

ULSTER TOWN BOARD MEETING
September 17, 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 - Excused
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR JAMES QUIGLEY 3rd

AGENDA ADDITIONS

None

PUBLIC COMMENT

None

APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

Councilman Morrow motioned to accept the minutes of the August 6th and August 20th, 2015 meetings, 2nd by Councilman Brink.

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

CARRIED

COMMUNICATIONS

None

ABSTRACT OF CLAIMS

Councilman Morrow motioned to approve the September 2015 abstracts as presented as submitted, 2nd by Councilman Secreto.

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

CARRIED

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BUDGET MODIFICATIONS

September

General Fund:

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Softball League) electric - Orlando St. Ballfield	382.24
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) Refunds-sign-up fees	900.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Football League) Marsh,USA-Director & Officers Insur.coverage	314.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Rec.Equip.Rsrv) - subbase and light stone fill - Eastern Materials - Rail Trail Project	3,605.34
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Fund Bal.-Rec.Equip.Rsrv) #3 stone - Peckham Materials - Rail Trail Project	476.98
Modify Revenue A2680 (Insur.Recovery) and Appropriation A3120.201 (Police Vehs. & Prep.) check from HCC-U.S.Specialty -reimb. For a 2014 Ford Explorer hit by deer	26,489.00

Highway Fund:

Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ulster Hose #1-Spring Lake Fire Dept.)	76.73
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (East Kingston Vol. Fire Co.)	404.08
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (Ulster Hose #5)	128.48
Modify Revenue D1289 (Oth.Dept.Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ulster Hose #5)	135.51
Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.491 (Parts) reimb. For shared paver repairs from Town of Woodstock	892.25

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Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.491
(Parts) reimb. For shared paver repairs from Town of Hurley 892.25

Whittier Sewer:

Modify Appropriation SS1.9950.900 (Interfund Transfer, Capital Project) to be
funded through SS1.5990 (Approp. Fund Bal.) funding for expenses for
Whittier Sewer Cap. Proj. - Grant Street Construction 78,418.70

Whittier Sewer Cap Proj.:

Modify Revenue HWS.5031 (Interfund Transfer) and Approp. HWS.8110.200
(Construction payment to Grant St. Constr-primary clarifier replacement 78,418.70

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

Department Head Reports

Water Dept. – John Rose stated that everything is going well across all water districts, with repairs being made where necessary, when necessary. There was a break in East Kingston, that was the 3rd break this year. Hydrant Flushing will be done during the month of October and this information is posted on the Town Website.

Wastewater Dept. – Corey Halwick stated that the Sewer Districts are all performing satisfactorily. The work on the Primary Water Clarifier in the Whittier Sewer District is progressing. Site Plans are being reviewed for Ulster Commons.

Recreation Dept. – Jeff Hayner stated Adult Softball has finished, and we have completed our first year of Beach Volleyball season nicely. Boat Permit sales at Rider Park have concluded, as has Summer Camp. Mr. Hayner was happy to report that camp finished up \$10,000 under budget. Adult Volleyball is starting up, and sign-ups are under way for Bidy Basketball. There will be sign-ups at Town Hall on Friday evenings from 6-8 pm. Post Park hours have changed and the park now closes at 7 pm. Football practice is still ongoing.

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Highway Dept. – Frank Petramale stated that everything is going well and they have been very busy. There have been several new drainage projects completed, roads have been patched, swept and some paving will be done over the next few weeks. The parking area at the Rail Trail has been completed, a septic has been installed at the park, and mowing is being done. Leaf pick up has been scheduled and posted on the Town website, with the printed version available at the Town Clerk’s Office.

Police Dept. – Lieutenant Gramoglia stated that the day to day is going well with nothing major to report. Lt. reported the total calls with a breakdown of different types. They are doing a car seat inspection/installation this weekend at Ulster Hose on Albany Avenue. They will also be at the Adams Harvest Fest on October 12th.

Assessor’s Office – James Maloney stated that the 2015 Final Roll was filed on July 1st as required by law. His office is in the process of starting the preparation of the 2016 Roll. Within the next 30 days all exemption renewal applications will be mailed to the Seniors and other property owners that qualify for exemptions.

Town Clerk’s Office – Linda McDonough reported a successful Town of Ulster Senior Picnic. Music and Food were enjoyed by all on a sunny day at Post Park. There were 172 residents and 15 non-residents attending. Outlined were the totals of fees collected for the period of May 1st to August 31st, the new procedures of water and sewer rent collections that was implemented on May 4th, and the completion and reconciliations with Ulster County for the Tax Collection period ending on June 1st. In addition, there was the hiring of the additional Clerk, filling the position that has been vacant for several months. Ms. McDonough also advised the Town Board that she has passed the Notary Exam and was awaiting her supplies. The Office continues to work with Department Heads on various updating of procedures to streamline processes for both the residents and the town.

Supervisor Quigley requested for discretion to take one item out of order:

Under Old Business, Urban Precast is requesting Site Plan Approval to construct an 11,550 sq. ft. addition for manufacturing and to house equipment.

Mr. Auringer gave a presentation to the Board explaining the construction and use of the property.

Resolution granting Conditional Site Plan Approval to Urban Precast, 6-8 Keifer Lane, Kingston, NY, SBL 48.66-2-2.210, to construct a 11,550 sq. ft. addition

WHEREAS, the Town of Ulster Planning Board, Town Board and its consultant planner have reviewed an application by *Urban Precast* seeking Site Plan Amendment approval to construct a 11,550 square foot (sf) addition to their existing 95,467 sf building so they can expand their manufacturing operation at 8 Kieffer Lane; and

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

- *Site Plan Consent Form* signed by David Auringer – property owner - dated July 27, 2015;
 - *Site Plan Application* prepared by Elizabeth Mello, P.E., Brooker Eng., PLLC dated 6/12/15;
 - *SEQR Short EAF* signed by David Auringer – property owner - dated July 27, 2015;
 - *Building Addition Plan* prepared by Brooker Engineering, PLLC dated June 27, 2015;
 - *Building Addition Details* prepared by Brooker Engineering, PLLC dated June 27, 2015;
 - *Building Elevations* prepared by Brooker Engineering, PLLC dated June 27, 2015; and
 - *Fire Truck Apparatus Plan* prepared by Brooker Engineering, PLLC dated June 27, 2015.
-
- *Cover Letter* prepared by Elizabeth Mello, P.E., Brooker Eng., PLLC dated 9/10/15;
 - *Building Addition Plan* prepared by Brooker Engineering, PLLC revised 9/8/15;
 - *Building Addition Details* prepared by Brooker Engineering, PLLC revised 9/8/15; and
 - *Building Elevations* prepared by Brooker Engineering, PLLC dated revised 9/8/15.

WHEREAS, pursuant to Section 161-9 of the Town Code, the Town Board has the authority to approve the Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board, since more than 2,500 SF of new gross floor area is proposed with this application; and

WHEREAS, the Town of Ulster Planning Board, at its September 15, 2015 meeting referred this matter to the Town of Ulster Town Board with a recommendation to grant Conditional Site Plan Amendment approval; and

WHEREAS, the Town Board as Lead Agency upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board by the Town of Ulster Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and written comments from the UCPB were received that included *required modifications*; and

WHEREAS, upon review of the UCPB required modifications, the Town of Ulster Planning Board found two of the required modifications were satisfied through revisions to the applicant's plan set and the remaining one would be satisfied by requiring the applicant to sign an agreement to participate in a stormwater improvement district when such district is formed; and

WHEREAS, the Town Board, upon review of supporting application materials and subsequent completion of the SEQR Short EAF Part 2 determined the Proposed Action was one that would not have a significant adverse impact on the environment made a SEQR Determination of non-significance.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law and hereby issues a Negative Declaration on the Proposed Action; and

FURTHER BE IT RESOLVED the Town of Ulster Town Board grants Conditional Site Plan approval for the Proposed Action 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. *Approval is granted to allow the limited striping of the site at this time, subject to the owner agreeing to provide additional spaces within three (3) months notice of the Building Department of the need for more spaces.*
5. *The applicant consents to signing an agreement to participate in a stormwater improvement district when one is created for the area surrounding the subject site and the deposit of \$10,000 with the Town of Ulster towards the creation of the stormwater district.*
6. 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
7. All fees, including consultant fees, shall be paid.

Motioned by: Brink

Seconded by: Morrow

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor

 X

Eric Kitchen, Deputy Supervisor

Excused

Joel Brink, Councilman

 X

John Morrow, Councilman

 X

Rocco Secreto, Councilman

 X

Public Hearing on the Presentation of Local Law No _____ of 2015, a Local Law Providing for the Adoption of an Animal Husbandry Law for the Town of Ulster

Supervisor Quigley spoke prior to the opening of the Public Hearing stating that there will be no vote tonight, and the Town Board will be accepting written comments for the next 30 days by mail. There will be no vote on this until the comments have been received and the law has been reviewed in relation to all comments.

All those wishing to speak, please come to the podium, state your name, address for the record, and keep your statements brief to allow everyone a chance to speak.

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**Motion to Open the Public Hearing by Councilman Brink at 7:16 PM;
2nd by Councilman Secreto**

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

CARRIED

Frank Rittie Jr, 113 Railroad Ave, E. Kingston – presented a petition with 144 signatures requesting that all Ulster Town Board Members vote against the passage of the animal husbandry law as it appears on the Town website. The proposed law infringes on our right to be self-sufficient and removes a characteristic of our neighborhoods that has been a part of our lives for generations.

He showed on the map that the R-10 and R-30 in East Kingston are the least populated area of the Town and conflicts with previous statements. He also stated that at all meetings there has been maybe one person that is in favor of this law. In addition, he asked that the Town Board review the DVD he previously supplied to them which shows the characteristics of the people who are asking for this law to be passed.

The Petition with signatures was turned over to the Town Clerk.

Robert Sweeney, 1019 Flatbush Rd, Town of Ulster – Mr. Sweeney is also the Town Historian and brought six of his chickens with him. Mr. Sweeney stated that this proposed law makes recommendations, which cannot be done. It has to state what you can have, or cannot have. He believes this law to be biased against chickens. He also believes that there are items of this law that cannot be enforced. Nuisances should be addressed, not a list of things not allowed. Dialogue should be encouraged by an agricultural committee to adjudicate these issues.

If you can have 5 sheep on an acre, then it makes no sense that you can only have one-sexed poultry. He believes this law is discriminatory and will lead to more discrimination.

Melanie Martucci – 72 Wildwood Lane, Saugerties – She is an R-30 residence and called to find out any laws that applied before getting her chickens, and there were none. Her chickens are her pets, and are no different than cats and dogs. There are many other things (cars, 4-wheelers etc.) that make more noise than her chickens or any roosters' people own.

Krista Montforte – 17 Corwin Place, Town of Ulster – would like to reiterate what everyone has said. She also advised that she was told she would be grandfathered in, and would like a letter from the Town stating same. She doesn't believe she should have to be grandfathered in, and again stated that she has never had a complaint from her neighbors except for when she installed a fence limiting view of the chickens. She also stated that she has 30 chickens, and she only gets 2 eggs a week right now. Also there is a minimum order when you order chicks and

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laws govern other aspects of what you can do when you order chicks. Again, there are a lot noisier things out there.

Cecil Towns, 965 Flatbush Rd, Town of Ulster – as a taxpayer, a Former Marine and an American, people should be able to have what they want on their property. Neighbors should be able to talk to each other regarding neighborhood problems. This is America-Leave it alone.

William Smith – 601 Lenox Place, Town of Ulster – He has a residence with horses, and he wants to know what constitutes an acre and where does the limit start and end. If he is grandfathered in, and one of his horses leaves, is he able to get a replacement on the grandfather law. Again, neighbors should talk to each other and make things work.

Tom Cole, 169 Railroad Ave, East Kingston would like to know if there is anyone for this law?

He also wanted the residents to know that October 2nd is Wounded Warrior Weekend. They leave Rhinebeck at 4:45.

Robert Sweeney 1019 Flatbush Rd., Town of Ulster stated he is not against the law, he just has a list of concerns about what is allowed. The law needs to state the lot size or paddock size and what can be on that size. The law is not clear and it should be voted down. He will supply the list to the Supervisors office

Supervisor Quigley stated that all comments would be taken into consideration as the law is considered and the public will be kept informed.

**Motion to close the Public Hearing by Councilman Brink at 7:34 PM;
2nd by Councilman Secreto**

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

CARRIED

NEW BUSINESS

**Authorize Justice Kesick to attend the NYS Magistrates Annual Meeting and Training
September. 27th-30th in Niagara Falls**

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

Authorize Web Manager, Nancy France to attend the Digital Towpath Annual Meeting in Albany, NY on September 25, 2015

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

Motion to authorize the Supervisor to sign the renewal of CDPHP medical insurance for 2016

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion to authorize the highway superintendent to go out to bid for the purchase of one new Mack Plow truck as part of the Equipment Replacement Program

This is a routine replacement under the Program put in place several years ago.

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Brink - Aye
Town Councilman Kitchen - Excused

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

CARRIED

Motion to authorize the hiring of one part time Police Officer, Cheryl E. Benjamin, at \$21.19 per hour, effective September 21, 2015

MOTION: Councilman Secreto
SECOND: Councilman Brink

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

CARRIED

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of August 2015

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

Presentation and Acceptance of the Supervisor's Monthly Report for the month of August 2015

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Whittier Sewer District in the amount up to \$200,000 Plus Accrued interest

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the "LANDFILL CLOSURE RESERVE FUND" to finance the closing of the Town's landfill, and,

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

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

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

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

WHEREAS it is proposed to loan monies from the Landfill Closure Reserve Fund to the Whittier Sewer District (hereinafter the "District") to cover the balance of expenses for the Primary Treatment Replacement Contract; and

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

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

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

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes an interfund loan of up to \$200,000.00 from the Landfill Closure Reserve Fund to the Whittier Sewer District; and be it further

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RESOLVED, that, pursuant to General Municipal Law § 9-a, said monies shall be repaid to the Landfill Closure Reserve Fund no later than December 31, 2016; and be it further

RESOLVED, that the interest rate established for the borrowing period is 1.0% per annum, and the repayment obligation amount is up to \$200,000.00, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of up to \$200,000.00, to the Whittier Sewer District and be it further

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

Motioned by: Morrow

Seconded by: Brink

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor

 X

Eric Kitchen, Deputy Supervisor

Excused

Joel Brink, Councilman

 X

John Morrow, Councilman

 X

Rocco Secreto, Councilman

 X

CARRIED

Resolution to make Quail Drive a Southbound One-Way Street from Quail Drive to Ulster Gardens

WHEREAS, from time to time modifications and/or additions to the Town of Ulster’s Vehicle and Traffic rules and regulations are necessary to help expedite the flow of vehicular traffic, ensure the safety of motorists, bicyclists, and pedestrians using the Town’s Public Highways and to maintain the quality of life of Town residents; and

WHEREAS, requests were received from citizens to address the speed and volume of traffic on Quail Drive between Ledge Road and the Ulster Gardens complex; and

WHEREAS, the Town Board, the Town Superintendent of Highways, and the Town of Ulster Police Department have evaluated these requests and have determined that in the interest of public safety, Quail Drive between Ledge Road and the Ulster Gardens complex should be a one-way street, with all traffic proceeding southbound; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby adopts the following addition to the Vehicle and Traffic rules and regulations of the Town of Ulster:

The following described street is hereby designated a one way street with “one way” and “do not enter” signs to be installed as follows:

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One Way Street	Direction of Travel	At Intersection of
Quail Drive	Southbound	Ledge Road and Ulster Gardens

Motioned by: Secreto
Seconded by: Morrow

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor
Eric Kitchen, Deputy Supervisor
Joel Brink, Councilman
John Morrow, Councilman
Rocco Secreto, Councilman

 X
Excused
 X
 X
 X

CARRIED

This is a Town Road so DOT Approval is not necessary.

Mr. Tony Penz, 113 Quail Dr., Town of Ulster stated people are not obeying signs now, and asks that it be patrolled. Supervisor Quigley will notify the Management Company and UPS, in addition to having patrols after signs go up.

Discussion on Theresa Lane and request of adjacent property owner for reversion of right away.

A short discussion was held. A research of the Town records was done, and there is no information that this property was ever accepted as a Town Road. Therefore it is requested it be reverted back to the property owner.

Motion to Authorize the Town Attorney to prepare the proper paperwork for the Reversion of the Right of Way in Accordance with Town law

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

Motion to authorize Brinnier and Larios PC to complete a survey of the Transfer Station Property off a Miron Lane for a price not to exceed 8500.00

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

OLD BUSINESS

Resolution authorizing the Supervisor to Sign Release of Reverter/Option to repurchase real property located at 1951 Frank Sottile Blvd., Kingston, NY, SBL 48.12-1-21.200, Formally known as the Town Of Ulster Landfill

RESOLVED, that the Town of Ulster is authorized to release, with respect to the real property at 1951 Frank Sottile Boulevard (designated as SBL: 48.12-1-21.200), the following condition in the May 18, 1993 deed conveying a certain parcel from the Town of Ulster to the County of Ulster, recorded in the Ulster County Clerk's Office in Liber 2281 of Deeds at Page 0297:

“The party of the first part reserves unto itself an option to repurchase said premises for one dollar (\$1.00) any time after the expiration of twenty years provided such repurchase is for public use and then in that event the party of the second part agrees to continue to monitor and report to any governmental agencies relating to the closure of the landfill located on such premises. The option herein contained will be exercised by certified mail-return receipt requested and delivered to the party of the second part at is [sic] office herein described or at any successor office in which case the party of the second part shall convey to the party of the first part a bargain and sale deed with proper tax stamps affixed with an insurable title, such deed to be delivered at a time and place to be agreed within thirty days after delivery of such option notice.”

and be it further

RESOLVED, that the Town Supervisor or his authorized designee is hereby empowered to execute all instruments, including the execution of a quitclaim deed releasing the Town's reverter interest / option to repurchase in the real property at 1951 Frank Sottile Boulevard (designated as SBL: 48.12-1-21.200), and take such action as may be reasonably necessary to effectuate the purposes hereof.

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MOTION: Councilman Morrow
SECOND: Councilman Brink

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

CARRIED

Resolution declaring Town of Ulster's intent to be Lead Agency for an Unlisted Action-Coordinated Review for Kingston Commons, 625-669 Washington Avenue, Kingston, NY, SBL 48.14-1-19& 20

WHEREAS, the Town of Ulster Town Board and its consultant planner have reviewed an application by *SAI Capital Group, LLC for Kingston Circle Properties, LLC (Owner)* seeking *site plan approval* for construction of 6,490 square feet (sf) of retail space, 3,190 sf bank with two (2) drive-thru service lanes, a 4,430 sf fast-food restaurant with two (2) drive-thru service lanes, and a 2,200 sf coffee/donut shop with one (1) drive-thru service lane along with ancillary on-site parking and a sidewalk, which is proposed within the NYSDOT r-o-w; and

WHEREAS, the Proposed Action involves the demolition of the existing auto repair shop building, relocation of the Caboose & Tourism Center off-site, elimination of 60-foot right-of-way easement to be replaced with 30-foot in favor of Ulster County, and relocation of a monitoring well on SBL 48.14-1-20; and

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

- *Application for Site Plan Review* by *SAI Capital Group, LLC*, dated 8/31/2015;
- *Site Plan Consent Form* signed by John H. Gill, property owner dated 8/10/15;
- *SEQR FULL Environmental Assessment Form [Pending]*;
- *Traffic Impact Study* prepared by Stonefield Engineering & Design, dated 8/28/2015;
- *Stormwater Management Report* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Survey Map for SAI Capital Group, LLC* by Stonefield Engineering & Design, dated 7/9/2015;
- *Cover Sheet for Plan Set* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Existing Conditions Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Demolition Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Site Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Grading Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Drainage Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Utility Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *ATM Lighting Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Phase I Soil Erosion & Sediment Control Plan* by Stonefield Eng. & Design, dated 8/31/2015;
- *Phase II Soil Erosion and Sediment Control Plan* by Stonefield Eng. & Design, dated 8/31/2015;
- *Soil Erosion and Sediment Control Details* by Stonefield Engineering & Design, dated 8/31/2015;

ULSTER TOWN BOARD MEETING

September 17, 2015 AT 7:00 PM

- *Landscaping Plan* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Landscaping Details* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Construction Details* prepared by Stonefield Engineering & Design, dated 8/31/2015;
- *Proposed Floor Plan Quick Service Restaurant 1* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Floor Plan Quick Service Restaurant 2* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Floor Plan Retail and Bank* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Elevations Quick Service Restaurant 1* prepared by gk&a Architects, PC dated 8/25/15;
- *Proposed Elevations Quick Service Restaurant 2* by gk&a Architects, PC dated 8/25/15; and
- *Proposed Elevations Retail and Bank* prepared by gk&a Architects, PC dated 8/25/15.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Town of Ulster Town Board, upon review of the application materials determined the Proposed Action was an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

WHEREAS, other Involved Agencies would include: NYSDEC (General Permit for Construction Activities), Ulster County Highway Department (signalized intersection at Sawkill Road), NYSDOT (Site Access from Washington Avenue), and Ulster County Legislature (easements and site work on County Lands along Esopus Creek); and

WHEREAS, Interested Agencies would include the Town of Ulster Planning Board and Ulster County Planning Board; and

WHEREAS, the Town of Ulster Planning Board, at its September 15, 2015 meeting, referred this matter to the Town Board for the sole purpose of initiating a SEQR *Unlisted Action-Coordinated Review* with the Town Board so named as Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, hereby declares its intent to be Lead Agency for an Unlisted Action-Coordinated Review and directs the Deputy Town Clerk to circulate a Notice of Intent to all Involved Agencies.

Motioned by: Brink

Seconded by: Morrow

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor
 Eric Kitchen, Deputy Supervisor
 Joel Brink, Councilman
 John Morrow, Councilman
 Rocco Secreto, Councilman

_____X_____
 _____Excused_____
 _____X_____
 _____X_____
 _____X_____

CARRIED

Motion to Accept the Updated Intrastate Mutual Aid Program Plan for the Town of Ulster

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

Presentation of Revised AUD report for year ending December 31, 2014

MOTION: Councilman Secreto
SECOND: Councilman Brink

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

CARRIED

PUBLIC COMMENT

Mrs. Rosalyn Stark, 163 Hurley Ave, Kingston requested the status on Bucks Junkyard, and the time frame on additional findings.

Mr. Kovacs (Town Attorney) started Supreme Court Action requesting a Permanent Injunction. He is expecting a Court Hearing date for some time in October.

Motion to proceed into Executive session at 7:52 PM for the purpose of discussing Ulster Business Complex vs. TOU (Bank of America Tax Certiorari)

MOTION: Councilman Morrow
SECOND: Councilman Brink

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

ULSTER TOWN BOARD MEETING
September 17, 2015 AT 7:00 PM

CARRIED

Town Board returned from Executive Session at 8:23 pm, no action recommended, no action taken.

Councilman Brink moved to adjourn the meeting at 8:23 PM
2nd by Councilman Secreto

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

CARRIED

Respectfully Submitted by
Linda A. McDonough
Ulster Town Clerk