

ULSTER TOWN BOARD MEETING  
OCTOBER 16, 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  
TOWN COUNCILMAN JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES QUIGLEY 3<sup>rd</sup>

**PUBLIC COMMENT**

Mr. Clayton Vankleeck spoke in favor of the proposed Niagara Water Bottle Company opening.

**APPROVAL OF MINUTES FROM PREVIOUS MEETINGS**

Councilman Morrow motioned to accept the minutes of the September 4, 2014 and September 18, 2014 meetings.

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

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

CARRIED

**COMMUNICATIONS**

There were no communications.

**ABSTRACT OF CLAIMS**

Councilman Morrow motioned to approve the September 18, 2014 abstract as submitted  
2<sup>nd</sup> by Councilman Brink

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) water bill-Orlando St. Ballfield	15.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) refereeing fees to Matt Grossman, Tom Hart, and John Visentin through A5110 (Approp.Fund Bal.-Football League) refereeing expenses-Matt Grossman, Tom Hart and John Visentin fees-Matt Grossman, Tom Hart and John Visentin	330.00
Modify Appropriation A7140.401 (Rec.Equip. Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) Jan.-March mileage reimb. For attending conference meetings-Greg Maisch	479.39
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) refereeing fees to Brian Francoiola, John Lentz, and Bill Ott	330.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) mileage reimb. For October conference meeting-Ron Holloway	38.08
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) baseballs/softballs purchased from Anaconda Sports/Lids Team	67.10
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League ) Oct. refereeing fees to John Lentz ,Tom Hart and Robert Sinio-Calchi	330.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League ) instant cold packs from Anaconda Sports/Lids Team	35.85
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) lime from Herzog's Supply	22.76
Modify Revenue A4389 (Fed.Aid,Safety) and Appropriation A3120.430 (Clothing/Cleaning) bullet proof vest awards from DOJ TREAS 310	1,124.21
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ruby Fire Dept.)	316.11
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ruby Fire Dept.)	395.31
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (E.Kng.Vol.Fire Co.)	234.11

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MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

CARRIED

**COMMITTEE REPORT**

Councilman Secreto reported from the Highway Dept. that they are paving. They will have nearly 5 miles of road paved by the end of the year. The leaf pick up schedule is out. He thanked the Highway Department for their work in the Town parks.

**7:10 PM - One year extension for the Fire Protection Contract between the TOU on behalf of the Eddyville Fire Protection District and the Bloomington Fire Company**

Supervisor Quigley reported that the Bloomington Fire Company is looking to change from a Fire Protection District to a Fire District. They are requesting a one year extension of their current contract to match the expiration of their contract with the Town of Rosendale. After this they would become a fire district.

Councilman Secreto moved to open the public hearing at 7:13 PM  
2<sup>nd</sup> by Councilman Brink

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

CARRIED

**Public Hearing Comments**

There was no public comment.

Councilman Morrow moved to close the public hearing at 7:14 PM  
2<sup>nd</sup> by Councilman Brink

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

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Supervisor Quigley - Aye

**Motion for the Town of Ulster to enter into an Agreement for a One Year Extension for the Fire Protection Contract on behalf of the Eddyville Fire Protection District and the Bloomington Fire Company and to Authorize the Town Supervisor to sign and execute any paperwork needed**

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

**Accept resignation of Frederick Riley as Municipal Codes Officer effective October 17, 2014**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

CARRIED

**Motion to Hire Atticus Lanigan as a Full time Municipal Codes Officer at rate of pay of \$15.51 (Grade 9 Step 1) effective November 3, 2014**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

CARRIED

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**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 2015**

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

CARRIED

**Motion on Setting a Halloween Curfew of 8 PM for Children age 16 or less without a parent**

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

**Motion authorizing Supervisor to sign Municipal Advisor Services Agreement with Munistat Services, Inc. for the Town's annual filings with the Securities Exchange Commission**

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

**Discussion on the TOU joining with the Towns of Hurley, Marbletown, Rochester and Wawarsing in forming an O&W Rail Trail Association**

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Supervisor Quigley briefed the Town Board on the Rail Trail Association and it was followed by a brief discussion. The Association would promote tourism using grant funding. The town would be responsible for sections of the trail in its township once the County completes and installs the needed sections.

**Discussion on creating and updating the TOU Zoning Code; Agriculture, Farming and Livestock**

Ulster County Legislator James Maloney, serving as a member of the County Farm Land Protection Board, reported that the Town doesn't have any Zoning Code addressing farming in the town. It was recommended that the Town enact a farming agriculture zoning district. This was also a recommendation of the town's comprehensive plan. This is not to restrict, prohibit or deter people from farming. He asked the Town Board to form a committee consisting of Building Inspector Kathryn Moniz, Councilman John Morrow, Councilman Kitchen and himself to review the Town Zoning.

To form an Ad-Hoc Committee to review implementing farming agriculture zoning district in the Town Code consisting of Building Inspector Kathryn Moniz, Councilman John Morrow, Councilman Kitchen and Town Assessor James Maloney.

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

**7:20 PM - Transfer Station Operations and Budget**

Supervisor Quigley reported the Town Transfer Station is losing money and the purpose of this hearing is to present the facts and what the town can do to mitigate that loss. He presented a spreadsheet showing the number of users and operating costs broken down with the revenue collected. Usage has dropped.

**Public Comments**

Mr. Ralph McCumber was in favor of keeping the Transfer Station. He inquired if the town could switch the full-timers to part-timers to save money. Going to the RRA is troublesome. Supervisor Quigley reported that he has to use full-timers due to the union contract, but he would contact the union and ask permission. A short discussion followed.

Mr. Robert Mitchell expressed concern about people dumping on his property. He asked if people dump on his property can he drop it off for free at the transfer station. How about a town wide clean-up again?

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A discussion followed. The Town Attorney stated that the laws were already available for enforcement of dumping.

Mr. Kirk Felton inquired if the insurance money received for the roof that burnt down could be used to offset the cost of the Transfer Station.

Supervisor Quigley stated that the money is in a reserve fund but wasn't enough to rebuild the roof as it was. The Town was discussing rebuilding the transfer station in another location so it could be manned by one person versus two, but no actions were taken.

Mr. Paul Roberson stated that he was in favored of the Transfer Station and suggested that the Town advertise to get more users. He suggested that the town offer a recycling only permit.

Mr. Michael Berardi inquired why income was larger in January. He suggested that the town conduct a survey.

Supervisor Quigley reported that when the new permits come out.

The hearing ended at 7:46 PM

**Resolution Authorizing Special Use Permit for UCCC Pfeiffer Center for Business, SBL 48.8-1-1.212, 101-103 Frank Sottile Blvd.**

**Special Permit Approval  
SUNY Ulster Pfeiffer Center for Business Innovation  
Change in Use from Retail to College  
S-B-L: 48.8-1-1.212**

**WHEREAS**, the Town of Ulster Planning Board, Town Board and its consultant planner have reviewed an application by Scott Dutton – Applicant on behalf of SUNY Ulster – seeking *Site Plan & Special Permit* approval for a change-in-use to establish the SUNY Ulster Pfeiffer Center for Business Innovation (i.e. a college) on the subject site, which is located at 101-103 Frank Sottile Blvd. (CR163); and

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

- *Cover Letter* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Site Plan Consent Form* prepared by Hudson Valley Mall, LLC dated 9/5/14;
- *Site Plan Application* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *SEQR Short EAF* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Overall Site Plan for Hudson Valley Plaza* by S&R Group dated 9/5/1996;
- *Proposed Floor Plan* prepared by Scott Dutton Associates, LLC dated 9/5/14;
- *Existing Conditions Photos* prepared by Scott Dutton Associates, LLC dated 9/5/14; and
- *Details/Parking Requirement Notes* prepared by Scott Dutton Associates, LLC dated 9/9/14.

**WHEREAS**, the Town of Ulster Planning Board has the authority to approve the Site Plan amendment for this Proposed Action since it involves a change of use; and

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**WHEREAS**, the Town of Ulster Town Board has the authority to approve the Special Permit for this Proposed Action following the holding of a public hearing; and

**WHEREAS**, the Town of Ulster Town Board at its September 18, 2014 meeting, upon recommendation of the Town Planning Board, scheduled this matter for a public hearing for October 16, 2014 on the Special Permit use application; and

**WHEREAS**, the Town of Ulster Town Board held a public hearing on this matter at its October 16, 2014 meeting during which no public controversy was raised concerning the Proposed Action and subsequently closed the public hearing; and

**WHEREAS**, the applicant provided a Site Plan for the Proposed Action, which was reviewed by the Town's planner with a recommendation to the Town Board to accept the Site Plan in support of the Special Permit request; and

**WHEREAS**, the Proposed Action did not require further referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and an increase in parking spaces on the site was not required to accommodate the amended Site Plan; and

**WHEREAS**, the Town of Ulster Town Board, upon review of the entire record determined the Proposed Action is a *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law and found no further action pursuant to SEQR is required.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board has determined they have complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Town Board hereby grants Special Permit approval to **SUNY Ulster Pfeiffer Center for Business Innovation** 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 site plan, design plans and all details as cited herein;
4. 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
5. All fees, including consultant fees, shall be paid.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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



Supervisor Quigley - Aye

CARRIED

**Resolution Authorizing Special Use Permit for Darien Lake Kingston, LLC dba Holiday Inn Express & Suites, SBL 39.19**

**Site Plan and Special Permit Approval  
Darien Lake Kingston, LLC dba Holiday Inn Express & Suites  
Section-Block-Lot: 39.19-3-14**

**WHEREAS**, the Town of Ulster Planning Board, Town Board and its consultant planner, alternate Town Engineer (Praetorius and Conrad, P.C.), Water and Sewer Departments have reviewed an application by *Darien Lake Kingston, LLC dba Holiday Inn Express & Suites* seeking Special Permit and *Site Plan and Special Permit Approval* for construction of a 103-room, 4-story *Holiday Inn Express & Suites* hotel along with associated parking, access, landscaped areas and utility infrastructure; and

**WHEREAS**, the applicant is concurrently seeking *Subdivision* approval to subdivide the 4.347 acre lot into 2 lots as follows: Lot No. 1 consisting of 0.507-acres and containing the existing single-family residence along the northern property boundary, and Lot No. 2 consisting of 3.840-acres to contain the proposed Holiday Inn Express & Suites.

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

- *Application for Sketch Plan Review* by Darien Lake, Kingston LLC, dated 5/9/14;
- *Site Plan Consent Form* signed by Property Owner Frank J. Damis, dated 5/9/14;
- *SEQR FULL EAF* prepared by Dennis Larios, Project Engineer dated 5/8/2014;
- *Custom Soil Resource Report for Ulster County, NY Holiday Inn Express*, dated 5/7/2014;
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated May 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated May 2014;
- *Preliminary Grading Plan* prepared by Brinnier & Larios, P.C. dated May 2014; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
  
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Utility Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. dated June 2014; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
  
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;

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- *Utility Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Landscaping Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Fire Apparatus Access Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Floor and Roof Plans Sheets (1-5)* prepared by Newport Design Group, LLC undated;
- *Exterior Elevations* prepared by Newport Design Group, LLC undated; and
- *Sketch Subdivision Plan* prepared by Brinnier & Larios, P.C. dated May 2014.
- *Existing Conditions Survey* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Site Layout Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Building Elevations* prepared by Newport Design Group dated June 2014;
- *Grading Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Utility Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Lighting Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Soil Erosion & Sediment Control Plan* prepared by Brinnier & Larios, P.C. dated 6/2014;
- *Stormwater Management* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Detail Sheets 9-11* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Landscaping Plan* prepared by Brinnier & Larios, P.C. revised September 4, 2014;
- *Fire Apparatus Access Plan* prepared by Brinnier & Larios, P.C. dated June 2014;
- *Floor and Roof Plans Sheets (1-5)* prepared by Newport Design Group, LLC undated;
- *Exterior Elevations* prepared by Newport Design Group, LLC undated; and
- *Map of Subdivision* prepared by Brinnier & Larios, P.C. dated September 4, 2014.

**WHEREAS**, the Planning Board - as Lead Agency for this Unlisted Action-Coordinated Review upon review of the entire record (including SEQR Full Environmental Assessment Form (EAF), SWPPP and Threatened and Endangered Species Report and other supporting documentation found the application complete and determined the Proposed Action was one that would not have an adverse impact on the environment.

**WHEREAS**, Town of Ulster Planning Board made a SEQR Determination of Non-Significance (Conditioned Negative Declaration) on the Proposed Action (SEQR Conditioned Neg. Dec. Statement attached hereto by reference) at its September 16, 2014 meeting; and

**WHEREAS**, pursuant to Chapter 190 of the Town Code, the Proposed Action is subject to *Site Plan and Special Permit* review and approval by the Town of Ulster Town Board upon recommendation from the Town of Ulster Planning Board, subject to it first holding a public hearing on the matter; and

**WHEREAS**, the Town of Ulster Planning Board, at its September 16, 2014 meeting, referred this matter to the Town of Ulster Town Board with a recommendation that it schedule a public hearing on the Special Permit use application at one of its regularly scheduled meetings in October.

**WHEREAS**, the Town of Ulster Town Board scheduled this matter for a public hearing on the Special Permit use application at its regularly scheduled October 16, 2014 meeting; and

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**WHEREAS**, a public hearing on this matter was held by the Town of Ulster Town Board at its October 16, 2014 during which no public controversy was raised concerning the Proposed Action and subsequently closed the public hearing.

**NOW THEREFORE BE IT RESOLVED**, the Town Board reaffirms the Planning Board's SEQR Negative Declaration and has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

**FURTHER BE IT RESOLVED**, the Town of Ulster Town Board hereby grants Site Plan and Special Permit approval as described above to **Darien Lake Kingston, LLC – Holiday Inn Express** 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 from the NYSDOT
6. Planning Board approval of the 2-lot minor subdivision involving the subject site;
7. 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
8. All fees, including consultant fees, shall be paid.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

**Resolution Adopting 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**

WHEREAS, an introductory Local Law entitled "A Local Law Providing for the Adoption of Section 177-28(G) of Chapter 177 of the Town Code" was introduced before the Town Board of the Town of Ulster on September 4, 2014, and upon notice duly published and posted, a hearing was held on October 2, 2014 at 7:15 p.m., before the Town Board,

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 Section 177-28(G) of Chapter 177 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. 5 of 2014 - A Local Law Providing for the Adoption of Section 177-28(G) of Chapter 177 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. 5 of 2014

A Local Law Providing for the Adoption of Section 177-28(G) of Chapter 177 of the Town Code

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

**Section I.** A new Section 177-28(G) of Chapter 177 of the Code of the Town of Ulster is hereby enacted as follows:

#### **Section 177-28(G) Testing of Water Meters**

1. Requirement and frequency of testing. To ensure reliable meter measurements and proper meter calibration, each property owner with a water meter service of one inch and larger must periodically test the meter pursuant to the testing interval set forth below. All such water meters shall be tested by an independent testing service, and calibrated or replaced in order to ensure proper and accurate water meter operation.

<u>Meter Size (inches)</u>	<u>Required Testing Interval – Years or Gallons – Whichever Comes First</u>
1	Every 10 years or 5,000,000 gallons
1 ½	Every 10 years or 5,000,000 gallons
2	Every 10 years or 8,000,000 gallons
3	Every 10 years or 10,000,000 gallons
4	Every 8 years or 12,000,000 gallons
6 or larger	Every 8 years or 12,000,000 gallons

When, in the opinion of the Superintendent, the meter becomes unsuitable for use, it shall be replaced by another meter, at the sole cost, expense, and labor of the property owner.

2. Records of water meter testing. Proof of testing and any corrective action as required in § 177-28(G)(1) and a certified report of the results demonstrating the accuracy of the meter, shall be maintained by the property owner on the premises and a copy shall be filed with the Town of Ulster Water Department no later than 30 days after the required testing.
3. Violations. Each violation of any of the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not less than \$250 and not more than \$1,000 or by imprisonment not exceeding one year, or both, for each offense. Each day of a continuous violation shall be considered a separate offense. A director, officer, agent or employee of any corporation found guilty of violating any of the foregoing sections shall be subject to the penalties prescribed herein.

### **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 Brink  
SECOND: Councilman Secreto

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

CARRIED

### **Discussion on FOIL Policy**

The policy was reviewed and will be voted on at the next Town Board Meeting.

**Revised Resolution on Notice of Intent to Declare Lead Agency – Niagara Water Bottling Facility – SBL #48.7-1-29.2**

### **RESOLUTION**

**TOWN OF ULSTER TOWN BOARD**

**Notice of Intent to Declare Lead Agency  
Niagara Water Bottling Facility**

Section-Block-Lot: 48.7-1-29.2

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have received an application by *Enterprise Properties, LLC* with the Consent of AG Properties of Kingston, LLC seeking *Site Plan approval* to develop a 415,000 square-foot water bottling plant on the subject 57.50-acre parcel of land at 605 Boices Lane; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board upon recommendation from the Town of Ulster Planning Board since the Proposed Action involves more than 2,500 sf of new building area; and

**WHEREAS**, the Proposed Action is a SEQR Type 1 Action; and

**WHEREAS**, the Involved Agencies for this SEQR Type 1 Action include the

Town of Ulster Town Board  
(Site Plan Approval)  
Zoning Board of Appeals  
(Variance to reduce the number of off-street parking spaces)  
Ulster County Department of Health  
(water)  
Ulster County Department of Public Works Highway and Bridges Division  
(Highway Work Permit)  
City of Kingston Water Board - (water supply)  
US Army Corps of Engineers (nationwide permit)  
New York State Department of Environmental Conservation, Region 3  
(sanitary/storm water)  
New York State Department of Health (water)  
Town of Ulster Sewer Department  
Town of Ulster Water Department  
Town of Ulster Highway Department  
New York State Department of Transportation  
New York City Department of Environmental Protection  
Ulster County Industrial Development Agency, and

**WHEREAS**, the identified Interested Agencies include the

Town of Ulster Planning Board (advisory recommendation to the Town Board)  
Ulster County Planning Board  
(advisory recommendation pursuant to NYSGML Section 239 1 & m)  
Ulster County Community College (Start UP NY Program Office)  
Town of Woodstock

ULSTER TOWN BOARD MEETING  
OCTOBER 16, 2014 AT 7:00 PM

New York State Department of Agriculture and Markets  
City of Kingston  
Town of Saugerties  
Village of Saugerties  
Town of Esopus  
Town of Kingston, and

**WHEREAS**, the Town of Ulster Planning Board, at its September 16, 2014 meeting, recommended that a SEQR Type 1 Action – Coordinated Review be conducted with the Town Board so designated as Lead Agency, and

**WHEREAS**, at its regularly scheduled meeting on September 18, 2014, the Town Board of the Town of Ulster previously declared its Intent to be Lead Agency for this action and served the following agencies with copies of such Notice:

Town of Ulster Town Board (Site Plan Approval), Zoning Board of Appeals (Variance to reduce the number of off-street parking spaces), Ulster County Department of Health (water), New York State Department of Transportation, Ulster County Department of Public Works Highway and Bridges Division (Highway Work Permit), NYSDEC (Sanitary/Stormwater), NYSDOH (water), ACOE (Nationwide Permit), Town of Ulster Water and Sewer Departments, City of Kingston Water Department (water supply), Ulster County Industrial Development Agency, Town of Ulster Planning Board (advisory recommendation to the Town Board) and Ulster County Planning Board but now wishes to expand the circulation of its Notice of Intent to additional parties as listed above;

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board *Declares its Intent to be Lead Agency* for the *SEQR Type 1 Action – Coordinated Review* and directs the Town Clerk to circulate its *Notice of Intent* to the above listed Involved and Interested Agencies who were not served pursuant to the Town Board’s September 18, 2014 resolution.

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

CARRIED

**Authorize the Town to Install a stop sign at the intersection of Quail Drive and Ledge Road**

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

ULSTER TOWN BOARD MEETING  
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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 Comments**

Mrs. Henrietta Wise was not in favor of the water bottle company coming to the Town of Ulster due to pollution and the water usage.

Mr. Vincent Carpino was not in favor of the water bottle company.

Mr. Kevin Smith Chairman of the Board for the Woodstock Land Conservancy requested that the Town Board turn the lead agency over to the NY State DEC as lead agency to review and oversee the SEQRA due to the scope of the project.

Mr. Fred Wadnola spoke in favor of the proposed water bottle company due to the positive economic impact to the local area and the jobs it would bring. The environmental impact is minimal. He would be affected by the traffic, but it would be minimal due to what IBM had during their heyday.

Mr. Brad Will, an Alderman from the City of Kingston, was not in favor of the proposed water bottle company. He noted that the company was sanctioned by the California Water Control Board and issued a notice of non-compliance. He was not in favor of a company getting a 10 year tax abatement.

Mr. Clayton VanKleeck spoke in favor of the proposed water bottle company

Mrs. Mary McNamara thanked the Town Board for their wanting to join the O&M Rail Trail and working on the Agriculture District. She noted that the proposed location for the bottle plant is located in a flood plain.

**Executive Session**

Councilman Kitchen moved to enter into executive session to discuss the Local #17 Union Contract Negotiations at 8:35 PM  
2<sup>nd</sup> by Councilman Brink

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

CARRIED



ULSTER TOWN BOARD MEETING  
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Town Attorney Jason Kovacs and Town Highway Superintendent Frank Petramale were present in the meeting. Councilman Secreto excused himself from the session.

Executive Session ended at 8:47 PM

Supervisor Quigley noted the passing of Mr. John Stote a local businessman in the Town who had donated a lot to the community.

Councilman Kitchen moved to adjourn the meeting at 8:49 PM  
2<sup>nd</sup> by Councilman Secreto

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