

TOWN OF ULSTER TOWN BOARD MEETING (07)

MARCH 17, 2022

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

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN CLAYTON VAN KLEECK – *Excused*

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. Bill Kemble, Daily Freeman
7. Geoffrey Ring, Planning Board Chairman
8. Moe Waheed, Project
9. Nine Zoom Attendees
10. 20+ In Person Attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS

APPROVAL OF MINUTES – January 6th and January 20th (2022-M-067)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

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Supervisor Quigley -Yes

CARRIED

COMMUNICATIONS – Letter read from NYSDOT Regional Director, Lance Mac Millan, in response to the town’s request for a speed study on Route 32, dated 6/25/2020. NYSDOT conducted a field investigation and determined that reducing the speed limit on this section of Route 32 would not benefit motorists or pedestrians.

ABSTRACT OF CLAIMS

Presented by Councilman Secreto

2021 (2022-M-068)

Prepaid Bills:	\$	195,126.97
Abstract Bills:	\$	82,048.46
Escrow Bills:	\$	
Reserve:	\$	
TOTAL:	\$	277,175.43

MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

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

CARRIED

February, 2022 (2022-M-069)

Prepaid Bills:	\$	3,467,543.72
Abstract Bills:	\$	170,534.63
Escrow Bills:	\$	4,300.00
Reserve:	\$	
TOTAL:	\$	3,642,378.35

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MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

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

CARRIED

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of January 2022 (2022-M-70)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

Motion to accept the resignation of W/W MTC Worker Justin Sylvester (2022-M-071)

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

Town Councilman Van Kleeck	-Excused
Town Councilman Secreto	-Yes
Town Councilman Kitchen	-Yes

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Town Councilwoman Hayner -Yes
Supervisor Quigley -Yes

CARRIED

Motion to authorize the Police Chief to purchase new in car computers under a Sole Source Contract from Advanced Electronic Design Inc. in the amount of \$78,690.21(2022-M-072)

Chief Berardi: In car computers connect to DMV, local law enforcement. Currently past its use life. Thirteen new car computers. Sole-source contract. \$28,000 savings over OGA bid. Contract direct with manufacturer.

MOTION: Councilwoman Hayner
SECOND: Councilman Kitchen

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

CARRIED

Motion to declare a surplus vehicle in the Police Department and authorize its disposal to the UC District Attorney's Office (2022-M-073)

Chief Berardi: 2011 Ford Explorer, past its useful life. DA's office interested in it.

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

Town Councilman Van Kleeck -Excused
Town Councilman Secreto -Yes

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Town Councilman Kitchen -Yes
Town Councilwoman Hayner -Yes
Supervisor Quigley -Yes

CARRIED

Motion to reassign Officer Ferdinand Kesick to the Detective Division as a Special Assignment (2022-M-074)

Presented by Councilman Secreto

Start date 2/7/2022; \$36.84/hour; union; full time; recommended by Chief Berardi; member of Ulster Police since 2005

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

Motion to reassign Officer Leiter as a K9 handler for the Police Department (2022-M-075)

Presented by Councilman Secreto

Ralph W. Leiter: Full time; union; \$34.47/hour; start date tentative on obtaining the canine

Chief Berardi: K9 Castor is nine years old, handled by Sergeant Garvila. Looking forward in finding a new dog with a new handler.

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

Discussion of Children’s Summer Camp in the Town of Ulster for 2022

Councilman Secreto: We will hold summer camp. Town residents only; 150 kids; eight weeks. We will hold a Rec committee meeting on 2/24 and discuss further. Last year we charged \$540. No refunds. Looking for counselors at \$15/hour. More information at the next meeting.

PUBLIC HEARING:

Public Hearing for 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

Supervisor: Executive order during Covid to allow holding virtual meetings. New York State law states that there is no legal basis for a town board member to participate outside of town boundaries; however, no mention of video conference meetings. If this was in effect now, Councilman Van Kleeck could attend this meeting legally, while he is in Kansas.

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MOTION to Open Public Hearing 7:20 PM (2022-M-76)

MOTION: Councilwoman Hayner
SECOND: Councilman Secreto

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

CARRIED

NO PUBLIC COMMENT

MOTION to Close Public Hearing 7:21 PM (2022-M-077)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

CARRIED

Supervisor: Written comments accepted for 30 days

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Review and Approval of Agreement for the Expenditure of Highway monies per Section 284 of the New York State Highway Law (2022-M-078)

Petramale: Basic legal agreement between highway superintendent and the town board for financial projects throughout

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Motion to authorize the Highway Superintendent to purchase two Western Star single axle, 2- wheel drive plow truck chassis from Tracey Road Equipment, under Onondaga County Bid #8996 (2022-M-079)

Petramale: Chassis separately. Twelve months out for delivery. Two on order now.

MOTION: Councilwoman Hayner

SECOND: Councilman Kitchen

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

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Supervisor Quigley -Yes

CARRIED

Motion to authorize the Highway Superintendent to purchase two Viking Plow/Body Packages from T&T Sales under Onondaga County Bid #8996 (2022-M-080)

Petramale: Two Viking/plow body combo to outfit the two chassis.

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

Motion to authorize the Highway Superintendent to purchase one 2023 Elgin Whirlwind Sweeper from Joe Johnson Equipment under Sourcewell Contract #093021-ELG (2022-M-081)

Petramale: Replacing existing 2007 sweeper. Expected late 2022 delivery.

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

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CARRIED

Motion to authorize the Highway Superintendent to purchase one T76 T4 Trac Bobcat from Clark Equipment under NYS Contract #PC69396 (2022-M-082)

Petramale: Capital equipment replacement program to upgrade fleet.

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

CARRIED

Motion to authorize the Highway Superintendent to go out to bid for full depth recycling and cold planning for the Highway Department for 2022 and 2023 (2022-M-083)

Petramale: Process used on some roads. Just for companies to give us pricing if we so choose to do the work.

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

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CARRIED

DISCUSSION:

Petramale: Recent conversation with John Rose (water superintendent) where he was seeking info on a few trucks. Contacted Van Bortel Ford (used by town departments in the past) who is not taking orders for any new trucks until 2023.

Supervisor: Same problem throughout town operations. Making provisions in advanced ordering since we do not know what we will be facing in the economy.

Petramale: Part inventory is fine. Thank you for the support.

Resolution on Special Use Permit for Moe's Motor Cars, LLC, P-862, 454 Hurley Ave., Town of Ulster, SBL 48.17-1-41.100 (2022-R-084)

Supervisor reads entire resolution

Resolution of the Town Board

TOWN OF ULSTER

Resolution Denying Special Permit Application and Site Plan Approval for Moe's Motor Cars LLC, 454 Hurley Avenue, SBL: 48.17-1-41.100

WHEREAS, the Town Board of the Town of Ulster is in receipt of a Site Plan Application and Special Permit application which seeks approval to construct a new automotive sales facility at 454 Hurley Avenue in the Town of Ulster; and

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

- Completed Application for Site Plan Amendment Review prepared by Mohammad Waheed and Howard Weeden, dated 10/25/21
- Owner Consent Form for Filing, signed by Mohammad Waheed, dated 10/25/21
- Signed Escrow Agreement, dated 10/25/21
- Completed Short Environmental Assessment Form, dated 10/25/21
- Three (3) page technical memo from Precision Environmental Services, Inc to Meagan Lenna, NYS Department of Environmental Conservation (NYSDEC), Region 3, dated 02/06/2019, titled Tank Closure Report
- Untitled, undated sketch plan (single page) showing applicant site and proposed general location of new building, parking, and fencing
- Site Plan Map prepared for Moe's Motorcars LLC, prepared by Brinier & Larios, P.C., dated 12/21/21
- Ulster County Planning Board memo, Referral No. 2021-220 & 221, dated 12/01/21
- Email memo from Meagan Lenna, NYS DEC to "Moe" (Mohammed Waheed) regarding spill and spill status at 454 Hurley Avenue, along with NYSDEC Spill Report Form, and NYS DEC Petroleum Bulk Storage Program, Facility Information Report, both for 454 Hurley Avenue.
- Email memo dated 12/22/21 from Joshua Vogt, Rolling Meadows Water Corp. to Gabby Perea and other Town officials outlining interactions with Mohammed Waheed and status of water service availability to 454 Hurley Avenue.

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 #2021-220 & 221 dated 12/1/21 with comments and recommended modifications on Site Plan Completeness, Parking Layout, Lighting, Tank Closure, Health Department, and Access; and,

WHEREAS, pursuant to the Ulster Town Code, automotive sales are a Specially Permitted use within the OM zoning use district, subject to a special permit of the Town Board; and

WHEREAS, by Town Board Resolution, the Town Board scheduled a public hearing on the Special Permit application to be held on December 16, 2021 at 7:10 p.m., and said public hearing was held on said date, and adjourned to two (2) additional dates, with said public hearing was closed on February 3, 2022.

WHEREAS, at the public hearing held on December 16, 2021 and continued through February 3, 2022, more than ten (10) members of the public gave testimony in opposition to the Special Permit application, pointing out, inter alia, that the application did require a variance from the Zoning Board of Appeals, the application would change the character of the neighborhood, and pointed out deficiencies in the applicant's site plan; and

WHEREAS, the Town Board has considered the Special Permit application and Site Plan application, comments received at the public hearing, written comments submitted during the written comments period (close of Town business on February 3, 2022), the requirements of the Town Code, as well as other relevant planning, zoning, and environmental information.

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 hereby makes the following findings as it relates to the Special Permit application being sought:

1. While the automobile sales use being sought is a specially permitted use within the OM zoning use district, the Town Board must take into consideration the Special Permit criteria set forth in Town Code § 190-41 to 190-47 when rendering its decision on whether or not to grant a Special Permit.
2. Pursuant to Town Code § 190-46, the Town Board may consider, among other matters or factors which either Board may deem material, whether the intensity of the proposed specially

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permitted use is justified in light of similar uses within the zoning district.

3. The intensity of the use being sought, an automobiles sales facility, requires a permanent structure on the property and requires the site to be improved with the necessary parking area to facilitate the required parking for the proposed use, along with adequate water and sewer connections.

4. That the instant Special Permit application and site plan application contains no water or sewer connections. The New York State Building Code and the New York State Plumbing Code require a fixed structure on the property with adequate water and sewer connections.

5. There has been a change in the development, or proposed development of the properties nearby, in that the property is close to two (2) churches and many residential properties.

6. There was opposition that place into question the need for an automobile sales facility at this location, which is close to two (2) churches and many residential properties; and be it further

RESOLVED, that based upon the foregoing findings and pursuant to Town Code §190-41 to 190-47, the Town Board hereby determines and further finds that based upon the evidence submitted in connection with the application and deduced at the public hearing:

1. The applicant did not establish that the use will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood. Instead, the establishment of an automobile sales facility is not consistent with pending proposals on other nearby properties. The applicant did not establish the reasonable need for an automobile sales facility and the use has potential to further similar intense use of other properties.

2. The applicant has not established that the disadvantages to the neighborhood from the location of such specially permitted use at the subject property are outweighed by the advantage to be gained either by the neighborhood or the Town.

3. That such specially permitted use will not be in harmony with and promote the general purpose and intent of Article XI of Chapter 190 of the Town Code.

4. The applicant did not propose the construction of a fixed building structure on the property, nor did the application propose a bathroom, water line, or sewer connection on the property. This failure is in violation of the state code and poses a public safety risk; and be it further

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RESOLVED, that based upon the foregoing, the Town Board of the Town of Ulster hereby denies the Special Permit and site plan application of Moe's Motor Cars, LLC; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Town of Ulster Building/Planning/Zoning Department and to the applicant or his agent; and further

RESOLVED, that all Town Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

ROLL CALL VOTE

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

CARRIED

Resolution authorizing Supervisor to sign the Letter Agreement between the Town of Ulster and Beacon Communities Corporation regarding transfer of Partnership Interest in properties developed by Birchez Associates, LLC and Steve Aaron and modification of PILOT Agreements (2022-R-085)

Supervisor: Properties development by Steve Aaron and his companies that include two in town of Ulster, one in city of Kingston, one in town of Esopus, and one in town of Saugerties are under contract by the trust fund that owns the general partners' interest in those properties to Beacon properties. Beacon is a nationwide developer and owner of senior citizen housing and are professionally run. Town of Ulster was first of Aaron's developments in 2003; therefore, town assisted in the formation of the general partnership as an article five corporation, under the public housing finance law. Article 5 – town has certain approval rights that relate to substitution of general partners and sale of said properties. Resolution tonight conveys to the purchaser the town's consent for the transfer. What do we receive in return? Supervisor sued the town in 2008

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for the PILOT payment being \$100/unit. PILOT payment is currently \$150/unit. Subsequent payments on other projects are \$400/unit and escalate accordingly. Beacon promises town of Ulster and other two communities to review the economics of the project, and expressed interest in raising PILOT agreement to \$450/unit. Town receiving consideration.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER
Resolution Authorizing the Town Supervisor to Sign Letter Agreement with
Beacon Communities Corp.

WHEREAS, Beacon Communities Corp., and its affiliate, Beacon Sugar Corp., intend to purchase the managing general partner interests in four properties (the “Properties”) originally developed by Birchez Associates, LLC and Steve Aaron, which are now held by the Second Wind Trust (the “Seller”); and

WHEREAS, the Properties consist of an aggregate of 138 units of affordable housing, in the Town of Ulster, including:

- Birches at Chambers 5000 Maple Lane, Kingston, NY 12401 (66 units)
- Chambers Senior Housing 401 Chambers Drive, Kingston, NY 12401 (72 units)

WHEREAS, both of the above-listed properties have payment in lieu of taxes (PILOT) Agreements. Both of the PILOTS are due to expire between 2033-2045.

WHEREAS, the Town of Ulster (the “Town”), is the supervising agency under Article V of the New York State Private Housing Finance Law; and

WHEREAS, Beacon Communities Corp., and its affiliate, Beacon Sugar Corp. must obtain the consent of the Town for in order to effectuate these purchases;

WHEREAS, it is hereby determined that it will be in the best interests of the Town of Ulster to be a party to a Letter Agreement with Beacon Communities Corp; now, therefore, be it

RESOLVED that the Town Supervisor and is hereby authorized to sign on behalf of the Town of Ulster the proposed agreement, which is annexed hereto and incorporated herein as Exhibit “A”.

MOTION: Councilman Secreto

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SECOND: Councilman Kitchen

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

CARRIED

Resolution to Appropriate Funds from Town's ARPA Coronavirus Local Fiscal Recovery Fund (2022-R-086)

Supervisor: January, 2022, US Treasury Dept issued final regulations on use of ARPA fiscal recovery monies; town received \$1.3 million. Under new regulations, there is a safe harbor provision allowing municipalities to designate as lost revenue from COVID, up to \$10M or the actual monies they receive as part of the program. Asking the town board to appropriate \$85,000 as lost revenue to the general fund.

Resolution of the Town Board

TOWN OF ULSTER

Resolution to Appropriate Funds from the Town's ARPA Coronavirus Local Fiscal Recovery Fund

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Whereas, on July 1, 2021, the Town of Ulster was notified by the NYS Division of the Budget of its eligibility for funding of \$1,286,845 under the ARPA Coronavirus Local Fiscal Recovery Fund; and

Whereas, the NYS Division of the Budget has advised the Town that the NYS Office of the Comptroller will be making two payments of equal amounts of \$643,422.50 to the Town, with one payment being made in the summer of 2021 and one payment being made in the summer of 2022: and

Whereas, In January 2022 the U.S. Department of the Treasury published the Final Rules on the use and application of the Coronavirus State & Local Fiscal Recovery Funds effective April 1, 2022; and

Whereas, the Town of Ulster has been advised that early application of the Final Rule prior to April 1, 2022 will not result in action being taken by the U.S. Treasury to enforce the Interim final rule if a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used; and

Whereas, the Final Rule provides for a “standard allowance” of up to \$10 million or less as a method of determining Revenue Loss from Covid-19 of a recipient; and

Whereas, the Town of Ulster wishes to avail itself of the “standard allowance” method of determining Revenue Loss from Covid-19; therefor

Resolved, that the Town Board of the Town of Ulster hereby appropriates the sum of \$85,000 from the \$643,422.50 received by the Town of Ulster in 2021 as Revenue Loss from Covid-19.

MOTION: Councilman Kitchen

SECOND: Councilwoman Hayner

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

CARRIED

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Resolution to Appropriate Funds from the General Fund for the Town of Ulster Fire Services (2022-R-087)

Supervisor: Reflects the use of the \$85,000, allowing the municipality to support the fire service(s) that provide service to the community. Board agrees that after the last horrific storm (Landon, 2/4/22), to appropriate to fire districts.

Councilman Secreto: Thanks all fire districts.

Resolution of the Town Board

TOWN OF ULSTER

Resolution to Appropriate Funds from the General Fund for the Town of Ulster Fire Services

Whereas, between February 4 and February 6, 2022, the Town of Ulster was heavily impacted by Winter Storm Landon; and

Whereas, the Town of Ulster Volunteer Fire Companies responded to the needs of the Town's residents to the highest standard under the adverse conditions expending a considerable amount of time and financial resources:

Resolved, that the Town Board of the Town of Ulster hereby appropriates from the Town's General Fund the sum of \$85,000 to be allocated as follows to the Fire Districts in the Town of Ulster for the purpose of future emergency preparedness:

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Ulster Fifth District	\$30,000
Ulster First District	\$15,000
Ruby Fire District	\$15,000
East Kingston Fire Protection District	\$15,000
Bloomington Fire District	\$10,000

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

Motion to schedule a public hearing for a Special Use Application for an Apartment on Non-Residential Property for EZ HVAC Apartment, P-870, 2016 Ulster Avenue, Lake Katrine, SBL 39.16-1-32 for Thursday, March 3, 2022 at 7:10pm (2022-M-088)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

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Old Business:

Motion to Authorize the payment of \$18,200.00 for Payment Application #3 Final on Contract TU-212, Furnishing Influent Screening Equipment for Ulster Wastewater Treatment Plant (2022-M-089)

Vincent Maggiore: Photos shown of influent screening equipment. Explains and highlights images. Everything done in-house.

Supervisor: Commends sewer department in undertaking this project.

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

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

CARRIED

Resolution Adopting Local Law to modify Section of the Town Zoning Code. A Local Law known and cited as Parkland and Recreation Fees (2022-R-090)

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 1 of 2022 - A Local Law known and cited as Parkland and Recreation Fees

WHEREAS, an introductory Local Law entitled “A Local Law known and cited as Parkland and Recreation Fees” was introduced before the Town Board of the Town of Ulster on January 6, 2022, and upon notice duly published and posted, a hearing was held on January 20, 2022 at 7:10 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

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RESOLVED, that the adoption of the introductory local law entitled “A Local Law known and cited as Parkland and Recreation Fees” is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 1 of 2022 - A Local Law known and cited as Parkland and Recreation Fees, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be, and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York and to the Ulster County Board of Elections.

LOCAL LAW NO. 1 of 2022

**Town of Ulster, County of Ulster
A Local Law known and cited as Parkland and Recreation Fees**

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

Section 1. Legislative Findings

- A. The Town Board finds and determines that the existing recreational facilities of the Town are available to, and used by, all residents of the Town. The Town Board further finds and determines that the construction of dwelling units and conversion of nonresidential building space to dwelling units places a burden upon the Town's park and recreation facilities.
- B. Sections 277, 274-b and 274-a of the New York State Town Law authorize a local government to authorize its planning board, upon finding that a subdivision, site plan, special exception use or other land use development containing residential dwelling units

will contribute to the future need for park and recreational facilities in the Town, to either require that suitably located land for parks or other recreational purposes be set aside on a subdivision plat, site plan or other land development plan, or, upon finding that parks, playgrounds or recreational facilities sufficient to meet the requirements of the proposed residential development cannot be properly located on the subdivision plat or site plan, that the Planning Board may require that a sum of money in lieu thereof, in an amount to be established by the Town Board, be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

- C. The Town Board finds and determines that the Town of Ulster Planning Board should review any land use development that proposes to construct new dwelling units, whether proposed on a subdivision plat or site plan, or by special use permit or accessory apartment permit, or any other permit, approval required by the Town of Ulster Town Code, and make the determinations required by the New York State Town Law with respect to the suitability of land for parks, playgrounds or recreational facilities to meet the needs of the development and the impact of such development on the Town's system of parks, playgrounds and recreational facilities.
- D. When the location, character and size of land proposed for residential development is such that the reservation of land for parks, playgrounds and recreational facilities is not suitable, the Town Board further finds and determines that a system of parks, playgrounds and recreation facilities to serve the recreational needs of residents in such developments can most efficiently and effectively be provided and maintained by expanding the existing municipal system of parks, playgrounds and recreation facilities, and that developers of new dwelling units should contribute a fair share toward the improvement and strengthening those municipal park and recreation facilities, so as not to overburden the existing facilities.

Section 2. Requirements

- A. At the time of approval of a subdivision plat, site plan, special permit, conditional use accessory apartment permit, or other plan which shows dwelling units to be constructed, the Planning Board, as a condition of approval or permit, shall determine the suitability of land within the development for recreational facilities, and require that sufficient land to meet the recreational needs of the development and that adequate provision has been made for the use, maintenance and protection of such land for the intended recreational purpose.
- B. In the event such facilities are not proposed, or, in the judgment of the Planning Board, such land is not suitable to meet the needs of the development, the Planning Board shall require the applicant to pay the sum determined by the Town Board in lieu of such land

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as a condition precedent to the Chairman signing the subdivision plat, site plan or special permit authorization. Such sum shall constitute a trust fund to be held by the Town and used exclusively for municipal park, playground or recreation purposes, including the acquisition or improvement of park and recreation land. No such development plan shall be signed by the Chairman of the Planning Board, and such plan shall not be valid for issuance of a building permit or certificate of occupancy, unless a receipt evidencing payment of the required recreation fee is duly issued by the Town Clerk.

Section 3. Establishment of fee in lieu of parkland

The amount of the parkland and recreation fee shall be as follows:

40 dwelling units or less:	\$1,500.00 per dwelling unit
41 dwelling units or more:	\$3,000.00 per dwelling unit

Said amounts may be amended from time to time by resolution of the Town Board as necessary to reflect current cost and requirements for municipal park, playground or recreation facilities. Notwithstanding that the parkland and recreation fee due at the time of development plan approval has been paid, dwelling unit(s) shall be subject to the parkland and recreation fee in effect at the time a building permit is issued. In the event that the Town Board increases the fee after approval of the development plan, but prior to the issuance of a building permit for a residential dwelling unit on such plan, a building permit for such unit may not be issued until the entire fee is paid and a receipt evidencing payment of the full amount of the required recreation fee is duly issued by the Town Clerk.

MOTION: Councilman Secreto
SECOND: Councilman Kitchen

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

CARRIED

SUPERVISOR COMMENTS:

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- Supervisors Association had a meeting on Tuesday (2/25/22) with the County, and were advised that while Ulster County may have met the threshold for losses due to the ice storm for FEMA reimbursement, New York State as a whole did not meet the \$35M threshold. All expenses that the town incurred are on the town's dime. Perhaps another state program will open up.
- Initiative underway in Magistrates Association to consolidate night court at UC Law Enforcement Center to be arraigned quickly. Hardship during arraignments in the middle of the night. Proposing to assign a judge, court clerk, public defender and ADA, to be scheduled at the center for late arraignments.
- On 2/15/22, the UC Legislature adopted Resolution #31, which appropriated \$2M to town of Ulster to provide water and sewer to area west of the NYS thruway, designed to provide water and sewer to the RUPCO development at the Quality Inn site. If interested, monitor town of Ulster planning board agendas, as RUPCO will be a future project.

PUBLIC COMMENT:

1. John Cranston, former chief at Spring Lake Fire Department (not here representing fire department). Would like to thank those involved with the ice storm – police department and highway department. Same voices were there all day on the scanner. Never a break in professionalism. Amazing demonstration to make the town proud.
2. August Hof, Ruby Fire District Commissioner
Managing budgets is a tough duty. On behalf of the fire company, appreciative of the money putting out to support local volunteer fire companies.
3. James Bracco, Chairman Commissioner Ulster No. 5Guys did a great job along with other departments in the town. Thank you very much.
4. Pat Van Wagenen, Asst. Chief, East Kingston Fire Department
Everything worked out very well. Could not do it without the town of Ulster. Thank you very much.

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5. Kevin Keller, Former chief and current commissioner Bloomington Fire District Sincerely appreciates these funds made available to us. Never seen something like this done in the past. Maintaining safety for our residents.

Supervisor: Thanks to Vincent Maggione (sewer) and John Rose (water) for maintaining the facilities that you could not see during the ice storm.

MOTION to adjourn (8:03 pm) (2022-M-091)

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