

**TOWN OF ULSTER TOWN BOARD MEETING (20)**

---

October 20, 2016

**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  
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. Building Inspector, Kathy Moniz
3. Officer in Charge, Kyle Berardi
4. Sewer Superintendent, Vincent Maggiore
5. 17 Town Residents

**ADDITIONS OR CHANGES TO AGENDA:** None

**PUBLIC DISCUSSION ON AGENDA ITEMS:**

1. Frank Rittie, Jr. Town Resident: Here tonight about the proposed Chicken Law; the way the law is written is unfair to current chicken owners and those using chickens as a way to sustain themselves; reads from petition signed in 2015 when Town Board first introduced this law, "the proposed law infringes on our right to be self-sufficient and remove characteristics from our neighborhoods that has been part of our lives for generations".

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**APPROVAL OF MINUTES – September 1<sup>st</sup> and 15<sup>th</sup>:**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

**COMMUNICATIONS:** Two letters read by Town Clerk Reavy

1. From Tracy Priest, Director Town of Ulster Library, thanking Town of Ulster Police and Officer Kimble for participating in the Library's *Coffee with a Cop* event.
2. From Gerry Brooks, Director at Northeast Center for Rehabilitation and Brain Injury, thanking and praising Officer Faulkner for the extraordinary way in which he handled a hostile individual at the facility on 10/5/16.

**ABSTRACT OF CLAIMS:**

*Presented by Councilman Brink (previously reviewed by Brink and Councilman Secreto)*

Prepaid Bills:	\$ 303,943.62
Abstract Bills:	\$ 623,551.28
Escrow Bills:	\$ 17,644.00
Reserve Bills:	\$ 7,023.52
Total:	\$ 952,162.42

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
Town Councilman Morrow	-Aye

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Town Councilman Secreto -Aye  
Supervisor Quigley -Aye

CARRIED

**BUDGET MODIFICATIONS:**

*Presented by Councilman Brink*

**General  
Fund:**

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	389.64
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) payment to Deb Maisch-mouthguards	47.58
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) payment to Tom Hart -Sept. refereeing	160.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) payment to Wm. Stevenson-Sept. refereeing	160.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) Greg Maisch- June-Sept. mileage reimb.	329.83
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) Sept. refereeing - Edward Pomerantz, Michael Pantaline & Glen Pomerantz, \$120.00 respectively	360.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) water bill - Orlando St. Ballfield	20.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) payment to Cherrydale Farms - cookie dough	4,897.80

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	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) payment to Mid-Hudson Conference - Cheer Competition, Trenton,NJ - registration fee	350.00
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) payment to BSN Sports - softballs scorebooks & frght.	183.67
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) payment to Nolan Secreto-lime softball field	125.00
<b>Highway Fund:</b>	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. - Oper. Funds	5,582.93
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ruby Fire Dist.)	106.64
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ulster Fire Dist.#1/Spring Lake)	56.55
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Town of Kng. Hwy.Dept.)	397.50
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ulster Hose #5)	62.34
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Sept. Gas Reimb. (Ulster Hose #5)	143.74
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (E.Kng.Vol.Fire Co.)	448.21
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Town of Kng. Hwy.Dept.)	574.19

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	Modify Revenue D5720 (Statutory Installment Bond) and Appropriation D9730.600 (BAN-Prin.) pay off BAN Hwy. Equipment with Chase Bank	609,199.00
<b>Whittier Sewer:</b>	Modify Appropriation SS1.9950.900 (Interfund Transfer, Cap .Project) to be funded through SS1.5990 (Approp.Fund Bal.)	
<b>Whittier Sewer:</b>	Modify Revenue SS1.5799 (Estimated Proceeds of Obligations) and Appropriation SS1.9950.900 (Interfund Transfer,Cap.Proj.)	
<b>Whittier Sewer Cap. Proj.:</b>	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction)	
<b>Whittier Sewer Cap. Proj.:</b>	Modify Revenue HWS.5031 (Interfund Transfer) and Appropriation HWS.8110.200 (Construction)	

<b>General Fund:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	A1990.400 Contingency	A.1950.400 Taxes & Assessments	2,795.77
	A1220.404 Payroll/Acct.Servs.	A1220.400 Computer Tech.	1,000.00
	A1410.400 Computer Expns.	A1410.410 Computer Tech.	800.00
	A7140.101 Program Personnel	A7110.426 Repairs,Constr.	6,600.00
<b>Highway Fund:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	D5142.447 Sand	D5110.400 Street Program	10,000.00
	D5142.449 Calcium	D5130.429 Oil & Lubricants	1,000.00
	D5142.449 Calcium	D5110.400 Street Program	1,000.00
	D5110.420 Gas & Oil	D5110.400 Street Program	10,000.00
	D5110.442 Road Oil	D5130.200 Equipment	5,000.00

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MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

**NEW BUSINESS**

**PRESENTATION AND ACCEPTANCE** of the Town Clerk's Monthly Report for the month of September 2016

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

**PRESENTATION AND ACCEPTANCE** of the Supervisor's Monthly Report for the month of September 2016

Supervisor's Note: Compared to last month's report, total cash/operating entity is decreasing due to the fact that the Town collects majority of cash revenue in first quarter – this is a normal seasonal variation in cash

*[available for viewing on the Town Website]*

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

**PRESENTATION** of 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)  
*[available for viewing on the Town Website]*

**MOTION** to set a Public Hearing for Amendment to Chapter 87 for November 3, 2016 at 7:10 PM.

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

*CARRIED*

**MOTION** on Setting a Halloween Curfew for Children age 16 or less without a parent – 8:00 PM

MOTION: Councilman Brink  
SECOND: Councilman Kitchen

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

*CARRIED*

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**MOTION** to have the Town Clerk send a letter to NYSDOT Regional Traffic Engineer in Poughkeepsie requesting a study of the traffic conditions on Route 9W between QuickChek in Lake Katrine and the Ulster/Saugerties Town line. The Town Board seeks a reduction from 45 MPH to 35 MPH between QuickChek and Bread Alone and a reduction from 55 MPH to 45 MPH from Bread Alone to the Ulster/Saugerties Town line

MOTION: Councilman Secreto

SECOND: Councilman Brink

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

*CARRIED*

**MOTION** authorizing the Town Supervisor to sign an Agreement for the installation of an ATM Machine in Town Hall with ATM Locations, 316 Plaza Road, Kingston

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

*CARRIED*

**RESOLUTION** authorizing Tax Certiorari Settlement with Petitioner QuickChek Corporation, Washington Ave., Kingston N.Y.



October 20, 2016

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution authorizing Tax Certiorari Settlement with Petitioner Quick  
Chek Corporation, Washington Ave., Kingston, NY**

**Dated October 20, 2016**

**BE IT RESOLVED**, that the Town Board of the Town of Ulster does hereby authorize the settlement of the tax review proceedings instituted by Quick Check Corporation, for the tax assessment rolls of 2015 and 2016 for property located at 640 Washington Avenue, as shown on the attached Stipulation of Settlement and Order; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Ulster does hereby authorize Kyle Barnett, Esq. of Van DeWater & Van DeWater, LLP to sign such papers as are necessary to effectuate said settlement.

Supervisor Note: Reduces assessment by \$600,000. Make note that there are no refunds required from the Town, School, or County

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

**MOTION** to accept the resignation of Police Officer Donahue

*Presented by Councilman Morrow, Personnel:*

-Last day 10/16/2016; In good standing.

MOTION: Councilman Brink

SECOND: Councilman Secreto

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

*CARRIED*

**MOTION** to hire a part time Police Officer  
*Presented by Councilman Morrow, Personnel:*

Aaron Fitzgerald: Req by OIC/Lt. Berardi; part time; competitive; Step 1; union; PBA; \$21.61/hr; SD 10/21/16; currently employed Towns of New Paltz and Lloyd; great recommendations.

MOTION: Councilman Secreto  
SECOND: Councilman Brink

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

*CARRIED*

**MOTION** to hire a part time Dispatcher  
*Presented by Councilman Morrow, Personnel:*

Gabriella LaLima: Recommended by OIC/Lt. Berardi; part time; competitive; union; PBA; \$15.91/hour; SD 10/21/16; currently pursuing career in law enforcement; completed Phase I.

MOTION: Councilman  
SECOND: Councilman

Town Councilman Brink -Aye  
Town Councilman Kitchen -Aye

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Town Councilman Morrow -Aye  
Town Councilman Secreto -Aye  
Supervisor Quigley -Aye

*CARRIED*

**MOTION** to authorize Lt. Berardi to purchase one unmarked car for the Police Department in accordance with results of the OGS Minibid conducted on October 19, 2016.

*Per OIC/Lt. Berardi:* Went through NYS Office of General Services and requested mini bid; four dealerships found; two dealerships met vehicle specifications; cheapest was Beyer Ford; PD dealt with Beyer before; requesting approval for purchase from Beyer Ford.

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

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

*CARRIED*

**MOTION** to authorize the Supervisor to sign a consent for the Ulster Town Planning Board to serve as Lead Agency in the SEQRA review of Safeshoot, LLC's adaptive reuse of 10 Keiffer Lane, Kingston, N.Y. SBL 48.66-2-20-321

MOTION: Councilman Kitchen  
SECOND: Councilman Morrow

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

*CARRIED*

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**MOTION** authorizing the Building Inspector to attend the NYSBOC Training Class at the Best Western Plus Conference Center, November 2<sup>nd</sup> -4<sup>th</sup>

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

**MOTION** to authorize the Highway Superintendent to purchase a Bobcat Compact Track Loader under OGS Contract #PC67141, Award # PGB22792 from Clark Equipment Co in the amount not to exceed \$50,000.00 appropriating funds from the Highway Capital Equipment Fund – D.0882.000

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

*CARRIED*

**RESOLUTION** to Enforce Provisions of Chapter 96 of Town Code (Grass, Weeds & Noxious Vegetation) against Real Property at 49 River View Terrace

*Per Kathy Moniz:* Property vacant; grass high; reached out to property owner; asking Highway Dept to cut the grass.

October 20, 2016

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution to Enforce Provisions of Chapter 96 of Town Code  
(Grass, Weeds & Noxious Vegetation) against Real Property at 49  
Riverview Terrace**

**Date: October 20, 2016**

WHEREAS, the owner and/or tenants of the real property at 49 Riverview Terrace have been found by the Town of Ulster Building Inspector to be in violation of Town Code Sections 96-1 and 96-2; and

WHEREAS, the Town of Ulster Building Inspector has sent notice by certified mail to the last known address of the owner of 49 Riverview Terrace; said notice included an estimate of the charges the Town would incur if forced to maintain the property at 49 Riverview Terrace if the owner(s) were unable to maintain the property; and

WHEREAS, the owners of 49 Riverview Terrace were unable to maintain the property pursuant to Chapter 96 of the Town Code; and

WHEREAS, the Town of Ulster Building Inspector has filed a formal assessment of the charges with the Town of Ulster Town Clerk, who has presented the formal assessment of the charges to the Town of Ulster Town Board, now, therefore, be it

RESOLVED, that said formal assessment of the charges is based on the presentation and report submitted to the Town of Ulster Town Board; and

BE IT FURTHER RESOLVED, the owners of 49 Riverview Terrace have not complied with Chapter 96 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of all garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises at 49 Riverview Terrace continue not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the owners of said property for reimbursement; and

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BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 96-5 of the Town Code and shall become a lien against the property and filed with the Ulster County Clerk and the Ulster County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to cut and continue to cut the grass to a height not to exceed 6 inches and to remove and continue to remove all garden waste and fallen tree limbs, solid waste, debris and litter.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

**RESOLUTION** authorizing the Town Supervisor to sign the Health Arrangement Plan Document and HRA/FSA Administration Agreement for the CDPHP Health Insurance Program for December 1, 2016 to November 30, 2017 Plan Year

**RESOLUTION OF THE TOWN BOARD**

**TOWN OF ULSTER**

**Resolution Approving the Health Reimbursement Arrangement Plan Agreement with CDPHP for December 1, 2016 through November 30, 2017**

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**Date: October 20, 2016**

WHEREAS, the Town wishes to enter into an Agreement with CDPHP for the administration of the Health Reimbursement Arrangement associated with the Town's High Deductible HMO Health plan commencing December 1, 2016, now, therefore be it

RESOLVED, that the attached Health Reimbursement Arrangement Plan Document is hereby approved by the Board in the form presented, and be it further

RESOLVED, that the Supervisor is authorized to execute the attached Health Reimbursement Arrangement Plan Document and related Administrative Agreements with CDPHP for the continuation of the Health Reimbursement Arrangement Plan, and be it further

RESOLVED, that the Employer Town of Ulster shall be the Sponsor of the HRA and shall be the Administrator of the HRA for purposes of ERISA, and be it further

RESOLVED, that the Employer Town of Ulster hereby appoints the Administrative Agent to assist it with the administration of the HRA and to perform all such non-discriminatory duties related thereto, and be it further

RESOLVED, that the Administrative Agent shall be instructed to take such actions that are deemed necessary and proper in order to implement the HRA, and to set up adequate accounting and administrative procedures to provide benefits under the HRA, and be it further

RESOLVED that the duly authorized agents of the Employer shall act as soon as possible to notify the Employees of the Employer of the adoption of the HRA by delivering to each Employee a copy of the summary description of the HRA in the form of the Summary Plan Description presented to this meeting, which form is approved.

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

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October 20, 2016

### **OLD BUSINESS**

**UPDATE** by Lt. Berardi on the Traffic Situation at Miller Middle School along Fording Place Road

*Berardi:* As a result of Town Board's concerns and residents in the area of the middle school, spoke to School District Director of Safety and school principal; they agreed on a new direction of travel; will alleviate concerns.

*Secreto:* Going back to the former dropoff location.

*Quigley:* Yes

*Berardi:* Will be using the Miller School access road by Gruner Field that was used several years ago (no date to begin this process yet).

**UPDATE** by Councilman Brink on the Sawkill Road Bridge Projects

1. Near Heritagenergy: Has been paved; in two weeks access to and from Sawkill Road to Sawkill-Ruby Road will be closed off temporarily; small cleaning up to do; opening scheduled mid-December.
2. Thruway Bridge: Side work to do; open as scheduled mid-November; County paved the rest of Sawkill Road and cut trees back.

**UPDATE** by Building Inspector Moniz / Attorney Kovacs on Buc's Junkyard

1. *Moniz:* Buc's continues to operate; two unregistered vehicles on Mountain Road; Order to Remedy on the neighbor's structure; notification went out via certified mail, signed for on 9/23/16, must wait 30 days by law before enforcement action.

*Kitchen:* What is the enforcement action?

*Moniz:* If no reaction to the Order to Remedy, next step is court, penalties imposed by Judge.

*Secreto:* Asks Lt. Berardi to look at the two cars, make sure they are far enough off of the roadway, not impeding with school buses.

*Berardi:* Will take a look.

*Kitchen:* Issues with snowplows in coming months.

2. *Kovacs:* Supreme Court action against Don Mackenzie, the operator of Buc's Junkyard; Completed Discovery; In the process of completing a Motion for Summary Judgment, hopefully filing with the court next week, asking for permanent injunction terminating operation of the subject parcel; Decision hopefully in December.



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**PRESENTATION** of the form of Out of District Water Service Agreement for Spring Lake Water District

Supervisor Note: Exact same form of agreement used prior by Town of Ulster water districts to provide legal structure to provide water to those residents who live outside of the boundaries of the different water districts. Next meeting will be seeking approval on this document.

**RESOLUTION** adopting Local Law No. \_\_\_\_ of 2016; A Local Law Providing for the Adoption of a New Section 177-26 of Chapter 177 of the Town Code (Fire Hydrants)

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 1 of 2016 - A Local Law Providing for the Adoption of a New Section 177-26 of Chapter 177 of the Town Code**

**Date: October 20, 2016**

WHEREAS, an introductory Local Law entitled “A Local Law Providing for the Adoption of a New Section 177-26 of Chapter 177 of the Town Code” was introduced before the Town Board of the Town of Ulster on July 21, 2016, and upon notice duly published and posted, a hearing was held on August 18, 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 Providing for the Adoption of a New Section 177-26 of Chapter 177 of the Town Code” 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. 1 of 2016 - A Local Law Providing for the Adoption of a New Section 177-26 of Chapter 177 of the

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Town Code, 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.

**TOWN OF ULSTER**

**Local Law No. 1 of 2016**

**A Local Law Providing for the Adoption of a New Section 177-26 of Chapter 177 of the Town Code**

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

**Section I.** A new Section 177-26 of Chapter 177 of the Code of the Town of Ulster is hereby enacted as follows:

**§177-26. Fire hydrants; obstructing or opening valves or gates; penalties**

- A. No person or persons shall open any fire hydrant or draw water therefrom, except the Superintendent of the District or persons under his direction or with his permission and except in case of fire, when the Chief of the Fire Department, his assistants, officers and members of the Fire Department shall have free and entire control of the hydrants for the purpose of extinguishing fires.
- B. No person or person shall open any fire hydrant or draw water therefrom without a meter and backflow device properly installed and working.
- C. No person or persons, except the Superintendent and employees under his direction, shall open or close any valve or gate in any water main or street pipe, or in any manner interfere with or obstruct the same.
- D. No person shall erect or plant any obstruction within three and one-half (3 1/2) feet of any hydrant or cause any obstruction that will hinder a fire company from hooking onto it, or operating any hydrant. No obstruction shall be placed so as to obstruct the view of any hydrant for a distance of at least two hundred (200) feet up and down the road.

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- E. Penalty. Any violation of the rules, regulations or provisions of this section, is hereby declared to be an offense punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed fifteen (15) days, or by both said fine and imprisonment, plus the cost of the water used. If the amount of water used cannot be determined, the person or persons shall be charged for one million (1,000,000) gallons at the current bulk rate. When a violation of any of the provisions of this chapter is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct violation.

**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.

MOTION: Councilman Kitchen  
SECOND: Councilman Morrow

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye
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 Chickens**

**Date: October 20, 2016**

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.

*Per Supervisor:* 9/1 Public Hearing; public comment period 30 days, expiring 9/30/16; next Town Board meeting 10/6; not sufficient enough time in between expiration of public comment and following Town Board meeting; during public comment we were asked to vote on the law

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as it is; law presented tonight as it is, as it has been exposed to the Town during the public hearing; Town Board and Town Attorney came to conclusion to modify the law; per statute the new version of the law with the modifications must be presented to the Town and a public hearing is required; some people may be upset; Town of Rosendale currently facing challenges with their Chicken Law because a resident stated that there was a defect in the presentation of the law; this Town does not want to face that issue. Asking the Town Board to consent to **withdraw the Resolution** as it has been presented and will present a new version with minor revisions.

**Asking Town Board to dispense with its policy for the process of developing a new law and calling for a public hearing on the revised law November 3, 2016 at 7:30 PM:**

Establish a Public Hearing for the purposes of discussing Local Law No.\_\_\_\_of 2016; A **Revised Version** of 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)

*[Copies of modifications available immediately and also posted on Town Website]*

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

**CARRIED**

**REVIEW** of the 2017 Town Tentative Budget

*[Public Hearing scheduled for November 3, 2016 at 7:10 PM]*

*~No comments~*

**RESOLUTION** approving the *2017 Tentative Town Budget* and changing it to the *2017 Preliminary Town Budget* and setting the Public Hearing For November 3, 2016 at 7:10 PM:

**RESOLUTION APPROVING PRELIMINARY BUDGET AND SETTING  
PUBLIC HEARING ON  
2017 PRELIMINARY BUDGET**

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WHEREAS, the Town Supervisor, as Budget Officer, pursuant to §106 of the Town Law, has presented the Tentative Budget to the Town Board for review, examination and possible revisions; and

WHEREAS, the Town Board has reviewed the tentative budget in accordance with the requirements of §106 of the Town Law.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The tentative budget presented by the Supervisor to the Town Board, and filed with the Town Clerk, is hereby approved and adopted and filed as the Preliminary Budget; and
2. The Town Board shall conduct a public hearing on the Preliminary Budget on November 3, 2016 at 7:15 p.m.; and
3. The Town Clerk shall cause to be published a Notice of Public Hearing on the Preliminary Budget as required by law.

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

**RESOLUTION** referring to the Ulster county Planning Board a Site Plan Amendment for LHV Precast, 540 Ulster Landing Road, SBL 40.31-1-34.100, 34.200 (14,000 square foot addition)

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**RESOLUTION** referring to the Ulster County Planning Board a Site Plan for Romeo Kia, 1905 Ulster Avenue, Lake Katrine, SBL 39-19.3-38.100

**Referral to Town Board**  
**Referral to the UCPB and Set Public Hearing on Special Permit**  
**Romeo KIA**  
S-B-L: 39.19-3-38.100

**WHEREAS**, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Romeo Chevrolet Buick GMC, LLC (dba Romeo KIA Dealership)* seeking *Site Plan and Special Permit* approval to develop an automotive sales and service center on the subject site, through the construction of a 19,000 square-foot (s.f.) KIA automobile dealership building along with associated parking, access, landscaped areas and utility infrastructure; and

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

- *Project Narrative* prepared by George M. Turner Jr., Project Manager for Chazen dated 4/27/2016;
- *Site Plan Consent Form* by Leonard Romeo, Member, Romeo Chevrolet, LLC 4/26/16;
- *Site Plan Application* by Romeo KIA, signed by Leonard Romeo, dated April 26, 2016;
- *Short Form EAF for Romeo KIA* prepared by The Chazen Companies dated April 27, 2016;
- *Map of Survey* prepared by Donald Brewer, P.L.S., dated February 9, 2016; and
- *Sketch Plan for Romeo KIA Dealership* prepared by The Chazen Companies dated April 27, 2016.
- *Project Narrative* by Larry Boudreau, RLA, Chazen Companies, dated 9/28/2016;
- *Short Form EAF for Romeo KIA* by The Chazen Companies dated 4/27/2016; revised 9/27/2016;
- *Traffic Assessment* prepared by The Chazen Companies dated August 16, 2016;
- *Wetland and Ecological Assessment* by The Chazen Companies dated September 27, 2016;
- *Title Sheet for Romeo KIA Dealership* prepared by The Chazen Companies dated 9/26/2016;
- *Title Sheet for Romeo KIA Dealership* prepared by The Chazen Companies dated 9/26/2016;
- *Notes & Legend Sheet* prepared by The Chazen Companies dated 9/26/2016;
- *Existing Conditions and Demolition Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Site Layout Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Fire Apparatus Access Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Grading and Drainage Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Erosion and Sediment Control Plan* prepared by The Chazen Companies dated 9/26/2016;

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- *Utility Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Landscape Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Lighting Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Site and Landscape Details* prepared by The Chazen Companies dated 9/26/2016;
- *Storm Sewer Details* prepared by The Chazen Companies dated 9/26/2016;
- *Erosion and Sediment Control Details* prepared by The Chazen Companies dated 9/26/2016;
- *Water & Sewer Details* prepared by The Chazen Companies dated 9/26/2016; and
- *Exterior Rendering Interbrand Design Forum for Romeo Kia* dated June 2016.

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

**WHEREAS**, the Town of Ulster Town Board is the Lead Agency for this Unlisted Action – Coordinated Review; and

**WHEREAS**, the Proposed Action must be referred to the Ulster County Planning Board (UCPB) since it is not exempt from the referral agreement between the County and Town; and

**WHEREAS**, the Town of Ulster Town Board has found the application is sufficiently complete to refer this matter to the Ulster County Planning Board.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Planning Board hereby refers this matter to the Town Board so that it can this matter to the Ulster County Planning Board (UCPB) and schedule a public hearing on the applicant’s Special Permit use request.

**Motioned by:** Mr. Almquist

**Seconded by:** Mr. Decker

**All in Favor:**

**All Opposed:**

Gary Mulligan , Chairman	X
Karl Allison	X
Larry Decker	X
Anna Hayner	X
Frank Almquist	X

Date: October 11, 2016



October 20, 2016

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**

**Site Plan Approval Application**  
**Referral to the UCPB**  
**Romeo KIA**

S-B-L: 39.19-3-38.100

WHEREAS, the Town of Ulster Planning Board and its consultant planner have reviewed an application by *Romeo Chevrolet Buick GMC, LLC (dba Romeo KIA Dealership)* seeking *Site Plan and Special Permit* approval to develop an automotive sales and service center on the subject site, through the construction of a 19,000 square-foot (s.f.) KIA automobile dealership building along with associated parking, access, landscaped areas and utility infrastructure; and

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- *Grading and Drainage Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Erosion and Sediment Control Plan* prepared by The Chazen Companies dated 9/26/2016;
- *Utility Plan* prepared by The Chazen Companies dated 9/26/2016;
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WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan and Special Permit application since more than 2,500 SF of new gross floor area is proposed; and

WHEREAS, the Town of Ulster Town Board is the Lead Agency for this Unlisted Action – Coordinated Review; and

WHEREAS, the Proposed Action must be referred to the Ulster County Planning Board (UCPB) since it is not exempt from the referral agreement between the County and Town; and

WHEREAS, the Town of Ulster Town Board has found the application is sufficiently complete to refer this matter to the Ulster County Planning Board,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board directs the Town Clerk to refer the Proposed Action to the Ulster County Planning Board pursuant to NYS GML Section 239 l and m and the **referral agreement** between the Town of Ulster and Ulster County.

### *Presentation by Larry Boudreau, Chazen Companies:*

Presented to Planning Board last week. Present with site plan boards tonight. Approximately 10 acres; Two zoning districts: 1) Highway/Commercial in front; 2) Office/Manufacturing in back; this project originally submitted to Planning Board in the spring; received comments in late spring; 20' undisturbed buffer at back of property suggested by Town Planning Board; Planning Board referred them to Town Board; met with three adjoiners and taking their input into consideration; plan prepared for war memorial to remain in existing condition, undisturbed.

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*Supervisor:* Just to clarify, the war memorial will remain in its existing location in an undisturbed state.

*Boudreau:* Yes. A lot of follow up comments; technical and operation response are ongoing; in addition to Town Board's action tonight, wants to know thoughts on a Public Hearing.

*Supervisor:* Due to the use in the O and M zones, there is a requirement to have a Public Hearing for special use permit from the Town Board. Wants the applicant ample opportunity to speak to surrounding property owners and to get their plans into the County Planning Board. Schedule Public Hearing at Nov. 3 workshop meeting, for Nov. 17<sup>th</sup> meeting at 7:15PM. We are going in that sense. Encourage him to continue dialogue with surrounding property owners and see that their concerns are met.

*Kitchen:* How many property owners does this affect?

*Boudreau:* We are speaking with those that have reached out to us.

*Kitchen:* Not required to reach out to every surrounding property owner or... ?

*Supervisor:* We had an active conversation in the spring in front of the Planning Board and those property owners showed up; the same owners show up the other night; it was at that time that the decision was made for Mr. Boudreau to have conversations with them. (To Keith Baxter, in audience) Mr. Baxter, I believe he had a meeting with you?

*Baxter:* Wants to thank Supervisor for suggesting the conversations. As long as the meetings continue I see everything moving in a positive direction.

*Supervisor:* Ms. Drews..

*Cheryl Drews:* We have met and things moving along. Dialogue is very much appreciated.

*David Brink:* Concurs with both.

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

**CARRIED**

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*Supervisor:* are there any members from the American Legion here tonight?

~No responses~

*Supervisor:* (to Boudreau) Make a note that we are going to have a meeting with the American Legion at some point.

*Boudreau:* Leaves revised plans here tonight.

*Supervisor:* Will get these plans to American Legion.

**PUBLIC COMMENT**

**1. Keith Baxter, Town Resident**

Thanks the Supervisor, Town Board, and Kia for allowing him to have dialogue with Mr. Boudreau. Thought at the beginning of this process (with Romeo Kia) that he would have no input. So far has input, and as a 20+ year Town resident this impacts him directly.

~No further comments~

**MOTION** to adjourn at 7:41 PM:

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk