

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (09)

MAY 2, 2024

**~Public Hearing 7:10 pm: Spring Lake Sewer District – Phase 2 Final Performance Review
for NYS Office of Community Renewal CDBG Program Funds, Project 1159PR162-22**

MEETING HELD IN PERSON

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

SALUTE TO OUR FLAG

ROLL CALL by Deputy Town Clerk, Melanie Rieker:

TOWN COUNCILMAN CLAYTON VAN KLEECK
TOWN COUNCILMAN ROCCO SECRETO – Excused
TOWN COUNCILWOMAN MARYANN DEGROODT
TOWN COUNCILWOMAN ANNA HAYNER
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Tosca Sweeney, Comptroller
2. Warren Tutt, Building Inspector
3. Chief Kyle Berardi, Ulster Police
4. Frank Petramale, Highway Superintendent
5. Mark Blauer, Town Grant Write
6. Bill Kemble, Daily Freeman
7. Twelve+ In-Person Attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

COMMUNICATIONS – None

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DEPARTMENT HEAD REPORT

Comptroller, Tosca Sweeney

- Attended the NYS GFOA last month.
- Working with auditors – EFPR
- The AFR completed and sent in April 26.
- Working on purchase orders and new timekeeping system.
- Working on ARPA funding.

Police Chief, Kyle Berardi

Re: Report on Quail Drive

With collaboration of Superintendent Petramale, deployed speed trailer on Quail Drive/Memorial Drive intersection for seven days from April 22 to April 29

Results:

- Eight vehicles driving in the wrong direction. One driver did so six times.
- Spoke to each driver.
- Average speed: 21-25 MPH
- Supt. Petramale will continue to keep barrels in place.

New Business:

Presentation of current ARPA Project Schedule and Funding Status

Supervisor: There are treasury regulations of ARPA program that the town obligate 100% of the funds by 12/31/24 or lose them, and spend by 12/31/26. Problem is that projects planned for 2025/2026 that do not come to fruition, money will be lost because timely obligation will not have been met. Stresses that the majority of the projects in the town of Ulster are long-serving asset acquisition.

Presentation for future acceptance of the ARPA Compliance Report for March 2024

Supervisor: Report due by 4/30 and we completed that.

Presentation for future acceptance of 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

Placed on town website

Presentation of Proposal from Hemlock Lighting for the evaluation and proposed improvement plan for the Town of Ulster Town Hall Parking Lot

Price: \$2500

Councilwoman Hayner Makes Motion to Accept and Proceed with Hemlock Lighting (2024-M-140)

MOTION: Councilwoman Hayner

SECOND: Supervisor Quigley

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

CARRIED

Public Hearing 7:10 pm: Spring Lake Sewer District – Phase 2 Final Performance Review for NYS Office of Community Renewal CDBG Program Funds, Project 1159PR162-22

Opening – Mark Blauer

Spring Lake sewer phase 2 - 2022 grant, project began in 2016. Received the grant in December 2022. Low pressure sewer system, with small force mains and grinder pumps in people's homes. Transported to city of Kingston sewer system.

People within the sewer district no longer have to rely on septic. Project came in less than we budgeted: \$167K left. Completed very successfully by sewer and highway departments.

Here tonight in order to close this project out in the next few weeks. Returning the \$167K to the program. Public has the opportunity to provide input on the project and suggest any future projects.

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Motion to Open the Public Hearing 7:11 pm (2024-M-141)

MOTION: Supervisor Quigley

SECOND: Councilwoman Hayner

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

CARRIED

Public Comment: None

Blauer: Working on grants for 40 years. We continue to find ways to help the communities. Idea of grants is to try to defer costs and we will continue to work.
Original grant – just under \$1M.

Supervisor: Compliments Blauer’s work over the past 40 years: 1. Glenerie water district, tank, and stormwater; 2. East Kingston water district; 3. Halcyon Park water tank; 4. Senior center; 5. Cherry Hill/Sawkill water district; 6. Spring Lake sewer district. All grants are based upon income of areas that demonstrate 51% low to moderate income. Struggle in the past few years since there is an increase in wealthier people moving here.

Motion to Close the Public Hearing 7:20 pm (2024-M-142)

MOTION: Councilwoman Hayner

SECOND: Councilwoman DeGroot

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

CARRIED

Presentation of Local Law# ___ of 2024: Pertaining to Chapter 127 – Parks

Deputy Supervisor: This change in the law would allow dogs at Post Park. Public hearing will need to be scheduled.

Motion to authorize the Supervisor/Deputy Supervisor to sign an Engineering Agreement with Brinnier & Larios, P.C. for the Design and Engineering of Ulster Water District, North Storage Tank and an Appropriation of \$175,000 from the Town of Ulster’s ARPA Fund (2024-M-143)

MOTION: Councilwoman Hayner

SECOND: Councilwoman DeGroot

ROLL CALL VOTE:

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

CARRIED

Motion to Authorize Supervisor / Deputy Supervisor to sign Engineering Agreements with Hungerford & Terry, Inc. for the evaluation of the Ulster Water District /Fording Place Road Treatment Plant and the Halcyon Park Water District Treatment Plant (2024-M-144)

MOTION: Councilwoman DeGroot

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

Motion to Authorize the opening of a new checking accounts at Bank of Greene County for Dogwood St Sewer Main and Ulster Water District North Storage Tank Project (2024-M-145)

MOTION: Councilwoman Hayner

SECOND: Councilwoman DeGrootd

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

CARRIED

Motion authorizing the Supervisor/Deputy Supervisor to sign the Contract between the Town of Ulster and Ulster County Canines, Inc. for the Care and Boarding of Canines for a Two- year period (2024-M-146)

MOTION: Councilwoman Hayner

SECOND: Supervisor Quigley

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

CARRIED

Discussion on Town Hall Signage

Deputy Supervisor: Three bids in the package. This is the recommendation we accept lowest bidder: Timely Signs.

Motion to Accept Timely Signs Bid (2024-M-147)

MOTION: Councilwoman Hayner

SECOND: Councilwoman DeGroot

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

CARRIED

Old Business:

Presentation of the Revised Town of Ulster Handbook for 2024

Placed on town website

Deputy Supervisor: Worked on this with supervisor and town attorney. Town of Ulster PBA and Local 17 reviewed and accepted handbook.

Resolution Authorizing Supervisor / Deputy Supervisor to Sign an Indemnification Agreement between the Town of Ulster and IPark87 (correct entity name per Agreement) (2024-R-148)

Deputy Supervisor: Thank you for all help on this.

Resolution Authorizing the Town Supervisor to Sign a General Release and Indemnification Agreement with I.Park 87 LLC and I.Park 87 West, LLC

WHEREAS, iPark87 has applied to the Planning Board of the Town of Ulster for site plan review and lot line adjustment for the iPark87 East Campus Redevelopment at Enterprise Drive and Boices Lane within the Town of Ulster (the “Premises”); and

WHEREAS, a condition imposed by the Town of Ulster Planning Board before granting such application is that iPark87 enter into a General Release and Indemnification Agreement with the Town of Ulster indemnifying and releasing the Town, its officers, employees, agents, boards, fire protection district and fire companies, from and against all loss, liability, penalties, forfeitures, claims, demands, actions, proceedings or suit from IBM Corp., ISAOA, in connection with the duties and obligation under the Amended Management Agreement and the Declaration of Protective Covenants, Easements, and Restrictions, recorded at Liber 2641 of Deeds at Page 0148 in the office of the Ulster County Clerk; and

WHEREAS, the Town Attorney of the Town of Ulster has prepared the attached General Release and Indemnification Agreement, which has been executed by iPark87; and

WHEREAS, it is in the best interest of the Town of Ulster to have the General Release and Indemnification Agreement be executed by the Town of Ulster so that final site plan approval can be considered by the Town of Ulster Town Board; now, therefore, be it

RESOLVED, the Town of Ulster Town Board hereby authorizes the Town of Ulster Supervisor to sign said General Release and Indemnification Agreement and provided a copy to iPark87 and to the Town of Ulster Planning Board.

MOTION: Councilwoman DeGroot

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

Resolution Granting Site Plan Approval for I-Park 87, East Campus, P-908, Enterprise Drive and Boices Lane (2024-R-149)

RESOLUTION

TOWN OF ULSTER TOWN BOARD, iPark87 East Campus site plan, P-908 Enterprise Drive and Boices Lane

SBL 48.7-1-29.120, 130, 140, 160, 250, & 270

ZONE: ROD

WHEREAS, the Applicant – iPark 87 LLC – seeks approval of a site plan to redevelop a portion of the “east campus” of the former IBM Kingston facility (formerly aka TechCity), having the above-referenced lot numbers, previously foreclosed and owned by Ulster County and subsequently transferred to the Ulster County Economic Development Alliance prior to sale to current owner; and

WHEREAS, this site plan application is summarized in an August 29, 2023 memorandum from Joseph Cotter, as President of iPark 87 LLC, to the Town of Ulster Planning Board; and

WHEREAS, said memorandum notes a residential component of 880 units of multifamily housing in a range of building types, a residential amenity component, an existing commercial / retail buildings component for the renovation of two (2) existing buildings, and a new construction commercial / retail buildings component for a new visitor center and retail building; and

WHEREAS, the applicant has submitted a Site Plan application to the Town of Ulster including a set of Civil Drawings, a set of Architectural Drawings, and a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form, Part 1 and Supplemental Generic Environmental Impact Statement (SDEIS). Documents submitted include a complementary and complete application for rezoning of the applicable land parcels to ROD as well as a complete application for a set of lot line adjustments; and

WHEREAS, the latter two applications have received final approval from the Town of Ulster Town Board and the Town of Ulster Planning Board, respectively; and

WHEREAS, the Town of Ulster Planning Board has reviewed a Letter in Support from Yidel Pachman, Authorized Agent of Kingston Realty Team LLC, to Town of Ulster Supervisor James E. Quigley, 3rd and Planning Board Chairman Rory Lee, dated 02/14/2024, confirming support by Kingston Realty Team LLC, Abe’s NY Realty LLC, and BSD Realty LLC, of iPark87 applications to the Town of Ulster and confirming agreement on an amendment to a shared Management Agreement; and

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WHEREAS, the Town Board of the Town of Ulster has final review and approval authority for the site plan application in coordination with the Town of Ulster Planning Board; and

WHEREAS, said Planning Board has reviewed the applications as submitted and during multiple public meetings including on 09/12/2023, 11/14/2023, 12/12/2023, and 02/13/2024; and

WHEREAS, the Town of Ulster Planning Board recommended approval of the site plan at its regularly scheduled meeting on February 13, 2024; and now, therefore, be it

RESOLVED, that the Town of Ulster Town Board approves (1) the site plan application described herein and (2) hereby declares that the site plan application should be defined as a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and hereby issues a negative declaration based on substantial SEQRA and associated documentation provided by the applicant and the Town's consultants as noted above; and be it further

RESOLVED, that the Town of Ulster Town Board hereby approves this site plan application, subject to the following conditions:

1. Compliance with all comments from Town of Ulster engineers including those found in the following memorandum: Review of Proposed Stormwater Pollution Prevention Plan (SWPP) for iPark87 by Brinnier and Larios, PC dated 12/07/2023 (two pages); Review of Proposed Site Utility Plans (Water & Sanitary Sewer) iPark87 by Brinnier and Larios, PC dated 02/02/2024 (two pages); Traffic Review #1 dated 01/31/2024 (two pages) and Traffic Review #2 dated 02/12/2024 (three pages) for i.Park 87 LLC ... CM Project No. 124-014 by Creighton Manning. The applicant has responded to the above memorandum demonstrating compliance with, or intent to comply with, these memorandums. The site plan application shall be revised to address all comments made by these Town of Ulster engineers being Brinnier and Larios, PC and Creighton Manning.
2. Compliance, as determined by NYS Department of Environmental Conservation and/or the Town of Ulster Town Attorney or Town Engineer, with current and any revised or updated versions of the Interim Site Management Plan, 300 Enterprise Drive, Kingston, NY Site, Town of Ulster, Ulster County, New York, NYSDEC Site Number 356002 as submitted to IBM Corporation, July 2023. Specifically, compliance with all provisions of Operational Unit 4 (OU-4) found in this documentation, as the same may be amended, modified, or supplemented from time to time.
3. After review of the Recommendation Memo from Ulster County Planning Board, Referral No. 2023-163 & 180, dated December 6, 2023, the applicant has responded to that Recommendation Memo with a seven (7) page letter from Joseph Cotter, President, iPark87 LLC to the Town of Ulster, dated January 30, 2024. This memo is consistent with earlier memos from the applicant dated October 4, 2023 (four (4) pages), and December 5, 2023 (six (6) pages) related to earlier meetings with and reviews by the Ulster County Planning Board relevant to this application. The Town of Ulster Planning Board has

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reviewed and concurs with these applicant responses. Said Planning Board has found that these responses either meet the Ulster County Planning Board recommendations or adequately address these recommendations and have been incorporated into applicant documentation and in Town of Ulster Planning Board and Town Board approvals to date. The Town of Ulster Town Board, based on the applicant memos cited above and on Town of Ulster Planning Board recommendations, finds that the applicant has substantially addressed all of the UCPB comments and concurs with the applicant responses cited above. As such, the Town of Ulster Town Board hereby finds that the majority of UCPB comments have or will be met. The Town Board hereby overrides Ulster County Planning Board “required modifications” consistent with the memos cited above, notably including the specific project phasing as proposed by the UCPB, certain “community character” elements, certain traffic calming features including internal speed bumps, and the requested minimum 10% affordable housing set-aside.

4. Coordination with Ulster County Department of Public Works (UCDPW) and compliance with any UCDPW requirements associated with site plan work proposed for Ulster County Route 157 (aka Boices Lane and Enterprise Drive).
5. Approval and compliance with all conditions or requirements from applicable permits from the NYS Department of Environmental Conservation, the Ulster County departments of Public Works and of Health, and the Town of Ulster Departments of Water and of Sewer. All improvements to water, sewer, and transportation infrastructure arising from any and all of the statements above shall be the responsibility of the applicant unless negotiated otherwise by the Ulster Town Board. Said Town Board should establish a set of responsibilities with schedule and financing for such improvements. The Town of Ulster Town Board reserves the right to set a phasing schedule for infrastructure improvements matched to approval of applicable permits cited above as well as to an overall phasing schedule for this site plan.
6. This site plan shall not conflict with any property rights or easements previously granted to a set of other, current property owners of lands within the former IBM East Campus (aka TechCity) as reviewed by the Town of Ulster Town Attorney. Said other lands include the following tax parcels: 48.7-1-180, 190, 210, 220, 230, and 290. Tax parcel reference is to the pre-lot line revision assigned numbers.
7. The Applicant shall provide a right-of-way easement covering the area identified on Drawing GNP-02 by Creighton Manning for the Boices Lane CSX Crossing Project to the Town of Ulster, in a form acceptable to the Town Attorney in his sole discretion, for any future traffic or utility improvements that the Town may seek to undertake.
8. The Applicant shall provide a 12’ 0” right-of-way easement to Ulster County along Boices Lane for any future traffic or utility improvements that the County may seek to undertake.

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9. The Applicant shall pay a fee not to exceed \$50,000.00 to the Ulster Sewer District for the Design and Engineering of an off-site improvement that would involve the construction of a new parallel sanitary sewer line from Town Manhole 261 (Birch St. and Dogwood St.) to Manhole 259 (Dogwood St. Extension). The Applicant shall be responsible to complete these improvements, at their sole cost and expense, as a condition of the Town issuing a Certificate of Occupancy for “Phase 2” of the residential development. In lieu of the Applicant constructing the improvements the Ulster Sewer District may have the improvements constructed in accordance with approved and agreed upon Plans and Specifications. The Applicant shall reimburse the Ulster Sewer District for the cost of the improvements.
10. The Applicant agrees to conduct a traffic analysis of the two southern-most intersections on Enterprise Drive (at the main entry driveway to the residential development and the intersection with Boices Lane) as a condition of the Town issuing a Certificate of Occupancy for “Phase 2” of the residential development. Should the analysis conclude that any upgrades are required, the Applicant agrees to perform the work at its sole expense.
11. Compliance, as shown on signed plans, with all comments via memo provided by the Town Sewer Superintendent, Water Superintendent, and/or Town Engineer.
12. Compliance with any comments from the Ulster County Fire District No. 5 regarding access, vehicle circulation and any other emergency services matters.
13. Compliance with applicable zoning and building laws, rules, and regulations;
14. Compliance with all representations made by the applicant;
15. Compliance with all documentation, site plan, design plans and all details submitted to the Town of Ulster as a part of the complete site plan application or as cited herein.
16. 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
17. All fees under the Town of Ulster Town Code for this Project as well as Planning Board Fees (including reimbursements for the Professional Fees of the Town Engineer and Consultant Planner), shall be paid.

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MOTION: Councilwoman DeGroot

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

Discussion on Park Staffing

Deputy Supervisor: Headed by Councilman Secreto, who is not here tonight. Jobs were posted but not enough applicants. We have to supplement with park and highway departments.

Discussion on Summer Camp Registration

Reavy: Tomorrow we will open registration to non-residents.

Update on Planning Board Application for Zena Development

Tutt: Full application has not been submitted yet, so not accepting it. Not at the planning board level or on any agenda in the near future.

Supervisor: May 1, the firm of Rodenhausen Chale & Polidoro (representing Woodstock Land Trust) sent a letter outlining SEQR review requirements, their interpretation of the Woodstock town code in relation to the planning board, and concluded that this project must go through and obtain Woodstock planning board approval, before coming to town of Ulster. Later that day, applicant's attorney disagreed. Same law firm representing land conservancy is the same that represents the Kingstonian. Long track record of litigating environmental matters.

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PUBLIC COMMENT - None

MOTION to adjourn (7:34 pm) (2024-M-150)

MOTION: Supervisor Quigley

SECOND: Councilwoman Hayner

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk

5/2/24 Town of Ulster Workshop Meeting

Sign-In

Name:

1. Mark Blauer
2. REGIS OBIZISKI
3. Betty Goodwin
4. Larry Quick
5. Allison Fausner
6. Diane Gurnick
7. Dawn DeLuca
8. John D. Jannotti
9. Frank C. Petrone
10. Kyle Berardi
11. Warren Tott
12. Shawn VanSteenburg
13. Luke Rougier
14. Corey Halwick
15. Doris Brink
16. CHRIST CONSTANTINO
17. Rosanne Kerkush
18. Jason Sullivan
19. John Miggins
- 20.