

**TOWN OF ULSTER TOWN BOARD WORKSHOP (21)**

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November 3, 2016

**~~ PUBLIC HEARINGS SCHEDULED ~~**

1. 7:10 PM — Local Law No \_\_\_ of 2016: An Amendment to Chapter 87 of the Town Code Flood Damage Preventions (update existing law for new Flood Maps and Study)
  2. 7:15 PM --- Preliminary Town of Ulster Budget
  3. 7:30 PM --- Local Law No. \_\_\_ of 2016: A Local Law Providing for the Adoption of a New Article XVII of Chapter 190 of the Town Code ( A Local Law Regulating the Keeping of Chickens)
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**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7 PM**

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK, Suzanne Reavy:**

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN ~ *Excused*  
TOWN COUNCILMAN JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Town Attorney, Jason Kovacs
2. Highway Superintendent, Frank Petramale
3. Building Inspector, Kathy Moniz
4. Officer in Charge, Kyle Berardi
5. Judge Susan Kesick
6. Judge Marsha Weiss
7. 25 Town Residents

**ADDITIONS OR CHANGES TO AGENDA:** None

**PUBLIC DISCUSSION ON AGENDA ITEMS:** None

**COMMUNICATIONS:** None

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**New Business:**

**PRESENTATION** by Judge Kesick on operations of the Town Justice Court

Susan Kesick & Marsha Weiss, Town Justices

*Kesick:* 1,240 town & village courts in NYS – Town of Ulster is one of busiest, ranking #19 in 2015 per NYS Comptrollers Report; 1,147 closed criminal cases; 11,639 closed vehicle and traffic cases; over 100 civil & small claims cases in the past year. 2015 revenue \$1,667,472.25 -- \$692,320.00 went back to the Town.

Kesick began as Judge in 2006 and each year both Judges collectively apply for JCAP Grant (Justice Court Assistance) through NY State. Renovated the Courtroom; judge's chambers; obtained magnetometer.

Judges here tonight to publicly thank some people for the Court's recent major renovation: Supervisor Quigley; Town Board – specifically personnel; Frank Petramale; Chris Kohler; Jason Tremper; Peggy King; Court Clerks; shared services.

**RESOLUTION** of the Town Board, Town of Ulster, to rescind its withdrawal of the Town of Ulster from the Ulster County Self-Insurance Plan

**RESOLUTION OF THE TOWN BOARD, TOWN OF ULSTER, TO RESCIND  
ITS WITHDRAWAL OF THE TOWN OF ULSTER FROM THE  
ULSTER COUNTY SELF-INSURANCE PLAN**

WHEREAS, the Town of Ulster presently participates in the Ulster County Self-Insurance Plan with respect to workers' compensation insurance coverage; and

WHEREAS, the Town Board of the Town of Ulster has previously determined that it is in the best interest of the Town of Ulster to withdraw from the Ulster County Self-Insurance Plan; and

WHEREAS, the Town Board of the Town of Ulster, at its regularly scheduled meeting on June 16, 2016, withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2016; and

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WHEREAS, the Town of Ulster Town Board reserved the right to rescind the June 16, 2016 resolution and to re-join the Ulster County Self-Insurance Plan prior to the end of the fiscal year ending December 31, 2016; and

WHEREAS, after exploring its financial options, the Town of Ulster Town Board now desires to rescind the June 16, 2016 resolution and to continue as a member of the Ulster County Self-Insurance Plan;

NOW, THEREFORE BE IT RESOLVED, that the Town of Ulster Town Board does hereby rescind its resolution approved on the 16<sup>th</sup> day of June, 2016, which withdrew the Town of Ulster from participation in the Ulster County Self-Insurance Plan at the conclusion of the fiscal year ending December 31, 2016; and be it further

RESOLVED, that the Town of Ulster shall continue to participate in the Ulster County Self-Insurance Plan; and be it further

RESOLVED that the Town Clerk shall within ten days file a certified copy of this resolution with the Clerk of the Ulster County Legislature and with the Office of the Ulster County Executive.

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**DISCUSSION** on Spring Lake Water District Issues

*Presented by Supervisor Quigley*

Prior meeting distributed an out of district water agreement form to be used for the five houses on Hillside Terrace to provide extension of water main constructed and to allow those houses to connect. Asks for a consensus that the Supervisor take that agreement and approach the homeowners to determine their interest in participating in this project:

~All Council Members Agree~

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**MOTION** to authorize the Supervisor to sign the Bank of Greene County Tax Collection Agreement 2017

*Presented by Supervisor Quigley*

Last year the Town switched from JP Morgan Chase to The Bank of Greene County for tax collection. This agreement memorializes serves that the bank will provide to the Town.

MOTION: Councilman Secreto

SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**RESOLUTION** Recommending that NYS Department of Health and/or Department of Environmental Conservation be named as Lead Agency for Filtration Avoidance Determination

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution Recommending that NYS Department of Health and/or Department of Environmental Conservation be named as Lead Agency for Filtration Avoidance Determination**

BE IT RESOLVED, that the Town Board of the Town of Ulster recommends that the New York State Department of Health and/or the New York State Department of Environmental Conservation should be named as the lead agency for the environmental review for the Filtration Avoidance Determination for the Catskill and Delaware System.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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Town Councilman Brink -Aye  
Town Councilman Kitchen -Excused  
Town Councilman Morrow -Aye  
Town Councilman Secreto -Aye  
Supervisor Quigley -Aye

*CARRIED*

**Old Business:**

**MOTION** to set a public hearing for the issuance of Special Use Permit for Romeo Kia, 1905 Ulster Avenue, Lake Katrine, SBL 39.19-3-38.100, for November 17, 2016 at 7:10 PM

MOTION: Councilman Morrow  
SECOND: Councilman Brink

Town Councilman Brink -Aye  
Town Councilman Kitchen -Excused  
Town Councilman Morrow -Aye  
Town Councilman Secreto -Aye  
Supervisor Quigley -Aye

*CARRIED*

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**~ PUBLIC HEARING: 7:10 PM — Local Law No \_\_\_ of 2016: An Amendment to Chapter 87 of the Town Code Flood Damage Preventions (update existing law for new Flood Maps and Study)~**

**MOTION** to open the Public Hearing

MOTION: Councilman Brink  
SECOND: Councilman Secreto

Town Councilman Brink -Aye  
Town Councilman Kitchen -Excused  
Town Councilman Morrow -Aye  
Town Councilman Secreto -Aye  
Supervisor Quigley -Aye

*CARRIED*

November 3, 2016

**RESOLUTION** adopting Local Law \_\_\_ of 2016 an Amendment to Chapter 87 of the Town Code Flood Damage Preventions (update existing law for new Flood Maps and Study)

## **Resolution of the Town Board**

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### **TOWN OF ULSTER**

#### **Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No.   3   of 2016 - A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster**

**Date: November 3, 2016**

WHEREAS, an introductory Local Law entitled "A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster" was introduced before the Town Board of the Town of Ulster on October 20, 2016, and upon notice duly published and posted, a hearing was held on November 3, 2016 at 7:10 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled "A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster" is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No.   3   of 2016 - A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

November 3, 2016

**TOWN OF ULSTER**  
**Local Law No. \_\_\_\_\_ of 2016**  
**A Local Law Amending Section 87-6 of Chapter 87 of the Code of the**  
**Town of Ulster**

Be it enacted by the Town Board of the Town of Ulster as follows:

**Section I.** A new Section 87-6 of Chapter 87 of the Code of the Town of Ulster is hereby enacted as follows:

**§87-6. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard for the Town of Ulster, Community Number 360866, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

A. Flood Insurance Rate Map Panel Numbers

36111C0295F 36111C0315F 36111C0320F 36111C0455F  
36111C0460F 36111C0470F 36111C0480F

whose effective date is November 18, 2016, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

B. A scientific and engineering report entitled "Flood Insurance Study, Ulster County, New York, All Jurisdictions – dated November 18, 2016."

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the office of the Building Department of the Town of Ulster located at 584 East Chester Street Bypass, Kingston, New York, and the office of the Town Clerk of the Town of Ulster located at 1 Town Hall Drive, Lake Katrine, New York.

**Section II. Severability**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

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**Section III. Effective Date**

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

**~NO COMMENTS~**

**MOTION** to close the Public Hearing (7:11 PM)

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

*Supervisor:* This law takes 30 days to become effective per NYS Department of State. Asks the Town Board to dispense with its normal policy of voting on the Resolution to adopt the law at the meeting subsequent to the Public Hearing.

Calls for a **MOTION** to accept the Resolution adopting the Local Law No. \_\_\_\_ of 2016 an Amendment to Chapter 87 of the Town Code Flood Damage Preventions (update existing law for new Flood Maps and Study)

MOTION: Councilman Morrow

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*LEGISLATION ADOPTED*



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**~PUBLIC HEARING: 7:15 PM --- Preliminary Town of Ulster Budget**

**MOTION** to open Public Hearing

MOTION: Councilman Brink

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**~NO COMMENTS~**

**MOTION** to close the Public Hearing (7:16 PM)

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

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**DISCUSSION** on Town Budget

- ✓ Supervisor’s PRESENTATION of the Preliminary Town Budget:
- ✓ Modifications decreasing some stipends, increasing some revenues; resulting in no changes, except to Whittier Sewer District – decrease of \$198.00 to tax levy:
- ✓ Modifications to the Preliminary Budget published on the Town Website – modifications driven by the increased projected cost for the NYSHIP Health Plan. Budget designed for an 8% increase in health care expenses for the NYSHIP beneficiaries. NYSHIP indicates increase will be approx. 11.1%, which required modifications of line items, and avoidance of impact of published tax levies.

Calls for a **MOTION** to make these changes to the Preliminary Budget in order for the Town Board to adopt the 2017 Budget at the November 17<sup>th</sup> Town Board Meeting:

MOTION: Councilman Brink  
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**MOTION** to authorize payment application from Leo Boice and Sons for project TU-16, Brigham Lane Water Capital Project in the amount of \$70,666.14:

MOTION: Councilman Brink  
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

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**MOTION** to authorize an advance from the General Fund in the amount of \$70,666.14:

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

*Councilman Morrow:* Water line coming along nicely.

*Supervisor:* Pipe line being fabricated for the bridge. They began with Brigham Lane piping first.

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**~PUBLIC HEARING: 7:30 PM --- Local Law No. \_\_\_ of 2016: A Local Law Providing for the Adoption of a New Article XVII of Chapter 190 of the Town Code ( A Local Law Regulating the Keeping of Chickens)**

**MOTION** to open the Public Hearing

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

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**RESOLUTION** adopting Local Law No. \_\_\_\_ of 2016; A Local Law Providing for the Adoption of a New Article XVII of Chapter 190 of the Town Code (A Local Law Regulating the Keeping of Chickens)

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 2 of 2016 - A Local Law Regulating the Keeping of Chicken**

WHEREAS, an introductory Local Law entitled “A Local Law Regulating the Keeping of Chickens” was introduced before the Town Board of the Town of Ulster on August 4, 2016, and upon notice duly published and posted, a hearing was held on September 1, 2016 at 7:10 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled “A Local Law Regulating the Keeping of Chickens” is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 2 of 2016 - A Local Law Regulating the Keeping of Chickens, a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

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**TOWN OF ULSTER**  
**Local Law No. \_\_\_\_\_ of 2016**  
**A Local Law Regulating the Keeping of Chickens**

Be it enacted by the Town Board of the Town of Ulster as follows:

**Section I.** Article XVII of Chapter 190 of the Town Code is hereby enacted as appears in Schedule “A” attached hereto.

**Section II. Severability**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section III. Effective Date**

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

**SCHEDULE “A”**

**Article XVI – Chickens**

**Section 190-70 – Purpose and Intent**

In recent years, there has been an upsurge of interest in the keeping of chickens in the Town of Ulster. The locavore movement, promoting the development and consumption of local foodstuffs, is a factor in proposing an amendment to the Town Code. Additionally, it is advocated that the sustainable production of eggs and poultry at home will economically contribute to assuring food safety and quality. The Town Board has received substantial public interest in requesting an evaluation of poultry in certain zoning districts. The Town Board finds that the keeping of domestic chickens may have a measurably positive impact upon the health and welfare of Town residents. Regulation of such practice is necessary to ensure that the keeping of chickens will not negatively impact surrounding properties or landowners.

**Section 190-71 -- Definitions**

Chickens The term chicken shall, for the purpose of this local law, refer exclusively to domestic hens and shall intentionally exclude roosters, **which are not allowed**. No other fowl but the domestic chicken is to be permitted or included in the category of fowl addressed by this local law.

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### **Section 190-72 – Partial Repeal of Prior Inconsistent Code Provisions**

- A. The definition of “Chickens” is to be added to Chapter 190 of the Town Code. The existing code definition of “Agricultural Operation” and “Farming Operation” shall continue unchanged.
- B. This local law is intended to regulate the raising of chickens, as defined herein, within certain zoning districts of the Town of Ulster under certain conditions. Chapter 190 of the Town Code shall accordingly be augmented to permit such activity by incorporation of the terms of this local law.

### **Section 190-73 – Requirements Applicable to Keeping and Raising Chickens Other Those Located in a Town of Ulster farm operation**

- A. Permit. The keeping and raising of chickens within the R10 and R30 zoning districts of the Town of Ulster (excepting a farm operating within the Town) shall be authorized only upon obtaining a **no cost** permit from the Town of Ulster Code Enforcement Officer. Said permit shall be made upon an application form to be promulgated by the Town Board, and upon satisfactory inspection(s) by the Town of Ulster Code Enforcement Officer to verify compliance with the requirements of this local law. **The permit shall be valid for five years, and shall be applicable only to the applicant.**

- B. Zoning Exclusion. Only applicants residing at residential properties located in the R10 and R30 zoning districts shall be subject to this local law.

- C. Area Requirements.

- a. All chickens must be kept at all times in a secure pen or enclosure, constructed and maintained to prevent the chickens from running at large. The pen must be resistant to rodents and to predators, and provide chickens with adequate protection from inclement weather. The pen or enclosure is to be constructed of materials that are reasonably complementary to existing structures within the viewshed of the pen or enclosure, in order to forestall complaints by neighbors or persons within the viewing vicinity of the pen or enclosure.
- b. Only one pen or enclosure shall be permitted on any residential property. All pens or enclosures must be located at least twenty (20) feet from side and rear property or lot lines, and at least thirty (30) feet from any neighboring residence. No pen or enclosure shall be permitted in a front yard, but only in the rear of the lot, meaning that all pens or enclosures must be located to the rear of the rear wall of the applicant’s home. On a corner lot, the applicant must locate the pen to the rear of the rear wall of the applicant’s home.

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c. The location and design of the pen or enclosure must be approved by the Code Enforcement Officer before the applicant shall be permitted to keep chickens on the premises. If the applicant's lot is insufficient in area to meet the setback requirements of this local law, the applicant shall not be entitled to a permit to keep chickens on the premises.

### D. Minimum Standards for Condition of Pen or Enclosure.

a. The pen or enclosure must be regularly cleaned and serviced so as to keep it clean, dry and odor free at all times in order to minimize possible nuisance to neighboring properties **consistent with the New York State Property Maintenance Code**. The pen or enclosure must be maintained in a sanitary condition at all times. All feed for chickens must be kept within a building in rodent-proof containers, and may not be kept outside.

b. Storage of chicken manure shall be permitted no closer than thirty (30) feet to any property line, and must be located to the rear of the rear wall of the applicant's dwelling. Storage of chicken manure is discouraged, unless such waste is properly and sanitarily composted. If the presence of chicken manure shall lead to unsanitary conditions such as the attraction of pests, insects, or rodents, such condition must be rectified to the reasonable satisfaction of the Code Enforcement Officer, or the permit to keep chickens may be revoked.

### **Section 190-74 – Inspection of Chicken Pen or Enclosure by Code Enforcement Officer**

All applicants for a permit to authorize the keeping of chickens in the R10 and R30 zoning districts of the Town of Ulster shall agree, as an incident of the application process, to allow the Town of Ulster Code Enforcement Officer to enter upon the premises of the applicant at any reasonable time during daylight hours to inspect the pen or enclosure to verify compliance with the requirements of this local law. It is specifically understood, and a condition of the application, that the applicant shall allow such inspection without the necessity of prior notice. Because all pens or enclosures housing chickens are to be located in exterior lot areas inspected and authorized by the Code Enforcement Officer, it shall be deemed permissible for the Code Enforcement Officer to enter upon the premises of any party maintaining a pen or enclosure sheltering chickens.

### **Section 190-75 – Miscellaneous Provisions**

A. The slaughter of chickens shall take place inside an enclosed structure, or in an area of the permit holder's lot which is certain to be shielded from the view of the street or neighboring homes.

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B. In the event that any conflicting State or County law, regulation, or similar legislation shall address the keeping of chickens in a Village setting, the requirements of this local law shall supersede such legislation unless such legislation is more restrictive, in which case the State or County law or regulations shall apply.

### **Section 190-76 – Severability**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

### **Section 190-77 – Penalties**

A. A permit to keep chickens shall be revoked by the Code Enforcement Officer in the event that two (2) substantiated violations of this local law shall be received and verified by the Code Enforcement Officer.

B. Upon receipt of a complaint of a violation of the permit, the Code Enforcement Officer shall inspect, investigate, and verify such violation. The findings of the Code Enforcement Officer shall be made in writing and delivered or mailed to the permit holder. Such notice shall identify the violation, and shall require the immediate remediation of the violation by the permit holder. The Code Enforcement Officer shall inspect and verify compliance with the permit within five (5) days of the delivery of such notice of violation. If the permit holder fails to remediate the violation, the permit shall be revoked. Revocation for cause of any permit to raise or keep chickens shall result in a disallowance of new or renewal permit by that party for at least one year.

C. If the violation of the permit continues unabated, the Code Enforcement Officer or Town Attorney may file a complaint in the Town Court to prohibit such violation, and may request the Court to invoke the following penalty provisions. Any person violating this local law will be guilty of an offense and upon conviction thereof shall be punishable by a fine of not more than \$250.00 for each offense. Each day's continuation of the offense shall be considered a separate offense.

### **Section 190-78 – Effective Date**

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.



**PUBLIC COMMENT:**

**1. Frank Rittie, Jr., East Kingston:**

Brought paperwork that he read from. Farming has saved him money. Lifestyle and livelihood. Only one family shows up at meetings to voice their support for this law. Against the proposed law.

Refutes the following sections of the proposed law:

1. 190-70 – “there has been an upsurge of interest in the keeping of chickens..”  
Rittie states that people have had chickens and livestock for years; actual upsurge is the number of people moving here and complaining.
2. 190-73 (A) – Permits  
It is absurd to require a permit to grow food.
3. 190-73 (C)(a) – secure pen or enclosure  
This section is too loosely defined.
4. 190-73 (C)(b) – “Only one pen or enclosure shall be permitted...”  
This is impossible, especially in East Kingston, considering size and shape of properties.
5. 190-71 – Definitions – Chickens  
Two problems – 1. Prohibiting all fowl, as chickens are poultry and not fowl, that is not correct, and 2. Roosters are prohibited. As stated in section 190-70, “...it is advocated that the sustainable production of eggs and poultry at home will economically...” a flock is not sustainable without a rooster.

Questions for the Town Board:

Will this be a roll call vote?

How many signatures would he need to make this a public referendum?

**2. Odysseus Stefanis, Black Road:**

Looked up the law tonight. No problems until someone complained, is that right?

I don't see a reason to take chickens away. Opposed to this law.

Sustainable living/self-reliance is a way of life up here.

**3. David Lomasney, Carle Terrace:**

With son, Charlie.

Has been coming to meetings since April. Child had micro bacterial avium infection/had surgery. I don't want people to lose their chickens. I don't have a problem with roosters. I have a problem with conditions of neighbor's property. Mr. Hixson (neighbor) is here tonight. Letters from his neighbors aren't being read. This has been going on for months, and chickens are still running free. Mr. Hixson has no regard for my family. Laws should be in place. This law already pertains to people who are doing things right and taking care of their chickens. Does not understand why residents' letters are not being read.

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*Supervisor:* On the law as proposed, do you have a specific support or objection to the law?

*Lomasney:* I completely support the law.

**4. Christa Monforte, Halycon Park:**

If I didn't speak at these meetings, no one would know that I have chickens. I am a responsible town resident. I have issues with some parts of the law. I have been doing this for five years. I think that chickens should be cooped at night/fenced in a back yard.

**5. Edward Hixson, Carle Terrace:**

Would like to talk to his neighbor (Lomasney); hasn't been contacted once. Willing to talk at any time with neighbor. Believes dogs, chickens and animals should be in their own yards. If the Town is going forward with this law, he needs clarification with roosters, setbacks – existing structures grandfathered?

*Supervisor:* NYS Agriculture and Markets oversees licensing dogs. Town has body of law over dogs. No body of law regulating chickens. Town cannot do anything without the law – law gives town some authority and provides the obligation to comply.

As to your request with setbacks, similar to zoning and building codes, we do not have authority to force people to conform; therefore, grandfathering concept exists.

Applicable to existing coop structures and setbacks come into play when a new chicken coop/structure is built and/or replaced.

Roosters – town does not have rooster registration law. Town Board consensus that this is an issue between neighbors; however, since neighbors cannot reach agreements, the Board's position now is that enforcement structure with possible penalties must be in place. Trying to prevent free range in R10 and R30 zones; control hygiene; minimally intrusive as possible.

*Hixson:* Is this law solely due to the situation between me and my neighbor?

*Supervisor:* No, fall of 2014, law drafted – Animal Husbandry. 2015- much opposition to the law. Board let it go until April, 2016 when Mr. Lomasney brought this to our attention again.

*Hixson:* Major assumption that my chickens caused this boy to get sick. Innuendo, newspapers contacted, articles, very one sided account is out there. Restricts his comments to his view on the law. Does not want to get into a battle with his neighbor (Lomasney). Wants Board to take minimal approach.

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*Supervisor:* This Town Board does not have scientific knowledge on this issue. We have no position on the issue that your chickens caused Lomasney's illness. County does not have resources. Cornell Cooperative could not offer anything conclusive. Simplest way for the Board to address this is no free range in R10 and R30.

### 6. **Frank Rittie, Jr.:**

Makes a formal request for the names and number of, addresses of, and length of time at the residences of the complainants.

Also, this law is not "minimal". I presented Town Board with a reasonable law and guidelines of how neighbors should be with neighbors.

*Supervisor:* We cannot force neighbors to talk to each other. If it's not a rule, how can we correct the problem?

*Rittie:* Keep chickens on your property with a pen or a fence. Cannot have roosters – has three roosters now.

*Supervisor:* That is basically what this law states. And you are grandfathered.

*Rittie:* Until a tree falls on my property. Then I am no longer grandfathered in.

*Supervisor:* We have zoning issues. That is why we have a Zoning Board of Appeals. It takes an hour before the Zoning Board to argue your case.

*Rittie:* I don't think there are more people that don't want roosters, than people who have roosters.

### 7. **Christa Monforte:**

As far as the law, it states grandfathering pre-existing use. Shouldn't that apply to everything, such as getting a permit.

*Supervisor:* Only way for Town to be put on notice that someone has chickens.

*Monforte:* Regarding neighbors' cats. Nothing she can do about them defecating in her yard. There will be other people wanting laws for other animals. Also, chicken owners keep feed in a metal container.

*Supervisor:* We are trying to make sure that feed and feces are kept in a secure, hygienic environment.

*Monforte:* You should meet with responsible chicken owners. We are more than willing to come up with something that works for everyone.

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**8. Frank Rittie, Jr:**

Why does the Town need to know that I have chickens? Only until my neighbors complain. No reason I should have to apply for a permit.

*Supervisor:* Same reason as building department requirements.

**9. James Lomasney, Carle Terrace, Age 6:**

Likes chickens, but not in his yard.

**MOTION** to close the Public Hearing (8:04 PM)

MOTION: Councilman Secreto

SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

**Supervisor:** Should we vote on this or take comments into consideration and strip this down even more?

*Morrow:* Just a thought, if we created an ad hoc committee with a Board member, experts, community people.

*Supervisor:* We tried that a year and a half ago with no success. We have stripped this law down considerably.

*Morrow:* The concerns the Board has heard are health issues; roosters; noise; free range chickens. This law addresses those. The intent of the Board is that we want cleanliness; zoning compliance; no free range. This addresses those issues.

*Supervisor:* We have requirements on placements of swimming pools. We allow neighbors to sign variances near property lines. (To Frank Rittie) – You are surrounded by woods. Why would we try to enforce this when you are in the woods?

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*Rittie:* Same reason you are trying to take my roosters. I don't know. When my roosters die, what am I going to do?

*Morrow:* I agree with some comments, but I don't agree with the need for a rooster. I have 80 chickens and four or five roosters. As far as roosters, if you are concerned about egg production, roosters don't lay eggs.

*Rittie:* I am concerned about having a sustainable flock. Yes I know I can go to Tractor Supply and buy chickens, but the whole idea is to avoid having to go to the store to buy food.

*Morrow:* You can buy pre-sexed chickens at Agway. If you have a rooster and a hen, then 50% of your chickens will be roosters.

### **Town Resident, Rich Vergili, Cherry Hill:**

If you eliminate roosters, you eliminate breeding. Evidence that the presence of roosters facilitates higher production of eggs.

*Morrow:* Has heard that but does not believe it to be true. Highly depends on the weather.

*Secreto:* We keep passing this law month to month, we cannot make it any simpler. If you have roosters, you're grandfathered in. To the two neighbors, I am sorry your son got sick, but that is a civil issue. We cannot make the law any easier.

*Brink:* I agree with Councilman Secreto. We have to do something. No matter what we do, we will hurt someone. As a Board, we have to do something. Now we have come to a point where we can pass something and go on from there. Let's get this thing on the books.

*Morrow:* In the eight years I've been on the Board, we have had one complaint about roosters. Maybe we should take the part of the roosters out.

*Brink:* The only problem with that is that people who don't want roosters will complain about the crowing early in the morning. I think we should leave it the way it is.

*Supervisor:* We are reluctant to take action, not to demean this issue, but Town faces many pressing matters. (To Kovacs) If we take the roosters out, we will have to present a new law for legislation purposes, correct?

*Kovacs:* Yes.

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*Supervisor:* Which means another public hearing and another wait. Makes **MOTION** to call for the Resolution to adopt this law as presented.

*Rittie:* I would like to know the people who complained, their addresses and how long they have lived there. Not fair that people lived

*Secreto:* We do not have to give names out. (To Kovacs) Jason?

*Kovacs:* No.

*Supervisor:* We have been advised not to provide that information.

*Rittie:* How many signatures do I need in order for this to be a public referendum?

*Kovacs:* I cannot answer that right now.

*Supervisor:* Mr. Rittie, if you are grieved, the recourse is an Article 78 lawsuit against the Town. You are grandfathered. You are not grieved until the Town tells you to take your roosters away.

*O. Stafanis:* You mention roosters crowing early in the morning, no difference between rooster crowing or dog barking.

*Supervisor:* There is a difference. We have noise ordinances and an Agricultural Law that establishes dog ownership. There is no legislative basis regarding roosters.

Makes **MOTION** to call for the Resolution to adopt this law as presented.

MOTION: Councilman Secreto

SECOND: Councilman Brink

ROLL CALL VOTE:

Town Councilman Brink	-YES
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-YES
Town Councilman Secreto	-YES
Supervisor Quigley	-YES

*LEGISLATION ADOPTED*

## TOWN OF ULSTER TOWN BOARD WORKSHOP (21)

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### **Further Discussion:**

*Tom Cole:* I believe you are in violation of the 30 days comment period, ask your attorney. I am sorry this man's son got sick, but there is no proof that he got sick from those chickens.

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### **PUBLIC COMMENT ON ALL OTHER MATTERS:**

#### **Town Resident, Odysseus Stefanis:**

- Has issues with the Pilgrim Pipeline, which goes down the Thruway, touching the Town of Ulster.
- Recently went on a trip to Peru where they drink bottled water.
- Does not want that way of life here in Ulster County/Hudson Valley (risk).
- Hoping the Town of Ulster proposing a Resolution against the Pipeline, similar to the Town of Rosendale.

#### **Town Resident, Tom Cole:**

- As a taxpayer, embarrassed of flood in Police Department.
- Time to find the police a permanent home. Willing to take a tax increase to make this happen.

#### **Town Resident, Nancy Ebel:**

Ebel: Two items in Daily Freeman article re: Buc's Junkyard that she needs clarification on. Now that we know who the owner of the adjacent parcel is, what steps can the Town take?

Supervisor: Once we identified the owner as a resident of Queens, NY, we sent him a notice of violation – about a month ago. Oct. 23 the Town's statutory period expired. If he did not comply within 30 days of receipt, the Town can take further action. Oct 23 was just after our prior Town Board meeting. We had a discussion at that meeting regarding a lawsuit. Discussion led to decision that most appropriate venue to file an action would be in NYS Supreme Court. With that in mind, Supervisor asks the Town Board:

**MOTION** to authorize the Town Attorney, Jason Kovacs, to commence a Supreme Court Action for violations that our building department has noted and notified for the parcel adjacent to Buc's Junkyard:

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MOTION: Councilman Morrow  
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

*Ebel:* What is the status of the Supreme Court action against Buc's?

*Kovacs:* Waiting for a Court date; we will hopefully have a decision in December/early January.

*Supervisor:* Papers put in for a summary judgment. We are proceeding on actions to shut him down.

*Ebel:* I thought this would be done by now.

*Supervisor:* Call my office Monday, I will give you a copy of all that we have filed with the Court.

**Town Resident, Roz Stark**

- Reminder: This project of getting rid of Buc's Junkyard has been going on for five years, and I don't have much time left. I want to see it done.

**MOTION to adjourn at 8:20 PM:**

MOTION: Councilman Secreto  
SECOND: Councilman Brink

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Excused
Town Councilman Morrow	-Aye
Town Councilman Secreto	-Aye
Supervisor Quigley	-Aye

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk