

June 16, 2016

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK, Suzanne Reavy:

TOWN COUNCILMAN JOEL B. BRINK
TOWN COUNCILMAN ERIC KITCHEN -Excused
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO -Excused
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Highway Superintendent, Frank Petramale
3. Building Inspector, Kathy Moniz
4. Recreation Director, Jeff Hayner
5. Fire Inspector, Dave Allen
6. 11 Town Residents

ADDITIONS OR CHANGES TO AGENDA: None

PUBLIC DISCUSSION ON AGENDA ITEMS: None

APPROVAL OF MINUTES – May 5th and 19th:

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

June 16, 2016

COMMUNICATIONS: Two letters read by Town Clerk.

1. *Julie & Robert Elliott (rec'd 6/8/16)*, 10 Guyton St., Kingston:

Live across from Ulster Regional Federal Credit Union parking lot and street is used for credit union parking; requesting 15-minutes parking signs be placed in front of their house to discourage long-term parking and/or overnight parking; parked cars limit visibility when exiting their driveway.

Supervisor Quigley (to Superintendent Petramale): Comments on the process we should use when evaluating this?

Petramale: They do live across from the Credit Union and there is quite a bit of traffic in front of their house.

Supervisor Quigley (to Town Clerk): Refer this to the Police Department for their review and we will bring this back up for discussion at the next meeting.

Clerk: Ok.

2. *Linda Schatzel (rec'd today)*, Flatbush Road, Kingston:

Town Resident, 9 year Town Resident; neighbor is consistently burning 2x/week and it is affecting the neighborhood. Had to call 911 due to the amount of smoke that was so thick and spanned three back yards. Something must be done ; cannot sit outside on a nice evening; does not know what is burned; toxic smoke; another one of her neighbors will be at this meeting to speak.

Teri Quarantino: Meeting attendee tonight. Adds that it is her neighbor too who burns garbage between campfire and fire in house; neighbor who burns is Mr. Kirkpatrick; covers up what he is burning with green brush; her house reeks with smell from burn odor; DEC can do something.

Supervisor Quigley (to Kathy Moniz): Can we research local ordinance on burning? Ok.

ABSTRACT OF CLAIMS:

Presented by Councilman Brink, Chairman of Finance Committee

This Month Vouchers:

Prepaid Bills:	\$ 462,132.48
Abstract Bills:	\$ 388,367.85
Escrow:	\$ 2475.00
Reserve:	\$ 732.56
Total:	\$ 853,707.89

MOTION: Councilman Morrow

SECOND: Supervisor Quigley

Town Councilman Brink

-Aye

TOWN OF ULSTER TOWN BOARD MEETING (13)

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

CARRIED

BUDGET MODIFICATIONS:

General Fund:

Modify Revenue A2665 (Sale of Equipment) and Appropriation A3120.201 (Police Vehicles & Prep) check from Auctions Int'l. for sale of a 2008 Dodge Charger 4DSD	4,450.00
Modify Appropriation A3121.401 (Seizure Funds) to be funded through A5110 (Approp.Reserve-Seizure Funds) payment to Frank Smith - disposition of case	3,649.99
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) lime - Lowe's	148.50
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) clay bricks - Herzog's	216.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	368.06

Highway Fund:

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. - Oper.Funds	4,782.23
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas &	

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	Oil) April Gas Reimb. (Ruby Fire Dist.)	101.90
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Ulster Fire Dist.#5)	55.67
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (East Kingston Vol. Fire Co.)	188.42
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Town of Kingston Hwy. Dept.)	372.47
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Town of Kingston Hwy. Dept.)	298.39
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) April Gas Reimb. (Ulster Fire Dist.#1)	82.06
Highway Fund:	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) May Gas Reimb. (Ulster Fire Dist.#1)	65.16
	Revision - March 2016 Budget Modification: Reduce D1289 (Oth.Dept. Income) - Town of Kng. Hwy. Jan. Gas Reimb.	697.87
	Reduce D5142.420 Gas & Oil - Town of Kng. Hwy. Jan. Gas Reimb.	697.87
	Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.422 (Equip. Maint.) reimb. For Elgin Pelican Sweeper parts from Town of Woodstock	265.37

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	Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.422 (Equip. Maint.) reimb. For Elgin Pelican Sweeper parts from Town of Shandaken	265.37
	Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.422 (Equip. Maint.) reimb. For Elgin Pelican Sweeper parts from Town of Hurley	265.37
Bright Acres Water:		
	Modify Appropriation SW4.8320.400 (Engineering) to be funded through SW4.5990 (Approp.Fund Bal.) payment to Brinnier & Larios-waterline easements	600.00
East Kng. Water:		
	Modify Appropriation SW7.8320.409 (Repairs & Supplies) to be funded through SW7.5990 (Approp.Fund Bal.) for contractual expenses	3,132.00
Whittier Sewer Cap. Proj.:	Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Brinnier & Larios - Engin.Servs. Engin.Servs. - Inv.#12 - Primary Clarifier Replacement	
	Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Zoro Tools for hand rails and steps - Primary Clarifier Replacement	
Whittier Sewer Cap. Proj.:	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.400 (Engineering) payment to Brinnier & Larios - Engin.Servs. - Inv.#12 - Primary Clarifier Replacement	
	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction) payment to Zoro Tools for hand rails and steps - Primary	

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Clarifier
Replacement

BUDGET MODIFICATION TRANSFERS

Halcyon Park Water:	Transfer From SW2.1910.400 Unalloc. Insur.	Transfer To SW2.9030.800 Soc. Sec.	149.00
Spring Lake Water:	Transfer From SW3.8320.409 Repairs & Suppl. SW3.1910.400 Unalloc. Insur.	Transfer To SW3.8330.401 Lab Test SW3.9030.800 Soc. Sec.	675.00 149.00
Bright Acres Water:	Transfer From SW4.1910.400 Unalloc. Insur.	Transfer To SW4.9030.800 Soc. Sec.	149.00
Cherry Hill Water:	Transfer From SW5.1910.400 Unalloc. Insur.	Transfer To SW5.9030.800 Soc. Sec.	149.00
Glenerie Water:	Transfer From SW6.1910.400 Unalloc. Insur.	Transfer To SW6.9030.800 Soc. Sec.	149.00
East Kingston Water:	Transfer From SW7.1910.400 Unalloc. Insur.	Transfer To SW7.9030.800 Soc. Sec.	145.00
Whittier Sewer:	Transfer From SS1.1910.400 Unalloc. Insur.	Transfer To SS1.9030.800 Soc. Sec.	145.00
Wash. Ave. Sewer:	Transfer From SS3.1910.400 Unalloc. Insur.	Transfer To SS3.9030.800 Soc. Sec.	143.00

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MOTION: Councilman Morrow
SECOND: Supervisor Quigley

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

CARRIED

~ MS4 Presentation by David Allen, Building Department ~

NEW BUSINESS

RESOLUTION to authorize the Supervisor to give notice to Ulster County to withdraw from the Ulster County Self-Insurance Plan:

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO WITHDRAW THE TOWN OF ULSTER FROM THE ULSTER COUNTY SELF-INSURANCE PLAN

WHEREAS, the Town of Ulster presently participates in the Ulster County Self-Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; an

WHEREAS, any withdrawal of the Town of Ulster from the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2016 must be communicated in writing to the County of Ulster on or before July 1, 2016;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby withdraw the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2016, on the condition that the Town of Ulster

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agrees to pay its proportionate share of the estimated liabilities of the Ulster County Self-Insurance Plan at the time of withdrawal; and be it further

RESOLVED that the Town Clerk shall within ten days file a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive; and be it further

RESOLVED that the Town of Ulster Town Board reserves the right to rescind this resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2016.

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

RESOLUTION Establishing Standard Work Day for Elected Officials:

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Establishing Standard Work Day for Elected Officials

Date: June 16, 2016

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

TOWN OF ULSTER TOWN BOARD MEETING (13)

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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, 2016. 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 years. Elected or Appointed Officers affected by regulation 2 NYCRR 315.4

Name	Title	Term of Office	Record of Activities
James E. Quigley 3 rd	Supervisor	1/1/16-12/31/17	23
Eric Kitchen	Town Councilman	1/1/16-12/31/19	9
Suzanne Reavy	Town Clerk	1/1/16-12/31/19	23
Frank Petramale	Highway Superintendent	1/1/16-12/31/19	27
Marsha S. Weiss	Town Justice	1/1/16-12/31/19	11

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

RESOLUTION authorizing Conveyance of Surplus Town Property to Raymond J. A’Brial and Patricia A. Vazquez:

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Conveyance of Surplus Town Property to Raymond J. A’Brial and Patricia A. Vazquez

Date: June 16, 2016

WHEREAS, the Town of Ulster is the owner of a 0.028 acre surplus town parcel located off Parkside Drive; and

WHEREAS, this parcel is surplus town property; and

WHEREAS, Raymond J. A’Brial and Patricia A. Vazquez, owners of 18 Parkside Drive (SBL: 39.33-2-27) have approached the Town of Ulster and requested to be deeded the Town of Ulster’s interest in said surplus town property so that they may use it in conjunction with their use of SBL: 39.33-2-27 – the adjoining tax parcel; now therefore be it

RESOLVED, that the Town Board of the Town of Ulster authorizes the conveyance of the portion of the surplus town property as described in Schedule “A” to Andrew Raymond J. A’Brial and Patricia A. Vazquez, as further shown on a survey map prepared by Michael F. Vetere, Jr., P.L.S., dated June 14, 2016, and authorizes the Supervisor or Deputy Supervisor of the Town of Ulster to execute a Quitclaim Deed and conveyance documents in a form satisfactory to the Town Attorney for these portions of the former town highway, and be it

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FURTHER RESOLVED that such conveyance is subject to the following:

1. Easements, covenants, and restrictions, if any;
2. Zoning Law of the Town of Ulster;
3. Such statement of facts that an accurate survey or personal inspection may reveal;
4. Payment of \$300.00 by bank check or certified check to the Town of Ulster;
5. No documents of conveyance shall be executed by the Town until payment of \$300.00 is received by the Town of Ulster; and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum and the Town Clerk is directed to post this resolution.

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

PRESENTATION and acceptance of the Town Clerk's Monthly Report for May, 2016:

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (13)

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PRESENTATION and acceptance of Supervisor's Report for May, 2016:

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

MOTION to authorize the Fire Inspector (David Allen) to attend the NYBOSC Meeting on June 22 in Napanoch, NY:

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

MOTION to authorize the hiring of a Seasonal Laborer for the Sewer Department:

Presented by Councilman John Morrow, Personnel Committee:

Zachary Williams: Seasonal Laborer; non-union; start date June 13 ; \$10.00/hour; recommended by Dept Head Vincent Maggiore; previously worked at Highway Dept seasonally for 2 years.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Excused

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

CARRIED

MOTION to authorize the hiring of a Summer Intern for the Supervisor's Office:

Presented by Councilman John Morrow, Personnel Committee:

Greg Albert: seasonal worker 6-8 weeks; Supervisor's Office as a budget analyst; recommended by Dept Head Supervisor Quigley; \$10.00/hour; start date 6/17/16 ; no benefits; non-union

MOTION: Councilman Brink
SECOND: Supervisor Quigley

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

CARRIED

MOTION to authorize the hiring of 21 seasonal workers for the Summer Camp Program:

Presented by Councilman John Morrow, Personnel Committee:

Recommended by Dept Head Jeff Hayner & Committee Chairman Kitchen; start date 6/27; \$15.00/hour Andrea Clausi; \$13.00/hr Dan Ballou; \$10.00/hour Jara Sauers, Korey Jubie & John Lowe; \$9.00/hour Grace Neilson, Jeffery Hayner, Brian Wachtel, Erin Connors, Jenn Brocco, Christian Traver, Kassadi Williams, Emily Miller, Sarah Rose Wingard, Alyssa Finno, Sean Ryu, Shawn Marchant, Johnny Loughlin, Amanda King, Andrei Johnson, Devin Boice.

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

MOTION to authorize the hiring of a Part Time Court Clerk:

Presented by Councilman John Morrow, Personnel Committee:

Karen Gorski: Recommended by Dept Head Judge Kesick; start date 6/20/16; potential to go full time; up to 20 hours/week; no benefits; \$11.00/hour; civil-service exempt.

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

MOTION to authorize the hiring of a Part Time Police Officer:

Anthony Scarselli: Presently part time dispatcher at UPD since Jan., 2016; recommended by Officer in Charge Gramoglia to finish Phase II of training; \$9.00/hour until training is completed; start date 7/1/16; non-competitive; union; PBA; during Phase II, will be paid currently minimum wage rate as agreed upon by Police Commission.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Excused

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

CARRIED

MOTION to appoint Gary Mulligan as the Town of Ulster Alternate voting member to the O&W Rail Trail Coalition:

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

OLD BUSINESS

RESOLUTION adopting Revised Policy regarding Adoption of Local Laws:
Change inserted into policy states that if a proposed law is not voted on within 90 days of the public hearing, it is considered null and void, and in order to be considered the Legislation must start over again.

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Policy Regarding Adoption of Local Laws

Date: June 16, 2016

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

TOWN OF ULSTER TOWN BOARD MEETING (13)

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A proposed local law may be introduced only by a member of the Town Board at a meeting of such Board. (MEETING #1)

At the next regularly scheduled meeting of the Town Board, (MEETING #2) the Town Board shall schedule a public hearing on the local law. Notice of the public hearing must be given at least five (5) days prior to hearing.

At the hearing, interested parties may be allowed to speak either for or against the local law. (MEETING #3)

It is the policy of the Town Board that the Board shall delay the vote on the proposed local law until the next meeting. (MEETING #4) A majority of the full Board is necessary to approve the local law, and the names and votes must be entered in the minutes.

If a vote on the matter has not been taken within 90 days of the Public Hearing (Meeting #3) the matter must start the process over again.

If a mandatory or permissive referendum is required, the procedures of the Municipal Home Rule Law must be followed.

The adoption of the local law must be certified by the Town Clerk after passage, and as to accuracy and procedure by the Town Attorney. The certified copy shall contain only the text of the local law and shall be on the forms prescribed by the Department of State.

Local laws shall be numbered consecutively, beginning with No. 1 in each calendar year. Laws subject to referendum should not be numbered until filed.

A local law becomes effective twenty (20) days after adoption and filing, unless otherwise provided in the local law, and no local law shall take effect before it is filed.

All local laws filed in the Clerk's office shall be recorded in a separate book or books, which are to be indexed.

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

June 16, 2016

RESOLUTION granting Site Plan Modification for the Holiday Inn Express:
Driveways between Holiday Inn and proposed Stewarts shop must be aligned

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Site Plan Amendment Approval
Darien Lake Kingston, LLC dba Holiday Inn Express & Suites
Section-Block-Lot: 39.19-3-14

WHEREAS, the Town of Ulster Planning Board, Town Board and its consultant planner, have reviewed an application by *Darien Lake Kingston, LLC dba Holiday Inn Express & Suites* seeking *Site Plan Amendment Approval* to relocate the driveway for the approved *Holiday Inn Express & Suites* hotel in accordance with a request to do so by the NYSDOT; and

WHEREAS, the proposed driveway relocation is being made so that the site access would align with the Stewarts Shops site entrance on the east side of U.S. Route 9W.

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

- *Sketch Plan Showing Driveway realignment* prepared by Brinnier & Larios, P.C. dated June 2016.

WHEREAS, the Planning Board - as Lead Agency for this Unlisted Action-Coordinated Review of the Holiday Inn Express issued a SEQR Determination of Non-Significance (Conditioned Negative Declaration) on the Proposed Action at its September 16, 2014 meeting; and

WHEREAS, the Planning Board has not identified any significant adverse environmental effects associated with the the Amended Site Plan, which would warrant supplemental environmental review pursuant to §617.9 (a)(7) of the SEQR Regulations.

NOW THEREFORE BE IT RESOLVED, the Town Board reaffirms its SEQR Negative Declaration and has determined the Town has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Site Plan Amendment approval as described above to **Darien Lake Kingston, LLC – Holiday Inn Express** 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 final site plan, design plans and all details as cited herein;

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4. Prior to construction, the applicant obtains permits for access from the NYSDOT;
5. The Town's consulting planner, engineer 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
6. All fees, including consultant fees, shall be paid.

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

MOTION to set a Public Hearing for Local Law ____ of 2016: A Local Law Regulation Certain Solar Energy Systems and Equipment within the Town of Ulster:
Supervisor Quigley proposes that Public Hearing take place on July 21, 2016 at 7:15 PM.

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

MOTION to aware bid for Full Depth Recycling:

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

CARRIED

MOTION to aware bid for Cold Planning Road Services:

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

PUBLIC COMMENT

David Lomasney, 6 Carle Terrace:

Recently listened to KCR (radio show) where Supervisor Quigley spoke about Lomasney and Hixson (Lomasney's neighbor) came together and worked out their problems. "?" This is not true; Lomasney and wife spoke to Councilman John Morrow in their driveway; spoke about installing a silt fence. He and wife made it clear that problem not corrected with silt fence, must be laws in place. Asks Supervisor if he has received any documentation from the Dept of Health.

Supervisor: I have not.

Lomasney: I have. [Provides copy to Town Board.] Thought Town Board would be hand-in-hand with the Health Department. Strong odors from pen he can smell from his house. He can see it, hear it, smell it. Read about guidelines of Local Laws, i.e. affecting control of farm animals 305A Agriculture & Markets Law. Chicken pen is 10'6" from his property line, which is legal according to our local laws. How do we move forward?

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Supervisor: I was told a solution was reached, and someone was mistaken. *Asking Lomasney,* "What do you think the solution is?"

Lomasney: The solution is, our property is R-10. I believe it's too small.

Supervisor: Your position is an absolute ban on chickens in R-10.

Lomasney: It is not an absolute ban, why am I smelling their chickens? I pay my taxes. Chickens do not pay taxes. If I have people over to my house and they smell the chickens, that disgusts me.

Supervisor: David, what do you want to see in a law to solve your problem?

Lomasney: A complete ban would be satisfactory to me. I have no bad feelings about my neighbors. This has nothing to do with the Hixson's. This has to do with local laws. I am not going away. I asked you to go forward with me.

Supervisor: I am not expecting you to go away. I am one vote out of five.

Lomasney: I think we should be able to work together as a town. Is the responsibility a problem?

Supervisor: No, what is an issue, is that we proposed something something very similar to what you just asked for, and we had a room full numerous times and the people did not support it.

Lomasney: This law affects 29% of Ulster. I disagree with this. How do they properly bury the chickens. I spoke with John Morrow. I read this law and it is crazy. If we are living in a world where chickens run free then we are living in the wild west. I didn't sign up for that.

Norah Lomasney:

Son, Charles Lomasney, contacted this infection. The assumption is that this is a dispute among neighbors; that is not the case. Not seeking personal vendetta. When my son became sick, it became personal. Son had surgery, now it is a public health issue. If you have chickens living next to you, and chickens go to the bathroom, kids cannot go outside and chase them away because the kids can get sick. I am here to ask what is the next step? What did you object that was unreasonable about the original proposed law? I am not living in farm land. Was it animals should be sheltered? I am trying to find out why original proposed law was not voted on.

Supervisor: We are giving you the opportunity to inform us and comment. This is not a discourse.

N Lomasney: When can I schedule a meeting for a public discourse?

TOWN OF ULSTER TOWN BOARD MEETING (13)

June 16, 2016

Supervisor: When the Town Board schedules a public hearing with a proposed law according to our policy. The Town Board

N Lomasney: I can't ask why you didn't want to pass this law...

Supervisor: It wasn't what this Board wanted; it was what the citizens of this Town told us what they were going to accept for regulation.

N Lomasney: If I want to go through this with the Town Board, when can I do that?

Councilman Morrow: What we are looking for is a solution, not a lecture.

N Lomasney: I want to rewrite this in a way that it is going to be passed.

Morrow: What we are looking for from you is, what do you recommend the Board put in a law?

N Lomasney: I am asking you what you recommend what to put in the law so it can be passed.

Morrow: We are asking you what you are looking for to solve the problem. When I was at your house the other day, we all agreed that there was no odor. Now he says that he smells something.

N Lomasney: No, when you were at my house, I specifically asked you how do I repropose a law.

Morrow: I said come to the meeting and discuss your problems and solutions.

N Lomasney: I asked you your personal opinion.

Morrow: I said I would listen and not actively make any comments, didn't I? The week before I discussed with your husband and we were in agreement that a silt fence would help, or moving the chicken coop...

Supervisor: You are referring to the past law that the town proposed....

N Lomasney: How do I reintroduce the law to limit the charge of chickens?

Supervisor: It is the Town Board's responsibility to introduce legislation. And if this Town Board puts this legislation back on the agenda, will you abide by the majority of the people that show up in this room either for or against supporting that law to be passed in this Town?

N Lomasney: Either way, if it doesn't go in my favor, how do I appeal?

TOWN OF ULSTER TOWN BOARD MEETING (13)

June 16, 2016

Supervisor: We live in a Democracy. If they bring out 50 people and you bring out 100 people, the Town Board is going to listen to the 100 people over the 50 people.

N Lomasney: Is my son collateral damage?

Supervisor: I am not saying your son is collateral damage.

N Lomasney: How many children have to get sick? There are so many diseases/infections that involve Avium.

Supervisor: The Freeman is sitting here and they have done two stories so far...

N Lomasney: What does that mean to me?

Supervisor: It means to develop public support for what you are trying to advocate here. It is the means to educate the people – through the newspaper.

N Lomasney: What do I need to do to repropose this law?

Supervisor: I just told you and I asked you a question. The Town Board will reintroduce the legislation, but I asked you if you will accept the determination based on the number of the people who support the law verses the number of people who do not support the law?

N Lomasney: Do I support a law? What does that even mean?

Supervisor: Are you saying the Town Board can pass any law it wants, regardless of how the people in this town feel about the law?

N Lomasney: If you don't care about the public health, you failed your public that elected you, this is a public health issue.

Supervisor: Has report of the Ulster County Health Dept; sees no reference of any violation of a public health standard...

N Lomasney: Because there is none.

Supervisor: At the County level also, correct? We do not have a public health function in the town.

N Lomasney: All I am asking for is a law that chickens have to be contained.

TOWN OF ULSTER TOWN BOARD MEETING (13)

June 16, 2016

Supervisor: I have no problem bringing the law back for consideration. I'm asking you, are you willing to accept the majority rule – whatever number of people Mr. Rittie is successful in bringing out against this law...

N Lomasney: Who is Mr. Rittie?

Supervisor: This room was filled with people who were against the law.

N Lomasney: People who brought fowl into a public building...

Supervisor: Gentlemen, are you in agreement to bring the law back for consideration?

Councilman Brink: That's all we can do.

Supervisor: That is what we will do. And that is what we're doing.

N Lomasney: Thank you.

Frank Rittie, Jr., Town Resident:

I appreciate how much power you think I have in the Town. [To Norah Lomasney] The original law was brought out because a gentleman across the street from me had a problem with my roosters crowing. I came out to fight that. I don't want to see any children getting injured. I would probably support a law that said you have to keep your chickens in a pen. I did put my chickens in a pen because that's what a neighbor would do.

Supervisor [to Norah Lomasney]: There is your first convert.

Rittie: Keep chickens in your own yard, I can understand where they are coming from, especially if there is waste in their yard. I would rather have my chickens free. I definitely don't want a total ban. I do have room to bury my chickens. They are coming from a place where their yards are smaller. I should be in a different zone.

Councilman Morrow: How many chickens do you have now?

Rittie: 11 chickens; a hen on a clutch; three roosters. And about how do you get rid of your dead chickens? You can take it in a garbage bag to the garbage or the dump.

Supervisor: Mr. Rittie, what is important here is that you made a concession. You expressed a feeling that wasn't present the last time we were here.

Rittie: I care about my neighbors. I would rather them be free.

Morrow: Would you be upset about a law that said we cannot have roosters?

TOWN OF ULSTER TOWN BOARD MEETING (13)

June 16, 2016

Rittie: Absolutely. If you have to go buy a rooster, it makes no sense, no viable flock.

Councilman Brink: People do complain that roosters get up at 5am and make noise early in the morning.

Rittie: I built a coop and the roosters are in the back and don't make noise to bother anyone. Some of the smaller lot sizes like in the middle of East Kingston, it may be different.

Supervisor: Our zoning map only has two zones that this law applies to: R10 and R30.

Rittie: I would like to see the zones switched around a little.

Supervisor: Now you're opening another problem from the 90s.

Rittie: I would not support it if it's blanket R10.

No further public comment.

MOTION to adjourn at 7:55PM: Councilman Morrow

SECOND: Councilman Brink

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk