

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (16)  
AUGUST 3, 2023

**Public Hearings Scheduled:**

7:10 pm - Special Use Permit for a Cell Tower at 434 Flatbush Road (Route 32), Kingston, SBL 39.20-1-29.110

7:20 pm - Local Law Number of 2023, A Local Law to Allow Enrolled Volunteer Firefighters and Volunteer Ambulance Workers to be eligible for a Real Property Tax Exemption Under Real Property Tax Law (RPTL466-a)

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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. Warren Tutt, Building Inspector
2. Tosca Sweeney, Comptroller
3. Frank Petramale, Highway Superintendent
4. Bill Kemble, Daily Freeman
5. 25+ in-Person Attendees

**ADDITIONS OR CHANGES TO AGENDA** – Supervisor adds the discussion of the senior picnic.

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**PUBLIC DISCUSSION ON AGENDA ITEMS – None**

**COMMUNICATIONS – None**

**COMMITTEE REPORTS**

1. Finance, Councilman Van Kleeck  
Working with comptroller, looking at everything. The comptroller working with and meeting with all town department.
2. Personnel, Councilman Secreto  
We meet with different departments looking at any issues. All is good.
3. Recreation, Councilman Secreto  
Three weeks left of summer camp. We will have an end of summer picnic. We have 60 kids.  
Senior picnic is August 25, catered by Joe Beez. We have 130 signed up so far.  
Biddy Ball signups start soon.  
Parks look great. Summer crew helps maintain. Thanks highway department.
4. Building/Grounds, Councilwoman Hayner  
Recent construction in town hall, creating an office for comptroller.

ALL VOTES ON ALL AGENDA ITEMS ARE ROLL CALL VOTES

**New Business:**

**Motion to authorize the Supervisor to sign the Out of District Sewer Use Agreement by and between the TOU Washington Ave Sewer District and Moonrise 1.0 LLC (Moonburger) for sewer service to 5 Powell Lane (2023-M-246)**

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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*

**Resolution Adopting an Updated Sexual Harassment Policy that covers Newly Implemented Guidance from New York State (2023-R-247)**

*Supervisor:* NYS legislature drafted legislation that would expand the mandated sexual harassment policy for entities operating in NYS. Newly implemented guidance for New York State.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF  
ULSTER, NEW YORK, ADOPTING AN UPDATED SEXUAL  
HARASSMENT POLICY THAT COVERS NEWLY  
IMPLEMENTED GUIDANCE FROM NEW YORK STATE**

**WHEREAS**, the Town of Ulster previously adopted, pursuant to and in accordance with various mandates, adopted a sexual harassment policy covering its employees, appointees, and elected officials; and

**WHEREAS**, said policy complied with all applicable guidance at the time of adoption; and

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**WHEREAS**, New York State in the year 2023 issued new guidance in relation to what should be included within a sexual harassment policy; and

**WHEREAS**, the Town of Ulster has reviewed this new guidance and has determined to revise and update the current sexual harassment policy to conform to said guidance; and

**WHEREAS**, the Town has updated its policy in accordance with the new guidance and now wishes to adopt said policy.

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

SECTION 1. The Town Board of Ulster hereby revises its previously adopted sexual harassment policy, which was adopted October 18, 2018, and hereby adopts its new sexual harassment policy, which is attached as Appendix A.

SECTION 2. This resolution shall take effect immediately.

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*

**Resolution authorizing the Supervisor to negotiate a cancellation of Contract TU-221, Stormwater Channel Improvements for the Town of Ulster, Katrine Lane Stormwater Project award November 3, 2022 (2023-R-248)**

*Supervisor:* In 1967, Miron moved to Town of Ulster/Lake Katrine and construction made it impervious for rainwater. Town has been dealing with erosion on west side of railroad. Due to Central Hudson primary control center project, we were able to construct a stormwater district to correct problems on the west side. Town designed and spent money, received a low \$150,000 bid (vs. the \$600K estimate). Property owner sued Central Hudson and indemnified the town. Bid contractor looking to begin construction or cancel the contract.

SUPERVISOR READS RESOLUTION

*Councilman Van Kleeck:* This will cost the town a lot of money for nothing.

*Supervisor:* Between \$16 and \$20,000

*Councilman Kitchen:* Can town do a counter suit?

*Supervisor:* Will consult with town attorney on that.

**Resolution Authorizing the Town Supervisor to Negotiate a Cancellation of Contract No. TU-221, Stormwater Channel Improvements for the Town of Ulster, Katrine Lane Stormwater Project**

WHEREAS, the Town of Ulster Town Board previously approved a capital project to correct alleged stormwater and drainage problems in the Katrine Lane area of the Town of Ulster; and

WHEREAS, on August 18, 2022, the Town of Ulster Town Board adopted a resolution to publicly bid the project, “Contract No. TU-221, Stormwater Channel Improvements for the Town of Ulster;” and

WHEREAS, by resolution dated November 3, 2022, the Town of Ulster Town Board awarded the contract to the lowest responsible bidder, Hubbell, Inc.; and

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WHEREAS, one of the property owners where most of the improvements were to have been installed has commenced litigation against Central Hudson, and it appears increasingly likely that the Town of Ulster will be impleaded as a third-party defendant; and

WHEREAS, it is not in the best interest of the Town of Ulster to be responsible for construction or other improvements on private property where the record owner is engaged in litigation against the Town; now, therefore, be it

RESOLVED, the Town of Ulster Town Board hereby authorizes the Town of Ulster Supervisor to cancel Contract No. TU-221, and negotiate said cancellation so as to protect the rights of the Town of Ulster to the maximum extent practicable and feasible

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*

**Old Business:**

**Resolution for iPark87 East Campus Redevelopment Overlay District and Site Plan, P-908 – Enterprise Drive and Boices Lane – SBL 48.7-1-29.110, 120, 130, 140, 150, 160, 170, 240, 250, 270, 400, 500, 600, 700, 800 & 900 (2023-R-249)**

*Supervisor:* In 2011, the town board passed a zoning modification for the IBM east campus called the *Overlay District*, allowing commercial redevelopment on the site. The town planning board now has a proposed development on the east campus. The developer notified the town that they would like to take advantage of that overlay district with some minor modifications, requiring a modification of the zoning code.

In order for this legislative change, we will need to initiate a second SEQRA action. Tonight’s resolution authorizes the town clerk to proceed to notice any involved agencies, and that the town board seeks lead agency in the environmental review.

**RESOLUTION: iPark87 East Campus Redevelopment Overlay District & Site Plan, P-908 -- Enterprise Drive and Boices Lane -- SBL 48.7-1-29.110, 120, 130, 140, 150, 160, 170, 240, 250, 270, 400, 500, 600, 700, 800 & 900 -- ZONE: OM**

WHEREAS, the Applicant – iPark 87 LLC (aka National Resources) -- has made an amended application to the Town Board, in coordination with the Planning Board, and now seeks Redevelopment Overlay District designation as per the Town of Ulster Zoning Code 190-12.2, as well as site plan approval to redevelop the “East Campus” of the former IBM Kingston facility (formerly a/k/a TechCity), previously foreclosed and owned by Ulster County, and subsequently transferred to the Ulster County Economic Development Alliance prior to sale to current owner; and

WHEREAS, proposed via draft general Comprehensive Design Plan are three (3) components:

1. Residential – 880 units of multifamily housing constructed in five (5) phases plus complementary non-residential mixed uses;
2. Existing Commercial/Industrial Buildings – renovation of four (4) existing buildings equaling approximately 743,000 square feet for industrial, commercial and office uses; and

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3. New Construction Commercial/Industrial – construction of two (2) new buildings being a 160,000 square foot film studio and a 400,000 square foot warehouse; and

WHEREAS, an integrated element of the first component redevelopment plan will include 24,000 square feet of retail/amenity space, a 19,355 square feet hotel / arts center, and 15,000 square feet “mobility hub”; and

WHEREAS, the applicant has amended an earlier application to now include a request for Redevelopment District zoning designation as noted above, as well as an amended Site Plan application to the Town of Ulster including submitted Part 1 each of the State Environmental Quality Review Act (SEQRA) Short and Full Environmental Assessment Forms, and a Supplementary Draft Environmental Impact Statement (SDEIS); and,  
WHEREAS, the Town Board of the Town of Ulster has final review and approval authority for both the Redevelopment Overlay district designation and the site plan application in coordination with the Town of Ulster Planning Board; and,

WHEREAS, said Town Board, in coordination with the Planning Board, has reviewed the original application as well as the amended application as submitted; and,

WHEREAS, at their May 9, 2023 meeting the Town of Ulster Planning Board discussed the original application and unanimously approved a resolution recommending the Town Board declare the Action as Type 1 under SEQRA as well as intent to be Lead Agency; and,

WHEREAS, at the May 18, 2023 meeting the Town Board by unanimous resolution declared this Action as Type 1 as well as its intent to be Lead Agency for this Action; and,

WHEREAS, said Town Board circulated such intent with supporting documentation to all Involved and Interested Parties and has since received no response or objection from any Interested or Involved Party; and,

NOW THEREFORE BE IT RESOLVED, the Town Board reaffirms that the amended application and Action remains a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA), and the Town Board continues to declare intent to be Lead Agency and will circulate documentation of this amended application to all Involved and Interested Agencies; and,

NOW THEREFORE BE IT FURTHER RESOLVED, as lead agency the Town will also make available for comment, by all Involved and Interested Parties, up to date copies of the Full Environmental Assessment Form, Part 1 and the SDEIS relevant to this amended application.



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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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**Public Hearing Scheduled:** 7:10 pm - Special Use Permit for a Cell Tower at 434 Flatbush Road (Route 32), Kingston, SBL 39.20-1-29.110

**Introduction:** Hyde Clark, Attorney at Young/Sommer LLC

Describes project. Applicant has been before the town planning board for initial review.

Proposed 100' tower. Nine antennas. O&M zone. Included are six tabs:

1. FCC licenses; 2. Site plan drawings; 3. Engineering necessities; 4. Safety compliance report; 5. Full environmental assessment form; 6. Site selection analysis. Asking town board to declare lead agency on this project tonight. Benefit of this site is that we are able to be at 100'. We need a decision from FAA as to whether this tower will need a light; we will need that until this board makes a decision.

Supervisor: Asks for submittal to be sent to his email. The East Kingston fire district needs to upgrade its mobile equipment with the \$15k ARPA grant from the town board. This tower is needed for additional communications' capabilities.

**Motion to Open Public Hearing at 7:20 pm (2023-M-250)**

MOTION: Councilman Hayner  
SECOND: Councilman Secreto

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

*CARRIED*

**Public Comment:**

Teri Quarantino, Route 32/Flatbush Road resident.  
Lives ¼ - ½ mile away from site. In great favor of this as we have zero cell service now.

**Motion to Close Public Hearing at 7:22 pm (2023-M-251)**

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*

WRITTEN PUBLIC COMMENT ACCEPTED FOR 30 DAYS

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TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (16)  
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**Public Hearing Scheduled:**

7:20 PM – Local Law Number of 2023, A Local Law to Allow Enrolled Volunteer Firefighters and Volunteer Ambulance Workers to be eligible for a Real Property Tax Exemption Under Real Property Tax Law (RPTL466-a)

Introduction: Miranda Bernholz, Town of Ulster Deputy Assessor

This law will give a 10% exemption on taxes for volunteer fire fighters if they live in the district in which they serve. To help promote volunteer firefighters to join.

**Motion to Open Public Hearing at 7:24 pm (2023-M-252)**

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:**

Tom Davis, Ulster Hose Co. No 5 member for 57 years

Would like the town board to adopt this law. State gave us this to attract and retain good, active firefighters to prevent paid departments and increases in town budget. Asks the board, if town board adopts this law, is exemption going to apply to special districts?

*Supervisor:* Town will construct the law to cover all taxes that come from the town of Ulster.

*Davis:* Invites all to Ulster Hose 911 ceremony on September 9 at 10am.

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**Motion to Close Public Hearing at 7:26 pm (2023-M-253)**

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*

WRITTEN COMMENT ACCEPTED FOR 30 DAYS

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**Motion to Authorize Town Attorney Jason Kovacs to commence litigation against Don Mackenzie “Bucs Junkyard” for continuing to operate a Junkyard in violation of a Court Decision in favor of the TOU by Judger Richard Mott dated February 16, 2017 (2023-M-254)**

*Supervisor:* Many years the town has had a problem at Buc’s in Eddyville. In 2017, judgment for permanent injunction. Operations have recommenced.

MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

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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**ADDITION**

**Motion for the Town Board to Authorize JoeBeez to Cater the Town of Ulster Senior Picnic on August 25, 2023 at \$11.00 per Person (2023-R-255)**

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*

***End of Regular Agenda***

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**PUBLIC COMMENT:**

1. Luke Rougier, Jeanette Lane resident, Owner of Stars & Stripes Landscaping Handouts to town board. Reads from prepared material (attached). Holds a petition signed by over 60 of his neighbors in support of his business. Asks for continued support from his neighbors and town board support is appreciated.

*Supervisor:* Contact Warren Tutt to meet with us next week.

2. Shawn Van Steenburg, Doris Lane resident, landscaper Reads from prepared material (attached). Holds a petition signed by at least 50 neighbors in support of his business.

*Supervisor:* Contact Warren Tutt to meet with us next week.

**MOTION to adjourn (7:34 pm) (2023-M-256)**

MOTION: Councilman Kitchen

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*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk