

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (20)  
OCTOBER 5, 2023

**Public Hearings Scheduled:**

7:10pm - 2024 Budget for the East Kingston Fire Company

7:15pm -Special Use Permit for Hurley Excavating & Landscaping, Route 28, Kingston, SBL 48.13-2-16

7:20pm - Local Law \_\_\_\_\_ of 2023: A Local Law to Establish a Temporary Moratorium on New Sanitary Sewer Connections in the Ulster Sewer District

7:25pm -Local Law \_\_\_\_ of 2023: Modification to Section 190 of the Zoning Code of the Town of Ulster – Pertaining to the Redevelopment Overlay District

7:30pm – Continuation of Public Hearing for Application of BVH Sapphire Trust, Site Plan Approval, P-891, 127 – 133 Glenerie Blvd., Saugerties, N.Y., SBL 39.7-8-1.1

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**MEETING HELD IN PERSON and VIRTUALLY THROUGH ZOOM  
BROADCAST VIA 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 COUNCILMAN ERIC KITCHEN  
TOWN COUNCILWOMAN ANNA HAYNER  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Jason Kovacs, Town Attorney
2. Tosca Sweeney, Comptroller
3. Warren Tutt, Building Inspector
4. Lt. Seyfarth, Ulster Police
5. Vincent Maggiore, Wastewater Superintendent
6. 23 in-Person Attendees
7. Bill McDermott, East Kingston Fire Chief
8. Bill Kemble, Daily Freeman
9. One Zoom Attendee

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**ADDITIONS OR CHANGES TO AGENDA** – Supervisor adds a resolution to the end of the agenda regarding a personnel matter.

**PUBLIC DISCUSSION ON AGENDA ITEMS** –

Vicki Lucarini, town residents

Asks supervisor to explain the zoning code regarding overlay district during the public hearing.

**COMMUNICATIONS** – Email received from Joyann Simmons and Linda Fallon, regarding condition of property at 338 Glenerie Blvd. They are present tonight to speak during public comment.

**New Business:**

**Discussion on Halloween Events 2023 in the Town of Ulster**

*Reavy*: Second annual Trunk or Treat event is on October 28, rain date October 29. Last year was a great success. Hoping to purchase candy and items for the event.

*Councilman Secreto*: Makes a motion to the board, as last year, to allow \$500 to purchase candy and whatever is needed for this event.

**Motion to Spend \$500 for the October 28 Trunk or Treat Event (2023-M-303)**

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

*CARRIED*

**Presentation of 2024 Tentative Town Budget**

*Supervisor*: Budget submitted on 9/29/23 and is on the town website. Contact the town clerk's office for a copy.

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**Discussion of 2024 Budget Process**

*Supervisor:* By 10/5, the tentative budget is due to the town board. The budget is to be adopted and turned into UC Real Property by November 20. In between, the tentative budget has to become the preliminary budget. Required to hold a public hearing, and it is to be scheduled at the next meeting for November 2.

**Presentation of Resolution approving the 2024 Preliminary Budget**

*Supervisor:* To be voted on at the next meeting.

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**PUBLIC HEARING: 7:10pm - 2024 Budget for the East Kingston Fire Company**

Present: Chief Bill McDermott

*Supervisor:* Budget is equal to the 2023 adopted budget with one change. Increase in equipment reserve of \$22,000; required due to increasing pricing in purchases of new fire equipment. Asks Chief Bill McDermott how long he plans on funding the reserve before next purchase.

*McDermott:* Next apparatus replacement in 2033. Purchase made in 2018 for \$459,000, replacement would be over \$922,000 (more than doubled). By the time we purchase one, it will be over \$1M for an engine. We extended it out five more years and added \$20,000, for 25 years total, to purchase two engines and a rescue.

**Motion to Open the Public Hearing 7:11 pm (2023-M-304)**

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

*CARRIED*

Public Comment: None

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**Motion to Close the Public Hearing 7:12 pm (2023-M-305)**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

Supervisor: Written comments open for 30 days to town clerk. Adopted in town of Ulster final budget as the fire company is operating in a fire protection district, under contract of the town board.

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**Discussion on Re-Levy of Delinquent Water and Sewer Bills on the 2024 Taxes**

*Supervisor:* Water bills due 11/1. Unpaid water/sewer charges turned over to Ulster County for collection as an additional charge on tax bill. Currently \$107,000 in delinquent charges for first three billing cycles.

**Motion to Authorize the Re-Levy (2023-M-306)**

MOTION: Councilman Van Kleeck

SECOND: Councilwoman Hayner

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

*CARRIED*

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**PUBLIC HEARING:** 7:15pm -Special Use Permit for Hurley Excavating & Landscaping,  
Route 28, Kingston, SBL 48.13-2-16

Present: Andrew Zell, Owner and applicant

Zell: Has small parcel on Route 28 set off 150' off the road, behind dilapidated house, possibly only visible when leaves are down. Gravel and fenced in area to store equipment. Pole building on the map only because it may be for future use down the road. No mulching or grinding on site.

**Motion to Open the Public Hearing 7:16 pm (2023-M-307)**

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

*CARRIED*

Public Comment: None

**Motion to Close the Public Hearing 7:17 pm (2023-M-308)**

MOTION: Councilman Kitchen

SECOND: Councilwoman Hayner

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

*CARRIED*

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**Motion to Authorize the Supervisor to sign the Municipal Advisor Services Agreement with Munistat Services Inc. (2023-M-309)**

*Supervisor:* Consultant used to file reports for the securities and exchange commission; they also handle any debt issuance. Last time utilized 2015 when we refinanced all outstanding town of Ulster debt, consolidating into one bond issue, resulting in \$750,000 savings.

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

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

*CARRIED*

**Motion to Authorize the Supervisor to Approve the 2023 TOU renewal for Lincoln Financial Disability Agreement (2023-M-310)**

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

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

*CARRIED*

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**PUBLIC HEARING:** 7:20pm - Local Law \_\_\_\_\_ of 2023: A Local Law to Establish a Temporary Moratorium on New Sanitary Sewer Connections in the Ulster Sewer District

*Supervisor:* We have had several development inquiries along Ulster Ave that would drain into the Ulster Ave sewer main, leading down Boices Lane, going under railroad tracks, toward local streets – Birch and Dogwood. This line surcharging for many years; line is mainly 12” with a series of 90 degree turns. During peak flows, backup in manholes. Identified when Hudson Valley Mall expanded; provisions made at that time for alternate route. Alternate line is 8” line down Old Neighborhood Road and may also be surcharging. Proposing the temporary moratorium on new sewer usage for projects which would flow into that section of sewer system, to be able to measure how much and how often the surcharge is occurring, through several seasons of discharge. Wet seasons, we experience infiltration and inflow.

**Motion to Open the Public Hearing 7:21 pm (2023-M-311)**

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

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

*CARRIED*

Public Comment:

Jennifer Porter, CSG Law, Counsel for Spark (proposed carwash)

Spark has an application pending before the planning board. By the time it was submitted in August, question of sewer arose, and application put on hold.

Questions for the town board:

1. Time Frame – One year moratorium. Why not three or six months, then extend it?
2. Specific Exceptions – What would be done with applications filed but not approved? What considerations would be taken? Specific project at 1316 Ulster Avenue.
3. New sanitary sewer connections that can be approved by the town board. New connections that can increase the flow. What are parameters of that review, and will there be future discussion on that?

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*Supervisor:* All questions put on record. Town attorney will respond to her questions.

**Motion to Close the Public Hearing 7:27 pm (2023-M-312)**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

*Supervisor:* Town has specific legislative process. Public comment open for 30 days; town board considers public comment and may make modifications. Town board comes back to start over after considering public comment. If not, soonest time to take a vote would be 45 days from today.

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**PUBLIC HEARING:** 7:25pm -Local Law \_\_\_\_ of 2023: Modification to Section 190 of the Zoning Code of the Town of Ulster – Pertaining to the Redevelopment Overlay District

*Supervisor:* 2010, Environmental Impact Statement was prepared by then-owner of Tech City campus; proposed redevelopment plan. Suggestions made to create overlay district, triggered by request of future developer to streamline uses at the site. Original overlay had restrictions by facts presented at that time by DEC and through public comment. Biggest issue related to:  
1. Construction and use of residential units on the first floor of multi-story buildings, stating first floor be reserved for commercial use; 2. Mix of units within a building (two bedroom, no less than 850 sq. ft. and one bedroom no less than 700 sq. ft.); 3. Number of stories in a building. Project is in zoning district OM, heights have been 75 feet, not being modified. Original proposals for project consisted of three story buildings. Presently, developer would like two, five story buildings.

Zoning proposal which removes restriction on resident uses; revises residential use permits to include studio, one bedroom, and two bedroom units; adding a new subsection allowing five story buildings or 75 feet, whatever is less. Purpose of this legislation is for a zoning change. Does not mean that the project is approved, as they still have to proceed through town and county planning board approvals.



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**Motion to Open the Public Hearing 7:32 pm (2023-M-313)**

MOTION: Councilman Secreto  
SECOND: Councilman Van Kleeck

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

*CARRIED*

Public Comment: None

**Motion to Close the Public Hearing 7:33 pm (2023-M-314)**

MOTION: Councilman Kitchen  
SECOND: Councilwoman Hayner

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

*CARRIED*

*Supervisor:* Written comments open for 30 days to town clerk.

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**PUBLIC HEARING:** 7:30pm – Continuation of Public Hearing for Application of BVH Sapphire Trust, Site Plan Approval, P-891, 127 – 133 Glenerie Blvd., Saugerties, N.Y., SBL 39.7-8-1.1

Supervisor: Previous comments taken from residents. Purpose tonight is to allow developer to comment.

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**Motion to Continue the Public Hearing 7:34 pm (2023-M-315)**

MOTION: Councilwoman Hayner

SECOND: Councilman Secreto

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

*CARRIED*

Public Comment:

Eliezer (Eli) Sher, Applicant, on behalf of the Trust

Thanks the town board. Aware of issues raised. Proposing six one-bedroom/one-bath units on one floor. Town planner stated there is a tremendous lack of housing in the area. NYS CPC offered money to facilitate this project; state understands lack of housing. Tenants in other units are professor, lawyer, teacher... brand new housing will only help and increase property value. Will address neighbors' concerns.

1. Traffic and Safety – six new units will create minimal traffic.
2. Environmental – Flat land, reviewed by Brinnier & Larios, town and county planning boards. No runoff.
3. Emergency Access – Seems not a logical concern.
4. Recreational Space – Development will not take up all green space. No wildlife. No requirement that he has to build a park or communal space.
5. Litter – Can talk about giving money to clean up once per month/once in a while.

This is a \$3M project using local contractors, stores, tax revenue. With full respect, nothing to worry about, seeing him as an Orthodox Jew; he will have all local tenants.

This project is zoned for this land; it is in the code. It is our right.

Mary Jo Frederich, Glenerie resident  
iPark 87 developing housing. Glenerie Blvd. is saturated with rentals.

Eileen Murphy, Town resident  
Regarding people that speak during public comment – the policy used to be that they were required to state their name and address, has become relaxed. If policy changed, please let us know. Lack of information and protocol not followed. Safety for residents.

*Supervisor:* Takes responsibility and will fix the deficiency.

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**Motion to Close the Public Hearing 7:45 pm (2023-M-316)**

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

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

*CARRIED*

*Supervisor:* Written comments open for 30 days to town clerk.

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AGENDA ADDITION:

**Resolution – Court Clerk Staff Assignments (2023-R-317)**

*Councilman Van Kleeck* reads full resolution

**RESOLUTION TOWN OF ULSTER BOARD**  
**COURT CLERK STAFF ASSIGNMENTS OCTOBER 5TH 2023**

WHEREAS, it has been the intention of the Town of Ulster to maintain a Municipal Court

WHEREAS, it is the responsibility of the Town of Ulster Board to hire and maintain staffing to support the Court.

WHEREAS, all court clerks are employees of the Town of Ulster.

WHEREAS, on repeated occasions over the past year the Personnel Committee has been requested by Hon. Kelly Flood-Myers and Hon. Susan Kesick to intervene in court staffing and personnel issues.

WHEREAS, the Personnel Committee participated in a meeting with both Judges and David Dellehunt from NYSOCA as a mediator and consultant to discuss potential solutions.

WHEREAS, with the Personnel Committee's assistance the option is to allow the Judges to work out arrangements that were mutually agreeable were unsuccessful and it is clear after these meetings that there is no agreement between the two Judges.

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WHEREAS, the current management structure has the Judges sharing joint responsibility and direction of the court staff.

WHEREAS, the operational management of the Town of Ulster Court is at an impasse and is dysfunctional.

WHEREAS, other municipalities within New York State have resolved this similar problem by dividing the management and direction of the court staff between the Judges individually. NOW THEREFORE BE IT RESOLVED, the Ulster Town Board directs that the current court staff be individually assigned to and report to the two Judges as follows:

Hon. Kelly Flood-Myers' court clerk staff will include Rosanne Kaznowski as full-time personal Clerk, Valarie Craig as full-time Court Clerk, and Jasmine Otero-Burt as part-time Court Clerk.

Hon. Susan Kesick's court clerk staff will include Karen Gorski as full-time personal Clerk, Taylor Crespino as full-time Court Clerk, and Judy Horvers as part-time Court Clerk.

NOW THEREFORE BE IT RESOLVED, the job descriptions and duties of the Court Clerk staff will remain the same as they have been prior to this resolution.

NOW THEREFORE BE IT RESOLVED, any future replacement or additions to the Court Clerk staff will be assigned specifically and individually to an individual Judge as required and agreed to by the Board.

RESOLVED that this resolution will be in effect immediately upon approval by the Board.

MOTION: Councilman Secreto

SECOND: Councilwoman Hayner

***DISCUSSION:***

*Supervisor:* Has been supervisor for 14 years and with great reluctance the town board is forced to take this matter into its hands. We are concerned over the level of service provided to the town, Ulster County, and New York State. Imperative that the standard of services in the justice court improves, so that all are appropriately served.

**ROLL CALL VOTE:**

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

***CARRIED***

*End of Regular Agenda*

**PUBLIC COMMENT:**

1. Regis Obijiski, town resident and on behalf of townofulstercitizens.org  
Written comments are *attached*.
  
2. Joyann Simmons & Linda Fallon, Glenerie residents  
Re: 318 Glenerie Blvd. No one is doing anything. Living this way for four years. It is ridiculous, raccoons living there, doors torn off. For Sale sign on the property, stating “commercial”, but it is zoned R-30. Clements camp may have been commercial by special permit. Hoping there would be some kind of action.

*Supervisor:* Provision in planning code, that if a use previously authorized by special permit is suspended for two years is voided. Town had success with this at Buc’s Junkyard in Eddyville. Attorneys and judge in this case will analyze this situation, when and if it gets to that.

**MOTION to adjourn (7:56 pm) (2023-M-318)**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk



TownOfUlsterCitizens.org is a non-partisan, citizen-run organization focused on increasing citizen engagement and creating a better Town of Ulster NY.

October 5, 2023

To: Town of Ulster Town Board  
From: Regis Obijiski (Vice-Chair of ToUC.org), 170 Ledge Road, Town of Ulster  
[regis.m.obijiski@gmail.com](mailto:regis.m.obijiski@gmail.com)  
Re: Town of Ulster Tentative 2024 Budget

Good evening, Supervisor Quigley and Members of the Town Board:

On behalf of the TownOfUlsterCitizens.org, I wish to offer the following comments on of the town's 2024 tentative budget. Our first two points simply state the obvious:

1. Resoundingly and predictably, we liked last year's final budget reduction in taxes more than this phase of the 2024 budget which leans into a tax increase of about 3%. We hope that last year's hard budgetary work will serve as a similar good example for the 2024 final version.
2. We would enjoy meeting Town Council Member, Maryanne DeGroot, who, according to pages 92 and 109 of the budget preparation materials, is assuming board member status for the departing Eric Kitchen. Some of us were not paying attention to that baton hand-off.
3. Because the unadorned details of the 132 generous pages of the tentative budget read less like a budget and more like a general ledger on an iron-man swim, we recommend that the next iteration of the 2024 budget use the pie charts and bar graphs similar to those used on pages 11 and 12 of the 2022 audited financial statements. We recommend comparisons of 2023 close-out assumptions juxtaposed with 2024 budget assumptions. A pictorial version is very helpful to citizens understanding this process a little better. We all acknowledge that the 4<sup>th</sup> quarter of 2023 hasn't happened and the factual numbers will not be compiled until the first quarter of 2024, which makes 2023 revenues and expenses an educated guess.
4. The rest of our comments are our guesses based on new understandings of our town's fiscal position and past performance.
  - a. New understanding
    - i. **Taxable values are down by nearly 1 ½ percent.** It must be that businesses are the issue here because residential values are increasing. The overall loss of value is about \$14M is probably due to tax certiorari judgments against the town. Empty stores bring down tax assessment values.
    - ii. A portion of the surplus money left over from last year and accumulated from previous years, is known as fund balance. There are different kinds of fund balance accounts to which surplus is assigned. A portion of the fund balance

is put aside for needs that always pop up. True to its name, the unassigned fund balance is the most fungible, interchangeable commodities that our Town has. No strings attached, it can be used for anything the Town Board sees fit at any given time such as certain capital expenses. The **remaining unassigned fund balance at the end of this year is projected to be a very healthy \$3.3M**, after reassigning \$1.2M from that account to meet needs at hand.

- iii. **The 2024 Budget appropriation is up about 1 ½ percent, seeking to close a gap of about \$815,000.** A fiscal layman might observe that such a gap could easily be closed by a small portion of the \$3.3M.
- iv. **The business tax base is not growing as fast as expected.** For example, iPark 87 recently suffered a setback from one of its potential anchor businesses, Zinc8.

b. Past Performance

- i. The Town of Ulster has earned a positive reputation for its fiscal acumen and robust fiscal health. This just does not happen all by itself. It is due to prudent management and generous taxpayers. For both reasons, the past is prologue.
- ii. Over the past 7 years, EFPR, our independent auditors noted a steady growth in the accumulated unassigned fund balances (rounded):
  - 1. At the end of **2022**, it was **\$4.5M which was 46%** of the General Fund expenditures.
  - 2. At the end of **2021**, it was **\$3.6M which was 42%** of the General Fund expenditures.
  - 3. At the end of **2020**, it was **\$3.2 M which was 41%** of the General Fund expenditures.
  - 4. At the end of **2019**, it was **\$2.7 M which was 33%** of the General Fund expenditures.
  - 5. At the end of **2018**, it was **\$1.8 M which was 23%** of the General Fund expenditures.
  - 6. At the end of **2017**, it was **\$1.9 M which was 25%** of the General Fund expenditures.
  - 7. At the end of **2016**, it was **\$2.0 M which was 26%** of the General Fund expenditures.
- iii. There are several short-hand ways to gauge the fiscal health of any municipality at the end of a fiscal year. One of them is called "**current ratio**," the ratio of current assets to current liabilities. This ratio answers the question of how well can a municipality meet its current bills. The current ratio is determined by dividing current assets (cash and cash equivalents) by current liabilities (current bills).
  - 1. A ratio of 1-to-1 indicates a break-even between assets and liabilities.
  - 2. A ratio of 2-to-1 indicates twice the cash needed to meet its current bills.
  - 3. The Town of Ulster's **current ratio at the end of 2023 was 10.6-to-1** which is almost 11 times break-even.

5. In summary, citizens are grateful that the Town Board "shows all of its cards."

- a. We are asking the Town Board to make a decision not to tax homeowners just to replenish our already high fund balance structure.
- b. We are asking the Town Board to close the identified gap of \$815,000 with some of our unassigned fund balance.

Thank you for welcoming citizen input.