

ULSTER TOWN BOARD MEETING
JULY 17, 2014 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:05 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR JAMES QUIGLEY 3rd

PUBLIC COMMENT

There was no public comment.

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Brink motioned to accept the minutes of the June 5, 2014 and June 19, 2014 meetings.

2nd by Councilman Brink

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

COMMUNICATIONS

Tiffany Christiana – A thank you letter was read expressing appreciation for the Town of Ulster Police Department dealing with the traffic concerns in the Hillside Terrace area.

ABSTRACT OF CLAIMS

Councilman Secreto motioned to approve the July 2014 abstract as submitted

2nd by Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

BUDGET MODIFICATIONS

General Fund:

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Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) reg.fee to USSSA	275.00	
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) return of forfeit fees to Mark Keyser & Kyle Naccarato through A5110 (Approp.Fund Bal.-Softball League) return of forfeit fees to Mark Keyser & Kyle Naccarato fees to Mark Keyser & Kyle Naccarato	296.00	
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) water bill	15.00	
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) 2014 dues to Mid-Hudson Conference	540.50	
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) electric bill - Orlando St. Ballfield	330.17	
Modify Revenue A2770 (Misc.Revenue) and Appropriation A7140.401 (Rec.Equip.Reserve) check from Comptroller's Office for unclaimed funds for Town of Ulster Little League	125.00	
Highway Fund:		
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Oper.Funds)	9,664.53	
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Ulster Hose #5)	38.43	
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Ruby Fire Dist.)	162.05	
Modify Appropriation SW6.9795.700 (Interfund Loan Int.) to be funded through SW6.5990 (Approp.Fund Bal.) int. repayment to Landfill Closure for interfund loan-water tank constr.	50.00	
Transfer From A.1910.400 Unalloc.Insur.	Transfer To A1989.400 Grants Writer	2,000.00

MOTION: Councilman Secreto
 SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye

Supervisor Quigley - Aye

CARRIED

DEPARTMENT HEAD REPORTS

Waste Water Department – Waste Water Superintendent Corey Halwick reported all the systems are running fine. His summer crew is cleaning and performing maintenance work. They are working to reduce their water infiltration.

Police Department – Police Chief Anthony Cruise read the monthly police report. Traffic accidents are up. They have installed a live scan system that expedites the booking process and connects directly with the State where previously they had to connect to the County to connect to the State. Naaloxone drug kits have been distributed with training to treat drug overdoses from prescription narcotics like oxycodone and heroin. They are seeking grant money to update their website and protective vests. The recent music concert in Saugerties had little impact on the Town’s police operations.

Building Department – Building Inspector Kathy Moniz read the monthly report. She is working to add all the properties with solar arrays to the 911 grid. This is to prevent injury to rescue workers in case of an emergency like a fire, where all the power should be turned off. She is also looking to add a label to buildings to alert rescue workers.

Assessor’s Office – Town Assessor James Maloney reported that all the tax rolls were filed. They are waiting for the school tax exemptions to arrive.

Town Clerk – Town Clerk Cosenza read the monthly report.

Water Department – Councilman Kitchen read the monthly report. There were two water breaks this quarter. All the required water tests were performed.

Recreation Department – Councilman Kitchen gave the monthly report. The Recreation Committee met with Highway Superintendent, Frank Petramale, and reviewed some improvements to the three mini-parks in the town that included trimming trees, installing playground equipment and general beautification of the parks.

7:10 pm - Local Law Providing for Adoption of a New Section 190-34 of Chapter 190 of the Town Code [Pre-existing and non-conforming signs]

Supervisor Quigley stated that this proposed law is to make the Town Code comply with the Town Master Plan. This removes the privilege of a bill board or road sign being taken down and moved to another location.

Supervisor Quigley opened the floor for public comment at 7:23 PM.

There was no public comment.

Councilman Brink moved to close the public hearing at 7:24 PM
2nd by Councilman Morrow

Town Councilman Brink - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Town Councilman Secreto - Aye
Supervisor Quigley - Aye

CARRIED

7:15 PM - Site Plan and Special Permit Approval for Marriott Residence Inn

A representative from Marriot Residence Inn gave an overview of the project. They are working on improving the traffic flow. There is an emergency gravel access roadway and they adding some additional fire hydrants. Also the water drainage is being reviewed. They have done some balloon tests to show the visual impact of the buildings. The ETA for the ground-breaking would be around Fall with all the approvals.

Supervisor Quigley opened the floor for public comment at 7:26 PM.
There was no public comment.

Councilman Morrow moved to close the public hearing at 7:27 PM
2nd by Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Resolution - Site Plan and Special Permit Approval for Marriott Residence Inn

Recommendation for Referral to the Town Board

Residence Inn by Marriott

Site Plan and Special Permit Approval
Frank Sottile Boulevard (CR 161)
S-B-L: 48.8-1-34.11

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *TMI Hospitality with the consent of S&R Company of Kingston* seeking *Site Plan & Special Permit approval* to construct of a 92-unit, 52 foot-high, 4-story *Residence Inn by Marriott* extended-stay hotel along with associated parking, access, landscaped areas and utility infrastructure; and

WHEREAS, the proposed Residence Inn hotel is allowed as a Special Permit Use in accordance with the standards set forth in §190-25 (C) of the Town Code; and

WHEREAS, pursuant to the Town Code, the Town of Ulster *Town Board* retains the authority to approve the *site plan and special permit* for this action, subject to a favorable recommendation from the Town of Ulster Planning Board; and

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

- *Written Project Narrative* by Atlantic Design Engineers, Inc. dated February 4, 2014;

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- *SEQR FULL EAF* prepared by Dan Rheault, Mngr. Hotel Design dated January 31, 2014;
- *Traffic Impact Analysis* prepared by Maser Consulting, P.C. dated January 29, 2014;
- *Photometric Plan* prepared by Persona Sign Makers dated January 30, 2014;
- *Sign Specification* prepared by Persona Sign Makers dated December 27, 2013;
- *Existing Conditions Survey* by Brinnier & Larios, P.C. dated December 18, 2013;
- *Site Layout Plan* prepared by Atlantic Design Engineers, Inc. dated February 4, 2014;
- *Grading & Erosion Control Plan* by Atlantic Design Engineers, Inc. dated February 4, 2014;
- *Utilities Plan* prepared by Atlantic Design Engineers, Inc. dated February 4, 2014;
- *Details Plans* prepared by Atlantic Design Engineers, Inc. dated February 4, 2014;
- *First Floor Plan* prepared by TMI Hospitality, Fargo North Dakota undated;
- *Second Floor Plan* prepared by TMI Hospitality, Fargo North Dakota undated;
- *Third Floor Plan* prepared by TMI Hospitality, Fargo North Dakota undated;
- *Exterior Elevations* prepared by TMI Hospitality, Fargo North Dakota undated;
- *Roof Plan* prepared by TMI Hospitality, Fargo North Dakota undated;
- *Lighting Plan* prepared by TMI Hospitality, Fargo North Dakota dated 1-30-14; and
- *Landscape Plan* prepared by TMI Hospitality, Fargo North Dakota dated 12-27-13.

- *Written Project Narrative* by Atlantic Design Engineers, Inc. dated June 10, 2014;
- *Building Rendering Plan provided* by TMI Hospitality, Fargo North Dakota on 6-14-14;
- *Traffic Impact Analysis* prepared by Maser Consulting, P.C. revised June 6, 2014;
- *Photometric Plan* prepared by Persona Sign Makers revised June 11, 2014;
- *Site Layout Plan* prepared by Atlantic Design Engineers, Inc. revised June 10, 2014; and
- *Landscape Plan* prepared by TMI Hospitality, Fargo North Dakota revised 6-9-14.

- *Photometric Plan* prepared by Persona Sign Makers revised June 26, 2014; and
- *Map of Subdivision* prepared by Brinnier & Larios, PC., dated June 10, 2013.

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law by the Town of Ulster Planning Board at its June 17th meeting and written comments from the UCPB were received on July 14, 2014; and

WHEREAS, the Ulster County Planning Board provided the following Required Modifications: 1) The applicant will need to obtain permits for access and for planting within the County right-of-way from the Ulster County Department of Public Works, 2) In the future, should the Hudson Valley Mall change it's policy regarding direct access to the mall's ring road system, the emergency access will need to be upgraded to a full access, 3) At such time an improvement is reestablished for the purpose of expanding Frank Sottile Blvd. to Route 199, the Residence Inn should be included, and 4) Lighting Levels should conform to the Town of Ulster standards; and

WHEREAS, upon review of the UCPB Required Modifications, the Town of Ulster Planning Board found Required Modifications Nos. 1-3 would best be addressed as conditions of approval and Required Modification No. 4 was satisfied through a revision to the Lighting Plan dated June 26, 2014; and

WHEREAS, the Town of Ulster Planning Board as Lead Agency for the Unlisted Action-Coordinated Review studied the SEQR Full EAF Part 1 and 2, Traffic Impact Analysis, Visual Impact Assessment, and SWPPP along with comments of the Town Engineer, Highway,

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Water and Sewer Departments and found the Proposed Action would not pose any potentially significant environmental impacts *based upon studies provided and the mitigation measures being employed in the design of the proposed development and issued a SEQR Negative Declaration; and*

WHEREAS, the Proposed Action also involved a 2-lot minor subdivision and the Town of Ulster Planning Board granted Minor Subdivision approval at its July 15th meeting following the close of its public hearing; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Planning Board refers this matter to the Town Board with a recommendation that the Town Board affirm its SEQR Determination of Non-Significance (Negative Declaration); and

FURTHER BE IT RESOLVED, the Town of Ulster Planning Board hereby recommends the Town Board grant *TMI Hospitality Site Plan & Special Permit* approval to construct of a 92-unit, 52 foot-high, 4-story *Residence Inn by Marriott* extended-stay hotel along with associated parking, access, landscaped areas and utility infrastructure on the above referenced site 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. Compliance with final site plan, design plans and all details as cited herein;
4. Approval of final SWPPP and utility plans by the Town Engineer and Sewer & Water Departments;
5. Prior to construction, the applicant obtains permits for access and for planting within the County right-of-way from the Ulster County Department of Public Works;
6. Should the Hudson Valley Mall change it's policy regarding direct access to the mall's ring road system, the Residence Inn would need to upgrade the emergency access to full access,
7. At such time an improvement district is reestablished for the purpose of expanding Frank Sottile Blvd. to Route 199, the Residence Inn should be included in the district;
8. The Town's consulting planner, engineer 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
9. All fees, including consultant fees, shall be paid.

MOTION: Councilman Brink
SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Privilege of the floor to Mr. Moriello on behalf of Mr. DeCicco re: Out of District Water User – Flatbush Rd.

Mr. Moriello requested that the Town Board enter into an out of district water agreement to provide his client water, or include him in the district. He proposed that the town extend a private water line to Mr. Decicco's and his son houses from Route 32. They are having water supply problems.

Supervisor Quigley reported that he had a meeting with Mr. DeCicco and he was provided the town's requirements for connection. There are other people in that neighborhood that want to connect and the town is not in the position to finance it. The matter was turned over to the Water and Waste Water Committee to further review the matter.

Motion to authorize the Town Supervisor to enter into a one year extension of Bloomington Fire Company contract in an amount not to exceed \$72,000.00

MOTION: Councilman Secreto Brink
SECOND: Councilman Morrow

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Presentation of 2014 Energy Audit for outdoor lighting

Town Clerk Cosenza reported that the proposed outdoor lighting update project would cost the town \$38,14.52, offering an annual savings of \$21,51.84 with a payback period of 21 months. Mr. Lawrence Alberts, a representative of Lime Energy gave an overview of the lighting fixtures that are proposed to be upgraded in each contract. He explained that Central Hudson will contribute up to 70% of the cost of the upgrades. The town will pay the difference and those energy savings will pay for themselves over time. The lighting contract for the Town Hall was placed on hold pending further review.

Councilman Morrow moved to approve contracts with Lime Energy for outdoor lighting fixture upgrades for the Town Highway Department (584 East Chester Street Bypass), Grant Avenue Lighting, Ulster Water Plant (Fording Place Road), and Ulster Sewer Plant (Dogwood St.).

2nd by Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye

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Town Councilman Secreto - Aye
Supervisor Quigley - Aye

CARRIED

Adoption of Standard Work Day and Reporting Resolution for elected officials – Susan Kesick, James E. Quigley 3rd and Rocco Secreto

BE IT RESOLVED, that the Town of Ulster / Location code 0765, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Work Day	Term	Days/Month
Town Supervisor	James E. Quigley	7	1/1/2014-12/31/2015	32.23
Town Justice	Susan Kesick	7	1/1/2014-12/31/2017	10
Town Councilman	Rocco Secreto	7	1/1/2014-13/31/2017	5.15

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

Town Councilman Brink - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Town Councilman Secreto - Aye
Supervisor Quigley - Aye

CARRIED

Accept the Resignations of Police Dispatchers Woltman and Garvilla

MOTION: Councilman Brink
SECOND: Councilman Secreto

Town Councilman Brink - Aye
Town Councilman Kitchen - Aye
Town Councilman Morrow - Aye
Town Councilman Secreto - Aye
Supervisor Quigley - Aye

CARRIED

Resolution of Support for Eagle Scout Project of Two Bus Shelters

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WHEREAS, Mitchell J. Rogerson, a resident of the Town of Ulster and an active Boy Scout in Rip Van Winkle Council, BSA, Troop 8, has proposed to build two (2) bus shelters on Town of Ulster property or right-of-way, to serve individuals using Ulster County Area Transportation; and

WHEREAS, Mitchell J. Rogerson's proposal is submitted to the Town of Ulster as partial fulfillment of the requirements for the rank of Eagle Scout in the Boy Scouts of America; now therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes Mitchell J. Rogerson to perform the work as described in his Eagle Scout Project; and be it further

RESOLVED, that the Town Supervisor be authorized to sign any and all documents in support of Mitchell J. Rogerson's Eagle Scout Project; and be it further

RESOLVED, that Mitchell J. Rogerson coordinate his work with the Town of Ulster Highway Department, and keep the Town of Ulster Highway Department informed as to its status; and be it further

RESOLVED, that the erection of the two (2) bus shelters is a Type II Action requiring no SEQR review.

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Introduction of Local Law No. 2014, a Local Law providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code

Building Inspector Kathy Moniz reported that the purpose of this law is to make the town code conform to NYS Law. The proposed local law would change the number of units from 4 to 3 for multi-dwelling units in the code.

Review of appraisal by Hudson Valley Appraisal Corporation on the Ulster Water Tank property located on E. Chester St. By-pass

Supervisor Quigley presented the appraisal of a parcel of property that was deemed surplus by the town. A neighboring property owner is interested in it.

Resolution to Advertise for Bids for Clean-Up of 454 Hurley Ave

WHEREAS, the premises known as 454 Hurley Avenue, Town of Ulster, County of Ulster, State of New York [SBL: 48.17-1-41.1] (hereinafter the "property"), the site of an Empire Mart & Deli, were destroyed by fire on February 12, 2013; and

WHEREAS, the owner of the property at issue, New L & J Corp., has failed to rebuild and secure the site; and

WHEREAS, the property is not in compliance with, inter alia, the Town of Ulster Unsafe Building Law; and

WHEREAS, the current condition at the property constitutes a public nuisance and causes great risk to local residents; and

WHEREAS, in order to compel New L & J Corp. to comply with applicable town and state codes, the Town of Ulster commenced a civil action in Ulster County Supreme Court, captioned Kathryn Moniz as Code Enforcement Officer of the Town of Ulster v. New L & J Corp., Index No. 13-3253; and

WHEREAS, in an order dated March 6, 2014, Supreme Court Justice James P. Gilpatric ordered that if New L & J Corp. failed to secure and make safe the property within sixty days of the date of the order, the Town of Ulster may enter the property, and make safe and secure the property, with any expenses and costs to be added and assessed against the lands on which the buildings are located; and

WHEREAS, New L & J Corp. has failed to comply with the court order, thus requiring the Town of Ulster to step in and clean up the property; and

WHEREAS, due to the projected cost for performing this work, it is in order that this Board advertise for bids for these services, now, therefore, be it

RESOLVED, that the Town Supervisor and Douglas R. Whitaker & Associates, the Town's environmental consultant, draft a set of bid specifications for the specific environmental cleanup that is required for the property; and be it further

RESOLVED, that upon completion of the bid specifications, the Town Clerk be and hereby is directed to publish a Notice to Bidders in the Daily Freeman; and be it further

RESOLVED, that bids will be received for twenty (20) days after the date of the first notice of publication, and that upon completion of said twenty (20) day period, the Town Clerk is authorized and directed to publicly open all bids received at such time in the office of the Town Clerk.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

PUBLIC COMMENT

Mr. James Maloney – He inquired why a special use permit was needed for the proposed hotel Marriot Residence Inn.

Supervisor Quigley reported it was due to the size of the project and the zoning district requires a special permit.

Supervisor Quigley reported that the Town Board held an executive meeting prior to the meeting to discuss two matters: a lawsuit - Brandon Rifenburg v. Town of Ulster and a personal issue in regard to a disability claim.

Councilman Secreto moved to adjourn the meeting at 8:08 PM
2nd by Councilman Kitchen

Town Councilman Brink	- Aye
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- Aye
Supervisor Quigley	- Aye

CARRIED

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk