

ULSTER TOWN BOARD MEETING  
MARCH 05, 2015 AT 7:00 PM

**CALLED TO ORDER BY SUPERVISOR QUIGLEY at 7 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 3<sup>rd</sup>

**PUBLIC COMMENT**

None

**COMMUNICATIONS**

A letter was read from Skyler Wolsey regarding ideas on Lincoln Park traffic light changes

**NEW BUSINESS**

**Motion to approve the Agreement between Town of Ulster and New York Department of Environmental Conservation for use of firearms range**

MOTION: Councilman Brink  
SECOND: Councilman Morrow

|                                |          |
|--------------------------------|----------|
| Town Councilman Brink          | - Aye    |
| <i>Town Councilman Kitchen</i> | - Absent |
| Town Councilman Morrow         | - Aye    |
| Town Councilman Secreto        | - Aye    |
| Supervisor Quigley             | - Aye    |

CARRIED

**Motion authorizing the hiring of one Full Time MEO for the Highway Department – Jason Tremper effective 03/09/15 at the rate of \$14.29 an hour.**

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

|                                |          |
|--------------------------------|----------|
| Town Councilman Brink          | - Aye    |
| <i>Town Councilman Kitchen</i> | - Absent |
| Town Councilman Morrow         | - Aye    |
| Town Councilman Secreto        | - Aye    |
| Supervisor Quigley             | - Aye    |

CARRIED

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**Motion authorizing the hiring of one Full Time Water/Wastewater Maintenance Worker for the Sewer Department – Kyle Lee Normann effective 03/09/15 at the rate of \$12.79 an hour.**

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Presentation and Acceptance of the Town Clerk’s Monthly Report for the months of December 2014, January and February 2015**

MOTION: Councilman Brink  
SECOND: Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Motion to accept the resignation of Jason Cosenza from the position of Town Clerk effective March 9, 2015. Mr. Jason Kovacs explained process**

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

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**Resolution appointing Linda McDonough Town Clerk for the remaining unexpired term through December 31, 2015**

WHEREAS, a vacancy exists in the Office of the Town Clerk of the Town of Ulster, Ulster County, New York, by virtue of the resignation of Jason Cosenza, who resigned as Town Clerk effective March 9, 2015; and

WHEREAS, pursuant to Town Law§ 64(5), the Town Board, or the majority Members thereof, are authorized to fill such vacancy for the remainder of the unexpired term of the Office of the Town Clerk.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. Pursuant to the authority vested in the Town Board pursuant to Town Law§ 64(5), Linda McDonough, of and residing at Vans Terrace, Lake Katrine, NY 12449, a duly qualified resident of the Town of Ulster, is hereby appointed to fill the vacancy existing in the Office of the Town Clerk of the Town of Ulster.
3. The Town Board hereby appoints Linda McDonough as Town Clerk of the Town of Ulster, Ulster County, New York, to fill the unexpired term of Jason Cosenza, effective March 10, 2015, and said term shall continue through December 31, 2015.
4. Upon appointment and taking oath of office for the position of Town Clerk, Linda McDonough shall be paid the salary approved for the Office of the Town Clerk for calendar year 2015, prorated from March 10, 2015 through December 31, 2015.

MOTION: Councilman Morrow

SECOND: Councilman Brink

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**OLD BUSINESS**

**Motion to award bid for Water and Sewer Departments to purchase Chemicals for 2015**

**Councilman Secreto moved to award the bid for the purchase of salt as follows:**

Salt - US Salt @ \$171.42 ton (23 ton minimum)

Second by Councilman Brink

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Councilman Brink moved to award the bid for the purchase of chemicals as follows:**

Liquid Chlorine – Slack Chemical Co @ \$89.44 per 150# cylinder. \$100.00/Cyl refundable deposit.

Second by Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Resolution Accepting Irrevocable Offer of Road Dedication for Quail Drive**

WHEREAS, the road known as the Quail Drive in the Ulster Gardens Senior Living & Multi-Family Community has been completed in accordance with the Town of Ulster road specifications; and

WHEREAS, the Town Engineer and the Town Highway Superintendent have recommended the acceptance of the said road; and

WHEREAS, the developer had prepared an irrevocable offer of dedication, dated August 13, 2013 and recorded in the office of the Ulster County Clerk on August 20, 2013 as Instrument No. 2013-00013540, a copy of which is annexed to this resolution and made a part hereof; and

WHEREAS, the Attorney to the Town examined the same and found it to be in good order; and

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WHEREAS, it is in the best interests of the town and its residents that said road be accepted as a town highway; now therefore be it

RESOLVED, that the road known as Quail Drive and described in the conveyancing documents provided to the Attorney to the Town be accepted as a Town Highway and that the Highway Superintendent be requested to add said road to the inventory of Town of Ulster highways, on the condition that the developer of the project continue to maintain the roadway throughout the balance of the 2014-15 winter season, and at the conclusion of the 2014-15 winter season, the Town Highway Superintendent inspects the road and finds the road in satisfactory condition.

MOTION: Councilman Brink

SECOND: Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Resolution Authorizing Town Supervisor to Sign Maintenance Agreement for Ulster Gardens**

**WHEREAS**, Ulster Gardens Limited Partnership is the beneficial owner of certain premises located in the Town of Ulster, County of Ulster and State of New York having a tax lot number of 48.58-7-21.111 and a street address of 662 East Chester Street By-Pass (the "Premises"); and

**WHEREAS**, Ulster Gardens Limited Partnership has obtained approval for the Premises from the Municipality for the construction of a multi-family affordable housing project to be located on the Premises (the "Development"); and

**WHEREAS**, the approval from the Town of Ulster includes provisions for the maintenance of the lighting system ("Roadway Lighting") for Quail Drive Extension (the "Road"), as well as certain sanitary sewer lines and water lines (collectively, the "Utility Lines") located along a portion of the Road, as more particularly depicted on that certain utility plan (the "Utility Plan") entitled "Ulster Gardens Senior Living & Multi-Family Community" prepared by Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C., which was included with the site plan approved by the Town of Ulster Town Board by Resolution dated May 17, 2012; and

**WHEREAS**, the Road has been offered for dedication to the Town of Ulster pursuant to that certain Irrevocable Offer of Dedication from Ulster Gardens Limited Partnership dated August 13, 2013, and recorded in the Ulster County Clerk's Office on August 20, 2013 as Instrument No. 2013-00013540; and

**WHEREAS**, the Town of Ulster and Ulster Gardens Limited Partnership desire to enter into this Agreement to provide for the maintenance of the Utility Lines and the Roadway Lighting, as approved by

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the Town of Ulster for the Development, and to set forth the terms and conditions of Ulster Gardens Limited Partnership's access to the Roadway Parcel in order to carry out Ulster Gardens Limited Partnership's obligations hereunder.

**WHEREAS**, it is hereby determined that it will be in the best interests of the Town of Ulster to be a party to such maintenance agreement; now, therefore, be it

**RESOLVED** that the Town Supervisor be hereby authorized to sign on behalf of the Town of Ulster the following agreement.

MOTION: Councilman Morrow

SECOND: Councilman Brink

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Resolution Accepting Deed for Road Dedication**

WHEREAS, a certain parcel of land adjacent to Ulster Gardens Senior Living & Multi-Family Community has been offered for dedication to the Town of Ulster (the "Town") for highway purposes by Ulster Gardens Housing Development Fund Company, Inc. as Nominee for Ulster Gardens Limited Partnership, the owner of said land as shown on a plan prepared by The Chazen Companies, dated July 18, 2014, and

WHEREAS, the Highway Superintendent of the Town of Ulster has recommended acceptance of said parcel for dedication for highway purposes, upon the completion of construction of said roadway in accordance with Town specifications, and

WHEREAS, the Town Board of the Town of Ulster on March 5, 2015 approved said dedication subject to said conditions and approval of the abstract of title by the Attorney for the Town, and

WHEREAS, the Highway Superintendent has indicated road construction has been completed to his satisfaction, and

WHEREAS, the Attorney for the Town has ordered a policy of title insurance relating thereto,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster in regular session duly convened that upon notification from the Attorney for the Town that the title insurance policy has been issued, the Town Board agrees to accept the deed of dedication on the said road, to be known as Quail Drive and directs the Town Clerk to record the same in the Ulster County Clerk's Office, on the condition that the developer of the project continue to maintain the roadway throughout the balance of the 2014-15 winter season, and at the conclusion of the 2014-15 winter season, the Town Highway Superintendent inspects the road and finds the road in satisfactory condition.

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Discussion of Out of District Water Service Agreement with Samuel DeCicco for 434 Flatbush Road, Kingston, NY SBL 48.16.01-28.210**

In January, a similar agreement was approved that was conditioned upon the execution of an easement agreement in favor of the Town, providing the Town with a future easement in case the Town wanted to put a permanent line over to Old Flatbush Road. Mr. DeCicco has issues with that due to the location of his house; in addition we have advice from our Engineers that this might be problematic due to the topography.

Supervisor Quigley is presenting a revised Out of District Water Service Agreement for discussion and authorization to sign if the discussion is positive.

Councilman Secreto stated that Mr. DeCicco, with the meter at the pit, would be responsible for any water leakage that comes from that line. This would help ensure that he would quickly fix any leaks that may occur.

The agreement has been modified to expand the approval required to construct this line, and the Town Highway Superintendent and the Town Water Superintendent have been inserted into the agreement as additional parties requiring approval of any improvement.

**Motion to authorize the Supervisor to sign the Out of District Water Service Agreement**

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

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**Brigham Lane Water Line Project – review of bids for Professional Services – Grant Administration – Project Legal and Design Engineering, Bidding and Construction Inspection.**

In regards to the Grant Administration portion of the bids, there was only one bidder – Blauer Associates.

**Motion to authorizing the Supervisor to sign the agreement with Blauer Associates for Grant Administration Services at the rate of \$125.00 per hour, not to exceed \$24,000.00**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

In regards to the Legal Services portion of the bids, there were two (2) bidders; Tracy M. Kellogg, Esq. with a total score of 75; and Rusk-Wadlin-Heppner & Martuscello LLP with a total score of 90.

**Motion to award the contract for Legal Services at a rate not to exceed \$6,000.00 to Rusk-Wadlin-Heppner & Martuscello LLP (Jason Kovacs).**

MOTION: Councilman Secreto

SECOND: Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

In regards to the Engineering Services portion of the bids, there were three (3) bidders; Brinnier & Larios PC with a total score of 95; Keystone Associates with a total score of 85; and C.T. Male Associates with a total score of 80.



**Motion to accept the proposal with Brinnier and Larios PC which has a fee range of \$43,000 to \$58,000 for the design and engineering, bid assistance and construction inspection for the Brigham Lane Water Extension Project**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**PUBLIC COMMENT**

Mr. Joe Alecca spoke about concerns of the East Kingston Fire Protection District. His sisters house in East Kingston had a chimney fire at approximately 5pm Saturday afternoon. Two people showed up, one with the fire truck, one in a pick up truck and neither could do anything. Mr. Alecca spoke of lack of volunteers, the lack of requesting Ulster Hose to assist, and requesting assistance instead from a fire department that cannot meet the needs of the East Kingston residents, and is further away. There are times that East Kingston has no coverage for fire protection. The East Kingston Fire Chief is aware of these problems.

He is concerned not only for the safety of the residents, but also the fact that the Town of Ulster sends a check each year to the East Kingston Fire Protection District with no contract. He requests that the town attorney looks into this matter, and that a state audit is done to see where the money is going as there has been no accountability.

Supervisor Quigley recommends that we have a Special meeting next week to address the situation and requesting the presence of the members of the East Kingston Fire Department. Mr Kovacs is to investigate the liability of the town for the failure of the fire company to perform, given the fact that it is a Fire Protection District and prior contracts have established a previous relationship. Currently there is no contract.

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**Motion to have the Town Clerk put out a notice for a Special Town Board Meeting to be held next week, at a date to be determined to address these concerns with members of the East Kingston Fire Protections District members and the public**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

**Executive Session: Local 17 v Town of Ulster – grievance**

Councilman Brink moved to enter executive session at 7:25 PM to discuss a matter of labor, Local #17 versus the Town of Ulster involving a grievance  
2<sup>nd</sup> by Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

Executive session was ended at 8:05 PM

Councilman Morrow moved to exit the executive session at 8:05 pm.  
Second by Councilman Secreto

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

Town Board Workshop resumed at 8:10 pm.

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**Supervisor Quigley announced that no action taken and no decisions made during executive session.**

Councilman Brink moved to adjourn the meeting at 8:11 PM  
2<sup>nd</sup> by Councilman Morrow

|                                |                 |
|--------------------------------|-----------------|
| Town Councilman Brink          | - Aye           |
| <i>Town Councilman Kitchen</i> | - <i>Absent</i> |
| Town Councilman Morrow         | - Aye           |
| Town Councilman Secreto        | - Aye           |
| Supervisor Quigley             | - Aye           |

CARRIED

Respectfully Submitted by  
Linda McDonough  
Ulster Deputy Town Clerk