

**TOWN OF ULSTER WORKSHOP MEETING (12)**

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June 2, 2016

**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN: 7:00 PM**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK, Suzanne Reavy:**

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
TOWN COUNCILMAN JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Town Attorney, Jason Kovacs
2. Highway Superintendent, Frank Petramale
3. Building Inspector, Kathy Moniz
4. Town Assessor, James Maloney
5. Eight town residents

**ADDITIONS OR CHANGES TO AGENDA:** None

**PUBLIC DISCUSSION ON AGENDA ITEMS:** None

**COMMUNICATIONS:** Town Clerk reads letter from Edward Hixson, Carle Terrace resident, regarding restrictive regulations on keeping chickens. He has kept chickens in his back yard for approx. 9 years and feels that effective communication with his neighbors is the solution to any issues his neighbors may have.

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**BUDGET MODIFICATIONS, June, 2016:**

<b>Whittier Sewer:</b>	Modify Appropriation SS!.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS!.5990 (Approp. Fund Bal.) payment to Grant St. Construction Inv. #6 – Primary Clarifier Replacement.	186,998.00
<b>Whittier Sewer Cap. Project:</b>	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction) payment to Grant St. Construction Inv. #6 – Primary Clarifier Replacement.	186,998.00

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

**NEW BUSINESS**

**RESOLUTION** authorizing the opening of new checking account for Capital Projects:

**RESOLUTION AUTHORIZING THE TOWN OF ULSTER SUPERVISOR TO OPEN NEW CHECKING ACCOUNT AT BANK OF GREENE COUNTY**

WHEREAS, the Town of Ulster Town Board determines it is in the best interest of the Town of Ulster to open three (3) new checking accounts at Bank of Greene County,

BE IT RESOLVED by the Town Board of the Town of Ulster, Ulster County, as follows:

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1. That the Town board of the Town of Ulster hereby declares Bank of Greene County an official depository for town funds.
  
2. That the Town Board of the Town of Ulster authorizes the Supervisor to open the following checking accounts at Bank of Greene County according to the terms and conditions of the authorizations granted in this resolution.
  - A. Town of Ulster Katrine Lane Sewer Ext. Capital Project
  
  - B. Town of Ulster Rider Park Pavilion Capital Project
  
  - C. Town of Ulster SCADA System Upgrade Capital Project
  
3. That Bank of Greene County is hereby authorized to pay and charge to any account of the Town of Ulster on their books, all such checks, drafts, or other orders when signed with mechanically affixed facsimile signatures of Town Supervisor James E. Quigley 3<sup>rd</sup>, Town Clerk Suzanne Reavy, or Town Bookkeeper Ann Mitchell, regardless of by whom the facsimile signatures may have been affixed thereon, if the signature resembles the facsimile specimens furnished Bank of Greene County. Either of these three may act individually, this is not intended as solely a joint authorization.
  
4. That the Town Clerk is hereby authorized to file with Bank of Greene County a duly certified copy of this resolution.

MOTION: Councilman Brink

SECOND: Councilman Morrow

Town Councilman Brink	-Aye
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 Worksite Agreement with Ulster County Probation Department for the Alternative Sentencing Program:

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

*CARRIED*

**INTRODUCTION** of Local Law \_\_\_\_ of 2016: A Local Law Regulating Certain Solar Energy Systems and Equipment Within the Town of Ulster:

[available for viewing on the Town of Ulster Website: [www.townofulster.org](http://www.townofulster.org)]

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

**MOTION** authorizing the hire of one seasonal employee for the Highway Department:

*Presented by Councilman Morrow, Personnel*

Justin Judware: Highway Beautification; full-time seasonal; requested by Highway Superintendent; non-union; no benefits; SD 6/27/16; \$10.00/hour.

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MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

**OLD BUSINESS**

**DISCUSSION** on Ongoing Demolition at Tech City:

*Supervisor:* Town issued demolition permits for several of the buildings at Tech City; to date the debris piles remain. Two weeks ago received phone call from Alan Ginsberg stating that he had terminated business with the demolition contractor. Supervisor also received call from contractor stating that he terminated the relationship with Mr. Ginsberg; pulling his equipment off the site. Many complaints received from Town regarding the construction site. Last week Supervisor asked Ginsberg to provide Town with proof of new contract with new contractor, in hopes of receiving timelines of work completion; Ginsberg has not complied with that request. Town asked Building Dept to do site visits.

*Kathy Moniz:* I was at the site with John Morrow last week and today to determine if there was any difference. Took pictures. Does not look like anything is moving; tremendous amount of debris on site. Roger Osterhoudt letter states that he had a log of what has moved.

*Supervisor:* Any indication of what their plans are as far as when it will be completed?

*Moniz:* The end of September; however, did not receive that in writing.

*Supervisor:* Addressing Town Board – We all understand the problem, is there a consensus on a direction or discussion anyone has?

*Councilman Kitchen:* Yes, after receiving numerous phone calls from the Town about when is this going to be cleaned up, dust blowing around, and staring at vacant buildings for years, it is not fair to the Town. It seems that Mr. Ginsburg is full of empty promises as to when this is going to be cleaned up. Thinks the Town Board needs to move forward to bring Ginsberg into compliance and get that site cleaned up.

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*Councilman Secreto:* Concurs with Kitchen. Ginsberg has lied to us every time. The debris was supposed to be watered down as they worked on it and it never was. Everything we have asked him to do he has lied. Need to set up a date with the new contractor, and check to see if the permit is still good.

*Councilman Morrow:* My observation is that nothing is going on. One excavator there, and one small one that is not the size for that type of work. Agrees with Councilman Kitchen that there should be no more demolition until everything is cleaned up.

*Kitchen:* Halt any future permits until the existing mess is cleaned up.

*Supervisor:* We have a report here that a representative of Mr. Ginsberg stating that he needs four months.

*Kitchen:* Fear is that come four months, they will ask for more time. Like Morrow said, they have a mini excavator; it is like a pair of tweezers picking up a concrete block. This Board knows a reasonable amount that with that type of equipment it would take longer than that. Ginsberg not sending a contract leads me to believe that we are being hoodwinked.

*Secreto:* We ran into this problem with the gas station next to Coleman HS. We had to put a money bounty on them in order to get them into compliance.

*Councilman Brink:* I agree with Councilmen 100%. I think we need to force him to clean up.

*Supervisor:* So we agree to ask the Building Inspector to request a written letter from Ginsberg committing to a four month timeline for cleanup (completely cleaned up and graded).

*Kitchen:* I would like to see 90 days.

*Morrow:* After the four months – punitive action.

*Kitchen:* Would like to see sets of progress over the four months.

*Supervisor:* We give him the four month, I am going to ask our attorney to do the legal research to make the preparations for a lawsuit, similar to the lawsuit filed in the new L & J matter where we were able to get an order from the Supreme Court to get them to clean it up. At this point, we give them the four months, and at 60 days, with the consensus of the Town Board, if we don't see progress that meets our expectations, we institute legal action.

*Kitchen:* I would like to see 50% cleaned up by then.

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*Supervisor:* Not to set a percentage standard, but use the sole discretion of the Town Board. If the TB is not satisfied, we authorize the Town attorney to proceed with the legal action.

*Councilmen:* Agreed.

*Brink:* Are we asking him to have it all cleared up in those four months?

*All:* Yes.

*Supervisor:* As to the remaining building scheduled for demolition on that site – the contractor retained for the environmental remediation of the asbestos has been fired. I have asked the Building Inspector to contact the Dept of Labor (governing body for the issuance of permits for asbestos abatement) regarding the validity of the current permit for asbestos abatement. If the permit is invalid due to change in contractor, his recommendation that this body take action to terminate the demolition permit that is in effect for that building, which would stop any further demolition on that building; it would be our sole discretion to issue a permit to continue demolition on that site. No other building be demolished until complete cleanup and only one other building to be demolished.

*Kitchen:* Any future demolition there should be conditions that they have equipment necessary to complete in a certain amount of time.

*Secreto:* Time is the key.

*Supervisor:* Issue a caution, we do not have strict time limits in our code. We would have to change it. (To Jason Kovacs) Do you think that there is anything to be added?

*Kovacs:* I think that the Town Board's guideline here is appropriate. I will do the necessary work so that if we need, in the next three or four months, institute a proceeding against Tech City.

*Kitchen:* Add one more thing – request that the Town Board is asking for a contract from Mr. Ginsberg.

*Supervisor:* So that we can see that work will be done in a timely manner.

*Kitchen:* Absolutely.

All agree.

*Secreto:* If he fires this contractor, he still has the four months.

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*Morrow:* Maybe we can make that part of the demolition permit, that we be supplied with the contract. That the contractor have an insurance policy in place for performance.

*Supervisor:* (To Kathy Moniz) In summary, TB requesting Ginsberg provide us with written commitment of complete demolition and cleanup within four months of June 2, 2016. The second thing – communicate to them that the TB is serious about commencing legal action if that time table is not met. Thirdly, TB wants Moniz to continue determining with Dept of Labor whether the demolition permit is valid. If no valid underlying abatement permit, we will terminate the existing demolition permit.

*Moniz:* There is one building left.

*Supervisor:* They cannot demolish it until the abatement is finished and that contractor was fired; so if we find out that the variance from NYS Dept of Labor is invalid, there is no basis for a demolition permit.

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No other matters to discuss.

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### **PUBLIC COMMENT**

*David Lomasney, Town Resident:*

Here tonight again regarding neighbor's chickens, and wondering where Town is going with the issue of housing chickens. (2 yr old son has infection/microbacterial avium/had surgery to reduce lymph nodes/has an immature immune system).

Neighbors chickens allowed to roam free, defecating in Lomasney's yard. States Edward Hixson's letter is correct. Since this happened, Hixson's chickens have stayed in Hixson's yard. No regulations led to his child getting ill.

*Supervisor Quigley (SQ):* You are right. We have agreed to reconsider this matter to regulate the chickens. UC Health Dept needs to do a visit and come back to Town Board with information. Mr. Hixson states that around 5/23 there were visits from the Health Dept., and building dept can confirm. Supervisor has not heard back from Health Dept. & he will call them tomorrow. How far do we take this, outside and absent of a complete ban of chickens? (Not something that town residents are willing to accept)

*Lomasney:* What were results of zoning inspection? And what were results of Health Dept?

*Kathy Moniz:* It was not close to the setbacks; it was within zoning requirements. Setbacks are 20' from property line.

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*Lomasney:* Sees that as a problem.

*Councilman Kitchen:* So, the coop is 20' from the property line.

*Kitchen:* The Building Inspector said it is.

*Moniz:* I went by what the homeowner told me was the property line.

*SQ:* Do you have a survey? We need a reference map. We can then determine if it is within the setbacks of the town zoning. Kathy can coordinate with you.

*Lomasney:* I can show you where the pole in the ground is. The coop is within 20 feet of my house. I will work on it.

*Kitchen:* Maybe a tax map would help.

*Lomasney:* Wants to stay on top of this. Health Dept aware of this bacteria.

*SQ:* Call me with the name of the person you spoke to at the Health Department.

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No further public comment.

**MOTION** to adjourn (7:37 PM): Councilman Morrow

**SECOND:** Councilman Kitchen

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

**CARRIED**

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk