

TOWN OF ULSTER TOWN BOARD MEETING (02)

JANUARY 20, 2022

PUBLIC HEARING SCHEDULED:

7:10PM – Public Hearing for Local Law No ____ of 2022: A Local Law to modify Section of the Town Zoning Code. A Local Law known and cited as Parkland and Recreation Fees.

Continuation of Public Hearing from December 16, 2021 Town Board Meeting on Special Permit Use for Moe’s Motor Cars LLC, P-862, 454 Hurley Avenue, Town of Ulster, SBL 48.17-1-41.100

**MEETING HELD IN PERSON and VIRTUALLY THROUGH ZOOM
BROADCAST VIA FACEBOOK LIVE**

CALLED TO ORDER BY SUPERVISOR QUIGLEY, at 7:00 PM

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN CLAYTON VAN KLEECK

TOWN COUNCILMAN ROCCO SECRETO

TOWN COUNCILMAN ERIC KITCHEN

TOWN COUNCILWOMAN ANNA HAYNER

SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Kyle Berardi, Chief of Police
2. Warren Tutt, Building Inspector
3. Frank Petramale, Highway Superintendent
4. Jason Kovacs, Town Attorney
5. Vincent Maggiore, Wastewater Superintendent
6. Susan Kesick, Town Justice
7. Bill Kemble, Daily Freeman
8. Geoffrey Ring, Planning Board Chairman
9. David Church, Town Planner
10. Eleven Zoom Attendees
11. 25+ In Person Attendees

ADDITIONS OR CHANGES TO AGENDA – None

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PUBLIC DISCUSSION ON AGENDA ITEMS –

1. Keith Dieter, Fawn Hill Court
Re: Out of District Water Use Agreement.
Not here to prevent property use. Fifty foot right of way was granted for use by Town of Ulster. Intended to buy property but Sabino held and sold to another man from Cooperstown to allow access to property. Reads from site development. If you are going to grant access, do it right. We never have projects in our neighborhood.

Supervisor: Not expanding water system; giving right. Announcement about to be made regarding water. Come see me.
Neighbors did not want road. They like one way in/one way out. We will review it.

2. Anna Parks, Fawn Hill Court
Re: Same issue. Property is between her and Dieter. Temporary fix water system. Talked to Steve Britton at health department who stated that no more water hookups until permanent fix to current water system. Will contact again to get clarification.

Supervisor: Has not heard that information.

APPROVAL OF MINUTES – December 2nd (2022-M-039)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

APPROVAL OF MINUTES – December 16th (2022-M-040)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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Town Councilman Van Kleeck -Yes
Town Councilman Secreto -Yes
Town Councilman Kitchen -Yes
Town Councilwoman Hayner -Yes
Supervisor Quigley -Abstain

CARRIED

COMMUNICATIONS – None

ABSTRACT OF CLAIMS

Presented by Councilman Van Kleeck

December, 2021 (2022-M-041)

Prepaid Bills:	\$	460,691.43
Abstract Bills:	\$	278,096.39
Escrow Bills:	\$	
Reserve:	\$	
TOTAL:	\$	738,787.82

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

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January, 2022 (2022-M-042)

Prepaid Bills:	\$	403,888.55
Abstract Bills:	\$	633,450.97
Escrow Bills:	\$	
Reserve:	\$	132.65
TOTAL:	\$	1,037,472.17

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

DEPARTMENT HEAD YEAR END REPORTS

1. Warren Tutt, BUILDING/PLANNING/ZONING
Central Hudson completed gas village. Ten Broeck Commons will start phase 2. RBW (lighting manufacturing) starting phase 2. Romeo Kia finished blasting; construction will start in spring. Romeo Chevrolet addition in the spring. Kingwood Plaza starting construction for C&C Unisex. Target – major interior renovation in March. Kohl’s adding Sephora. Crossings Apartments starting construction in spring. Two new solar farms reviewed. Tech City is now iPark 87. Issued 629 permits, 55 c/o and 314 c/c.
2. Kyle Berardi, POLICE DEPT
Thanks all for successful 2021 and men and women of Ulster Police. Busy with 14,000 calls for service; 775 reportable accidents; 385 arrests; 241 detective cases handled, including five fatal overdoses (19 overdoses total); one homicide. Joint Kington-Ulster special investigations unit conducted 108 cases. Wants to continue that unit. Training hours: 2,040. 52 employees (29 full time and 23 part time). Last year implemented body cameras in December. Supports us. Working on re-accreditation (accredited since 2002)

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3. Frank Petramale, HIGHWAY DEPT
2021 challenging. Now 100% healthy. Paved 5 ½ miles. Completed multiple drainage projects. Received 43” of snow. Appreciates all departments. Capital equipment ordered and limited in how many trucks that can be ordered due to limited supply. Truck ordered in April, 2021 to be delivered in January, but now not built until April. Heard today that number of trucks ordered will be limited. Older equipment will be run longer.
4. Vincent Maggiore, WASTEWATER DEPT
Very productive. New bar screen system that removes debris. Quoted for \$650,000 and we came in at \$197,000 savings doing work in-house. Installed new boiler system so far 40% savings in propane, soon bio-gas.
Boiler cost in-house \$207,194. Trains employees and they better understand equipment. Completed phase I of Spring Lake sewer district. Another install on Katrine Lane.
Another current project underway is the influent pump panel upgrade. Staff healthy and safe.
5. Suzanne Reavy, TOWN CLERK/TAX COLLECTOR
New projects underway for 2021 were a new phone system for all town buildings and phone recording system for police department and a new town website. Phone system complete. Website any day now. Total fees collected \$473,000. Taxes collected \$19M. December distributed 650 covid test kits.
6. Supervisor, ASSESSOR Report (for Miranda Bernholz)
Accepting exemptions through March 1, 2022. 5217 transfers done. Mary handling changes to tax bills/addresses/exemption explanations. To date, 99% of building permit inspections complete. Hand fill will be handled closer to March 1. All minor assessment changes completed for this year’s roll. Currently working on assessment changes such as new construction and additions. Working on up to deadline of March 1.
7. Susan Kesick, Justice Court
Previously submitted a written report.
8. Supervisor, TOWN BOARD/SUPERVISOR
A lot of capital projects. Great work between departments. Installation of sewer lines; new town hall generator; drainage project in front of town hall – culvert pipe drains into Esopus; police department renovation of detective division; ceiling and grid work in meeting room. Thanks all departments.

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New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of December 2021 (2022-M-043)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2022 to be provided by Rusk Wadlin Heppner & Martuscello (2022-M-044)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

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Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2022 to be provided by Rebecca Millouras-Lettre, PLLC (2022-M-045)

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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

CARRIED

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2022 to be provided by Van DeWater & Van DeWater, LLP (2022-M-046)

MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

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

CARRIED

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2022 to be provided by Tabner, Ryan & Keniry, LLP (2022-M-047)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

Motion authorizing the Town Clerk to go out to Public Bid for the purchase of chemicals during 2022 on behalf of the Town of Ulster Water Department and the Town of Ulster Sewer Department (2022-M-048)

MOTION: Councilwoman Hayner
SECOND: Councilman Kitchen

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

CARRIED

Discussion on a request for an Out of District Water User Agreement

Supervisor: Defer discussion until we have further information.

Presentation of Local Law No. ____ of 2022, A Local Law Allowing Members of the Town Board to Participate in Town Board Meetings via Videoconference from Locations Outside the Town of Ulster Boundary Lines
(Placed on Town Website)

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Supervisor: Article in January issue of the NYS Association of Towns newsletter. There is a state law that all town board meetings must be conducted within the town, but the law is silent on videoconferencing from outside town boundaries.

Old Business:

Resolution Granting Site Plan Approval Extension for Ulster Hospitality, LLC w/consent of 1561 Ulster Properties, LLC, 1581 Ulster Ave, Lake Katrine, SBL 39.82-2-7.119 (2022-R-049)

Supervisor: At the recommendation of the town planning board, several years ago the town board approved site plan for a hotel adjacent to Care Mount medical. Due to PILOT procedures and COVID, construction has been delayed to now, spring 2022.

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Site Plan Approval Extension
Ulster Hospitality, LLC w/ consent of 1561 Ulster Properties, LLC
SBL 39.82-2-7.119
1581 Ulster Avenue (U.S. Route 9W)

WHEREAS, the applicant – Ulster Hospitality, LLC w/ consent of 1561 Ulster Properties, LLC – received Site Plan Amendment approval on September 19, 2019 by the Town of Ulster Town Board to construct a 100-room hotel on the pad site at 1581 Ulster Avenue, Lake Katrine, NY 12449; and

WHEREAS, pursuant to Ulster Town Code Section 145-13(A), construction of an approved site plan shall be commenced within twelve (12) months from the date of approval, or else the approval shall expire; and

WHEREAS, construction of the approved site plan did not commence prior to September 19, 2020; and

WHEREAS, by resolution dated February 4, 2021, the site plan approval heretofore granted on September 19, 2019 was amended as follows: the approval granted by the Town Board on September 19, 2019 shall be deemed to have expired unless construction of an approved site plan shall be commenced on or before September 19, 2021; and

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WHEREAS, construction of the approved site plan did not commence prior to September 19, 2021; and

WHEREAS, Ulster Hospitality, LLC w/ consent of 1561 Ulster Properties, LLC is requesting a one (1) year extension of the amended site plan approval; and

WHEREAS, the Ulster Town Board has determined it is in the best interest of the Town of Ulster to extend the amended site plan approvals; and

WHEREAS, Ulster Town Code Section 145-14 grants the Town Board the power to vary or waive the provisions of Chapter 145, where, in its judgment, the circumstances justify such variance or waiver upon such terms and conditions as it may deem appropriate provided that such variation and/or waiver promotes the health or general welfare and orderly growth; now therefore, be it

RESOLVED, that the amended site plan approval heretofore granted on September 19, 2019, as amended by resolution of the Town Board dated February 4, 2021, shall be amended again as follows: the approval granted by the Town Board on September 19, 2019 shall be deemed to have expired unless construction of the approved development shall be actually commenced no later than September 19, 2022; and be it further

RESOLVED, that this resolution shall take effect upon payment by Ulster Hospitality, LLC w/ consent of 1561 Ulster Properties, LLC of any applicable extension fees.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

CARRIED

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Resolution Granting Final Site Plan Approval with Conditions for Romeo Chevrolet, P-867, 1665-1673 Ulster Avenue, Lake Katrine, NY SBL 39.82-18.100, ZONE: OM (2022-R-050)

Supervisor: Applicant made application to town planning board for 4,500 sq ft addition. Planning board refers this to town board, as is protocol.

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Romeo Chevrolet, P-867
1665-1673 Ulster Avenue, SBL 39.82-2-18.100
ZONE : OM
Site Plan Amendment

WHEREAS, the applicant – Romeo Chevrolet -- seeks Site Plan Amendment approval for a 4,450 square foot addition to the northwest portion of their existing facility; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Town Board coordinated with the Town of Ulster Planning Board including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the application documentations submitted include:

Completed Application for Site Plan Amendment Review prepared by Michael Schatzel.
2 Maps with added notations on proposed site plan revisions: Proposed Site Plan and Proposed Erosion Plan, both prepared for Kingston Buick / GMC, and both prepared by Praetorius and Conrad, P.C., original dates 2010, undated notations.
Signed Owner Consent Form for Filing, signed by Joseph Romeo
Signed Escrow Agreement, signed by Joseph Romeo
Completed Short Environmental Assessment Form, signed by Joseph Romeo; and,

WHEREAS, the Town Board, in coordination with the Planning Board, declared its intent to be Lead Agency and previously typed the application as a Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with a comment of No County Impact; and,

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WHEREAS, the Town Board, in coordination with the Planning Board considered all of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of the Ulster County Planning Board, as well as Town consultants and staff; and,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board makes a Negative Declaration under SEQRA for this Action finding that there is no potential for significant adverse environmental impact; and,

BE IT FURTHER RESOLVED that the Town of Ulster Town Board grants Final Site Plan approval with conditions subject to the conditions, limitations and restrictions set forth below.

1. Compliance with any final comments as may be needed from the Town Sewer Department, and/or Town Water Department.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
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.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

CARRIED

JANUARY 20, 2022

Resolution Declaring the Town of Ulster to be Designated as Lead Agency under SEQRA and Refer Woods Road Solar, P-866& 868, 550 Wood Road, DBL48.14-1-1.111 and 48.10-1-38.300 to the UC Planning Board for Review (2022-R-051)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Woods Road Solar, P-866 & 868
550 Wood Road
SBL 48.14-1-1.111 & 48.10-1-38.300
ZONE: HC

WHEREAS, the applicant – Woods Road Solar (aka Professional Commercial Group, LLC), seeks Site Plan and lot line adjustment approval for construction of a commercial solar facility / utility structure; and,

WHEREAS, the applicant has submitted complete Site Plan and lot line adjustment applications to the Town of Ulster including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form; and,

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

WHEREAS, said Planning Board has reviewed the applications as complete.

NOW THEREFORE BE IT RESOLVED, the Planning Board finds that the lot line adjustment application is a Type II action and that the lot line adjustment is exempt from referral to the Ulster County Planning Board and no further environmental review or referral is required; and,

BE IT FURTHER RESOLVED, the Town Board finds that the site plan application is a Type I Action under the New York State Environmental Quality Review Act (SEQRA) and the Town Board declares it' intent to be designated as Lead Agency under SEQRA; and,

NOW BE IT FURTHER RESOLVED, the Town Board formally refers the site plan application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

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MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

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

CARRIED

PUBLIC HEARING:

Public Hearing for Local Law No ____ of 2022: A Local Law to modify Section of the Town Zoning Code. A Local Law known and cited as Parkland and Recreation Fees.

Supervisor: Several years ago, the town board instituted a \$1500/unit recreation fee for multi-family construction in the town. Proceeds dedicated to recreational facilities in the town of Ulster. From 162 units at Ulster Gardens, large sum of money received, much of which is still available, and some used for rail trail parking lot on Rockwell Lane. Proposed law institutes fee schedule: projects under 40 units: \$1500/unit and projects greater than 40 units: \$3000/unit.

MOTION to Open Public Hearing 7:37 PM (2022-M-052)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

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NO PUBLIC COMMENT

MOTION to Close Public Hearing 7:38 PM (2022-M-053)

MOTION: Councilman Kitchen

SECOND: Councilwoman Hayner

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

CARRIED

PUBLIC HEARING:

Continuation of Public Hearing from December 16, 2021 Town Board Meeting on Special Permit Use for Moe's Motor Cars LLC, P-862, 454 Hurley Avenue, Town of Ulster, SBL 48.17-1-41.100

Supervisor: Planning Board met (1/11/2022) and forwarded this project with its recommendations to the town board. Last night the zoning board met and issued variance of 6' chain link fence on the site (meeting 1/19/2022).

Tonight's public comments regarding town board's consideration of issuing a special permit.

Public Comment:

1. David Olsen: Reiterates that not one person in favor of this project. Submitted petition. Not appropriate for that location. Convenient store was a benefit to the area.
2. Tara Arthurs: Speaking for parents Henry and Teresa who have lived there since 1971 Tara born and raised there. Several other used car lots, not one has a fence around it. What kind of chain link? Will it be an eyesore? Rust? Pictures would be helpful. She and parents are against the special use permit.
3. Pete Shults, Resident and Pastor of Cross Point Fellowship
Thanks boards. Variances of fence is a mistake. Gateway to Hurley will be an eyesore. Reduce visual impact.

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4. Chris Beall, St. Georges Court
Proposed business is out of character with area. Visual concern. If you approve, please improve the sign that was there previously.
5. Keith Mack, 2 Fairway Drive
12/16 meeting questions: ADA issues/guidelines and parking. Should office be ADA compliant? No benefit to community. No jobs. Project does not fall under current zoning. No member of the board would want this near their house.
6. George Mack, directly across the street.
Concern about property values.
7. Al Tufano, 482 Hurley Ave
No need for variance. Fence will not stop people from entering property. Aesthetic. Impound yard. Does not approve.
8. Henry Albrechtsen, Pastor at GSL Church
Thanks all for consideration. Overall, not in favor of project. No benefit to community. Fence should be 4' with appropriate landscaping and screening.

Councilman Van Kleeck **MOTIONS to Adjourn the Public Hearing to 2/3/2022** for More Community Input and the Fact that more Information was Recently Presented (2022-M-054)

MOTION: Councilman Van Kleeck

SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

Supervisor: Town board, planning board, and town attorney will review the new information.

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9. Moe Waheed, Property Owner

Trying to address all repeated concerns at every meeting. Community benefit: no income at this property/no property taxes. Project in city of Kington he was involved in; was approved for a giant mechanic shop. Neighborhood was happy. This is a larger property on a major road. Not opening a strip club. Pastor Shults was a blessing. Made changes using his recommendations. Petitions state that his project asked the town board/planning board to go against the zoning and restrict the use. Purchased the property with understanding of what it was zoned for. Why are neighbors in such an uproar? Virtual business. Has fence because it is just him. This is a commercial property.

PUBLIC COMMENT:

1. Anna Parks

Traffic on Route 28 at Forest Hill Dr intersection

Spoke at board meeting on December 16, 2021 about pedestrians walking on dangerous roads, and a few days later a woman was killed on Route 28. People need a roof over their heads but do not have proper supervision and care. Asking for the town board's help with this matter. Does not know where else to turn. Talked to legislator and county executive's office but no help.

MOTION to adjourn (7:56 pm) (2022-M-055)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk