

ULSTER TOWN BOARD MEETING
AUGUST 7, 2014 AT 7:00 PM

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK

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

PUBLIC COMMENT

There was no public comment.

COMMUNICATIONS

Ila Mongillo – A thank you note was read for hosting the annual senior picnic.
Sherly Delano – A thank you letter was read for commending the Town Ulster Water Department, Town of Ulster Highway Department, Ulster Hose #5 and the Town of Ulster Police for outstanding service.
Edward Hill – A letter was read requesting an additional site plan extension for Sawkill Meadow Apartments.
Jennifer Organtini Judware – A letter was read requesting a School Zone Road sign on Orlando St near the Aunt Jenn’s Early Learning Center.
NY Agriculture and Markets – A letter was read reporting that the DCO was rated “Satisfactory.”

Resolution Authorizing the Release of Easement granted to the TOU by the developer of 44 Genesee Ave., Lake Katrine in 1969.

Resolution Authorizing Release of Easement

WHEREAS, a request was submitted by the owners of SBL 39.19-2-21 for the discontinuance and release of a 15 feet drainage easement which encumbers the aforementioned tax map parcel; and

WHEREAS, the Town Highway Superintendent has consented to the release of said drainage easement; and

WHEREAS, said drainage easement is not longer needed for Town purposes; and

RESOLVED, that, subject to permissive referendum, that the Town Board of the Town of Penfield hereby authorizes the Supervisor to sign a Release of Easement to permit a release of a portion of an existing drainage easement at 44 Genesee Avenue, Lake Katrine, NY 12449 [SBL: 39.19-2-21] as shown on Map No. 2479, entitled “Map of Subdivision of Sabino Acres, Section No. 2,” recorded on January 21, 1969 in the office of the Ulster County Clerk; and be it further

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RESOLVED, that the Release of Easement shall be in the Town's format and shall be recorded at the Ulster County Clerk's Office with a certified copy of this Resolution at the expense of the property owner; and be it further

RESOLVED, that the Town Clerk shall publish the attached Notice of Resolution Initiating Permissive Referendum in Daily Freeman within ten (10) days of adoption of this resolution:

NOTICE OF RESOLUTION INITIATING PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Ulster, County of Ulster, State of New York, at a meeting thereof held on August 7, 2014, duly adopted a resolution, an abstract of which follows:

A resolution, subject to permissive referendum, authorizing the Town Supervisor and Superintendent of Highways to execute such documents as may be necessary to permit a release of a portion of an existing 15 feet drainage easement at 44 Genesee Avenue, Lake Katrine, NY 12449 [SBL: 39.19-2-21] as shown on Map No. 2479, entitled "Map of Subdivision of Sabino Acres, Section No. 2," recorded on January 21, 1969 in the office of the Ulster County Clerk.

MOTION: Councilman Secreto
SECOND: Councilman Brink

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

Motion Carried

Set a Public Hearing for Local Law No. 2014, a Local Law providing for the Adoption of a New Section 105-2 of Chapter 105 of the Town Code for Thursday, August 21, 2014 @ 7:10PM.

MOTION: Councilman Morrow
SECOND: Councilman Brink

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

Motion Carried

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Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 3 of 2014 - A Local Law Providing for the Adoption of a New Section 190-34 of Chapter 190 of the Town Code

WHEREAS, an introductory Local Law entitled “A Local Law Providing for the Adoption of a New Section 190-34 of Chapter 190 of the Town Code” was introduced before the Town Board of the Town of Ulster on July 3, 2014, and upon notice duly published and posted, a hearing was held on July 17, 2014, before the Town Board, and

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled “A Local Law Providing for the Adoption of a New Section 190-34 of Chapter 190 of the Town Code” is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 3 of 2014 - “A Local Law Providing for the Adoption of a New Section 190-34 of Chapter 190 of the Town Code”, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

TOWN OF ULSTER

Local Law No. 3 of 2014

A Local Law Providing for the Adoption of a New Section 190-34 of Chapter 190 of the Town Code

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

Section I. A new Section 190-34 of Chapter 190 of the Code of the Town of Ulster is hereby enacted as follows:

§190-34. Pre-existing and non-conforming signs.

Any existing sign which was legally in place prior to date of adoption of this chapter is subject to the following:

A. Where a sign was constructed prior to adoption and was conforming to the

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then existing regulations or was granted a variance and where the existing sign is in good condition, posing no safety hazards, it shall be construed to be a conforming sign.

- B. Signs determined to be nonconforming may be continued, re-lettered, maintained or decorated, but shall not be physically enlarged or rebuilt.
- C. A billboard existing as of January 1, 2002, may be replaced on the same site, if located in an HC, OM, RC or I District, by a billboard of the same or less height and area.
- D. Any sign which, for a period of ninety (90) consecutive days, has not correctly advertised a bona fide business, service, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed shall be considered abandoned and non-conforming and shall be removed within 30 days of notice by the Building Inspector.
- E. Other Agency Review. Replacement of a nonconforming sign or billboard; or erection of new billboard within any portion of the Town within the Catskill Park "blue line" shall be subject to any and all applicable restrictions on signs within the Catskill Park as promulgated and administered by the New York Department of Environmental Conservation. Replacement of a nonconforming sign or billboard or erection of new billboard within any portion of the Town adjacent to the New York State Thruway shall be subject to any and all applicable restrictions on signs adjacent to the Thruway as administered by the New York State Thruway Authority.

Section II. 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 III. 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 Morrow

SECOND: Councilman Brink

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| Town Councilman Brink | - Aye |
| Town Councilman Kitchen | - Absent |
| Town Councilman Morrow | - Aye |

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Town Councilman Secreto - Aye
Supervisor Quigley - Aye

Motion Carried

Discussion and Vote on one year extension of Sawkill Meadows site plan approval from August 24, 2011 pursuant to Town Code Section 145-12, previous extension granted on July 18, 2013 until July 18, 2015

Councilman Morrow moved to table the issue pending further review
2nd by Councilman Brink

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

Motion Carried

Motion to authorize the Supervisor to sign the 2014 Poll Site Agreement with the Ulster County Board of Elections

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

Motion Carried

Motion to authorize the Supervisor to sign the Revocable License Agreement between the TOU and Clarkson University for the use of a portion of Rider Park for a Hudson River monitoring station

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

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Supervisor Quigley - Aye

Motion Carried

Resolution to authorize the creation of the Town of Ulster Recreation Fee Reserve Fund.

IT IS HEREBY RESOLVED by the Town Board of the Town of Ulster that: pursuant to Section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the “Recreation Fee Reserve Fund” (hereinafter “Reserve Fund”).

The purpose of this Reserve Fund is to accumulate money to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the reserve fund is for the preliminary studies and surveys relative thereto to any town park or recreation facility, the acquisition of land, improvement, repair, or physical public betterment of any town park or recreation facility.

The Town of Ulster Supervisor is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by Section 10 of the General Municipal Law.

The Town of Ulster Supervisor may invest the moneys in the Reserve Fund in the manner provided by Section 11 of the General Municipal Law, and consistent with the Investment Policy of the Town of Ulster.

Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner which maintains the separate identity of the Reserve Fund and shows the date and amount of each sum paid into the fund, the amount and date of each withdrawal from the fund and the total assets of the fund, showing cash balance and a schedule of investments, and shall, at the end of each fiscal year, render to the Board a detailed report of the operation and condition of the Reserve Fund.

Except as otherwise provided by law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions or proceedings as may be required by Section 6-c of the General Municipal Law or any other law, including a permissive referendum if required by subdivision 4 of Section 6-c of the General Municipal Law.

MOTION: Councilman Brink
SECOND: Councilman Secretto

Town Councilman Brink - Aye
Town Councilman Kitchen - Absent
Town Councilman Morrow - Aye
Town Councilman Secretto - Aye

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Supervisor Quigley - Aye

Motion Carried

Resolution closing the Route 28 Park Improvement Fund and Transferring the Assets to the Recreation Fee Reserve Fund

WHEREAS, the Town Board of the Town of Ulster has heretofore established a Recreation Fee Reserve Fund (“Reserve Fund”); and

WHEREAS, the purpose of this Reserve Fund is to accumulate money to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the reserve fund is for the preliminary studies and surveys relative thereto to any town park or recreation facility, the acquisition of land, improvement, repair, or physical public betterment of any town park or recreation facility; and

WHEREAS, the Town has previously established a Route 28 Park Improvement Fund which has approximately \$2,200.00 in its account; and

WHEREAS, said Route 28 Park Improvement Fund serves no useful purpose and said funds are better utilized as part of the Reserve Fund; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor, or his designee, to transfer all funds in the Route 28 Park Improvement Fund to the previously established Recreation Fee Reserve Fund

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

Motion Carried

**Resolution Approving the Transfer the Recreation Fee received from the developer of Ulster Gardens by the General Fund to the Recreation Fee Reserve
Resolution Approving Recreation Fee Reserve Transfer**

WHEREAS, the Town Board of the Town of Ulster has heretofore established a Recreation Fee Reserve Fund (“Reserve Fund”); and

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WHEREAS, the purpose of this Reserve Fund is to accumulate money to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the reserve fund is for the preliminary studies and surveys relative thereto to any town park or recreation facility, the acquisition of land, improvement, repair, or physical public betterment of any town park or recreation facility; and

WHEREAS, pursuant to RECREATION FEE AGREEMENT BY AND AMONG THE TOWN OF ULSTER, ULSTER GARDENS LIMITED PARTNERSHIP AND ULSTER GARDENS HOUSING DEVELOPMENT FUND COMPANY, INC. dated on or about September 10, 2012, the Town of Ulster is due to receive the sum of \$26,000.00 from Ulster Gardens LP, representing 26 units that have received Certificates of Occupancy at \$1,000.00 per unit; and

WHEREAS, it is prudent to allocate the sum of \$26,000.00, upon receipt, to the Reserve Fund; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes the Town Supervisor, or his designee, to transfer the sum of \$26,000.00, upon receipt from Ulster Gardens LP, to the previously established Recreation Fee Reserve Fund

MOTION: Councilman Morrow
SECOND: Councilman Brink

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

Motion Carried

Presentation of Local Law of 2014; A Local Law providing for the Adoption of Section 177-28(G) of Chapter 177 of the Town Code: Testing of Water Meters.

The item was tabled pending further review by the Ulster Water Superintendent John Rose.

Presentation and Acceptance of the Town Clerk's Monthly Report for the Month of July 2014.

MOTION: Councilman Secreto
SECOND: Councilman Brink

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

Motion Carried

Motion to authorize the Supervisor and or the Chief of Police to sign the MOA between NYS 1033 Federal Excess Property Program and the TOU Police Department

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

Motion Carried

Discussion on installation of School Zone Signs on Orlando Street. Discussion on the Town of Ulster accepting dedication of the right of way for Boices Lane Extension, west from Enterprise Drive to the Dead End.

Councilman Morrow moved to install the school zone signs to the area 2nd by Councilman Secreto

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

Motion Carried

A formal resolution was scheduled to be adopted at the August 21, 2014 Town Board meeting at the request of Highway Superintendent Frank Petramle.

Discussion on the Town of Ulster accepting dedication of the right of way for Boices Lane Extension, west from Enterprise Drive to the Dead End

The Town Board discussed the issue.

Councilman Morrow moved to process to review in accepting the dedication for the right of way.

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2nd by Councilman Secreto

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

Motion Carried

Councilman Morrow moved to adjourn the meeting at 7:29 PM

2nd by Councilman Brink

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

CARRIED

Respectfully Submitted by
Jason Cosenza, RMC FHCO
Ulster Town Clerk