

TOWN OF ULSTER TOWN BOARD MEETING (7)

March 17, 2016

CALLED TO ORDER BY DEPUTY SUPERVISOR KITCHEN at 7 PM

SALUTE TO THE FLAG

ROLL CALL BY CLERK, Suzanne Reavy:

TOWN COUNCILMAN JOEL B. BRINK
DEPUTY SUPERVISOR ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
SUPERVISOR JAMES E. QUIGLEY 3rd - *ABSENT*

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Officer in Charge, JP Gramoglia
3. Town Assessor & UC Legislator, James Maloney
4. Building Inspector, Kathy Moniz
5. Highway Superintendent, Frank Petramale
6. Eight town residents

ADDITIONS OR CHANGES TO AGENDA

*Deputy Supervisor Kitchen adds that he would like Officer in Charge JP Gramoglia to discuss situation with space issue at police station – to be discussed after old business.

PUBLIC DISCUSSION ON AGENDA ITEMS

Resident John Iannotti: Regarding the last item on the agenda (the former Brice Beverage business on Ulster Avenue), historically that location has been dangerous – dozens of accidents there over time. Were there any measures taken in the site plan process to mitigate the traffic dangers at that particular site? Since it is going to be a furniture store, he assumes there will be tractor trailers entering/exiting, which would compound the problem?

Deputy Supervisor Kitchen: This site plan did go before the Town Planning Board. There was a recommendation made by the County Planning Board that a road is made behind the proposed furniture store, behind Hoffman Car Wash, and extending out to Boices Lane. Kitchen then asked Town Attorney Jason Kovacs to comment.

Jason Kovacs: Thank you. This application has been through the planning board process, and referred to the County Planning Board, which made suggestions to the Town Planning Board for the site plan. The road issue from Office Depot Plaza, parallel to railroad tracks – the Town Planning Board did not find it an appropriate response to any potential traffic issues and the Town Planning Board did override, by a 5-0 vote, the County modifications, and the Planning

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Board did approve this project (i.e. the furniture store). The only reason it is now before the Town Board is that under town code, a site plan wherein the square footage is equal to or greater than 2,500 square feet, it comes to the Town Board for final approval. This matter was referred to the State DOT (State Highway); several agencies have taken a look at this project.

John Iannotti: No further comments.

James Maloney, as Town Assessor: The last Resolution authorizing the conveyance of surplus Town property – Mr. Maloney asks the Board to consider not effectuating the documents until all parties/bills are paid in full. Please do not transfer the property until all bills are paid.

James Maloney, as UC Legislator: Regarding Hazard Mitigation – states that two weeks ago Deputy Supervisor Kitchen asked for a report, Maloney had stated that there was an upcoming meeting. This meeting took place on March 8th. At said meeting, the Legislature was updated by Robert Sudlow; a lot of information was put forth. Both Maloney and John Parete submitted a Resolution; on March 15th, the Legislature passed it unanimously. The Town of Ulster will be reimbursed the 12.5% local share that it has been waiting many years for. There is a separate Resolution (believes it to be 172); the County is applying for a grant through Empire State Development in the amount of \$368,000.00. That will cover other towns – six towns will share in the \$126,000.00 based on what they expended. The other 10-12 towns with damage did not come forth so the County is supplying them with monies to make them whole. Everyone will get what they are deserving of.

Deputy Supervisor Kitchen: Thank you for your work and your efforts.

APPROVAL OF MINUTES (January 28; February 4; and February 18)

MOTION: Councilman Brink

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

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COMMUNICATIONS

Letter received March 11, 2016 from Cindy Johnson, Division of Materials Management, Region 3, New York State Department of Transportation, commending The Town of Ulster Transfer Station.

“Transfer Station well-maintained, no violations, friendly staff, in compliance, orderly.”

Deputy Supervisor Kitchen: This is a testament to Highway Superintendent, Frank Petramale and his entire department. Please thank your workers on behalf of the Town Board.

ABSTRACT OF CLAIMS

Presented by Councilman Brink. Bills previously reviewed by both Brink and Councilman Secreto.

Remaining 2015 Vouchers:

Accounts Payable:	\$571.02
Abstract Bills:	\$13,380.00
Total:	\$13,951.02

2016 Vouchers

Prepaid Bills:	\$336,029.57
Abstract Bills:	\$271,854.62
Escrow Acct:	\$4,550.00
Reserve Acct:	\$373.00
Total:	\$612,807.19

Councilman Brink requests a **MOTION** to accept the Abstract of Claims as presented

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

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BUDGET MODIFICATIONS

DECEMBER, 2015

GENERAL FUND:	Transfer From	Transfer To	
	A1620.408 Heat	A1440.400 Engineering	540.00
	A3120.420 Gas & Oil	A3120.410 Computer Technology	7,149.00
	A1355.405 Mileage & Expenses	A1355.418 Legal Servs.	370.00
ULSTER WATER:	Transfer From	Transfer To	
	SW1.8320.408 Heat	SW1.8320.407 Electric	84.00
GLENERIE WATER:	Transfer From	Transfer To	
	SW6.8320.407 Electric	SW6.8320.409 Repairs & Supplies	51.00

MARCH, 2016

General Fund:	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball League) Feb.&March refereeing fees-Paul Remick	75.00
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) return of umpire fees-Robert Bower-Scanlon Cleaners	
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Biddy Basketball League) Feb.&March refereeing fees-Paul Remick and Andrea Clausi	
 Highway Fund:	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. - Oper.Funds	4,228.65
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. (Ruby Fire Dist.)	98.71

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Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. (Ulster Fire Dist.#1/Spring Lake)	52.66
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Jan. Gas Reimb. (East Kingston Vol. Fire Co.)	198.17
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Feb. Gas Reimb. (East Kingston Vol. Fire Co.)	168.05
Modify Revenue D1270 (Shared Service Charges) and Appropriation D5110.400 (Street Program) reimb. For 24 traffic cones from Town of Shandaken	351.84

Bright Acres Water:

Modify Appropriation SW4.8320.400 (Engineering) to be funded through SW4.5990 (Approp.Fund Bal.) payment to Brinnier & Larios -waterline easements	2,300.00
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Whittier Sewer:

Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Grant St. Construction Inv.#5 - Primary Clarifier Replacement	
Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Warren Electric Supply electrical supplies & new primary tank - Primary Clarifier Replacement	
Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap. Project) to be funded through SS1.5990 (Approp.Fund Bal.) payment to Brinnier & Larios - Inv.#9 Primary Clarifier Replacement	

**Whittier Sewer
Cap. Proj.:**

Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction) payment to Grant St. Construction Inv.#5 - Primary Clarifier	
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Replacement

Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation
HWS.8110.200
(Construction) payment to Warren Electric Supply - electrical supplies & new
primary tank-Primary Clarifier Replacement

Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation
HWS.8110.400
(Engineering) payment to Brinnier & Larios - Inv.#9 - Primary Clarifier
Replacement

MARCH, 2016 Transfers

Highway Fund:	Transfer From	Transfer To	
	D9710.600 Prin-Serial Bond	D9730.600 BAN-Prin.	95,000.0
	D9710.700 Int.-Serial Bond	D9730.700 BAN-Int.	8,500.00

Councilman Brink calls for a **MOTION** to accept the Budget Modifications as presented

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Brink -Aye
Deputy Supervisor Kitchen -Aye
Town Councilman Morrow -Aye
Town Councilman Secreto -Aye
Supervisor Quigley -Absent

CARRIED

NEW BUSINESS

PRESENTATION and acceptance of Town Clerk's Report for the month of February, 2016.

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to give consent for City of Kingston to be Lead Agency on Water Transmission Main Rehabilitation Project, DWSRF Project 18209

MOTION: Councilman Brink
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to proclaim the month of April at the Town of Ulster as World-Wide Parkinson's Disease Awareness Month

MOTION: Councilman Morrow
SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

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MOTION to authorize the Highway Superintendent and Road Maintenance Leader to attend the annual Highway School in Ithaca, NY from June 5th – 8th

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to accept the retirement of Keith Hartrum from the Highway Department effective 3/30/16

MOTION: Councilman Morrow
SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to accept the resignation of part time Police Officer Robert Keller (in good standing)

MOTION: Councilman Brink
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

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MOTION to authorize the hiring of eight seasonal workers for the Highway Department

1. Nolan Secreto (start date: 3/21/16; non-union; \$10.00 per hour; no benefits)

MOTION: Deputy Supervisor Kitchen

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Abstain
Supervisor Quigley	-Absent

CARRIED

2. Jonathan McGee (start date 3/14/16); Justin Kelly (start date 3/21/16); Zachary Williams (start date 3/21/16)
 - a. All laborers; non-union; no benefits; all \$10.00 per hour

MOTION: Councilman Brink

SECOND: Deputy Supervisor Kitchen

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

3. Cameron Ott (start date 6/20/16); Yakheem Ramsay (start date 6/20/16); Lukas Boyle (start date 5/18/16) ; Bradley Boyd (start date 5/18/16)
 - a. Laborers; \$9.00 per hour; no benefits; non-union

MOTION: Councilman Brink

SECOND: Deputy Supervisor Kitchen

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

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CARRIED

MOTION to accept the resignation of part time Court Clerk Rebecca Crespino

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to authorize the hiring a full time Clerk for the Town Clerk's Office

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

MOTION to authorize the Highway Superintendent to purchase 2-20 yard heavy duty roll-off containers

MOTION: Councilman Secreto

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye

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Supervisor Quigley

-Absent

CARRIED

RESOLUTION authorizing Conditional Site Plan Approval for Five Star Realty, LLC, dba Begnal Motors, LLC, Route 28, Kingston, SBL# 48.13-2-20.129-131
(approval needed for an additional 55x75 building)

RESOLUTION

TOWN OF ULSTER TOWN BOARD

Conditional Site Plan Approval

Five Star Realty, LLC dba Begnal Motors, LLC

S-B-L: 48.13-2-20

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by Five Star Realty, LLC seeking an amendment to the Begnal Motors Car Dealership Site Plan that was conditionally approved by the Town of Ulster Town Board on June 18, 2015; and

WHEREAS, the proposed amendment involves the elimination of the basement under the proposed Quicklube service area and the construction in its place of a 55' x 75' single-story building addition on the southeast side of the auto dealership sales and service building; and

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

- *Site Plan Amendment Narrative* by Brinnier & Larios, Eng. & Land Surveying, P.C. dated 2/4/2016;
- *Cover Sheet* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Phase 1-3 – Site Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Phase 1-3 – Grading Plan* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Phase 1&2 – Site Utilities* by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Site Lighting/Photometric Layout* by B&L, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Site Landscaping Plan* prepared by B&L, Eng. & Land Surveying, P.C. dated 1/29/16;
- *Fire Apparatus Access Plan* by B&L, Engineering & Land Surveying, P.C. dated 1/29/16;
- *Vehicle Evacuation Plan* prepared by B&L, Eng. & Land Surveying, P.C. dated 1/29/16;
- *Segmented Retaining Wall Profile* by B&L, Eng. & Land Surveying, P.C. dated 1/29/16; and
- *Floor Plan* prepared by Brinnier & Larios, Engineering & Land Surveying, P.C. dated 1/29/16

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application; and

WHEREAS, in June 2015, the Town of Ulster Town Board – as Lead Agency – adopted a *SEQR Negative Declaration* and granted Site Plan Approval for the construction of a 29,600 sf building on this site, along with the provision of 250 vehicle display spaces and off-street parking

for customers/employees, accessible parking spaces and stormwater management; and

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WHEREAS, the Town Board as SEQR Lead Agency did not identify any significant adverse environmental effects associated with the proposed Site Plan Amendment for Bengal Motors that

would warrant a supplemental SEQR review; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to Section 239 l and m of NYS General Municipal Law and the UCPB made a determination that the Proposed Action did not pose any Countywide impacts; and

WHEREAS, the Planning Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via

memoranda (which memoranda are incorporated herein by reference); and

WHEREAS the Planning Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board at its February 2016 meeting – hereby finds the

Site Plan application complete; and

**Conditional Site Plan Amendment Approval
Begnall Motors, LLC**

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WHEREAS, the Town of Ulster Planning Board referred this matter to the Town Board with a recommendation to the Town Board to grant conditional Site Plan Amendment approval to

Five Star Realty, LLC dba Begnall Motors, LLC to amend the Site Plan as described above on the above referenced site subject to the conditions, limitations and restrictions set forth below.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby grants conditional Site Plan Amendment approval to **Five Star Realty, LLC dba Begnall Motors, LLC** to amend the Site Plan as described above on the above referenced site 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 final site plan, design plans and all details as cited herein;
4. Applicant addresses all requirements of *Central Hudson Gas & Electric* for development within its easements over the subject site;
5. Compliance with all applicable regulations concerning development within a floodplain;
6. *Compliance with Section 190-27 (i) (3) of the Town Code [i.e. Parking Lot Lighting Curfew].*
7. The Town's consulting planner, engineer 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

7. All fees, including consultant fees, shall be paid.

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MOTION: Councilman Secreto

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

RESOLUTION authorizing the Deputy Supervisor to sign the Inter-Municipal Agreement for Police Services

~ TABLED – Moved to Next Meeting ~

RESOLUTION authorizing the signing of the Shared Services Agreement between the Town of Ulster and other Towns within Ulster County
(Highway, Water & Sewer helping out other Towns if needed)

March 17, 2016

Resolution by the Town Board – Contract of Shared Services

Resolution Authorizing the Chief Executive Officer to sign an agreement on behalf of the Town which authorizes the Superintendent to directly contract with the Superintendents or persons holding similar public office in other municipalities who possess similar authorization for the borrowing or lending of materials and supplies and the exchanging, leasing, renting of machinery and equipment, including the operators thereof, for the purpose of aiding the Superintendent in the performance of his/her duties

WHEREAS all municipalities, including the Town of Ulster have the power and authority to contract for the purpose of renting, leasing, exchanging or borrowing of machinery and equipment, with or without operators, with other municipalities, and

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WHEREAS, all municipalities, including the Town of Ulster have the power and authority to borrow or lend materials and supplies to other municipalities, and

WHEREAS, it is hereby determined that the Town and other municipalities have machinery and equipment which is not used at all times but lie idle during certain periods, and

WHEREAS, it is determined that the Town and other municipalities often have materials and supplies on hand which are not immediately needed, and

WHEREAS, it is hereby determined that by the renting, borrowing, exchanging or leasing of highway machinery and equipment and the borrowing or lending of materials and supplies, the Town and other municipalities may avoid the necessity of purchasing certain needed highway machinery and equipment and the purchasing of or keeping a large inventory of certain extra materials and supplies, thereby saving the taxpayers money, and

WHEREAS, it is recognized and determined, from a practical working arrangement, that no program of borrowing, leasing or renting of highway machinery and equipment or borrowing or lending of materials can be successful if each individual arrangement or agreement has to receive prior approval by the Town Board and the governing board of each of the other municipalities which may be parties to such agreements, since such agreements must often be made on short notice and at times when governing boards are not in session, and

WHEREAS, it is incumbent upon each municipality to design a simple method whereby materials and supplies, equipment and machinery, including the operators thereof, may be quickly obtained with a minimum of paperwork and inconvenience and with a swift approval process, and

WHEREAS, it is the intent of this Town Board to give the Superintendent the authority to enter into renting, exchanging, borrowing and lending agreements with the persons serving in similar capacities in other municipalities without the necessity of obtaining approval of the Town Board prior to the making of each individual agreement, and

WHEREAS, a standard contract has been prepared which is expected to be adopted and placed into effect in other municipalities which contract will grant the person holding the position comparable to that of superintendent authority to make similar agreements, and

WHEREAS, it is hereby determined that it will be in the best interest of the Town to be a party to such an agreement,

NOW THEREFORE BE IT RESOLVED that the chief executive officer of the Town of Ulster is hereby authorized to sign on behalf of the Town, the following contract:

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CONTRACT OF SHARED SERVICES

1. For the purposes of this contract, the following terms shall be defined as follows:

a. "Designated Filing Agent" shall mean the central place where all similar contracts for highway shared services are filed as agreed upon by all participating municipalities.

b. "Municipality" shall mean any city, county, town or village which has agreed to be bound by a contract of shared services identical in terms and effect with this contract and has filed a certified copy of a resolution to that effect with the designated filing agent as defined herein.

c. "Contract" shall mean the text of this agreement which is identical in terms and effect with similar agreements, notwithstanding that each such contract is signed only by the chief executive officer of each participating municipality filing the same, and upon such filing each filing municipality accepts the terms of the contract to the same degree and effect as if each chief executive officer had signed each individual contract.

d. "Shared Service" shall mean any service provided by one municipality for another municipality that is consistent with the purposes and intent of this contract and shall include but shall not be limited to:

i. the renting, exchanging, or lending of highway machinery, tools and equipment, with or without operators;

ii. the borrowing or lending of supplies between municipalities on a temporary basis conditioned upon the replacement of such supplies or conditioned upon the obtaining of equal value through the provision of a service by the borrower or by the lending of equipment by the borrower, the value of which is equal to the borrowed supplies;

iii. the providing of a specific service for another municipality, conditioned on such other municipality providing a similar service of equal value in exchange.

e. "Superintendent" shall mean, in the case of a county, the county superintendent of highways, or the person having the power and authority to perform the duties generally performed by county superintendents of highways; in the case of a town, "superintendent" shall mean the town superintendent of highways; in the case of a village, "superintendent" shall mean the superintendent of public works.

2. The undersigned municipality has caused this agreement to be executed and to bind itself to the terms of this contract and it will consider this contract to be applicable to any municipality which has filed a similar contract in the office of the designated filing agent and which has sent a notice of such filing to the officer signing this agreement and the Superintendent of the Town of Ulster.

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3. The undersigned municipality by this agreement grants unto the Superintendent the authority to enter into any shared service agreement with any other municipality or other municipalities subject to the following terms and conditions:

a. The Town of Ulster agrees to rent or exchange or borrow from any municipality any and all materials, machinery and equipment, with or without operators, which it may need for the purposes of the Town. The determination as to whether such machinery, with or without operators, is needed by the Town shall be made by the Superintendent. The value of materials or supplies borrowed from another municipality under this agreement may be returned in the form of similar types and amounts of materials or supplies, or by the supply of equipment or the giving of services of equal value, to be determined by mutual agreement of the respective Superintendents.

b. The town of Ulster agrees to rent, exchange or lend to any municipality any and all materials, machinery and equipment, with or without operators, which such municipality may need for its purposes. The determination as to whether such machinery or material is available for renting, exchanging or lending shall be made by the Superintendent. In the event the Superintendent determines that it will be in the interests of the Town of Ulster to lend to any other municipality, the Superintendent is hereby authorized to lend to another municipality. The value of supplies or materials loaned to another municipality may be returned to the Town of Ulster by the borrowing municipality in the form of similar types and amounts of materials or supplies, or by the use of equipment or receipt of services of equal value, to be determined by mutual agreement of the respective Superintendents.

c. An operator of equipment rented or loaned to another municipality, when operating such equipment for the borrowing municipality, shall be subject to the direction and control of the Superintendent of the borrowing municipality in relation to the manner in which the work is to be completed. However, the method by which the machine is to be operated shall be determined by the operator.

d. When receiving the services of an operator with a machine or equipment, the receiving Superintendent shall make no request of any operator which would be inconsistent with any labor agreement that exists for the benefit of the operator in the municipality by which the operator is employed.

e. The lending municipality shall be liable for any negligent acts resulting from the operation of its machinery or equipment by its own operator. In the event damages are caused as a result of directions given to perform work, then the lending municipality shall be held harmless by the borrowing municipality.

f. Each municipality shall remain fully responsible for its own employees, including salary, benefits and workers compensation.

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4. The renting, borrowing or leasing of any particular piece of machinery or equipment, or the exchanging or borrowing of materials or supplies, or the providing of a specific service shall be evidenced by the signing of a memorandum by the Superintendent. Such memorandum may be delivered to the other party via mail, personal delivery or by facsimile machine. In the event there is no written acceptance of the memorandum, the using of the machinery, the receipt of the materials or supplies or the acceptance of a service shall be evidence of the acceptance of the offer to rent, exchange or lend.

5. In the event any shared agreement is made without a memorandum at the time of receipt of the shared service, the Superintendent receiving the shared service, shall, within five days thereof, send to the provider a memorandum identifying the type, time and date of the acceptance of the shared service. In the event such shared service related to or included the receipt of any materials or supplies, such memorandum shall identify such materials or supplies and the time and place of delivery.

6. In the event a municipality wishes to rent machinery or equipment from another municipality or in the event a municipality wishes to determine the value of such renting for purposes of exchanging shared services of a comparable value, it is agreed that the value of the shared service shall be as set forth in the memorandum.

7. All machinery and the operator, for purposes of workers compensation, liability and any other relationship with third parties, except as provided in e of section 3 of this agreement, shall be considered the machinery of and the employee of the municipality owning the machinery and equipment.

8. In the event machinery or equipment being operated by an employee of the owning municipality is damaged or otherwise in need of repair while working for another municipality, the municipality owning the machinery or equipment shall be responsible to make or pay for such repairs. In the event machinery or equipment is operated by an employee of the borrowing, receiving or renting municipality, such municipality shall be responsible for such repairs.

9. Records shall be maintained by each municipality setting forth all machinery rentals, exchanges, borrowings or other shared services. Such records will be available for inspection by any municipality which has shared services with such municipality.

10. In the event any dispute arises relating to any shared service, and in the event such dispute cannot be resolved between the parties, such dispute shall be subject to mediation.

11. Any party to this contract may revoke such contract by sending a notice of such revocation to the designated filing agent and a copy thereof to each participating municipality filing as required by paragraph 1 of this contract, within the definition of "Municipality". Upon the revocation of such contract, any outstanding obligations shall be settled within thirty days of

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such revocation unless the parties with whom an obligation is due agree in writing to extend such date of settlement.

12. Any action taken by the Superintendent pursuant to the provisions of this contract shall be consistent with the duties of such official and expenditures incurred shall not exceed the amounts set forth in the Town budget for highway purposes.

13. A record of all transactions that have taken place as a result of the Town participating in the services afforded by this contract shall be kept by the Superintendent and a statement thereof, in a manner satisfactory to the Town Board, shall be submitted to the Town Board semi-annually on or before the first day of June and on or before the first day of December of each year following the filing of the contract with the designated filing agent, unless the town Board requests the submission of records at different times and dates.

14. If any provision of this agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative, or if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect as if the contract had been signed or filed with the designated filing agent with the invalid proportion so modified or eliminated.

15. This contract shall be reviewed each year by the Town Board and shall expire five years from the date of its signing by the chief executive officer. The Town Board may extend or renew this contract at the termination thereof for another five year period.

IN WITNESS WHEREOF, THE SAID Town of Ulster has by order of the Town Board, caused these presents to be subscribed by the chief executive officer, and seal of the Town to be affixed and attested by the Clerk thereof, this 17th day of March, 2016.

The Town Clerk is authorized and directed to file a copy of the contract set forth in this resolution with the designated filing agent and with the chief executive officer of the following municipalities: Ulster County and all Towns within Ulster County.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

March 17, 2016

RESOLUTION authorizing Conveyance of Surplus Town Property to Andrew E. Moss and Florence M. Ancillotti

Deputy Supervisor asks Councilmen Morrow & Secreto to discuss this.

Councilman Secreto states that Town Attorney, Jason Kovacs, put in two hours of work at \$150.00 per hour. The Town would like to be reimbursed the \$300.00 for our costs. If that is alright with the rest of the Board members...

Deputy Supervisor Kitchen: That is ok with the Board, but states that no transfer of property until all parties are paid in full.

Councilman Secreto: Can we add that to the Resolution? Can we vote on it?

Deputy Supervisor Kitchen: We would like to add these items to the Resolution.

Jason Kovacs: Giving Board and public some background: This property is an abandoned right-of-way parcel off of Main Street in Ruby, not maintained by the Town; 0.03 acre; maintained by Moss & Ancillotti for many years; Town would be quit-claiming its interest in the parcel to the adjacent property. Kovacs would modify the Resolution (#4 and #5); #4 would be payment to the Town of Ulster; #5 would be that no documents of conveyance would be signed by the Town until all payment is received by the Town of Ulster.

ALL Board Members satisfied with those amendments.

**Resolution of the Town Board
TOWN OF ULSTER
Resolution Authorizing Conveyance of Surplus Town Property to Andrew E.
Moss and Florence M. Ancillotti
Date: March 17, 2016**

WHEREAS, the Town of Ulster is the owner of a 0.03 acre abandoned town highway right-of-way located off Ruby Road a/k/a Main Street, Ruby; and

WHEREAS, the Town of Ulster has never maintained this now abandoned town right-of-way, and this parcel is surplus property; and

WHEREAS, Andrew E. Moss and Florence M. Ancillotti, owners of 1366 Main Street in Ruby (SBL: 39.1-2-34) have approached the Town of Ulster and requested to be deeded the Town of Ulster's interest in said abandoned town right-of-way so that they may use it in conjunction with their use of SBL: 39.1-2-34– the adjoining tax parcel; now therefore be it

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RESOLVED, that the Town Board of the Town of Ulster authorizes the conveyance of the portion of the abandoned town right-of-way as described in Schedule "A" to Andrew E. Moss and Florence M. Ancillotti, as further shown on a survey map prepared by Christopher J. Zell, P.L.S., date February 12, 2016, and authorizes the Supervisor or Deputy Supervisor of the Town of Ulster to executed a Quitclaim Deed and conveyance documents in a form satisfactory to the Town Attorney for these portions of the former town highway, and be it FURTHER RESOLVED that such conveyance is subject to the following:

1. Easements, covenants, and restrictions, if any;
2. Zoning Law of the Town of Ulster;
3. Such statement of facts that an accurate survey or personal inspection may reveal;
4. Payment of \$300.00 by bank check or certified check to the Town of Ulster;
5. No documents of conveyance shall be executed by the Town until payment of \$300.00 is received by the Town of Ulster; and be it

FURTHER RESOLVED, that this resolution is subject to permissive referendum and the Town Clerk is directed to post this resolution.

SCHEDULE "A"

**Description of Lands to be conveyed to Andrew E. Moss
and Florence M. Ancillotti**

Town of Ulster, Ulster County, New York State

Beginning at a recovered bar at the southeasterly corner of lands of Lisa Egan and Daria Egan, Liber 5428 – Page 80, said point being on the westerly side of Ruby Road (a/k/a Main Street) and running;

1. Thence from said point of beginning, along the westerly side of Ruby Road, South 0 ° 11' 05" East, 54.86 feet to a recovered bar;
2. Thence along the easterly line of lands of Andrew E. Moss and Florence M. Ancillotti, Liber 1752 – Page 194, the following two courses and distances: North 68 ° 26' 15" West, 52.00 feet to a point;
3. Thence North 53 ° 25' 27" East, 60.00 feet to the place of beginning.

CONTAINING: 0.030 Acres

All bearings are referred to Magnetic North, February 2016

MOTION: Councilman Secreto

SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

March 17, 2016

OLD BUSINESS

RESOLUTION granting Conditional Site Plan Approval to Lillian and Arthur Nazginov Furniture Store, 1099 Ulster Ave., Kingston, NY, SBL # 48.42-3-19

Per Town Attorney, Jason Kovacs: This has been through the Planning Board process; former Brice Beverage; Will be a retail furniture store; Built in 1947; one of the first commercial properties on Ulster Avenue; the design of the building is very modern and will make a nice improvement on the Rt. 9W corridor.

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

**Lillian & Arthur Nazginov
Furniture Store
Conditional Site Plan Amendment Approval
S-B-L: 48.42-3-19**

WHEREAS, the Town of Ulster Town Board and its Planning Board and consultant planner have reviewed an application by Lillian & Arthur Nazginov seeking Site Plan Amendment approval to construct a 3,797.2 square foot (sf) addition to an existing 6,522.8 sf commercial building along with associated improvements to parking, access, landscaped areas and utility infrastructure; and

WHEREAS, the applicant is proposing establish a *retail furniture store* on the subject site, which is permitted by right subject to Site Plan Review; and

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

- *Written Narrative* by Dutton Architecture, PLLC dated January 29, 2016;
- *Site Plan Consent Form* by Lillian Nazginov, *unsigned and undated*.
- *Site Plan Application* by Scott Dutton, RA of Dutton Architecture, PLLC *undated*;
- *SEQR Short EAF Part 1* by Scott Dutton, RA of Dutton Architecture, PLLC 1/29/2016;
- *Existing Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Proposed Topography* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Site Details* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Existing Conditions Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;
- *Existing Conditions Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016;

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- *Proposed First Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016; and
- *Proposed Basement Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016; and
- *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 1/26/2016.

- *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC dated 2/9/2016;
- *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 2/9/2016;
- *Existing Site Plan* by Scott Dutton, RA of Dutton Architecture, PLLC dated 3/8/16;
- *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/16;
- *Proposed Site Plan* prepared by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016
- *Proposed Landscaping Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Proposed Topography* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Proposed Site Lighting* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Site Details prepared* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Existing Conditions Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Existing Conditions Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016;
- *Proposed First Floor Plans* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016; and
- *Proposed Basement Plan* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016; and
- *Proposed Elevations* by Scott Dutton, RA of Dutton Architecture, PLLC 3/8/2016.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board (UCPB) by the Town of Ulster Town Board pursuant to Section 239 l and m of NYS General Municipal Law *and written comments were received on March 2, 2016, which included required modifications; and*

WHEREAS, upon review of the required modifications the Town of Ulster Town Board determined the applicant's revised Plan Set complied with the lighting and landscaping requirements, but did not address the UCPB's request for additional cross access easements; *and*

WHEREAS, the Town of Ulster Town Board motioned to override the UCPB's required modification concerning cross-access; and

WHEREAS, the Town of Ulster Planning Board, referred this matter to the Town of Ulster Zoning Board of Appeals, which scheduled a public hearing for April 6, 2016 to consider an area variance to allow the applicant to construct a new addition within a portion of the required Front Yard Setback, since the proposed addition would not project closer to the front yard than the existing building; and

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WHEREAS, the Town Board and Planning Board have considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference).

NOW THEREFORE BE IT RESOLVED, the Town Board – upon receipt of the additional application materials as requested by the Town of Ulster Planning Board finds the Site Plan application complete; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board hereby grants Conditional Site Plan approval for the Proposed Action on the above referenced site 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. The applicant secures an area variance from the Zoning Board of Appeals;
5. The applicant consents to reappearing before the Planning Board to secure approval for its wall and freestanding sign once such plans are ready for review;
6. 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
7. All fees, including consultant fees, shall be paid.

MOTION: Councilman Brink
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

***PER Deputy Supervisor Kitchen**, there is one addition to the agenda, and asks Ulster Police Department Officer in Charge, JP Gramoglia, to speak and give us a synopsis on the space needs in the Police Department.

JP Gramoglia: Discussion in the past at Police Matters meetings wherein there are issues with the two trailers that are utilized by patrol and detectives; through discussions agreement was

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to replace the detective trailer because the roof is leaking & several other issues; during that time the patrol trailer roof is leaking. Wants to replace both trailers. Cost is \$5,350.00 to replace and setup both trailers; occupied trailers for at least five years now.

Deputy Supervisor Kitchen: Asking the gentlemen on the board for permission to expend funds to obtain trailers.

Councilman Secreto: Roof has been leaking for a while, and they knew about it. Are these used trailers coming in? Only problem he has is that they are used. How much damage is there from the leak?

Gramoglia: They are used, but are more appealing to the eye; have been brought up to good condition. This is the situation that we are in. Believes the agreement is a one year warrantee. We lost a printer, and leak was caught in time that there was minimal damage to our property.

Councilman Morrow: We should ask them for five year warrantee. A roof should last five years.

Gramoglia: Their solution is to rip off the entire roof to repair it and that is just not feasible for our department.

Councilman Secreto: Were we reimbursed for the printer? Do we have insurance coverage? We pay \$940.00 per month for those rentals.

Deputy Supervisor Kitchen: I will have to check. The deductible may be more than what the printer was worth. I know we are coming in to the rainy season; this is the best solution that we have come to.

Councilman Morrow makes **MOTION** to expend the \$5,350.00 to replace both trailers.

SECOND: Brink

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Nay
Supervisor Quigley	-Absent

CARRIED

[Councilman Secreto points out that he votes "no" because of the money aspect; vote still counts as against]

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PUBLIC COMMENT

Town Resident Hans Funccius:

Comment on the agenda item (new hires): Shocked at the low rate of pay (\$9 and \$10 per hour and \$12.50 for clerk) for new hires. When he hires laborers he pays \$12.50 per hour. Councilman Secreto: Money is coming out of beautification program. Employees gradually gets raise each time they come back.

Comments about a different subject: "Trees" and "One tree in particular" – specifically the sycamore tree on Washington Avenue near the new proposed Kingston Commons, across from Quick Chek. Trees are important in every community; in novels; reads "An Ode to a Tree", by Joyce Kilmer. Getting a few people involved in this. Wants to save the tree; there has to be a way to salvage the tree during development of Kingston Commons. Thank you for listening.

Town Resident Mrs. Stark:

Comments about the sycamore tree: The tree stands next to the sidewalk; it seems that developers would design the property without the tree. Hopes the architect has a different point of view & can see the aesthetic and conservation values involved. We will suffer without the presence of the tree. Yes, we do need business, but we need the tree as well. Hope to redesign to include the tree.

Comments about Bucks Junk Yard: Eddyville is her true home – wants to know if there is an update.

Town Attorney, Jason Kovacs: We sent Mr. Mackenzie/owner of Bucks a reasonable settlement proposal and it was rejected through his attorneys. Now we are in active litigation – that is the current status. He is currently operating the junkyard (our position is that he is operating illegally). He came to the Town Board in 2013 for a junkyard license and the application was rejected. We've been through a myriad of lawsuits and proceedings. Action now pending seeking permanent injunction to cease and desist operation of the junkyard. Action began close to 9/1/15.

Town Resident Anna Parks:

Comments about Ulster Police Department: Last month, Cub Scouts Pack 10 went to the Police Station for a tour with Sgt Seyfarth & Detective Moylan, and they provided a great service. Thank you to the Police Department.

----- **No further comments** -----

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Deputy Supervisor Kitchen asks for **MOTION** to adjourn at 6:52 PM

MOTION: Councilman Brink

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Deputy Supervisor Kitchen	-Aye
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Absent

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk