

TOWN OF ULSTER TOWN BOARD MEETING
SEPTEMBER 5, 2024

MEETING HELD IN PERSON and VIRTUALLY (ZOOM AND FACEBOOK LIVE)

CALLED TO ORDER BY SUPERVISOR QUIGLEY , 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

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. Vincent Maggiore, Wastewater Superintendent
7. Matthew Sabia, Deputy Assessor
8. Bill Kemble, Daily Freeman
9. Twenty+ in-person attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS –

1. Regis Obijiski, 170 Lege Road
Reads from prepared material – ATTACHED
Regarding Open Meetings Law and tonight's agenda procedure.
2. Vicki Lucarini, 170 Ledge Road
Two questions: 1. Why are we authorizing environmental testing for town hall? And 2.
Why is there a decreased assessment for Home Depot?

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3. Vince Organtini, 909 Orland Street
Regarding “Seed Song Farm” on Esopus Avenue. People living in old trailers, no water or sewer. Wants the town board to look into it and clean it up.
4. Teri Quarantino, 965 Flatbush Road
Is in favor of court clerks’ training. Does not understand the question of the expense. Regarding replacing courtroom flooring – carpet is not easy to keep clean. Suggests the town look into a grant to replace the floor and not carpet.
5. Rich Whitney, Local 17
Recently sent a letter to the supervisor regarding biometric time keeping system. Worried about privacy issues. Reiterates that any change to the system is subject to negotiations.

Supervisor: Details of Whitney’s comments are on the town website in the materials packet.

COMMUNICATIONS – None

DEPARTMENT HEAD REPORTS:

Highway Department, Frank Petramale

Healthy crew. Blacktopping ahead. A couple new trucks are getting upgraded. Vehicles on order: Two single axles and 10-wheeler. Received F350 that Frank uses. Keeping up on equipment. Parks are doing well. Transfer station doing well.

Councilman Secreto: Has county been in touch with you regarding the piece of Ulster Landing Road falling off.

Petramale: No.

Supervisor asks Jason Kovacs (as county legislator) to follow up with buildings and grounds.

Kovacs: Has been working on this already and wrote a letter to public works commissioner, copied the executive. Hoping to hear back at the next public works meeting. Constituents can contact him.

Councilwoman DeGroot: Asks him to look into Route 209/Enterprise Drive sign covered up.

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Kovacs: Yes.

Petramale: Thanks town board for allowing us to have summer help. Appreciates staff. Very fortunate to have a dedicated and hard working crew in all departments.

Wastewater Department, Vincent Maggiore

Staffing at almost 100%. Ulster sewer new UV system working well. No violations. Saving 9300 kw/h per month -- \$1300/month in electric. Asset management program good progress. Ulster digester replacement – working with new technologies to retro-fit older technologies; trying to stay in same footprint. Whittier sewer working well. Looking forward to solar project at Whittier facility; county awarded us a grant to help complete it. Washington Avenue sewer no problems to report. Rupco sewer project connection bid opening is 9/11. Spring Lake sewer phase 2 first two properties were connected. Fleet lettering complete.

Councilwoman DeGroodt: Status of damage? What is the anticipated completion date? We may want to ask the insurance company if there is a time limit.

Maggiore: Not even close to being repaired. No answer. Insurance broker (John Guerin) has visited the plant and appreciates his dedication. Instead of flaring gas, we are now venting it. Nothing has changed in the processing of sludge. Sludge is not on our permit. Water quality is unaffected.

Water Department, Clayton Van Kleeck on behalf of John Rose

Reads from prepared report – ATTACHED

Police Department, Kyle Berardi

Slightly busier than 2023, except for accidents. Participated in Crosby and Chambers field days; demo at summer camp; Cops & Cones at Jolly Cow; community projects at the Kingston Motel. Thanks John at The Jolly Cow. In-service training this fall: three days per week for nine weeks. Thank you.

Building Department, Warren Tutt

The staff is friendly and well-liked. New inspector fully certified by state and county. IBM new treatment facility; LL Bean open; Firehouse Productions on Boices Lane expanding; Wendy's complete renovation; Walmart interior renovation; Jehovah Witness Kingdom Hall approaching completion; Woods Road solar to begin behind Campers World; iPark work on 001; Central Hudson nearly completing primary control center; Spirit Halloween at the former Best Buy;

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Chambers housing small upgrades to begin. Issued 430 permits, 57 certificates of occupancy, 374 certificates of compliance, process 30 planning board and 12 zoning board submissions, and received \$400K in revenue.

Zena Development: They made initial submissions to the planning board. Waiting for Woodstock zoning board as to whether their road is legal or not. Until then we are on hold.

Central Hudson: Started landscape. Had a singular incident with stormwater last year and it was cleared within 24 hours. Monitoring the site. Bread Alone project is coming up but should have no impact. Everything is working by design.

Assessor, Matthew Sabia

Completed the 2024 assessment roll. Now working on the 2025 assessment roll. Continuing to process property transfers. Verifying property changes through building permits, certificates of occupancy and compliance, property visits and scans. Reviewing town and county PILOT information. Preparing the RFP for the reassessment with Dan Baker (appointed assessor). Processing small claims reviews, and assisting Dan Baker with tax certiorari cases. Mary (secretary) has presented her letter of resignation for January 10, 2025. Would like to have a discussion with the town board to fill the position with a candidate to fill her position and shadow her.

Supervisor: sent a letter to Ulster County civil service for a list from that class for her position and other positions potentially vacant in 2025.

Councilman Van Kleeck: Public appreciates the positive changes in leadership and staff.

Sabia: Regarding tax certiorari and settlements, Dan Baker is heading this and Sabia has been assisting. Cannot speak on specific value reductions, but will supply more information after discussion with him.

Tutt: Regarding lettering of vehicles, his vehicle and Sabia's are in the que with JVS Graphics for within the next week.

Town Clerk/Tax Collector, Suzanne Reavy

Recent community events were the senior bus trip and senior picnic. Two more events for 2024. To date, over \$536,000 in fees have been collected. Encourages the public to look for information on our Facebook page and town website.

Tax collection – new program available to us in 2025, which is on the agenda tonight. Ulster County is paying the licensing and initial maintenance fee; after that, the town is responsible for the \$135 yearly maintenance fee. Currently we pay \$100/year. Appreciates deputy, Melanie Rieker, and we both want to say thank you to our residents.

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Comptroller, Tosca Sweeney

Has two projects going on. Budget: Department heads submitted budgets on time – by August 30. Hoping that next week will get the budget out to the departments. Trying to be more transparent. Working to find a new financial system: looking at Oracle NetSuite, Freedom, Edmunds, Tyler/ERP and Andrews Technology. Meeting with different municipalities. Last week, held a breakfast chat at our senior center with NYS GFOA and representatives from multiple municipalities.

Resolution authorizing the Supervisor to commence negotiations with Local 17 for a successor collective bargaining agreement to the agreement that will expire December 31, 2025 (per Town Board Request email Aug. 23,2024) (E-Mailed 9/2/24) (2024-R-267)

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULSTER

WHEREAS, the Town of Ulster and Laborers International Union Local 17 are signatories to a Collective Bargaining Agreement for the term January 1, 2022 - December 31, 2025; and

WHEREAS, by letter received August 19, 2024 by the Town Supervisor Quigley from Local 17 requesting to begin negotiations for the successor to the collective bargaining agreement; and

WHEREAS, the town board agrees to commence negotiations.

NOW THEREFORE, IT IS HEREBY RESOLVED that Town Supervisor James E. Quigley 3rd is authorized to commence negotiations with Local 17 for a successor collective Bargaining agreements to the agreement that will expire December 31, 2025.

MOTION: Councilman Van Kleeck

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	- Yes

CARRIED

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Resolution authorizing the Supervisor to enter into labor management discussions with the TOU PBA with respect to issues pertaining to the current collective bargaining agreement and the time keeping procedures in the Police Department (per Town Board Request email Aug. 23,2024) (E-Mailed 9/2/24) (2024-R-268)

RESOLUTION OF THE TOWN BOARD OF
THE TOWN OF ULSTER

WHEREAS, the Town of Ulster and the Town of Ulster Policeman's Benevolent Association, Inc. are signatories to a Collective Bargaining Agreement for the term January 1, 2023 - January 31, 2027; and

WHEREAS, issues have arisen with respect to the collective bargaining agreement and the current time keeping procedures for the members of the police department; and

WHEREAS, the Town Board wishes to enter into Labor Management discussions with the PBA with respect to these issues.

NOW THEREFORE, IT IS HEREBY RESOLVED that the Town Board authorizes Town Supervisor, James E. Quigley 3rd to enter into labor management discussions with the PBA with respect to issues pertaining to the current collective bargaining agreement and the time keeping procedures in the Police Department.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

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The following items requested in an e-mail from Mr. VanKleeck on 8/27/24

An update from department heads on having all town licensed vehicle properly lettered. A resolution was passed last month instructing this to be done. There was no specific timeframe mentioned. Unless it has been completed by all, I recommend we give a due date of October 1st

Councilman Van Kleeck: Listening to department head reports, nothing more to say. The situation is fine.

Supervisor: Would like to make a motion.

Motion to Establish Vehicle Lettering Completion Date as October 1 (2024-M-269)

MOTION: Councilwoman Hayner
SECOND: Councilwoman DeGrootd

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

CARRIED

Supervisor notes: Vote is 3-2

Town Clerk asks for clarification

Supervisor states no response from Van Kleeck and Secreto.

Discussion on the breakdown of the anticipated expenses for the court clerk's attending the September 29th to October 2nd, association meeting

Councilman Van Kleeck: Where do we plan to allocate funds from? Training line is \$3000.

Supervisor discusses costs. Total expenses for the trip is \$4417.

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Councilman Van Kleeck: Question is where will extra money come from?

Supervisor: Court security 1110.102 historically budgeted for \$25,000. In 2021 and 2022 spent less than \$15,000. In 2023, same budget, and as of September, \$11,600. Reduced 2024 budget to \$20,000. States that there is enough in court security.

Councilwoman DeGroot: Should we transfer a little more just in case?

Motion to Transfer \$1500 from Court Security (A.110.102) to Court Training/Conferences (A.1110.404) (2024-M-270)

MOTION: Supervisor Quigley

SECOND: Councilman Van Kleeck

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

CARRIED

Discussion and Direction by the Board of our Consideration of Time Keeping and/or Accounting Program

Supervisor: Ms. Sweeney talked about alternatives for replacing accounting system. The supervisor forwarded an email from Tyler Technologies to town board this morning, comparing Tyler to Andrews Technology system. 99% of functionality of Andrews system could be adequately provided including biometric timeclock system, so anxiously awaited. Asking for consideration of the town board to allow us to continue our analysis and visits to other municipalities.

Councilman Van Kleeck: Thank you. The finance committee will discontinue pursuing any longer. At no time were we recommending biometric; immediately taken off the table.

Supervisor: Biometric is only one option of methodology. Most common.

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Councilwoman DeGroot: Wants to be included when they visit other towns.

Supervisor: Absolutely.

Update and Discussion on the Budget Process

Supervisor: Presented a memo to the town board (part of public meeting documents). Supervisor's office is committing to provide the town board with a budget containing the net effects that department heads have made by 9/20 (pre public exposure). The supervisor is responsible for moving the budget forward in relation to the tax cap. If not able to stay within the tax cap, the town board to have a discussion about a town law overriding the tax cap. On 9/30, to present the budget to the town clerk; town clerk to deliver to the town board by 10/3 meeting. The budget will become public on that date.

Councilman Van Kleeck: The handout was excellent. Question: While preparing the budget, are department head requests considered confidential, or shared with the public beforehand?

Supervisor: At this time, not public. We are not done putting the information in; changes are made daily.

Discussion on the creation of additional committees. My initial recommendations:

Public Works – To include Highway, Sewer and Water Departments
IT – includes phones, networks, network providers, security systems, video monitoring and computer systems

Councilman Van Kleeck: Discusses the formation of the various committees. Committees for highway, sewer, water, and IT committees.

Supervisor: Suggests highway, water, sewer be broken up because we have four sewer districts and capital projects. Happy to support three separate committees.

Councilman Secreto: Can do water, sewer, highway.

Discussion on splitting departments. Van Kleeck and Secreto have no problem with one committee. Many times where departments have to work together. Try it as one. If one is burdensome, split it off.

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Councilwoman DeGroodt: Rocco and I can do public works.

Supervisor: Motion to set committee structure.

Motion to Form One Committee for Highway, Sewer, Water, Naming Councilman Secreto and Councilwoman DeGroodt as Chairpersons AND Information Technology (IT) Committee, Naming Councilman Van Kleeck and Councilwoman Hayner as Chairpersons(2024-M-271)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

Town Councilwoman DeGroodt	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- Yes

CARRIED

Discussion on creating a policy limiting the access of all video surveillance of our town buildings and properties to our police department only. Any requests to view the security must be directed to the police Chief and be authorized by the board. In the case of an emergency, immediate emergency authorization would be granted to the Police Chief and/or the Supervisor, with the requirement that the board be informed of access as soon as reasonably possible. All access by people other than the Police department should be disconnected. No private surveillance cameras or devices should be allowed on town property

Supervisor: All access to the cameras by the supervisor's office has been removed. The board received an email this afternoon which is in the process of being researched. Discussion: Before removal, town had 24 cameras spread between police department, main floor, senior center (purchased with town funds), and supervisor's office (purchased with town funds). Main floor cameras purchased predominantly through justice court funds. Police department cameras are solely monitored by PD and cameras upstairs, excluding supervisor's office and including senior center, monitored by supervisor's office and PD. Today received an email from Justice Kesick, resulted from her conversation with Office of Court Administration (OCA). Legal opinion from

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OCA states that property purchased via JCAP funds must be used by the court to provide suitable and sufficient services to the community. Leaves court funded purchases as court property, under the control of the two judges and not the town board. This addresses the issue raised as the police department having sole control of cameras in police department, and the backup of the cameras that are to be determined under the control of the judges.

Discussion on cameras in work place/offices. Confidential court discussions. Cameras are prohibited in judges office and court clerks' offices. Audio vs video.

Supervisor: Audio and video were in my office. Not there now. His understanding of cameras on the main floor were video only.

Chief Berardi: Booking room cameras are required. Additional cameras are for security.

Councilwoman DeGroot: Issue came up due to the safety of someone in the court.

Supervisor: Supervisor's office (Peggy) served as the backup. Upstairs cameras outside of the peripheral vision of the police dispatcher. Cameras have been removed and fine with that.

Discussion on cameras placed in offices at the request at the request of that office.

Supervisor: Additional level of security in supervisor's office with cameras.

Councilman Van Kleeck: Question was not about how many cameras, only about who was watching them. My request was for a discussion on a policy. To supervisor – You arbitrarily took cameras out after I asked you to put this on the agenda. You were not asked to do that. We had not had a discussion.

Supervisor: Correct.

Councilman Van Kleeck: We discussed this last year. We discussed the cameras being used for surveillance.

Supervisor: Prior to my knowledge of the email received today.

Councilman Van Kleeck: Who should be watching the cameras?

Supervisor: Up to the judges. If they would like the supervisor's office to allow supervisor's office, we will have a discussion. That places a burden on our offices. Will have a further discussion with the town board.

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New Business:

Presentation and Acceptance of the Monthly Supervisor's Report for the Month of July 2024 (e-mailed 8/15/24) (2024-M-272)

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	- Yes

CARRIED

Motion to set a Public Hearing for the 2024 East Kingston Fire Company for Thursday, October 3, 2024, at 7:10pm (2024-M-273)

MOTION: Councilman Van Kleeck
SECOND: Councilwoman Hayner

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

CARRIED

Motion to authorize Execution of Letter to Senator Michelle Hinchey seeking additional NYS Funding for the Upgrade and Coordination of Highway Signals at the Boices Lane CSX Railroad Crossing PIN 8933.07, Town of Ulster, Ulster County (e-mailed 8/22/24) (2024-M-274)

Supervisor: Project underway since 2010. Original budget \$1.3 million. Engineering contract awarded three years ago. Scope of proposed project has had to be reduced. Asking Senator Hinchey for funds to complete the project as originally proposed.

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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	- Yes

CARRIED

Motion to authorize the hiring of one Full Time Water/Wastewater Maintenance Worker (2024-M-275)

Jose Martinez: full time; union; start date 9/9/2024; \$17.13/hour

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	- Yes

CARRIED

Motion to accept the resignation of Part Time Police Dispatcher White (2024-M-276)

Councilman Secreto reads letter

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes

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Supervisor Quigley - Yes

CARRIED

Motion to authorize Supervisor to sign Agreement with Blauer Associates for Consulting Services involving Labor Standards Compliance for the Ulster Water District Small Water Storage Tank Replacement Project. (e-mailed 9/3/24) (2024-M-277)

Supervisor: Blauer was appointed in 2018. We are required to have a labor standards compliance officer.

MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

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

CARRIED

Motion to authorize Supervisor to sign Agreement with Blauer Associates for Consulting Services involving Labor Standards Compliance for the RUPCO Water – Sewer Extension Project. (e-mailed 9/3/24) (2024-M-278)

Supervisor: Funds come from outside of the town of Ulster.

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	- Yes

CARRIED

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Motion to authorize Environmental Testing for Town Hall (2024-M-279)

Supervisor: We have had request from the town's labor unions to monitor air quality. Number of concerns in our workforce and concerns it could have emanated from town hall. Testing done in 2014 and 2016. PBA union not accepting of those reports. Regarding asbestos, if it was in the tile floor, it has been covered up.

Tutt: No indication, but it would have been encapsulated.

Supervisor: Piping in the basement is non-friable.

MOTION: Councilman Van Kleeck
SECOND: Councilwoman DeGrootd

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

CARRIED

Resolution Authorizing the Supervisor to sign Preemption Interconnection Agreement for the Boices Lane CSX Grade Crossing in connection with NYSDOT Project PIN 8933.07. (e-mailed 8/29/24) (2024-R-280)

Supervisor: Every time we talk to CSX engineers about connecting signals to grade crossings, they need someone to bill. This agreement gives CSX the ability to bill the town as a project cost, covered under the contract ratified at the last town board meeting.

RESOLUTION OF THE TOWN BOARD TOWN OF ULSTER
Resolution Authorizing the Town Supervisor to Sign a Preemption
Interconnection Agreement with CSX

WHEREAS, CSX has or will construct and maintain highway rail grade crossing warning devices, consisting of automatic flashing lights and gates (the "Grade Crossing Warning

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Devices"), at the grade crossing of Boices Lane of CSXT's mainline track at Railroad Milepost QR-90.56, in Lake Katrine, Ulster County, New York (DOT 507086R); and

WHEREAS, the Town of Ulster has or proposes to erect certain highway traffic signals at the intersection of Boices Lane and Morton Boulevard and the intersection of Boices Lane and John M. Clark Road ("Highway Traffic Signals") and to establish interconnection circuitry between such Highway Traffic Signals and the Grade Crossing Warning Devices; and

WHEREAS, CSX is willing to permit such interconnection (the "Project"), subject to the terms and conditions of a written Preemption Interconnection Agreement; and

WHEREAS, the Town of Ulster proposes to use the interconnection circuitry to change the Highway Traffic Signals sequence of operation when a signal is received from the Grade Crossing Warning Devices. The interconnection will provide Simultaneous Preemption or Advanced Preemption of the Highway Traffic Signals as specified in the project plans and specification; and

WHEREAS, the Town of Ulster has obtained, or will obtain all authorizations, permits and approvals from all local, state and federal agencies, and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and will implement the Project at its sole cost and expense; and

WHEREAS, the Town of Ulster and CSX will provide services and accommodations to promote public interest in this Project, and a written agreement is necessary to provide for the terms and conditions upon which construction of the Project shall proceed and the parties' obligations with respect to the future maintenance and operation of the permanent aspects of the Project; now, therefore, be it

RESOLVED, the Town of Ulster Town Board hereby authorizes the Town of Ulster Supervisor to sign said Preemption Interconnection Agreement with CSX.

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

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

CARRIED

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Resolution authoring the issuance of a Special Use Permit for Verizon Wireless, Lands of DeCicco, 434 Flatbush Road. (e-mailed 8/30/24) (2024-R-281)

Councilman Secreto: This is a welcomed addition to our area.

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Verizon Wireless “Kingston Ulster Airport” Communications Facility
709 Old Flatbush Road, SBL: 39.20-1-29.110
ZONE: R60, Special Permit Use and Site Plan

WHEREAS, the applicant – Verizon Wireless -- seeks Special Permit Use and Site Plan approval for a new personal wireless service facility; and,

WHEREAS, the applicant has submitted a complete Site Plan and Special Permit application to the Town of Ulster Town Board, in coordination with the Town of Ulster Planning Board including the following documents:

- Application and maps;
- Review from Town Planner;
- One-page Cover Sheet submitted by Verizon Wireless, dated 6/07/2023;
- Completed Application for Site Plan and Special Permit, for Verizon Wireless, Flatbush Road, prepared by Cellco;
- Partnership d/b/a /Verizon Wireless, signed by Scott Olson, Attorney for Applicant, dated 9/19/2022;
- Consent Form from the owner, Samuel DeCicco, dated 10/05/2022;
- Project Narrative;
- Reference Copies of FCC, Radio Station Authorizes;
- Full EAF;
- Site Plan Set;
- Engineering Necessity Case;
- Compliance Report;
- Site Selection Analysis – Identified 10 sites Candidate J was best – smaller tower at a higher elevation with natural screening with mature vegetation;
- Revised Submittal from Applicant dated May 22, 2024;

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

WHEREAS, following a recommendation from the Planning Board, the Town Board initiated the SEQRA process and declared its intent to be lead agency, referred the application

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for review to the Ulster County Planning Board, and scheduled a public hearing on the special use application; and,

WHEREAS, the Ulster County Planning Board returned a review memo #2023-126 dated 8/2/2023 with comments and required modifications on viewshed analysis; and

WHEREAS, in response to FAA concerns, and the required modification from the Ulster County Planning Board, the height of the proposed tower has been reduced from 100 feet high to 69 feet high (65 ft. + 4 ft lighting rod); and

WHEREAS, the Planning Board has met with the applicant at both Planning Board workshops and regular monthly meetings and recommends that the applicant has now complied with the Ulster County Planning Board recommendations; and,

WHEREAS, said Planning Board has reviewed this application and based on a recommendation from the Planning Board the Town Board takes the following actions:

NOW THEREFORE BE IT RESOLVED, the Town Board finds that this application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and makes a negative declaration under SEQRA and this application will not have a potential for significant adverse environmental impact; and,

BE IT FURTHER RESOLVED, the Town Board held a public hearing for the Special Use application and considered all comments prior to any final action on this special use and site plan application; and,

BE IT FURTHER RESOLVED, the Town Board grants final site plan and special permit approval of this application, subject to 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 site plan, design plans and all details as cited herein;
4. Compliance with all federal, state, and local codes, rules, and regulations in the sole discretion of the Code Enforcement Officer;
5. 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,
6. All fees, including consultant fees, shall be paid.

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MOTION: Councilman Secreto
SECOND: Councilwoman DeGroot

ROLL CALL VOTE:

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

CARRIED

Resolution authorizing Kyle W. Barnett, Esq. to sign Consent Judgement in the matter of Florida Samas Venture Inc. c/o Home Depot #1227, Index numbers 2023-1618, 2024-1936 reducing 2024 Assessment Roll value by \$730,000. (e-mailed 9/2/24) (2024-R-282)

Supervisor: Property owners have the right to question the assessment of their property. Some end up suing the town through tax certiorari. We are required to obtain an appraisal of the property before the judge makes a determination. Long standing tradition is that if our appraisal does not support the valuation on our assessment roll, we negotiate because the outcome is far worse than not. One time we ended up paying over \$1M when we did not negotiate.

RESOLUTION 282 of 2024

WHEREAS, tax certiorari proceedings have been filed against the Town of Ulster by Florida Samas Venture Inc c/o Home Depot #1227, in regard to the assessments upon certain property located in the Town of Ulster and designated as Tax Grid No. 48.42-03- 9.120.

WHEREAS, it is desired to settle the 2023 and 2024 proceedings.

NOW, THEREFORE, be it resolved, that the Town of Ulster authorizes Kyle W. Barnett, Esq., of the law firm of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Poughkeepsie, New York 12601 to negotiate a settlement whereby the 2023 and 2024 assessments will be settled in accordance with the attached proposed consent judgment and summarized as follows:
Assessment Original Corrected Amount of

Assessment Roll	Original Assessment	Corrected Assessment	Amount of Reduction
2023	\$6,600,000	\$6,600,000	\$0
2024	\$6,600,000	\$5,870,000	\$730,000

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and Kyle W. Barnett, Esq is authorized to sign such documents as are necessary to effectuate the settlement.

MOTION: Councilman Van Kleeck
SECOND: Councilwoman DeGrootd

ROLL CALL VOTE:

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

CARRIED

Resolution Adopting Ulster County Multi-Jurisdiction Hazard Mitigation Plan Update (e-mailed 8/27/24) (2024-R-283)

Supervisor: County asking the town to acknowledge adopting a plan.

RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER
Resolution Adopting Ulster County Multi-Jurisdiction Hazard Mitigation
Plan Update

WHEREAS the Town of Ulster Town Board recognizes the threat that natural hazards pose to people and property within the Town of Ulster; and

WHEREAS the Town of Ulster Town Board has prepared a multi-hazard mitigation plan, hereby known as Ulster County, NY 2024 Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS Ulster County, NY 2024 Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in the Town of Ulster from the impacts of future hazards and disasters; and

WHEREAS adoption by the Town of Ulster Town Board demonstrates their commitment to hazard mitigation and achieving the goals outlined in Ulster County, NY 2024 Hazard Mitigation Plan.

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NOW THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULSTER, ULSTER COUNTY, NEW YORK STATE, THAT:

Section 1. In accordance with the rules and procedures of the Ulster Town Board, the Town of Ulster Town Board adopts the Ulster County, NY 2024 Hazard Mitigation Plan. This plan, approved by the community, may be edited or amended after submission for review, but will not require the community to re-adopt any further iterations. This only applies to this specific plan and does not absolve the community from updating the plan in 5 years.

ADOPTED this 5th day of September, 2024 at the meeting of the Town of Ulster Town Board.

MOTION: Councilwoman Hayner
SECOND: Councilwoman DeGroot

ROLL CALL VOTE:

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

CARRIED

Resolution authorizing Town Clerk to join Ulster County Tax Software System (e-mailed 8/29/24) (2024-M-284)

RESOLUTION OF THE TOWN BOARD TOWN OF ULSTER
Resolution Authorizing Town Clerk to Opt-in to Ulster County Tax System

WHEREAS, the Ulster County Department of Finance is establishing a new Ulster County Tax System; and

WHEREAS, the County of Ulster is requiring municipalities to let the County know if they will be participating in the new Ulster County Tax System; and

WHEREAS, the Town Clerk, as Tax Collector, has indicated that she would like the Town of Ulster to join the new Ulster County Tax System; now, therefore, be it

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RESOLVED, that the Town Clerk may notify the Ulster County Department of Finance that the Town of Ulster will join the Ulster County Tax System, subject to the execution of an intermunicipal agreement with the County of Ulster.

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	- Yes

CARRIED

Discussion on Notice of Violation – Esopus Agricultural Center. LLC.,160-280 Esopus Ave. (e-mailed 9/2/24)

Tutt: We have travel trailers, campgrounds, trailers. Not an allowed use in this district. All units must be removed thirty day time stamp. Served on August 29. Since then, reaching out to principals on that property.

Chief Berardi: We cannot legally remove items off of property.

Tutt: Court proceeding/legal cannot happen until 30 days are up. Managed to get compliance in his 10 years without court intervention.

Discussion on property cleanup, then they violate again. No water or sewer. Contact the health department. Fines and the town law.

Tutt: Referencing the town code, not state. Guess is that the order was received. It was sent regular and certified mail. Agricultural district is not exempt them from this.

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Discussion on the Courtroom Carpet Project

Supervisor: Heard input from the community and employee. Motion to cancel the decision to proceed with carpet.

Motion to Cancel the Prior Motion/Decision to Proceed with Carpet in the Courtroom/Meeting Room (2024-M-285)

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	- Yes

CARRIED

Supervisor's Office to Receive an Estimate from Flooring Contractor for Vinyl Overlay to the Existing Floor and Bring it Back to the Board

Discussion on Town EMS situation (multiple e-mails over the last week)

Supervisor: Presentation made at the August 1 meeting. Issues when ambulances have called and not showed up in a timely fashion. Putting constituents at risk. Town board met with Empress, fire companies, and police department. Empress presented their stats and approaching a 10% response failure rate on responses. Empress presented outlines of seven different potential contracts re: stationing and manning equipment. Entering into contract with Empress would guarantee dispatch from other jurisdictions. Discussion ensued about a multi-community plan with several towns: Towns of Rosendale, Hurley, Kingston and Ulster. Meeting scheduled for 9/11 at 5pm for elected leaders only to meet with Ulster County Emergency Management. Today discussion with another ambulance provider – Ambulnz (out of Newburgh), full state of New York certificate of need. Seeking a meeting with our town board, which will be after the 9/11 meeting. Discussion with town attorney this will be over \$1million. Not a quick fix: There is a public solicitation, bid, and vetting of bids process, contact with organizations, contracts, and town board approval.

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Councilman Van Kleeck: Thank you for doing this multi-jurisdictionally. County made us aware that doing this as an individual town may hurt other communities. We want to be as efficient as possible. Looking at other communities to do some shared service is beneficial.

End of Agenda

PUBLIC COMMENT:

1. Laura Hartmann, town resident and speaking tonight as chair of Townofulstercitizens.org, on behalf of members.

Re: Commercial water bottling company and water department.

Supervisor met with commercial water bottling company; we submitted a FOIL for information on 7/17/24. On 7/18/24, received a letter from supervisor confirming that prospective tenant approached town, was provided water samples, owner of building 52 met with Tutt, disclosed non-water bottling company tenant, no reasonable prospects of water bottling plant and project is dead. We hope that statement is true. We object to selling our water to an outside source; protect natural resources; we need to reduce plastics. We found noteworthy documentation in FOIL. Questions – why was no one else involved in bottling company discussions from 6/5/23 – 5/2024 other than the supervisor? Why wasn't the water dept. superintendent not involved from offset; he was contacted in June, 2024? We need more transparency when it comes to town resources. Forming committees is going in the right direction. We will be asking for resolution to protect our waters and will be back for that.

Supervisor: Public utilities have obligation to serve. Property at iPark in water district. Nothing in the town code, public service commission's oversight of public utilities, that allows public utility/ regulation of the water. Existing buildings do not go to planning board. Planning board would evaluate environmental impacts. If this company came in and asked for an amount that exceeds water capacity, it would have been an issue; they were asking for 30,000 gallons/day. You had a tour of the water department, you are aware that we are licensed to sell up to 2M gallons/day. Encourages her to put forth legislation.

Hartmann: Still does not say why this was kept a secret for a year. Water superintendent should have known. He is the caretaker. He and his team are doing a great job.

Supervisor: Many commercial opportunities that come before my office that ask for confidentiality. I can spread the news and shut down economic development in the town or honor their request and see how far it goes along. Worked for 16 years to reinforce infrastructure and make sure we never run short.

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~ Discussion on economic development, city of Kingston water contract, infrastructure and capital projects ~

2. Wayne Spanier, Lakeview Avenue

Went on the “nice little” water department tour. Supervisor has a very go it alone style, and resents others for wanting to be part of the process. Unhelpful and discourages people from wanting to be involved. My observation. Tour of water department was educational and enlightening. You have expertise, but the town would run better with more collaboration.

MOTION to Enter Executive Session to Discuss Labor Contracts Between the Town and the Chief of Police, Building Inspector, Water Superintendent, and Sewer Superintendent 9:06 pm (2024-M-286)

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

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

CARRIED

RETURN from Executive Session 9:23pm — Votes to be Taken

Motion to Authorize Deputy Supervisor Van Kleeck to Sign the Labor Contract for Police Chief, Kyle Berardi (2024-M-287)

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- No

CARRIED

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Motion to Authorize Deputy Supervisor Van Kleeck to Sign the Labor Contract for Wastewater Superintendent, Vincent Maggiore (2024-M-288)

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- No

CARRIED

Motion to Authorize Deputy Supervisor Van Kleeck to Sign the Labor Contract for Water Superintendent, John Rose (2024-M-289)

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- No

CARRIED

Motion to Authorize Deputy Supervisor Van Kleeck to Sign the Labor Contract for Building Inspector, Warren Tutt (2024-M-290)

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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ROLL CALL VOTE:

Town Councilwoman DeGroot	- Yes
Town Councilwoman Hayner	- Yes
Town Councilman Secreto	- Yes
Town Councilman Van Kleeck	- Yes
Supervisor Quigley	- No

CARRIED

MOTION to adjourn 9:25 pm (2024-M-291)

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	-Yes

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk

From: Ulster Water <ulsterwater@townofulster.ny.gov>
Sent: Thursday, September 5, 2024 2:40 PM
To: Clayton VanKleeck
Subject: Department Head Report

Flag Status: Flagged

Clayton,

It has been a busy three months for the Water Department. We have had a total of 155 Service Calls, and 137 Mark outs. Some of the highlights this past quarter are in July we installed a New Fire Hydrant on Parkside Drive in Halcyon Park. In August we replaced the filter media in the Halcyon Park Filter which was 47 years old. We received assistance from the Highway Department and the Sewer Department on this project so at this time I would like to say thank you for their help. The Ulster Travel Plaza on the NYSTA is 98% complete. We are looking to turn them on next week. Work is continuing on the small South Tower. Archtop Fiber installation in the Lake Katrine area has been going very well. They have been a pleasure to work with. All required testing so far this year has been completed. Some upcoming projects are the annual Fire Hydrant flushing program for all the districts which will start in October. The Filter media change out for the Ulster Water Treatment Plant is scheduled for late October or early November. All day to day operations are going well.

Regards,
John Rose
Town of Ulster Water

P.S. Thank you for doing this for me Clayton.

9/5/24 Read by
R. Obijiski

September 5, 2024

To: Members of the Town of Ulster Town Board

From: Regis Obijiski, 170 Ledge Road, Town of Ulster 12401

Re: Agenda for September 5, 2024

Dear Members of the Board,

First, I wish to thank you to publishing the Agenda of all meetings of the Board days in advance of the meeting. You are not required to do this, but many of us acknowledge this gesture as certainly within the spirit of the NYS Open Meetings Law.

I have just one comment on tonight's agenda that is more procedural than issue-oriented. I bring it up because this procedure doesn't "fit" into a formal meeting agenda. Agendas are always about resolutions, motions, and topical discussions. I am referring to the third item on tonight's agenda which is an email from Councilman Van Kleeck requesting updates and discussion topics to be added to the agenda. Formal meetings often receive their guidance from Roberts Rules of Order on certain procedures, like agendas. Usually, the chairperson presents an agenda of unfinished and new business that may be suggested by members or directors. The compilation is then presented to the members for approval as prepared, followed by occasional discussion and modification and, finally a vote on the newly massaged agenda.

Within tonight's 3-page agenda, there is no attribution to any board member or any department head on any issue or motion, except for Councilman VanKleeck's email on page 1. Any email has no place on an agenda. Separating Councilman VanKleeck's 6-7 suggestions from regular agenda items distances the meeting Chair (i.e., Supervisor) from the Councilman. It is as if to say: "these are his issues, not mine. Good luck with that." If the Supervisor does not want to include any or all of those suggestions, he should have left them off. In that case it would be up to Councilman VanKleeck to "motion" his issues on to the agenda.

The email on tonight's agenda is out of order. It is also a shenanigan. It is reflective of the petty, self-embarrassment administered by the Supervisor to himself at a recent meeting of the board. In that meeting, the agenda item was time-keeping software; the boomerang-effect was damaged credibility.

Mr. Supervisor, I have written to you personally on two occasions about this sort of thing to no avail. I have told you each time that you are "better than this." Please stop this political intrigue, which has become as transparent as cheating at a middle school game of "gotcha."

Sorry that I need to be so direct this evening.