserve Fund no later than December 31, 2014; and be it further

RESOLVED, that the interest rate established for the borrowing period is 0.5% per annum, and the repayment obligation amount is up to \$92,500.00, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of up to \$92,500.00, to the Glenerie Water District and be it further

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RESOLVED, that the Town Supervisor is hereby authorized to take any and all steps necessary to effectuate said loan.

MOTION: Councilwoman Hendrick

SECOND: Councilman Brink

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

CARRIED

**Resolution Adopting Local Law No.7 of 2013; A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Ulster Planning Board and Town of Ulster Zoning Board of Appeals**

A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Ulster Planning Board and Town of Ulster Zoning Board of Appeals

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

Section I. Title

This article shall be titled "A Local Law to Provide Minimum Requirements for Meeting Attendance and Training for Members of the Town of Ulster Planning Board and Town of Ulster Zoning Board of Appeals."

Section II. Definitions

As used in this article, the following terms shall have the meanings indicated:

PLANNING BOARD

Planning Board of the Town of Ulster.

TOWN

Town of Ulster.

TOWN BOARD

Town Board of the Town of Ulster.

TOWN CLERK

Town Clerk of the Town of Ulster.

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ZONING BOARD OF APPEALS

Zoning Board of Appeals of the Town of Ulster.

Section III. Findings and Purpose

- A. The Town Board finds that appropriate attendance at meetings and training of Zoning Board of Appeals and Planning Board members is essential.
- B. The State of New York has recognized the importance of both meeting attendance and training in its recent amendments to the Planning Board and Zoning Board of Appeals statutes (§ 271 and 267, respectively, of the Town Law).
- C. It is the purpose of this article to encourage Zoning Board of Appeals and Planning Board members to attend their respective Board meetings and to obtain training to enhance their ability to carry out their duties under law. The Town Board is prepared to pay the costs associated with meeting attendance and such training as provided for in the town's budget.
- D. It is also the purpose of this article to establish required minimum meeting attendance along with training and continuing education course requirements for such members.
- E. Town of Ulster Town Code Section 37-5(D), in addition to all resolutions, local laws, and parts thereof, which are inconsistent with this Local Law, are hereby repealed.

Section IV. Minimum attendance at meetings

- A. All members of the Zoning Board of Appeals and Planning Board shall be required to attend a minimum of 75% of their Board meetings scheduled within a calendar year.
- B. Noncompliance with minimum requirements relating to attendance at meetings shall be deemed a proper cause for removal from office by the Town Board.

Section V. Minimum training requirements

- A. All members of the Zoning Board of Appeals and Planning Board shall be required to attend a minimum of four (4) hours in relevant training courses within one year from the date of their initial appointment to such Board, attend training sessions of not less than four hours every one year thereafter and provide proof of attendance to the Town Clerk.
- B. Noncompliance with minimum requirements relating to training shall be deemed a proper cause for removal from office.
- C. The costs of such seminars, workshops or continuing education courses so designated shall be a town charge. Members shall also be reimbursed for travel and meal expenses according to town policies. Such training sessions shall be approved in advance by the



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Town Board.

### Section VI. Approved training courses

Training sessions which relate to the duties of members of the Zoning Board of Appeals and members of the Planning Board may include programs offered by the New York State Department of State, New York State Association of Towns, New York State Department of Environmental Conservation, the Ulster County Planning Department, the New York State Planning Federation, and other such entities, as well as in-house updates of seminars. The Town Board, after discussion with the Chairpersons of the Zoning Board of Appeals and Planning Board, shall annually designate such seminars, workshops, or continuing education courses which may be offered within a reasonable distance and which may be helpful to or of assistance to the Zoning Board of Appeals and/or Planning Board in carrying out its functions in a timely, fair, and lawful manner.

### Section VII. Lack of training not to affect validity of member's actions

Notwithstanding the foregoing, the failure of a member of the Planning Board or Zoning Board of Appeals to attend the required percentage of meetings or obtain such training shall not affect said person's appointment to serve on such Board, to entertain applications, and to vote on such applications, or the validity of such member's actions.

### Section VIII. Procedure for removal of members

The Chairperson of the Zoning Board of Appeals and the Chairperson of the Planning Board shall notify the Town Board in writing on or about December 1 in any year of any member who fails to comply with the minimum requirements for meeting attendance and/or training in any calendar year. In the event a member of the Zoning Board of Appeals or Planning Board has failed to complete the minimum attendance and/or training requirements set forth in Sections IV and V, respectively, then the Town Board may remove such member for cause as herein provided.

- A. Notice. Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum requirements of Sections IV and V, above.
- B. Public hearing. Such notice shall specify a date, not less than 10 or more than 30 days from the date of mailing such notice, when the Town Board shall convene and hold a public hearing on whether or not such member should be removed from service on such Board. Such notice shall also specify the time and place of such hearing.
- C. Public notice. Public notice of such hearing shall be published in a paper of general circulation within the town at least 10 days prior to the date of the public hearing.
- D. Conduct of hearing. The public hearing on the charges shall be conducted before the Town Board. The member shall be given an opportunity to present evidence and to

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call witnesses to refute the charges. A record of such hearing shall be made. The decision of the Town Board shall be reduced to writing, together with specific findings of the Town Board with respect to each charge against such member. Findings shall be filed in the Town Clerk's office and mailed to the member within five business days of such filing by certified mail, return receipt.

E. Action by the Town Board. Following the hearing and upon a finding that such member has not met the minimum meeting attendance and/or training established by this article, the Town Board may:

(1) Remove such member from the Zoning Board of Appeals or Planning Board by majority vote of the entire Town Board;

(2) Issue a written reprimand to such member without removing such member from such Board; or

(3) If the Town Board shall find that the reasons for failing to meet the minimum meeting attendance and/or training requirements are excusable because of illness, injury or other good and sufficient cause, the Town Board may elect to take no action.

Section IX. Removal for cause

Nothing contained herein shall be deemed to limit or restrict the Town Board's authority to remove a member from the Zoning Board of Appeals or Planning Board for cause (i.e., for other than the reasons enumerated herein). The procedural provisions of Section VIII, Procedure for removal of members, shall govern any hearing to remove a member for cause.

Section X. Applicability

A. This article shall apply to all members of the Zoning Board of Appeals and Planning Board regardless of the date of their appointment to such Board.

B. Prospective members of the Zoning Board of Appeals and Planning Board shall be notified of the requirements of this article prior to their appointment to such Board.

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

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**Motion to set a Public Hearing for Proposed Local Law of 2014; A Local Law Providing for the Adoption of a New Section 61-4(K) of Chapter 61 of the Town Code (Building Permit Fees) at the January 2, 2014 Town Board and Organizational Meeting at 7:30 PM**

MOTION: Councilwoman Hendrick

SECOND: Councilman Kitchen

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

CARRIED

**Public Comment**

Town Assessor James Maloney reminded the public that regular STAR exemptions had to be renewed through the state by December 31, 2013. The enhanced STAR exemptions remain the same. He also wanted to express his support of the Town Board as a County Legislator for its request to the County to upgrade the emergency communication equipment.

Mr. Jeremiah McDonough thanked the Town Board and the Police Department for their work in addressing the problems of speeding in Hillside Acres.

Supervisor Quigley gave an update on the Town Hall Housing Committee. He has some more people he will interview.

Councilman Brink motioned to adjourn the meeting at 7:38 PM  
2<sup>nd</sup> by Councilwoman Hendrick

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

CARRIED

Respectfully Submitted by  
Jason Cosenza, RMC FHCO  
Ulster Town Clerk