

ULSTER TOWN BOARD MEETING

December 3, 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 -Excused

TOWN COUNCILMAN ERIC KITCHEN

TOWN COUNCILMAN JOHN MORROW

TOWN COUNCILMAN ROCCO SECRETO

SUPERVISOR JAMES QUIGLEY 3rd

AGENDA ADDITIONS

None

PUBLIC COMMENT

None

COMMUNICATIONS

None

PUBLIC HEARINGS

7:10pm –Special use approval for Thomas and Robert Rice, 12 Leggs Mills Road, Lake Katrine, N.Y. SBL#39.15-5-20

7:15pm –Correction of Structure Owned by Richard C. Rider, 697 Old Flatbush Road North

7:20pm –East Kingston Fire Department

OLD BUSINESS

None

NEW BUSINESS

Motion to set a Public Hearing for Adoption of the 2016 Fee Schedule for Thursday, December 17, 2015 at 7:15 pm

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

CARRIED

Motion to accept the resignation of Part time Police Dispatcher, Taylor Heins

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion to hire one Full time Police Dispatcher, Jordyn Kilfoyle at a salary of \$31,531 per year, starting 1/1/2016

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion to hire one Full time Police Officer, Cheryl Benjamin at a salary of \$42,185 per year, starting 12/21/2015

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

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Motion to authorize the Supervisor to sign the 2015-2016 DWI Crackdown Enforcement Agreement with Ulster County STOP DWI Division

MOTION: Councilman Morrow
SECOND: Councilman Kitchen

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

CARRIED

Motion to authorize the Supervisor to sign the 2016 DWI Task Force Agreement

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion to approve the hiring of one Full Time Seasonal employee for the Sewer Department for a four week period, Geordan Niles at a rate of \$10.00 an hour, starting 12/21/2015

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

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Motion to approve the hiring of one Seasonal employee for the Water Department for a four week period, Nathaniel Gray at a rate of \$9.00 an hour, starting 12/14/2015

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

CARRIED

PUBLIC HEARING #1

Special use approval for Thomas and Robert Rice, 12 Leggs Mills Road, Lake Katrine, N.Y. SBL#39.15-5-20

Prior to opening the Public hearing, the following statements were made:

Scott Dutton – Project Architect spoke on the purchase by Thomas and Robert Rice of the above property, formerly the Grange. He handed out the plans to the Town Board and explained that these are property owners who are active landlords of multiple properties, and understand the request is a Special Permit and the Permit can be revoked in the future if there are problems.

Jason Kovacs – Ulster Town Attorney spoke on the reasons for the need of the Special Permit because it is in the Office Manufacturing District, and it needs this Special Permit because it is being changed into a Multi Family Dwelling.

Motion to Open the Public Hearing at 7:13 PM for the above Special Use Permit Approval

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

No Comments

Motion to close the Public Hearing at 7:14 PM

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Resolution Granting Special Permit for a Multi-Family Dwelling, 12 Leggs Mill Road, Lake Katrine NY 12449; SBL: 39.15-5-20 Owner: Thomas Rice and Robert Rice

WHEREAS, the Town of Ulster Town Board, the Town of Ulster Building Inspector, and the Town Attorney, have reviewed an application by Thomas Rice and Robert Rice seeking Special Permit approval to allow a multi-family dwelling (6 units) on a 0.5 acre parcel located at 12 Leggs Mill Road within the Town of Ulster; and

WHEREAS, the subject site is situated within the OM—Office Manufacturing District in the Town of Ulster, where multi-family dwellings are allowed subject to Special Permit approval by the Town Board pursuant to § 190-25(F) of the Town of Ulster Town Code; and

WHEREAS, the Town Board held a public hearing on this matter on December 3, 2015 during which no public controversy was raised concerning the proposed action, and

WHEREAS, the Town Board has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby grants Special Permit approval to Thomas Rice and Robert Rice subject to the conditions, limitations and restrictions set forth below.

1. All fees, including consultant fees and legal fees, and a recreation fee if applicable, shall be paid.
2. Compliance with all applicable zoning and building laws, rules, and regulations.
3. In case of a violation of any of the aforesaid conditions, this permit may be revoked by the Town Board, provided, however, that after activities under this permit shall have been properly commenced, there shall be no such revocation until substantial evidence of such violation shall have been presented to the Town Board at a meeting of said Board called for the purpose of hearing such evidence on notice to the owner.

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MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

PUBLIC HEARING #2

Correction of Structure Owned by Richard C. Rider, 697 Old Flatbush Road North, SBL 39.20-2-10

Prior to opening the Public hearing, the following statements were made:

Kathy Moniz – Ulster Building Inspector gave an updated report. Ms. Moniz stated that the premises located at 697 Old Flatbush Road North was posted unsafe on Oct 29, 2015 following a 911 phone call. East Kingston was at the scene for trees on wires. An order of remedy was sent requesting immediate compliance. This structure does not meet the State's definition of a dwelling. Subsequent inspections were done on November 30th and December 3rd. Some of the debris has been removed however there is still an amount of debris on the property. There has not been any material compliance with the order.

Motion to Open the Public Hearing at 7:17 PM on the matter of 697 Old Flatbush Road North

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

Tom Casey – 695 Old Flatbush Road expressed that there has been a subject living in the house after it was posted. Cleanup has not been done. He is not saying that he wants the house ripped down, just that it needs to be addressed, cleaned up and rebuilt and fixed if possible. This has been a problem for 12 years. It is affecting property values and pride in the neighborhood.

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Richard Rider, Owner of 695 Old Flatbush Road – Stated that he has been making attempts to clean-up the yard, but between his work schedule and finances he has not been able to make as much progress as he would like.

He is having some of the vehicles removed this weekend, and has been attempting to fix it up. He currently resides at 14 Maple Ave., Cementon. Linda Lane of Main St., Ruby says that he is trying and she will be available to help him.

Kelly Whittaker – 675 Old Flatbush Road North stated that Mr. Rider does live at the residence, the woodstove is burning every day, the junk has not been cleaned up. This has been going on for 10 years since the house had a fire. There are exposed wires and gas lines and she considers this unfair as a taxpayer. She stated that 10 years is long enough to fix a house that was given to him by his grandfather.

Mike Habernig, 709 Old Flatbush Road North would like to show his support for his neighbors; and he believes in memory of Charles Rider they allowed things to go on longer then should have happened. He stated that there comes a time when deadlines need to be met, and now is that time.

Motion to close the Public Hearing at 7:25 PM

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

CARRIED

Councilman Kitchen stated that this has been ongoing for at least 8 years, he feels for the neighbors on that street. We have a Building Inspector that stated that it is a safety hazard, and it poses a fire hazard.

Motion to declare this property a Public Nuisance and request the Town Attorney to prepare a Resolution for the Town Board to adopt at the next meeting, memorializing said nuisance and Authorizing Supreme Court Action seeking remedy including the Removal of the Structure.

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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<i>Town Councilman Brink</i>	- <i>Excused</i>
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- No
Supervisor Quigley	- Aye

CARRIED

Councilman Secreto stated that he is opposed to the demolition, but supports the cleanup. Supervisor Quigley stated the language will be looked at, and revised if considered necessary.

The Town Attorney will prepare the necessary Resolutions for review and revision at the next meeting.

PUBLIC HEARING #3

East Kingston Fire District

Motion to open the Public Hearing at 7:31 PM for the purpose of taking comments

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

Augie Wiedemann – Route 32 Kingston read a prepared statement supporting keeping the East Kingston Fire District. He spoke of his first-hand experience having had 3 calls to his residence. He considers them professional and efficient. He asked that the Town leave the Fire District out of politics. A copy of his statement in its entirety is included in these minutes.

Stewart Dean – Ulster Landing Road Kingston stated he has been a resident since 1992 and believes this motion is ill-advised. It certainly will cause longer wait times. Currently the Town has some oversight, if you dissolve the District and sell off the equipment, you cannot reconstitute it. He suggested that the East Kingston Fireman are willing to work with the Board and tell you why they are doing what they are doing, you will not get that from a subcontractor.

Dr. Wayne Tremper – Route 32 Kingston stated he owns the veterinary hospital and has had to call the department for various accidents and smoke conditions. The Department is always

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there with great service and protection of the District. Take that into account before you think just dollars and cents.

Jonathan Lewit – Riverview Terrace Kingston stated that the fire department and its members are a part of the neighborhood. They are a good crew and response time matters. He supports keeping the East Kingston Fire Department.

Cheryl Pettus – 204 Heather Lane, Kingston stated that a year ago there was a fire in her neighborhood. The houses are close together and a fire in one caught the exterior of the house next door on fire. The quick response by East Kingston Fire Department saved both houses. She requests that the funding be continued so the houses in her neighborhood are protected.

Bob Crane – Vincent Street Kingston – past Fire Commissioner of Ulster Hose 5. In an investigation by the State Comptroller's Office (November 2015), burden was placed on the Town Board for allowing this Fire Protection District to avoid their responsibilities for the past 12 years. To allow this Fire Protection District to continue operating without a budget in place and without a signed contract has left the East Kingston Taxpayers without the true protection they deserve. This oversight by the Town Board over the years, has allowed a problem that could have been corrected with proper supervision, to have failed.

To allow this problem to just continue to go on has the Town Board failed to represent the taxpayers of East Kingston and clearly put this community at risk, very clearly in violation of our own Town Law.

Unlike Town Board Members, the Firemen are totally volunteers, Board Members are paid. East Kingston Fire Protection District most certainly failed over the past 12 years as well, to submit yearly budgets and contracts. This failure has also put the town residents at risk. The question of training has only recently come into question, and may or may not be up to par. If this is true, we have a two-fold problem.

Based on the above, the Town Board has no other choice than to take action. This does not mean that we close the Department down, or merge with another Department. It is just to correct the problems of the past which are now water under the bridge. Let's start working on the future.

If we shut it down, what happens to the equipment, buildings, and the monies from this district? Does it revert back to the firemen? It is a Protection District, so if it is dissolved everything stays with members, and they have the option of how to dispose of it. If Ulster Hose 5 was to incorporate East Kingston into their Department many other questions will have to be answered by the Board of Fire Commissioners of Ulster District #5 and the rank and file. Then it would have to go to Permissive Referendum for the people to vote.

This will also take time, and he believes a lot of brainstorming needs to be done. Things should stay as in place as it is now, and go on with a good solid plan for the future.

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He asked that everyone notice that all of the East Kingston Fire Department members that were here had to leave for a call; he asks that the Public Hearing remain open to allow those members to speak.

Mr. Crane stated he would make a copy of his statement and forward it to the Supervisor.

Stephen Hagopian, 22 Old Flatbush Rd., Kingston stated he did some research on Fire Districts. Rand Corporation developed a formula which has been confirmed on the timing of departments to get from their station to the house. Using an average speed of 35 mph from the Kukuk Lane Fire Department station to his residence, it would take them 3.2 minutes to get there and protect him and his family, from the Main Street station 4.9 minutes, and from Ulster Hose #5 on Ulster Avenue it would take 7.1 minutes. This is important because of room flashover. The Standards recommend the department get to the fire within 4 minutes. This recommendation comes from the NFPA which produces standards and codes. The only thing the Fire Department can't control is the distance to the scene. Code 17-10) With all of these formulas, if Ulster Hose becomes the primary, his house is left outside that safety zone.

He understands it is not just about safety, it's about money. There is a report that suggests a 19% savings if Ulster Hose absorbed the East Kingston District. If you factor in the 6.2 square miles, the businesses, vacant land and the 618 residences in East Kingston; and divide their 2016 budget by just the residences, it comes out to about \$350.00 per household. A 19% savings would be roughly \$67.00 per year. This savings is not worth the dangerous situation.

He also asked about the buildings, equipment and monies; and where it goes.

Supervisor Quigley advised that both properties were donated, 1 by Mr. Brigham, and 1 by IBM Corp. Both contain reverter clauses, so the properties would revert back to the donors, with all improvements.

Mr. Hagopian will forward his comments and some research to the Supervisors Office.

Motion to close the Public Hearing at 7:52 PM

MOTION: Councilman Secreto

SECOND: Councilman Morrow

<i>Town Councilman Brink</i>	- Excused
Town Councilman Kitchen	- Aye
Town Councilman Morrow	- Aye
Town Councilman Secreto	- No
Supervisor Quigley	- Aye

CARRIED

ULSTER TOWN BOARD MEETING
December 3, 2015 AT 7:00 PM

Motion to Authorize the purchase of one 2016 Police Utility Interceptor AWD under the Westchester County Contract with Beyer Ford in the amount of \$28,354.65

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion to authorize the purchase of twenty Phazzers for the Police Department under the sole source exception of the Town of Ulster Procurement Policy from Witmer Public Safety Group in the amount of \$18,421.20

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Motion authorizing the Supervisor to go to bid for (2) Chevy Equinox AWD Vehicles

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

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

CARRIED

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Motion to Accept and Publish on the Town Website the Town Supervisor's Report for November 2015

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

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

CARRIED

Discussion on setting a date for the 2016 Organizational Meeting, date and time to be January 7, 2016 @ 7PM

MOTION: Councilman Morrow
SECOND: Councilman Kitchen

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

CARRIED

Presentation of Resolution authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Glenerie Water District for consideration at the December 17th Town Board Meeting

Presentation of Resolution establishing a Retirement Contribution Reserve Fund under Section 6-r of the General Municipal Law for consideration at the December 17th Town Board meeting

Presentation of Trail Head Signage Proposal at Rockwell Lane Parking Lot for O&W Rail Trail for consideration at the December 17th Town Board Meeting

Resolution requesting DEC to assume Lead Agency for evaluation of the Proposed Pilgrim Pipeline.

WHEREAS, the Town of Ulster is an “involved agency” in the SEQRA process, and therefore has a voice in determining who is lead agency in the environmental review of the Pilgrim Pipeline project; and

WHEREAS, the New York State Thruway Authority is considering SEQRA lead agency status for the Pilgrim Pipeline project; and

WHEREAS, this is a timely matter as a reply to the New York State Thruway Authority by involved agencies must be received by December 16, 2015; and

WHEREAS, the proposed Pilgrim Pipeline project affects important resources of regional and statewide concern, including the Hudson River and major tributaries, such as the Rondout, Esopus, and Catskill Creeks and Wallkill River, State-regulated wetlands, and other resources that the DEC is responsible for protecting, and the DEC is best equipped to ensure a full and adequate evaluation of environmental impacts; and

WHEREAS, the NYS Department of Environmental Conservation (DEC) has statewide responsibility for overseeing and protecting New York State’s environment; and

WHEREAS, the DEC, as the state environmental agency, is best suited to guide the environmental review of this large, multi-jurisdictional project that has the potential to impact environmental resources in six New York counties and 29 towns, and is the agency with the power and the expertise to ensure a comprehensive and coordinated review; and

WHEREAS, the proposed Pilgrim Pipeline project would traverse and could potentially impact private lands and resources outside of the Thruway right-of-way, including lands within the Town of Ulster, and it is therefore more appropriate for the DEC than the Thruway Authority to play the lead role in evaluating the impacts to those lands and resources.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Ulster:

1. Does not consent to the NY Thruway Authority to serve as lead agency in the SEQR review of the proposed Pilgrim Pipeline Project, and to request to Commissioner Basil Seggos that the NYS DEC serve as lead agency.

BE IT FURTHER RESOLVED that the Town Board of the Town of Ulster:

2. Directs the Town Clerk to forward copies of this resolution to the NYS Thruway Authority Chair Joanne Mahoney, NYS DOT Commissioner Matthew Driscoll, U.S. Senators Charles Schumer and Kirsten Gillibrand and U.S. Representative Chris Gibson, Governor Andrew Cuomo, N.Y. Public Service Commission Chairwoman Audrey Zibelman, Assemblyman Kevin Cahill, Senator George Amedore, NYS DEC Acting Commissioner Basil Seggos and Executive Deputy Commissioner Marc Gertsmann.

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MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

PUBLIC COMMENT

Ed Steedle – Old Kings Highway Lake Katrine spoke against any traffic light to be installed at Old Kings Highway and Seremma Lane. He stated that there have been very few accidents at this intersection and the traffic pattern is easy to figure out. He believes there are enough traffic lights in the area.

Supervisor Quigley stated that there was a request for an engineering study, and not specifically a traffic light

Peter Santora – John Street, East Kingston stated he came to hear about the Fire Department. He stated that the only 2 things on that street are the Church and Fire Department. This is where they vote. He stated that Public Safety should dictate

Nancy Slauson – 15 Beech Court, Kingston spoke in support of the East Kingston Fire Department. They provide a service and the safety of the residents should be a priority.

Motion to adjourn the meeting at 8:01 PM

MOTION: Councilman Brink

SECOND: Councilman Secreto

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

CARRIED

Respectfully Submitted by
Linda McDonough
Ulster Town Clerk