

TOWN OF ULSTER TOWN BOARD MEETING (02)
JANUARY 19, 2023

Public Hearing Scheduled:

7:10 PM- Public Hearing for Local Law No __ of 2023: A Local Law to modify Section of the Town Zoning Code. A Local Law known and cited as Parkland and Recreation Fees

7:15 PM - Submission by Ulster County with the support of the Town of Ulster of a Restore NY Grant in the amount of \$10,000,000 for the IPark 87 Project

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

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

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. Warren Tutt, Building Inspector
2. Kyle Berardi, Police Chief
3. Vincent Maggiore, Wastewater Superintendent
4. Frank Petramale, Highway Superintendent
5. John Rose, Water Superintendent
6. Jason Kovacs, Town Attorney
7. Bill Kemble, Daily Freeman
8. Crispin Kott, Via Zoom
9. Three In-Person Attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

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APPROVAL OF MINUTES – December 1st and 15th (2023-M-033)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

CARRIED

ANNOUNCEMENTS - None

ABSTRACT OF CLAIMS

Presented by Councilman Van Kleeck

2022 (2023-M-034)

Prepaid Bills:	\$ 289,341.12
Abstract Bills:	\$ 235,225.25
Escrow Bills:	\$ --
Reserve:	\$ --
TOTAL:	\$ 524,566.37

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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January, 2023 (2023-M-035)

Prepaid Bills:	\$ 211,991.35
Abstract Bills:	\$ 563,400.41
Escrow Bills:	\$ --
Reserve:	\$ 250.00
TOTAL:	\$ 775,641.76

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

Motion to promote Officer Michael Miller to Sergeant (2023-M-036)

MOTION: Councilman Kitchen
SECOND: Councilwoman Hayner

ROLL CALL VOTE:

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

CARRIED

Swearing in of Sergeant Michael Miller

Sworn in by Justice Susan Kesick

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DEPARTMENT HEAD REPORTS

Town Clerk/Tax Collector, Suzanne Reavy

2022 fees collected total \$720,898, including 64 marriage licenses; 1,642 DEC licenses; 126 pavilion rentals; 35 senior center rentals; 8 peddler; 447 dog licenses. Town board passed four local laws, which were filed with NYS DOS. Town code updated. Involved in all recreational activities. December 23 began tax collection preparation and bills were mailed on 12/30/22. Thanks all town departments for communication.

Water Department, John Rose

15 water breaks; one service leak; 603 service calls; 285 markouts. On 7/11, the city of Kingston asked us to shut off. Started up the plant. Thanks entire staff for working tirelessly. We were working 20 hours/day. Thanks other departments, especially Frank Petramale and Warren.

Supervisor: Water dept install of a new water tank in Halcyon Park. Achievement. Will be working on new south tower.

Police Department, Kyle Berardi

Fifth year as chief, 22nd year at the department. Thanks all town departments and men and women of Ulster PD. Those men and women are the best of the best. Up 6% in calls for service (14,881 calls); 2% decrease in arrests; 313 arrests; 788 reportable accidents; 1,198 tickets issued; 18 DWI arrests; 207 adopted detective cases; 130 special services cases; 40 were death cases; one homicide; 9 fatalities relative to overdoses; 3,184 training hours; 173, 614 patrolled miles; 25 grand larcenies; 8 assaults; 3 robberies; huge increase in burglaries (largely residential).

Supervisor: Personnel situation in police department is challenged. Retirement, workers compensation and 207c leaves, and lack of applicants. Thanks men and women for their service.

Berardi: Three retirements, a combined 70 years of law enforcement experience. Three promotions.

Building Department, Warren Tutt

We all do what we can to help each other out. Project updates: Diamond Point foundation work on Washington Ave Storage; All Space four new storage buildings; 901 Grant Ave creating warehouse space; RBW completed all renovations; Romeo Kia moving along, no opening date set yet; Kingswood has C&C and T-Mobile; work commenced on Pioneer Solar on Sawkill Rd.; former Hardees will be new Starbucks; Harbor Freight is open; no new tenant for Bed, Bath & Beyond. In 2022, 597 permits; 785 certificates of compliance; 85 certificates of occupancy; fielded 100 complaints; 2,463 inspections; \$565,491.28 in payments.

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Sewer Department, Vincent Maggiore

Staff healthy. Down in staff. A lot done in 2022. Installed in-house influent bar screening system and saved the town \$200K. Reviewed options for UV System. Secured the bid and put units on order, which should be delivered mid-February. Spring Lake Phase 2 grant awarded. Successful in obtaining DEC grant program, which helps out with asset management – proactive in this statewide system for this year and possibly 2024 for Ulster and Whitter. Ulster sewer average flow 1.03M gallons/day; Whittier 60,400 g/day; Washington Ave 20,000 g/day. Washington Ave we connected four residential houses on Sandy Road as out of district users. Got an easement to service the properties. Total sludge to re-purposed compost – 507 tons.

Discussion

Sludge is broken down, mixed with sawdust, turned and rotated, organics stabilized, possibly turned into plant material/fertilizer.

Highway Department, Frank Petramale

Busy with ice storm 2/4/2022. Devastating to town roads; worst he has seen in 35 years. Dedication of employees, tree companies, Central Hudson, and neighboring highway departments is appreciated. Still picking up debris into the fall. This past year had 19 storms. Spring and fall pickup, sweeping, construction involving drainage and stormwater. Tornado swept through Hurley Ave & Elmendorf Drive. Shared services with Ulster County brought 3,000 cubic yards of wood chips; saved the town \$10-\$15,000. Summer helpers were great. Thirty seven tons of blacktop/ 4 miles paved. Ordered a '21 Western Star truck and it is now in Latham awaiting a plow. Two more on order. Equipment running fine. Transfer station running fine. Renovations to office trailer in transfer station and location is now presentable. Urge residents to get their transfer station permits. Working on annual 284 financial agreement. Thanks all town departments. Residents are very lucky to have a work staff where all town departments work so well together. His staff is dedicated and the best of the best.

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PUBLIC HEARING

7:10 PM- Public Hearing for Local Law No __ of 2023: A Local Law to modify Section 128 of the Town Zoning Code. A Local Law known and cited as Parkland and Recreation Fees

Motion to Open the Public Hearing 7:31 pm (2023-M-037)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

CARRIED

No Public Comment

Motion to Close the Public Hearing 7:32 pm (2023-M-038)

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

CARRIED

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PUBLIC COMMENT

7:15 PM - Submission by Ulster County with the support of the Town of Ulster of a Restore NY Grant in the amount of \$10,000,000 for the IPark 87 Project

Opening Remarks

Tim Wiedemann, Director, Ulster County Office of Economic Development

Program available to the state for blighted and underdeveloped properties. \$150M in the state, cap of \$2M, but opportunity for \$10M, as this property combines housing and industrial-commercial space. Remediation work needed. This grant requires a resolution from the host municipality. Deadline is January 27, 2023.

Motion to Open the Public Hearing 7:35 pm (2023-M-039)

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

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

CARRIED

Public Comment

Regis Obijiski, 170 Ledge Rd., and on behalf of Townofulstercitizens.org
Development of iPark 87 is very important. Developer, town and county are remarkable. Caliber of businesses recruited are of national significance. Wishes all the support of iPark 87 for this grant.

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Motion to Close the Public Hearing 7:37 pm (2023-M-040)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

New Business:

Motion to promote Officer Michael Miller to Sergeant - DONE

Swearing in of Sergeant Michael Miller – DONE

Presentation and Acceptance of the Town Clerk’s Monthly Report for the month of December 2022 (2023-M-041)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

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Motion to accept the resignations of Officer Daniel Odendahl and Officer John Miller

Councilman Rocco Secreto

ODENDAHL: In Good Standing (2023-M-042)

MOTION: Councilman Van Kleeck

SECOND: Councilwoman Hayner

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

CARRIED

MILLER: In Good Standing (2023-M-043)

MOTION: Councilman Kitchen

SECOND: Councilman Van Kleeck

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

CARRIED

Motion to accept the resignation of Dispatcher Carcaramo (2023-M-044)

Councilman Secreto

MOTION: Councilman Kitchen

SECOND: Councilman Van Kleeck

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

CARRIED

Motion to authorize the hiring of one Part Time Court Clerk (2023-M-045)
Councilman Secreto

Dorothy Elliott: Start date 1/23/2023; \$15.00/hour

MOTION: Councilman Kitchen
SECOND: Councilman Van Kleeck

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

CARRIED

Motion to Authorize the Assessor to mail a "second notice" to all residential property owners notifying them of their eligibility for senior citizen tax exemptions, as well as information on how to apply for the exemptions (see Real Property Tax Law section 467). (2023-M-046)

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

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ALL FOUR OF THE FOLLOWING IN ONE MOTION (2023-M-047)

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2023 to be provided by Rusk Wadlin Heppner & Martuscello

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2023 to be provided by Rebecca Millouras-Lettre, PLLC

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2023 to be provided by Van DeWater & Van DeWater, LLP

Motion to authorize the Supervisor to sign the Engagement Letter for Legal Services for 2023 to be provided by Tabner, Ryan & Keniry, LLP

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

Motion authorizing the Town Clerk to go out to Public Bid for the purchase of chemicals during 2023 on behalf of the Town of Ulster Water Department and the Town of Ulster Sewer Department (2023-M-048)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

CARRIED

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Motion to authorize the Supervisor to sign the 2023 DWI Task Force Agreement with Ulster County (2023-M-049)

MOTION: Councilman Secreto
SECOND: Councilwoman Hayner

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

CARRIED

Motion to authorize the opening of a new bank account at Bank of Greene County (2023-M-050)

MOTION: Councilman Van Kleeck
SECOND: Councilman Secreto

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

CARRIED

Resolution granting Conditional Site Plan Amendment approval for Ulster Commons III, LLC, P-879, 1601 Ulster Avenue, Lake Katrine, SBL 39.82-2-7.118 (2023-R -051)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Ulster Commons III, LLC, P-879, 1601 Ulster Avenue
SBL 39.82-2-7.118, ZONE: OM
Site Plan Amendment

WHEREAS, the applicant – Ulster Commons III, LLC - seeks site plan amendment approval for an existing, vacant restaurant site for a proposed new use as a Starbucks restaurant/café with drive-thru services; and,

WHEREAS, the materials submitted in support of the Proposed Action include:

- Cover letter from Ulster Commons III, LLC describing the proposed application, dated 11/28/2022, and signed by Joseph T. Kirchhoff (owner and applicant) and Jeff Kane (Agent for applicant);
- Completed Application for Site Plan Amendment prepared by Ulster Commons III, LLC dated 11/22/2022;
- Site Plan prepared by Kimley Horn of New York, P.C., dated 11/03/2022 and consisting of the following sheets:
Sheet C-1.0, Site Plan
Sheet L-1.0 Landscaping Plan
Sheet L-1.1 Landscaping Details
- Starbucks Coffee #73071, QID 22-63600 prepared by Hilton Displays, dated 11/11/2022 and consisting of the following 16 sheets:
Site Plan
Main Perspective
Main Elevation on Ulster Ave.
untitled sheet showing rear façade signage locations
S/F Exterior Trimless Flex Face Siren Wall Sign details
48” DT Wall Sigh-RH details
Trimless Channel Letters – Raceway details
46” Illuminated Directional TYEO (thank you / exit only) details
46” Illuminated Directional <DT / DT> (drive thru) details
Clearance Bar – Illuminated details
Pre-menu Board details
Canopy details
DOS details

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Menu Board Steel Kit details
MOP Bollard Cover details
Tenant Panel sign details

- Signed Owner Consent, signed by Joseph T. Kirchhoff, dated 11/22/2022
Completed Short Environmental Assessment Form, prepared by Jeff Kane,
Agent for Owner; and,

WHEREAS, the Town of Ulster Town Board retains the authority to approve the final Site Plan Amendment in accordance with the Town Code and based on a recommendation from the Town of Ulster Planning Board; and,

WHEREAS, the Proposed Action is exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster; and,

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record, recommended at its regularly scheduled meeting held on January 10, 2023, that the Proposed Action is Type II under SEQRA and no further action is required related to environmental assessment; and

WHEREAS, the Town of Ulster Planning Board, upon review of the entire record, recommended at its regularly scheduled meeting held on January 10, 2023 that the Town Board of the Town of Ulster grant Conditional Site Plan Amendment approval for the Proposed Action; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board grant Conditional Site Plan Amendment approval for the Proposed Action subject to the 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 any comments from the Town of Ulster Water Superintendent and Sewer Superintendent;
5. The Town 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: Councilman Van Kleeck

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

CARRIED

Old Business:

Supervisor Requests to Dispense of the Usual Process of Aging a Resolution (re: tonight’s public hearing on the Restore NY Grant and approving the Resolution) (2023-M-052)

MOTION: Councilman Van Kleeck
SECOND: Councilman Secreto

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

CARRIED

Resolution Approving and Endorsing the County of Ulster to apply to the Empire State Development Corporation for a Restore NY Grant in the Amount of \$10,000,000 for IPARK87 Project for Rehabilitation and/or Reconstruction of Commercial /Industrial Buildings (2023-R-053)

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ULSTER,
NEW YORK, APPROVING AND ENDORSING THE COUNTY OF
ULSTER TO SUBMIT AN APPLICATION TO THE EMPIRE STATE
DEVELOPMENT CORPORATION FOR A RESTORE NY GRANT IN THE
AMOUNT OF \$10,000,000 FOR IPARK87 PROJECT FOR
REHABILITATION AND/OR RECONSTRUCTION OF EXISTING
COMMERCIAL/INDUSTRIAL BUILDINGS**

WHEREAS, the County of Ulster is eligible to apply to the New York State Empire Development Corporation for grant funding under the Restore NY Communities Initiative Municipal Grant Program for rehabilitation and reconstruction of existing commercial and industrial buildings in the former IBM campus parcels on Enterprise Drive and Boices Lane, now known as iPark87; and

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WHEREAS, the County of Ulster will request Restore NY funding in an amount of \$10,000,000 for the iPark87 Project as a Special Project under the Restore NY guidelines; and

WHEREAS, the grant application requires approval and endorsement of the project by the local governing body of the municipality in which the project is located as a condition of application approval; and

WHEREAS, the Town of Ulster New York finds that the proposed project is consistent with the Town of Ulster's local revitalization or urban development plans; and

WHEREAS, the proposed financing is appropriate for the specific project; and

WHEREAS, the project facilitates effective and efficient use of existing and future public resources so as to promote both economic development and preservation of community resources; and

WHEREAS, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create, and sustain employment opportunities where applicable.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULSTER, NEW YORK, AS FOLLOWS:

SECTION 1. The Town Board of the Town of Ulster approves and endorses the application of the County of Ulster for funds from Empire State Development Corporation for a Restore NY Grant in the amount of \$10,000,000 for the iPark87 Project within this municipality, and upon approval of said request to enter into and execute an agreement, and any and all related documents.

SECTION 2. Administration of all funds under this grant will be in accordance with all terms and conditions contained in guidelines provided by Empire State Development Corporation.

SECTION 3. This resolution shall take effect immediately.

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

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

CARRIED

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Resolution of the Town Board of the Town of Ulster Authorizing the Conversion to, and Sale of, Town of Ulster Police Canine Castor as Surplus Property of the Town of Ulster (2023-R-054)

Resolution of the Town Board of the Town of Ulster Authorizing the Conversion to, and Sale of, Town of Ulster Police Canine Castor as Surplus Property of the Town of Ulster

WHEREAS, Town of Ulster Police Department has evaluated Sergeant Joseph Garvila's K-9, Castor, and has determined that it is best to retire the dog instead of trying to train the dog to a new officer; now, therefore, be it

RESOLVED, that the Town of Ulster has determined that K-9 Castor has reached the end of a reasonable service period and therefore determined that said canine should be surplus and should be sold to Sergeant Joseph Garvila upon execution of the sale and waiver agreement in substantially the same form as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and be it further

RESOLVED, that the Supervisor of the Town of Ulster, and the Police Chief of the Town of Ulster, are both hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this resolution; and be it further

RESOLVED, that this resolution shall take effect and be in full force upon passage and signatures hereon.

EXHIBIT "A"

Agreement

THIS AGREEMENT made and entered into on this ____ day of January, 2023, by and between the Town of Ulster, a municipal corporation of the State of New York, hereinafter referred to as the "Town," and Joseph Garvila, hereinafter referred to as the "Buyer."

WHEREAS, the Town of Ulster Police Department has one (1) dog known as K-9 Castor ("Castor"); and

WHEREAS, the Town desires to retire K-9 Castor; and

WHEREAS, Buyer desires to purchase said retired K-9 Castor;

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NOW, THEREFORE, in consideration of the mutual benefits to be derived here from and \$1.00, and other good and valuable consideration received by the Town from the Buyer, the parties herein do mutually agree as follows:

1. The Town agrees to assign, convey, and transfer all rights, title, and interest in the dog known as K-9 Castor to Buyer.
2. Acknowledgement of Training and Release of Liability. In accepting transfer from the Town of the dog known as K-9 Castor, Buyer recognizes that said animal has received training in police canine procedures and tactics, including, but not limited to, attack training and other forms of aggressive conduct, and by acceptance of this animal, Buyer, for and in consideration of the transfer to him of K-9 Castor, agrees to hold harmless the Town of Ulster, the Town of Ulster Police Department, and its officers, employees, and agents from any and all liability whatsoever that might arise from acts engaged in by the forenamed canine resulting from his training as herein described, as well as any other acts of said canine whether or not attributable to such training.

Buyer further agrees to waive any and all claims of liability insofar as the Town of Ulster, the Town of Ulster Police Department, and its officers, employees, and agents are concerned that might arise as a result of his use and/or possession of said animal.

It is further understood by Buyer that, in consideration of this transfer, the Town makes no representations concerning the health of the animal, which is transferred “as is” and Buyer assumes all responsibility and obligation for the condition, care, and acts, of said animal.

3. Indemnification. Buyer agrees to assume any and all risks from the date first written above and the Buyer further agrees to release, indemnify, and promise to defend and save harmless the Town, its officers, employees, and agents, from and against any and all liability, injuries, loss, damage, expense, actions, and claims, including costs and reasonable attorney’s fees incurred by the Town, its officers, employees, and agents in defense thereof, asserting or arising directly or indirectly on account of or out of said canine’s activities from date of said transfer; provided, however, this paragraph does not purport to indemnify the Town against liability for any activities of said canine prior to said transfer date.
4. Severability. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void, insofar as it is in conflict with said laws, the remainder of the Agreement shall remain in full force and effect.
5. Venue. It is agreed that venue for any lawsuit arising out of this Agreement shall in the Supreme Court of the State of New York, in and for the County of Ulster.

MOTION: Councilman Kitchen

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SECOND: Councilwoman Hayner

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

CARRIED

END OF SCHEDULED AGENDA

PUBLIC COMMENT:

1. Regis Obijiski, 170 Ledge Rd.
Has been assisting neighbors with the new senior citizen exemption. Had very good experience with the town assessor's office. Employees are willing to do all of the work. Citizens feel served. Thank you.

MOTION to adjourn (7:48 pm) (2023-M-055)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk