

TOWN OF ULSTER TOWN BOARD MEETING
AUGUST 15, 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. Jason Kovacs, Town Attorney
2. Tosca Sweeney, Comptroller
3. Warren Tutt, Building Inspector
4. Bill Kemble, Daily Freeman
5. J. Andrew Seyfarth, Police Lieutenant
6. Fourteen in-person attendees

ADDITIONS OR CHANGES TO AGENDA – Supervisor removes three items: 1. Budget modifications; 2. Supervisor report approval, move to next meeting; 3. Motion to dispense with 30 day written comment rule (the resolution does not require it).

PUBLIC DISCUSSION ON AGENDA ITEMS –

MaryJo Frederich, Glenerie Resident

Re: In communication with Jim, Maryann and Clayton about concerns lower Esopus stream implementation management plan that was published. Concerned that more of Glenerie residents' concerns were not on the project list. Would like a public discussion and to become more knowledgeable about it.

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APPROVAL OF MINUTES – July 18th (2024-M-248)

MOTION: Councilman Van Kleeck
SECOND: Councilwoman Hayner

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

COMMUNICATIONS –

1. Letter received from 2016 Ulster Avenue regarding a sewer concern, which has been forwarded to the wastewater department.
2. Reminding the public that the town of Ulster senior picnic is August 30. Tickets are free to town residents. Contact the town clerk's office.

ABSTRACT OF CLAIMS (2024-M-249)

TOTAL: \$ 531,652.18

MOTION: Councilman Van Kleeck
SECOND: Councilman Secreto

Town Councilwoman Hayner	-Yes
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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New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of July 2024 (emailed July 15th) (2024-M-250)

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 the Upgrade to the Court Room Floor with Carpet Tiles in the amount of \$13,000 (e- mailed 8/11/24) (2024-M-251)

MOTION: Councilwoman Hayner
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

Motion to promote Ian Underwood to WWTPPO trainee in the Sewer Department (e-mailed 8/11/24) (2024-M-252)

Ian Underwood: \$19.01/hour; full time; start date 8/7/2024; requested by Vincent Maggiore.

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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 the Town Attorney to sign the Stipulation of Discontinuance for Catskill Park, LLC. (e- mailed 8/5/24) (2024-M-253)

Supervisor: This was prematurely filed and they needed to refile.

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

Resolution Authorizing the Highway Department to Perform Property Maintenance and to Authorize the Assessment of Property Maintenance Charges Against Real Property Located at 430 Hurley Avenue, Kingston, New York (e-mailed 8/12/24) (2024-R-254)

Resolution Authorizing the Highway Department to Perform Property Maintenance and to Authorize the Assessment of Property Maintenance Charges Against Real Property Located at 430 Hurley Avenue, Kingston, New York, SBL: 48.17-1-26, Owner of Record: Ulster Land Development LLC

WHEREAS, a written report by the Town of Ulster Code Enforcement Officer has indicated that the grass or lawn at 430 Hurley Avenue, Kingston, New York (the

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“Parcel”), far exceeds the maximum length pursuant to the Town of Ulster Town Code and the New York State Property Maintenance Code; and

WHEREAS, the owner of the real property at 430 Hurley Avenue has been contacted by the Town of Ulster on numerous occasions over the past few months and has refused to take any action on maintaining the property in question; and

WHEREAS, the grass or lawn at 430 Hurley Avenue is considered an eyesore and is harmful to public health and safety; now, therefore, be it

RESOLVED, that the Town of Ulster Highway Superintendent is hereby authorized to take any and all action to cut the grass and to otherwise maintain the lawn at 430 Hurley Avenue; and be it further

RESOLVED, that the cost of the Property Maintenance Services for the Parcel, in an amount to be determined, be referred to the County of Ulster for assessment against, and recovery from, the subject Parcel, which shall constitute a lien and charge on the levied Parcel until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges; and be it further

RESOLVED, that upon an amount certain, to be set by the Highway Superintendent in consultation with the Town Supervisor for Property Maintenance Charges, the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Ulster County Legislature, the Ulster County Clerk, and the Ulster County Office of Real Property Services, and/or any other department at the County of Ulster, and to take any other steps as may be necessary, so that an amount to be determined may be assessed by the County of Ulster against the Parcel, at the same time as other taxes are levied or assessed thereon.

Warren Tutt: Visited the site this morning and it was a “hayfield”. Numerous people have contacted the owner, who stated he would take care of it, and as of this morning, nothing has been done.

Discussion – Highway Department stated it would take two days.

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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Resolution approving a tax certiorari settlement for UH US Hudson Valley 2019 c/o Wal-Mart / Sams v. T/O Ulster, et al. (e-mailed 8/11/24) (2024-R-255)

WHEREAS, tax certiorari proceedings have been filed against the Town of Ulster by UH US Hudson Valley 2019 C/O Walmart/Sams# US06201, in regard to the assessments upon certain property located in the Town of Ulster and designated as Tax Grid No. 48.8-1-34.220.

WHEREAS, it is desired to settle the 2023 and 2024 proceedings. NOW, THEREFORE, be it resolved, that the Town Board of 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:

Desc. 48.8-1-34.220

Assessment Roll	Original Assessment	Corrected Assessment	Reduction
2023	\$4,900,000	\$4,900,000	\$0
2024	\$4,900,000	\$4,633,225	\$266,775

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

MOTION: Councilman Van Kleeck

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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Resolution Granting Consent to Assignment of the PILOT Agreement for Solar Energy Systems between Ulster County, the Town of Ulster and Professional Commercial Group, LLC dated August 2023 in accordance with Paragraph 6 of the Agreement (e-mailed 8/11/24) (2024-R-256)

Resolution Authorizing and Consenting to the Assignment and Assumption of the Payment in Lieu of Tax Agreement by and Between the Town of Ulster and the County of Ulster and Professional Commercial Group, LLC and IPPsolar Wood Road RP LLC and IPPsolar Wood Road PV LLC

WHEREAS, by agreement dated as of November 11, 2023, the Town of Ulster and the County of Ulster entered into a certain 16-year PILOT with Professional Commercial Group, LLC for property located along Wood Road in the Town of Ulster; and

WHEREAS, the Town of Ulster has been informed that Professional Commercial Group, LLC has entered into a contract of sale with IPPsolar Wood Road RP LLC and IPPsolar Wood Road PV LLC to sell the premises which are the subject of the 15-year PILOT; and

WHEREAS, the attorney for the prospective purchaser has requested that the Town of Ulster consider authorizing Professional Commercial Group, LLC to assign the PILOT to his client who will assume the obligations of said PILOT; and

WHEREAS, the Town of Ulster wishes to authorize and consent to the assignment and assumption of the PILOT from Professional Commercial Group, LLC to IPPsolar Wood Road RP LLC and IPPsolar Wood Road PV LLC upon certain terms and conditions.

NOW.THEREFORE, BE IT RESOLVED, that the Town of Ulster hereby authorizes and consents to the assignment and assumption of the remainder of the 10-year PILOT from Professional Commercial Group, LLC to IPPsolar Wood Road RP LLC and IPPsolar Wood Road PV LLC upon the following terms and conditions:

- 1) That prior to or contemporaneously with the closing on the sale of the property that any delinquent PILOT payments due and owing to the County of Ulster and the Town of Ulster be paid in full, including any late fees or penalties;
- 2) That the Town of Ulster Attorney and the County of Ulster Attorney are hereby authorized to prepare all necessary documents in order to effectuate the terms of this resolution.

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Supervisor: Required by the fact the Professional Commercial Group has sold the project to another solar energy developer who wishes to succeed to the PILOT agreement; there is a section of the agreement where there is a requirement of the property owner make a request and the public taxing authorities have the obligation to approve.

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

Discussion on Justice Court Clerks attending Annual State Court Clerks Association Meeting in Buffalo, N.Y. September 29, 2024, to October 2, 2024.
(e-mailed 8/11/24) (2024-M-257)

Supervisor: Have not attended since 2019. Asks for motion to allow them to attend.

MOTION: Councilman Secreto

SECOND: Councilwoman DeGroot

Discussion:

Councilman Van Kleeck: Did sent out questions in response to court's request. Overall cost will exceed \$3000. : 1. Is training in person required or is it offered remotely/online? 2. Is in person attendance required for certification? 3. Appreciates the value of attendance of the meeting, but understanding was that attendance would be if conference was in this region.

Councilwoman Hayner: My understanding is that meals are included. They have it in their budget.

Supervisor: \$3500 in their budget. Several days court will be closed, and will be noted on the website and on their door.

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

CARRIED

Discussion on Resolution in Support of the Lower Esopus Stream Management Plan for Ulster County (e-mailed 8/11/24)

Councilwoman DeGroot: Process of emailing with water department, asking John Rose (superintendent) what is relevant to the town of Ulster; participating in Zoom calls. They want us to be the lead in this. Deferred to the supervisor. Asks MaryJo (Frederich, town resident in audience) if she would like to get together.

Councilman Van Kleeck: If you would like, consider in September create an agenda item where the local group can make a presentation for the board to gain further understanding.

Supervisor: Two separate programs, one is Source Water Protection Program, joint Department of Health program with us and city of Kingston, identifying risks to our water supply. Ms. Frederichs brought up concerns. Supervisor received an email with a resolution included for town of Ulster to pass in support of the Lower Esopus Stream Management Program. Read over issues that impact town of Ulster including: Public access to the creek between Leggs Mill Rd. and Glenerie falls; Kingston-Esopus Waterfront Plan (other side of creek is town of Ulster on Sandy Road); Sawkill Management Plan; septic system assessment (Sawmill Rd., Brigham Ln., Glenerie Blvd. along the creek), and the fact that this was called out would provide support to the town of Ulster to provide local district extensions to these neighborhoods, and address water quality; issue over stormwater management in Lake Katrine. This is a four mile stretch from Chandler Drive bridge to the falls in Leggs Mill; discussed this with Dennis Doyle (UC Planning). Town concerned about the Bearcat Kill and two stormwater lines, draining off of Ulster Avenue, draining directly into the Esopus. No invasive species called out in town of Ulster; certain that species are present along the Esopus. Implementation plan called out building riparian buffers, planting of vegetation along stream bed to prevent erosion. Discussed this with department heads; Maggiore (department would have the biggest impact), Tutt (in charge of the MS-4 program) and Petramale (in charge of the maintenance of stormwater discharge areas), had no knowledge that this program was taking place at this time. We discussed holding an educational seminar, and has had discussions with Doyle to educate us. Make note that resolution contains a section wherein the town can promote local projects; we need to call out that invasive species are in our town, riparian buffer program extended to town of Ulster, and three sewer

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districts that I highlighted as local projects. We need to ask for help from county and state in getting funding, and identifying funding sources for renovation of the Bearcat Kill and future repairs of the Ulster Avenue stormwater lines. Maintenance of those lines assumed by the town of Ulster in 1974. Petramale and I had estimated \$1.5 million in capital expenses to address potential failures of stormwater systems.

Discussion on Upgrading the Town's Time Keeping System

Councilman Van Kleeck: Emailed everyone document. Finance committee working with the comptroller and Peggy King (supervisor secretary/payroll clerk). Current time cards are handwritten; very basic; time consuming, takes time to gather information and enter into KVS system (financial software); no one else cross-trained to do payroll. Kyle (police chief) did sit in on a presentation. We all looked at various vendors and have had minimal discussions with department heads. Van Kleeck and Councilwoman DeGroot plan to talk with the police union soon. No areas of significant concern. Local 17 is kept up to speed; we do nothing without discussing with them. Question for tonight is, we want to know that the board wants us to continue with this or not?

Supervisor: Asks Van Kleeck if he received his email from yesterday, re: attorney?

Councilman Van Kleeck: Yes.

Supervisor: In that email, publication from Public Employees Relation Board. The police dept does not have a time keeping system in place. would be a mandatory bargaining point.

Councilman Van Kleeck: I said that. Potential point.

Supervisor: Not a potential. Adding a new payroll system will require the opening of the contract; it has to be negotiated. Current police contract expires in 2027. Discussions over last six months about re-opening that contract to bring up salary levels. Believes that negotiating is a give and take. Wants the board to understand that if we implement a time keeping program for police department, we are required to go back and re-open contract negotiations, salary adjustments are on the table.

Councilman Van Kleeck: According to attorney you are correct, but can also be done with a memorandum of agreement.

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Supervisor: I will ask the attorney for that in writing. Local 17 is a different issue. Local 17 already has time keeping program in place. Only to negotiate impacts of the implementation; concerned over unintended consequence and employees' data. Not necessarily opposed to. Issue with the process by which it is proposed. The committee has not talked to me about my opinion.

Councilman Van Kleeck: Not true that we did not talk with you.

Supervisor: Payroll system has an issue with the back end, and KVS should be replaced. Observation in reviewing the Edmunds program is that we need a simple time keeping system without the bells and whistles that this program has; this vendor can provide that. Proposes if we are going down this road, evaluate the replacement of the KVS module. If he is still here in a year, comfortable in the starting the process of replacement of the KVS program. Proposes putting the priority on replacing the KVS system, implementing the Edmunds personnel module, understanding what functionality is duplicated in Edmunds by this proposal, and stripping those out, reducing the cost.

Councilwoman DeGroot: We are using an antiquated system now. Not what a town should be using. One person should not be processing everything.

Supervisor: Historical lesson. When he came into office there was a payroll clerk. Payroll clerk asked for 30 hours/week. Now his secretary does payroll at eight hours/week. Three people in the supervisor's office. Issues in segregation of duties.

Councilman Van Kleeck: Your proposal is to stop payroll research, and research a finance system, then begin payroll research again.

Supervisor: Correct.

~ Discussion on what systems are used by other municipalities. ~

Councilwoman Hayner: Cannot make an opinion now. Needs more information.

Councilman Van Kleeck: Prior to this meeting, the committee thought that the town board wanted us to look into payroll capturing system, and not to change KVS system. Spent a lot of time analyzing KVS financial system and it seems fine. In this process, we made sure time keeping systems had the interface for data entry. If the desire of the board is to look at an accounting system first, we will put this away. I spent a lot of time on this because I was told that this is the direction we should go and not to replace the overall accounting system. Maryann and I have a lot of experience in this. Thinking we should table this. We do not have the support of the supervisor.

Councilwoman DeGroot: I disagree. Our system is old. If anything happens we will spend a lot of money that we are not spending now.

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Councilman Secreto: Right now, Peggy does it all. She submitted her resignation letter.

Supervisor: She rescinded the letter and filed in the town clerk's office.

Councilman Van Kleeck: Understand our concern as a board; we were thinking that we had to take over labor intensive payroll system. If the supervisor wants to provide the board with a proposal for a financial package.

Councilman Secreto: Table this. Wants to sit down with Maryann and Clayton.

Councilman Van Kleeck: Do we want to replace entire accounting system, do both, or time capturing system? Get back to us on that. Put back on the September workshop agenda.

~ Discussion on the number of people (3) and process by which Ulster County checks payroll ~

Supervisor: We will bring this back at the next meeting.

Councilman Van Kleeck: Peggy and Tosca were deeply involved in these. I was following the direction he was given. Frustrated. Spent a lot of time on this. You changed your mind and did not tell me. I would like to move on.

Old Business:

Resolution Adopting Negative Declaration Notice of Determination of Non-Significance [Sage Cannabis Retail Dispensary] (e-mailed 8/11/24) (2024-R-258)

Resolution Adopting Negative Declaration Notice of Determination of Non-Significance [Sage Cannabis Retail Dispensary] SBL: 48.13-3-16.100

WHEREAS, the Town of Ulster Town Board, the Town of Ulster Planning Board, and its consultant planner have reviewed an application by Sage Holdco, Inc. d/b/a Sage Cannabis, seeking Site Plan and Special Permit approval for a cannabis retail dispensary (hereinafter the "Proposed Action"); and

WHEREAS, the Town of Ulster Planning Board has the authority to approve the site plan for the Proposed Action; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Special Permit for the Proposed Action; and

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WHEREAS, the project site and is situated within the Town of Ulster Highway Commercial Zoning District where the proposed use (i.e. cannabis retail dispensary) is allowed subject to Site Plan approval and Special Permit of the Town Board in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code.

WHEREAS, on June 20, 2024, the Town Board Declared Itself Lead Agency for the purposes of conducting the review and making such determinations as are necessary with respect to the Proposed Action as required by 6 NYCRR Part 617 of the New York ECL (State Environmental Quality Review Act (“SEQRA”)) and the regulations promulgated thereunder; and

WHEREAS, the Town Board classified the Proposed Action as an Unlisted Action pursuant to 6 NYCRR Part 617 of the State Environmental Quality Review (SEQR) Law; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board adopt the Conditional Negative Declaration Notice of Determination of Non-Significance for the above referenced project; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to distribute notice of the adoption of this resolution as required by Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder.

Michael Moriello (applicant attorney): Negative Declaration means that the project will not have a significant effect on the environment. Asking the board to adopt this resolution.

Councilman Van Kleeck: Would a negative environmental impact of this project be that people would walk around high?

Moriello: There are places where there are lounges where people consume on premise. These places are a modern day liquor store.

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	-No
Supervisor Quigley	-Yes

CARRIED

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Resolution Adopting Negative Declaration Notice of Determination of Non-Significance [The Joint Cannabis Retail Dispensary] (e-mailed 8/11/24) (2024-R-259)

Resolution Adopting Negative Declaration Notice of Determination of Non-Significance [The Joint Cannabis Retail Dispensary] SBL: 48.7-1-24.100

WHEREAS, the Town of Ulster Town Board, the Town of Ulster Planning Board, and its consultant planner have reviewed an application by Sonny Patel and Saumik Kingston, LLC d/b/a The Joint Cannabis, seeking Site Plan and Special Permit approval for a cannabis retail dispensary (hereinafter the “Proposed Action”); and

WHEREAS, the Town of Ulster Planning Board has the authority to approve the site plan for the Proposed Action; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Special Permit for the Proposed Action; and

WHEREAS, the project site and is situated within the Town of Ulster Highway Commercial Zoning District where the proposed use (i.e. cannabis retail dispensary) is allowed subject to Site Plan approval and Special Permit of the Town Board in accordance with the standards set forth in §190-69 Table of Uses and §190-75 of the Town Code.

WHEREAS, on June 20, 2024, the Town Board Declared Itself Lead Agency for the purposes of conducting the review and making such determinations as are necessary with respect to the Proposed Action as required by 6 NYCRR Part 617 of the New York ECL (State Environmental Quality Review Act (“SEQRA”)) and the regulations promulgated thereunder; and

WHEREAS, the Town Board classified the Proposed Action as an Unlisted Action pursuant to 6 NYCRR Part 617 of the State Environmental Quality Review (SEQR) Law; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board adopt the Conditional Negative Declaration Notice of Determination of Non-Significance for the above referenced project; and be it further

RESOLVED, that the Town Board hereby directs the Town Clerk to distribute notice of the adoption of this resolution as required by Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereunder.

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MOTION: Councilman Secreto
SECOND: Councilwoman DeGrootd

ROLL CALL VOTE:

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

CARRIED

Resolution Authorizing Execution of a Supplemental Agreement with NYSDOT for Project 8933.07 Authorizing the implementation, and funding in the first instance 100% of the federal -aid eligible costs, of a transportation federal aid project, and appropriating funds therefore (e-mailed 8/11/24) (2024-R-260)

Resolution Authorizing the implementation, and funding in the first instance 100% of the federal-aid eligible costs, of a transportation federal-aid project, and appropriating funds, therefore.

WHEREAS, a Project for Boices Lane/CSX RR Traffic Signal Engineering, PIN 8933.07 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 90% Federal funds and 10% non-federal funds; and

WHEREAS, Resolution 2021-R-87 adopted by the Town of Ulster on March 18, 2021 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of the preliminary engineering work.

WHEREAS, Resolution adopted by the Town of Ulster on January 3, 2023 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of right-of-way incidental and right-of-way acquisition work.

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering and right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

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WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering and right-of-way incidental work for the project; and

WHEREAS, the Town of Ulster desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the additional preliminary engineering and right-of-way incidental work.

NOW, THEREFORE, the Ulster Town Board, duly convened does hereby

RESOLVE, that the Ulster Town Board hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Ulster Town Board hereby authorizes the Town of Ulster to pay in the first instance 100% of the federal and non-federal share of the cost of the preliminary engineering and right-of-way incidental work for the Project or portions thereof; and it is further

RESOLVED, that the sum of **\$158,290 (\$255,290 minus the previous \$97,000)** is hereby appropriated from the General Fund and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Ulster Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

RESOLVED, that the Ulster Town Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Ulster with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that in addition to the Town Supervisor, the following municipal titles: Highway Superintendent, Town Engineer, Town Comptroller, and Town Attorney are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Town of Ulster, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

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RESOLVED, this Resolution shall take effect immediately.

Supervisor: Town working with NYSDOT to upgrade signal lights and grade crossings at Boices Lane/Morton Blvd. intersection originally placed there by NYSDOT about 35 years ago. Town received \$95,000 contract from NYSDOT Region 8 for preliminary design, awarded to Creighton Manning. More design needed to be done. NYSDOT will fund \$254,000. This resolution says that we will pay the bills as they come in and NYSDOT will reimburse 100%.

MOTION: Councilwoman DeGroot

SECOND: Councilwoman Hayner

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

CARRIED

Resolution Authorizing Execution of a Supplemental Agreement (SA#1) with Creighton Manning Engineering, LLP for Planning, Design and Construction Administration for the Boices Lane CSX Railroad Crossing (e-mailed 8/11/24) (2024-R-261)

Resolution Authorizing Execution of a Supplemental Agreement (SA#1) with Creighton Manning Engineering, LLP for Planning, Design and Construction Administration for the Boices Lane CSX Railroad Crossing

WHEREAS the Town of Ulster has entered into a contract with the New York State Department of Transportation for the administration of a Locally Administered Federal Air Project, referenced as Project # 0040313 for the Traffic Signal Engineering at the Boices Lane CSX Railroad Crossing in the Town of Ulster, and,

WHEREAS this project is a Locally Administered Federal Aid Project involving Federal and NYS funding assistance (C51/TC), and

WHEREAS the Town of Ulster conducted a process requesting Expression of Interest from Qualified Engineering Firms listed on the NYSDOT Region 8 CHSA LDSA List of Consulting Firms in accordance with Federal and NYS DOT Procurement Policies, and

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WHEREAS the Town of Ulster Review Committee, consisting of the Supervisor, Highway Superintendent and a member of the UC Planning Department reviewed the responses from the solicitation process, conducted a scoring of the submittals and held an interview with the firm determined to be the most responsive, and,

WHEREAS the Town conducted negotiations to develop a contract for services with the deemed most responsive bidder, and,

WHEREAS review and comment procedures were completed by the New York State Department of Transportation, and

WHEREAS the Town of Ulster authorized and executed an agreement with Creighton Manning Engineering, LLP in accord with the approved proposal, and

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering and right-of-way incidental work not contemplated in the original agreement authorized by the previous Resolution; and

WHEREAS, the NYSDOT has updated the State/Local Agreement to account for said change, and

WHEREAS the sources of funding, the total amount to be expended over the life of the SA#1 Agreement, and the names and addresses of the contracting parties are as follows:

CONTRACT DESCRIPTIONS	VENDOR	APPROPRIATION CODES	AMOUNT OF CONTRACT
Boices Lane	Creighton Manning	8933.07.121	\$100,000
CSX Crossing	Engineering, LLP	8933.07.122	\$20,460
	2 Winners Circle	8933.07.221	\$28,830.00
	Albany, NY 12205		

Now, therefore, be it

RESOLVED, that the Town of Ulster Supervisor be and is hereby authorized to execute an agreement with Creighton Manning Engineering, LLP in accord with the approved proposal and in a form to be approved by the Town Board in the amount of 159,290.00; and, be it further

RESOLVED, that the Town Supervisor is authorized to make payment from monies of the General Fund to Creighton Manning Engineering, LLP as invoiced, pending reimbursement from the NYSDOT under contract number DOT01-D040313.

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Supervisor: This project was publicly bid. Evaluation committee met and selected Creighton Manning.

MOTION: Councilman Secreto
SECOND: Councilwoman DeGroot

Discussion:

Councilman Van Kleeck: Who was the review committee?

Supervisor: Dennis Doyle, Dave Corrigan, Frank Petramale, myself, someone else from county transportation council.

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

CARRIED

Resolution Adopting a Negative Declaration Notice of Determination of Non-Significance and Issuing a Special Use Permit for Moe’s Motor Cars LLC (e-mailed 8/11/24) (2024-R-262)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Moe’s Motor Cars LLC, P-862, 454 Hurley Avenue, SBL 48.17- 1-41.100,
ZONE: OM, Special Permit Use and Site Plan

WHEREAS, the applicant – Moe’s Motor Cars LLC -- seeks Special Permit Use and Site Plan approval for a new automotive sales and service use; and,
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

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- 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 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, the Planning Board has meet 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,

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BE IT FURTHER RESOLVED, the Town Board grants final approval of this application subject to any conditions which may arise after the closing of the public hearing, as well as 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. To avoid any conflict with nearby religious uses, no on-site business operations will be permitted on any Sunday prior to 12:00 p.m.;
6. New border plantings shown on the site plan will be completed at the same time as a part of the construction of the fencing also shown on the site plan;
7. 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,
8. All fees, including consultant fees, shall be paid.

Supervisor: Parcel on Hurley Avenue, which the town litigated from opening. We lost in appellate court. We are proceeding with the court's directive in issuing a special use permit.

MOTION: Councilman Secreto

SECOND: Councilwoman DeGroot

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING
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Memo on the Fund Balance for December 31,2024 and a recommendation for appropriations to Capital Reserve Accounts (Fund balance report e-mailed 7/15/24)

Highway Department:

Supervisor: End of 2023, \$682,959 for capital projects.

Motion to Place \$250,000 in Equipment Reserve for a Future Plow Truck Purchase (2024-M-263)

Discussion:

Councilman Van Kleeck: What is the impact on 2025 taxes?

Supervisor: There will be \$400,000 over the \$400,000 minimum. Should there be a need, it is available out of the fund balance. To support additional operations, leaving 100% of available monies in fund balance.

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

Water Department

Supervisor: Ended year with \$1.4 million in unappropriated fund balance. Max in fund balance \$285,000, leaving \$1.1 million over the limit. \$71,000 identified as support for 2025 tax levy.

Motion to Transfer \$750,000 from Fund Balance to Storage Tank Reserve, for Construction of the North Storage Tank (budget is \$3.3 million and we have a \$1 million grant) (2024-M-264)

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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

Wastewater Department

Fund balance \$1.5 million; 12.5% minimum has a requirement of \$207,000. That is \$1.3 million in excess of the minimum. No support for 2025 taxes.

Motion to Transfer \$500,000 to Special Reserve for Future Plant

Improvements (2019-2023 studies approximate the improvements costs between \$6-\$12 million) (2024-M-265)

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

End of Agenda

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PUBLIC COMMENT:

1. Rich Vergili, town resident

Re: Venue on the Hill. Question regarding special use permit and site plan process. How soon after gathering materials does the board approve or deny?

Thanks the supervisor and town clerk.

Supervisor: This board may recommend that this be placed back at the planning board for further review. We want to take comments that we have received and heard that there has been movement there, and the applicant's comments to the Daily Freeman. Planning board grants the site plan and town board only approves special permit. The project cannot go forward without the approval of the town board.

2. Regis Obijiski, town resident

Re: Sharing of county sales tax. Town of Ulster hosts most of the businesses in this county and disappointed with the sharing. A resentful "thank you" because the county does not have to share.

Supervisor: There is a five year contract since mid-1970s, renewed religiously. Contract increased to 3%. Towns are third party beneficiaries. Because of Covid and drop off in sales tax that year, successful in instituting in the contract a provision that paid the towns bonus sales tax – additional \$1.7 million as long as the county sales tax revenues exceeded the budgeted amounts in 2020. With the consent of the city of Kingston, the county may, with the agree to the additional 1%. Contracts are coming up soon and hoping it will be 4% permanently. With the concept that the town of Ulster generates the most sales tax, problem occurs because of the zip code: 12401 is shared by several municipalities. Sales tax is collected by zip code; 12401 is reported to the state. National chains (i.e. Wal Mart, CVS...) have increased their footprint in Ulster County.

End of Public Comment

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MOTION to adjourn 8:18 pm (2024-M-266)

MOTION: Councilman Secreto

SECOND: Councilwoman DeGroot

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