

TOWN OF ULSTER TOWN BOARD MEETING (10)
MAY 16, 2024

MEETING HELD IN PERSON

CALLED TO ORDER BY DEPUTY SUPERVISOR, CLAYTON VAN KLEECK , at 7:00 PM

SALUTE TO OUR FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:
TOWN COUNCILMAN CLAYTON VAN KLEECK
TOWN COUNCILMAN ROCCO SECRETO
TOWN COUNCILWOMAN ANNA HAYNER
TOWN COUNCILWOMAN MARYANN DEGROODT
SUPERVISOR JAMES E. QUIGLEY 3rd - *Excused*

ALSO IN ATTENDANCE:

1. Kyle Berardi, Police Chief
2. Frank Petramale, Highway Superintendent
3. Jason Kovacs, Town Attorney
4. Tosca Sweeney, Comptroller
5. Warren Tutt, Building Inspector
6. Bill Kemble, Daily Freeman
7. Fifteen+ in-person attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

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APPROVAL OF MINUTES – April 4th and 18th (2024-M-151)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- Excused

CARRIED

COMMUNICATIONS – None

ABSTRACT OF CLAIMS (2024-M-152)

TOTAL: \$ 607,627.50

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of April 2024 (2024-M-153)

MOTION: Councilwoman DeGroot
SECOND: Councilwoman DeGroot

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Presentation and Acceptance of the Supervisor's Monthly Report for the month of February, March and April 2024 (2024-M-154)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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Motion to accept the ARPA Compliance Report for March 2024 (2024-M-155)

MOTION: Councilwoman DeGroot

SECOND: Councilman Secreto

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to set a Public Hearing for Local Law# of 2024: Pertaining to Chapter 127 – Parks for June 6, 2024 at 7:10pm (2024-M-156)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the hiring of two Seasonal Employees for the Parks (2024-M-157)

Michael Sills & Donald Yager: Start date 5/1/2024; \$18.00/hour; both have been working here three years.

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MOTION: Councilman Secreto
SECOND: Councilwoman DeGrootd

Town Councilwoman DeGrootd	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Motion to authorize the hiring of one Temporary Employee for the office of Judge Flood-Myers (2024-M-158)

Michelle Peden: Start date 5/28/2024; \$18.00/hour

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman DeGrootd	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution Establishing Standard Workday for Elected Officials (2024-R-159)

Resolution Establishing Standard Workday for Elected Officials

WHEREAS, Regulation 315.4 of the New York State and Local Retirement System requires the Governing Body of the town to establish a Standard Workday and Reporting System for all elected and appointed town officers that were elected or appointed after August 12, 2009, and WHEREAS, persons affected are those that are enrolled in the New York State Retirement System as either Tier 2, 3, 4, 5 or 6 members, and

WHEREAS, the persons affected are those that receive monetary compensation for their duties and do not use the town's Time Clock nor use Time Sheets to document their work hours; now therefore be it

RESOLVED, that eight (8) hours is established as the Standard Workday for the Town Supervisor, Town Clerk, and Highway Superintendent positions; six (6) hours is established as the Standard Workday for Town Councilman and Town Justice positions, and be it further

RESOLVED, that the recording of time worked consists of a three month Time/Work log starting on January 1, 2024. This Time/Work log shall be created and maintained by the affected worker; and be it further

RESOLVED, that once passed, this Resolution shall be posted on the Town's Website and the Official Sign Board for a period of at least 30 days; and be it further

RESOLVED, that the Ulster Town Clerk shall submit a certified copy of the Resolution and affidavit of its posting to the Office of State Comptroller within 15 days after the posting period ends; and be it further

RESOLVED, that once the three month time period Time/Work log is completed, the affected person shall sign and submit their Time/Work log to the Ulster Town clerk; and be it further

RESOLVED, that the governing Body of the Town shall utilize the Time/Work logs to calculate the percentage of the Standard Workday worked over the 3 month time period and report the findings to the New York State and Local Retirement System so that the New York State and Local Retirement System may determine pension credits; and be it further

RESOLVED, that the Ulster Town Clerk shall retain the Time/Work logs submitted for a period of ten year. Elected or Appointed Officers affected by regulation 2 NYCRR 315.4:

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<u>Name</u>	<u>Title</u>	<u>Term of Office</u>	<u>Record of Activities</u>
Suzanne Reavy	Town Clerk	1/1/2024-12/31/2027	20.26
Frank Petramale	Hwy Superintendent	1/1/2024-12/31/2027	21.36

MOTION: Councilwoman Hayner
SECOND: Councilman Secreto

ROLL CALL VOTE:

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution Authorizing Attorney for the Town, Jason J. Kovacs, Esq., to Commence a Civil Action in New York State Supreme Court on behalf of the Town of Ulster against Catello Viviani (2024-R-160)

Deputy Supervisor: Property at 338 Glenerie Blvd. This is a step in the process; we will continue to rectify.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Authorizing Attorney for the Town, Jason J. Kovacs, Esq., to Commence a Civil Action in New York State Supreme Court on behalf of the Town of Ulster against Catello Viviani

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The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

Section 1: The Town Board of the Town of Ulster hereby authorizes Jason J. Kovacs, Esq., Attorney for the Town of Ulster, to commence a civil action in New York State Supreme Court on behalf of the Town of Ulster and to appear as the attorney for the Town of Ulster, as Plaintiff, against Catello Viviani as Defendant. In said civil action, the Town of Ulster as the Plaintiff, shall, among other things, ask the Court: (a) for permission to dismantle and remove the structures at 338 Glenerie Blvd., Town of Ulster, County of Ulster, State of New York [SBL: 39.11-4-11], on the grounds that they are unsafe, a threat to public safety and health, and uninhabitable, and being in violation of the Town of Ulster Town Code and the New York State Property Maintenance Code; (b) to direct that the Defendant comply with the Town Code; and (c) to permanently prohibit all other persons from using the subject premises in violation of the Town Code; (d) to enjoin and restrain the Defendant from creating and maintaining a public nuisance; and (e) to grant the Plaintiff, Town of Ulster, such other and further relief as to the Court may seem just and proper, together with the costs and disbursements of the action, and for an order allowing all costs, expenses, legal fees, and costs to dismantle the premises on the tax bill for said property.

SECTION 2. For its services hereunder, the Attorney for the Town, Jason J. Kovacs, Esq. shall be compensated at the rate of \$175.00 per hour and shall also be reimbursed for any costs and disbursements he incurs on behalf of the Town of Ulster in connection with said action.

SECTION 3. This Resolution shall take effect immediately.

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

ROLL CALL VOTE:

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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Personnel matters regarding the Court Office

Deputy Supervisor: The following movement in the office is due to changes in market conditions and one employee taking a leave of absence.

Presented by Councilman Secreto:

Rosanne Kaznowski: full time clerk to justice; \$22.00/hour; start date of change 6/1/2024 (2024-M-161)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Jasmin Otero-Burt: Court clerk; \$22.00/hour; start date of change 6/10/2024; temporary (2024-M-162)

MOTION: Councilman Secreto

SECOND: Councilwoman DeGroot

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

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Karen Gorski: full time clerk to justice; \$23.06/hour; start date of change 6/30/2024 (2024-M-163)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Judy Horvers: part time court clerk; \$19.00/hour; start date of change 6/30/2024 (2024-M-164)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Old Business:

Motion to accept the Annual Financial Report (AFR) filed with the NYS Comptroller’s Office for the Town’s Financial results for the year ending December 31, 2023, fulfilling the supervisor’s obligation under Municipal Law § 30 (2024-M-165)

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 2 of 2024: A Local Law to Amend the Zoning Code: Cannabis Retail Dispensaries (2024-R-166)

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 2 of 2024: A Local Law to Amend the Zoning Code: Cannabis Retail Dispensaries

WHEREAS, an introductory Local Law entitled Local Law No. 2 of 2024: A Local Law to Amend the Zoning Code: Cannabis Retail Dispensaries was introduced before the Town Board of the Town of Ulster on March 21, 2024, and upon notice duly published and posted, a hearing was held on April 4, 2024 at 7:10 p.m. before the Town Board,

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

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RESOLVED, that the adoption of the introductory local law entitled Local Law No. 2 of 2024: A Local Law to Amend the Zoning Code: Cannabis Retail Dispensaries 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. 2 of 2024: A Local Law Entitled Local Law No. 2 of 2024: A Local Law to Amend the Zoning Code: Cannabis Retail Dispensaries, 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. 2 of 2024
Cannabis Retail Dispensary Law**

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

Section 1. Title

This local law shall be known as the “Cannabis Retail Dispensary Law” of the Town of Ulster.

Section 2. Legislative Intent and Purpose

It is the intent and purpose of this local law to provide a comprehensive zoning plan to govern, regulate, and control Cannabis Retail Dispensary establishments within the Town of Ulster in accordance with the zoning ordinance amendments hereinafter set forth.

Section 3. Cannabis Retail Dispensary

- A. Purpose. The purpose of this Section is to provide zoning district locations and regulations governing cannabis retail dispensary establishments in accordance with New York State’s Cannabis Law, as amended or changed. It is the express purpose and intent of this section to minimize the adverse impacts cannabis retail dispensaries may have on adjacent properties and to provide standards for the placement, design, siting, safety, security, monitoring, modification, and discontinuance of cannabis retail dispensaries. This section outlines reasonable conditions that will protect the public health, safety, and welfare of the Ulster community. This section is intended to encourage appropriate land

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use and reasonable safeguards to govern the time, place, and manner of cannabis retail dispensary operations.

- B. Authorization to Approve or Deny Special Use Permits to Establish Cannabis Retail Dispensaries. A Special Use Permit from the Town of Ulster Town Board shall be required before any property may be used as a cannabis retail dispensary. The power to approve, approve with conditions, or deny such application is vested in Town of Ulster Town Board having jurisdiction as set forth above in Article XI of Chapter 190 of the Town of Ulster Town Code, except that those applications that may be processed administratively as set forth in paragraph D, below.
- C. Districts Where a Special Use Permit May Be Issued. Subject to the granting of a Special Use Permit, Cannabis Retail Dispensary establishments may be permitted only in the following zoning districts.
 - (1) Highway Commercial (HC)
 - (2) Retail Commercial (RC)
- D. Changes in Operator or Site. Changes in owner or operator of an existing cannabis retail dispensary or minor building or site modifications of a legally existing cannabis retail dispensary may be reviewed and a revised conditional use permit may be approved administratively by the Building and Zoning Department. If it is determined that the change in operator will result in a substantial change in operation or site plan, the application can be referred to the Town of Ulster Town Board for a revised Special Use Permit and/or revised site plan approval, subject to a public hearing if required by law or at the discretion of the Town of Ulster Town Board.
- E. Cannabis Retail Dispensary Standards, Requirements and Considerations. In addition to the standards set forth in Article XI of Chapter 190 of the Town of Ulster Town Code, the following standards, requirements and/or considerations shall be addressed in any application for a Special Use Permit and/or site plan approval associated with a retail cannabis dispensary:
 - (1) Minimum Distances. For the purposes of this law, distance shall be measured on a straight line from the nearest boundary line(s) of the specified use or zoning district to the nearest point of the building footprint or tenant space footprint of the proposed cannabis retail dispensary.
 - a. A cannabis retail dispensary shall not be located within 500 feet, front door to front door, of any residential use building.

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- b. A cannabis retail dispensary shall not be located within 1,000 feet of any recreational facility, school, place of worship, park, public playground, child-care facility, children's camp, or similar use(s), as determined by the Code Enforcement Officer.
 - c. A Cannabis retail dispensary shall not be located within 1,500 feet of any other Cannabis retail dispensary.
- (2) Hours of Operation. Cannabis retail dispensaries may be open for business between the hours of 9:00 AM and 9:00 PM Monday through Saturday and between the hours of 10:00 AM and 6:00 PM on Sundays. Hours of operation must be provided in the application submission to the Town.
 - (3) The cannabis retail dispensary shall provide for adequate and proper security at the premises to deter and prevent illegal activities from taking place on or near the applicant's premises and avoid conduct that has an adverse effect on the health, safety and/or welfare of the surrounding neighborhood.
 - (4) No marijuana or marijuana product shall be smoked, eaten, or otherwise consumed or ingested on the premises where sold. All dispensaries permitted under this section shall comply with all state and local laws, rules and regulations governing the smoking of tobacco.
 - (5) No drive-through service shall be permitted at a cannabis retail dispensary.
 - (6) No outside storage of marijuana, marijuana products, or related supplies is permitted.
 - (7) The applicant must provide an odor control plan that provides for proper and adequate ventilation and demonstrates that any odors associated with the cannabis products stored on site shall be effectively confined to the premises or so treated in order to avoid any negative impacts to neighboring properties or tenant spaces.
 - (8) Any Special Use Permit issued under this Section shall contain a condition that the cannabis retail dispensary shall not operate, and the Special Use Permit shall not be valid, until the applicant has obtained all required licenses and permits issued by the State of New York and any of its agencies.
 - (9) In case of conflict between any of the provisions contained in Article XI of

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Chapter 190 of the Town of Ulster Town Code and any other law, rule or regulation, the stricter, more restrictive provision shall govern and apply.

- (10) Subject to applicable law, the Special Use Permit application to the Town of Ulster Town Board must include a copy of all information submitted to the State of New York in application for a license to operate under the New York State Cannabis Law, as amended or changed.

F. License and Permit Revocation Violations and Penalties for Offenses.

(1) License and Permit Revocation

- a. A revocation of the Cannabis Retail Dispensary license by New York State shall render the Special Use Permit null and void and of no further force and effect, and result in the immediate closure of the dispensary.
- b. Any violation of this Section and/or conditions of approval shall be grounds for revocation of the Special Use Permit issued under this Section.

(2) Violations and Penalties for Offenses.

- a. Notice of violation(s) of this Section shall be provided to the business operator in writing directing the conditions requiring correction. The notice shall provide a time limit, as determined reasonable by the Code Enforcement Officer, to resolve the observed or reported violations.
- b. Failure to take corrective action shall be punishable in accordance with the provisions set forth in Article XIII of Chapter 190 of the Town of Ulster Town Code.

Section 4. Chapter 190, Article I, Section 190-4 “Definitions” Adding Definition of Cannabis Retail Dispensary

CANNABIS RETAIL DISPENSARY — A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

Section 5. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local

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Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 6. Effective Date

This local law shall take effect immediately

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

ROLL CALL VOTE:

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Discussion on the Modified Employee Handbook

Deputy Supervisor: Provided at last meeting. Red-lined version given to town board. Labor unions provided input. Updated version to be sent to town board tomorrow for presentation at a future meeting for adoption.

Discussion on Summer Camp

Councilman Secreto: We had a limit of 65 kids and reached that. We have 13 counselors. Ninety percent of counselors from last year are returning. We are ready to go. The CPR course for the counselors will be open to all town employees.

Update on Roadway Inn Project

Warren Tutt: Visited today. In the past, numerous issues under “Roadway”. Sewer system back online with approval from DEC; trash cleanup; installed fencing around perimeter that overlooks Route 28/embankment; constantly monitoring; school buses and UCAT travel directly to the site; decreased foot traffic

Chief Berardi: Roadway used to be a notable location for police/fire/EMS calls. To date, does not have comparable numbers. Still receiving calls in all aspects, but not as much. Will run numbers and get a better understanding.

Update on DCJS Grant

Chief Berardi: Notified by Department of Criminal Justice Services we have received a grant we applied for: \$70,000 technology grant. Town board has always supported department in enhancing technology. This grant will further enhance that with additional funding.

End of Agenda

PUBLIC COMMENT:

1. Joyann Simmons and Linda Fallon, Glenerie residents
Thank you (regarding Viviani property). We have been waiting four years. Who do we contact for updates?

Jason Kovacs states he will talk with them after the meeting.

2. Laura Hartmann, town resident
Re: The project of planting trees and bushes last year
One is broken. Seeing blooms and red buds. Bushes are doing well.

End of Public Comment

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MOTION to adjourn 7:22 pm (2024-M-167)

MOTION: Councilman Secreto

SECOND: Councilwoman DeGroot

Town Councilwoman DeGroot	-Yes
Town Councilwoman Hayner	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Excused

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk