

**TOWN OF ULSTER TOWN BOARD MEETING (25)**

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October 19, 2017

**~PUBLIC HEARING SCHEDULED 7:15 pm – Local Law \_\_\_\_\_ of 2017, a Local Law Regulating Certain Solar Energy Systems and Equipment within the Town of Ulster**

**~ PUBLIC HEARING SCHEDULED 7:20 pm – Local Law \_\_\_\_\_ of 2017, a Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems~**

**~ PUBLIC HEARING SCHEDULED 7:30 pm – 2018 Tentative Budget ~**

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**CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN: 7:00 PM**

**SALUTE TO THE FLAG**

**ROLL CALL by Town 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. Highway Dept Superintendent, Frank Petramale
2. Police Chief, Kyle Berardi
3. Building Inspector, Kathy Moniz
4. Town Assessor, James Maloney
5. Fifteen town residents

**ADDITIONS OR CHANGES TO THE AGENDA – One addition by the Supervisor**

- Application to purchase new portable radios for the Police Department

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**PUBLIC DISCUSSION ON AGENDA ITEMS –**

1. Richard Cahill, Kingston:

Asking Town Board to approve the release of a copy of the dash cam video in which a County Legislator was pulled over by Ulster Town Police for speeding violation. Recently he filed a FOIL request; has not yet received an answer. Was informed of the opinion offered/"well written" by Bob Freeman (Committee on Open Government). Burden is on the Town to explain why video is not turned over. An argument made is, "Is this being made prejudicial by the Court?" There is no prejudice since this is not a misdemeanor charge, only a traffic violation. This is not a valid argument. Second argument, Can this be used as a disciplinary matter? His understanding is that this officer's behavior is a credit to the Town. Any other argument is a delay. FOIL allows transparency. Do not adjourn the matter; issue a decision tonight. As a matter of fact, will go to court if his FOIL request is denied. Feels strongly that this is consistent with the law.

2. Christopher Ragucci, Esq., Mainetti, Mainetti, & O'Connor: States they are attorneys for defendant. Cites a letter of objection submitted to the Board. Town not in possession of letter. In agreement with original determination not to honor the FOIL request. Town had 2 prior cases of FOIL requests for dash cams, which Town properly denied.

*Supervisor:* That is your opinion.

*Ragucci:* It was the Court's opinion that he agrees with. Cites Saunders and McGinnis cases. Will give Town copies of cases. Speaking with former Chief Watzka, purpose of dash cam is police training and discipline – clear exclusions to FOIL requests.

*Supervisor:* Were they the only two reasons that the dash cams were installed?

*Ragucci:* Two reasons given by former police chief.

*Supervisor:* Did you ask for dash cam policy?

*Ragucci:* We have copy in our file.

*Supervisor:* What date was policy revised? Revised in 2013. Watzka was not chief in 2013. When policy revised, he was not present.

*Ragucci:* Disagrees with counsel. Judges cannot be swayed by release of dash cam, no jury trial now. This is a judicial proceeding. Release would be prejudicial.

*Councilman Kitchen:* Would they request to change venue, if you are saying judges may be biased.

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*Ragucci:* Judges could be swayed if evidence released. Inappropriate to release prior to trial. We ask the original denial of the release of the dash cam.

*Supervisor:* (to Ragucci) Your client is an elected official facing election in November. This discussion now held in an open room with members of the press here. Are you concerned about her electability or her conviction? *Clarifies* → Are you concerned about the impact this tape may have on election or the tape’s value in her trial of a speeding ticket?

*Ragucci:* Excellent point. The request is driven by politics. That is all.

3. Hugh Reynolds, Kingston Times:

To correct the record and comment on Ragucci. Reynolds did not file FOIL. Jesse Smith, police reporter, filed it. Reynolds had conversations with Bob Freeman subsequently. Notion that the FOIL filed because of politics not the case. FOIL filed by Kingston Times so that public can be informed as to behavior of police officer and person pulled over.

*Supervisor:* (To Ragucci) You have a copy of O’Connor’s letter to the Board? Please get us a copy of the letter before the end of the meeting.

**APPROVAL OF MINUTES – September 7<sup>th</sup> and September 21st**

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*

**COMMUNICATIONS –**

Letter read from Elaine Wolf, Brigham Lane. Would like to donate a princess Cherokee dogwood tree in memory of her mother, Jacqueline Anne Genter-Hutton-Warden. Would like to see it planted at Rider Park.

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**MOTION to accept the donation of the tree**

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*

**ABSTRACT OF CLAIMS**

*Presented by Councilman Secreto (reviewed by Secreto & Councilman Brink)*

Prepaid Bills:	\$ 381,439.46
Abstract Bills:	\$ 205,426.97
Escrow Bills:	\$ 7,908.75
Reserve:	\$ 676.20

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**TOTAL:** \$ 595,451.38

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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**BUDGET MODIFICATIONS**

*Presented by Councilman Secreto (reviewed by Secreto & Councilman Brink)*

<b>General Fund:</b>	
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	381.40
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) 3rd qtr.water usage - Orlando St. Ballfield	52.50
Modify Revenue A4389 (Fed.Aid-Safety) and Appropriation A3120.430 (Clothing/Cleaning) Federal Grant for Bullet Proof Vests from DOJ Treas 310-Misc Pay	1,247.40
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) trophies from Deuire's Trophies	100.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) reimb. John Lowe for rapid dry	142.30
<b>Highway Fund:</b>	
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb.-Oper.Funds	6,036.62
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Gas) Aug. Reimb. (Ruby Fire Dist.)	85.27
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ulster Fire Dist.#1)	31.13
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (E.Kng.Vol.Fire Co.)	397.43
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (E.Kng.Vol.Fire Co.)	391.10
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Town of Kng. Hwy. Fund)	737.38

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	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb. (Ulster Fire Dist.#5)	80.02
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Sept. Gas Reimb. (Ulster Fire Dist.#5)	40.42
<b>Highway Fund:</b>	Modify Revenue D2680 (Insur.Recovery) and Appropriation D5130.422 (Equipment Maint.) check from U.S.Specialty Insur. Co. - date loss 3/14/17 - wing damage to snow plow	3,368.89
	Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.422 (Equip .Maint.) reimb. For Leeboy 8515 Paver repairs from Town of Woodstock	408.69
	Modify Revenue D1270 (Shared Service Charges) and Appropriation D5130.422 (Equip .Maint.) reimb. For Leeboy 8515 Paver repairs from Town of Hurley	408.69
<b>Ulster Water:</b>	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) 2" meter, MXU & flange kit from Daniel Boons for H&H Trailer Park - Brigham Lane	1,676.55
	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) meters purchased from Stage One Auto	372.55
	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) 6" meter purchased from Morgan Sunset Gardens	4,124.59
	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) Meter & MXU purchased from Bank of Greene County	372.55
	Modify Revenue SW1.2665 (Sale of Equipment) and Appropriation SW1.8320.250 (Meters & Hydrants) Meter & MXU purchased from 602 Albany Avenue Corp.	704.56
<b>Spring Lake Water:</b>		

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<b>Brigham Lane Wtr. Cap. Project:</b>	Modify Appropriation SW3.8320.400 (Engin.Servs.) to be funded through SW3.5990 (Approp.Fund Bal.)	6,501.50
	Modify Budget - Town Funding from Landfill Closure	
	Revenue - HBL.5031 Interfund Transfer Appropriation - HBL.	

**BUDGET TRANSFERS**

<b>General Fund:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	A1990.400 Contingency	A1110.200 Court Grant	1,837.00
	A1990.400 Contingency	A1989.400 Grant Writer	1,650.00
	A7110.102 Parks/Grnds Wages	A7110.426 Repairs,Construction	10,778.00
	A7140.200 Equipment	A7140.401 Program Personnel	10,000.00
	A7110.427 Handicap Fish.Platform	A7140.401 Program Personnel	199.00
<b>Ulster Water:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SW1.1910.400 Unalloc. Insur.	SW1.8320.409 Rep.&Suppls.	5,000.00
	SW1.1910.400 Unalloc. Insur.	SW1.8330.452 Salt	15,000.00
<b>Bright Acres Water:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SW4.8320.455 Water Costs	SW4.8320.400 Engin. Servs.	278.00
	SW4.8320.409 Repairs & Supplies	SW4.8330.401 Lab Testing	100.00
<b>Cherry Hill Water:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SW5.8320.455 Water Costs	SW5.8320.400 Engin. Servs.	476.00
<b>Glenerie Water:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SW6.9730.700 BAN Int.	SW6.9795.700 Interfund Loans-Int.	86.00
<b>Whittier Sewer:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SS1.8130.409 Repairs & Supplies	SS1.8130.454 Maint.	1,500.00
<b>Wash.Ave. Sewer:</b>	<b>Transfer From</b>	<b>Transfer To</b>	
	SS3.9040.800 Workers' Comp.	SS3.9710.700 Serial Bond - Int.	1.00

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MOTION: Councilman Kitchen  
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, 2017**

MOTION: Councilman Secreto  
SECOND: Councilman Brink

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

*CARRIED*

**PRESENTATION AND ACCEPTANCE of the Supervisor's Monthly Report for the month of September, 2017**

MOTION: Councilman Brink  
SECOND: Councilman Secreto

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

*CARRIED*



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

MOTION: Councilman Brink

SECOND: Councilman Kitchen

Councilman Brink: Aye

Councilman Kitchen: Aye

Councilman Morrow: Aye

Councilman Secreto: Aye

Supervisor Quigley: Aye

*CARRIED*

**MOTION authorizing the Bookkeeper to close the Route 9W Sewer Extension Capital Project checking account with the Bank of Greene County**

MOTION: Councilman Secreto

SECOND: Councilman Brink

Councilman Brink: Aye

Councilman Kitchen: Aye

Councilman Morrow: Aye

Councilman Secreto: Aye

Supervisor Quigley: Aye

*CARRIED*

October 19, 2017

**RESOLUTION authorizing the temporary closing of a Street**  
(Sawmill Rd., October 31, 2017)

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

**Resolution Authorizing the Temporary Closing of a Street**

WHEREAS, King’s Fire Church will be hosting an outdoor community event called “Trunk or Treat” on October 31, 2017 from 5:00 p.m. to 7:00 p.m.; and

WHEREAS, a request has been received from King’s Fire Church for the closing of Sawmill Road during the hours of 4:30 p.m. to 7:30 p.m. on Tuesday, October 31. The section of Sawmill Road that King’s Fire Church is looking to close would be from the intersection of Commons Drive to Neighborhood Road.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster that the requests of King’s Fire Church are hereby approved and it is directed that Sawmill Road from the intersection of Commons Drive to Neighborhood Road be closed during the hours of 4:30 p.m. to 7:30 p.m. on Tuesday, October 31; and be it further

RESOLVED, that any requirements for King’s Fire Church to provide an insurance certificate or any fees to the Town of Ulster pursuant to this request be waived; and be it further

RESOLVED that King’s Fire Church shall be responsible for the removal of litter, debris and other materials from the street or portion thereof used for “Trunk or Treat” which is attributable to or caused by this event.

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

October 19, 2017

**RESOLUTION authorization NYSDOT Permit Request – 2018 Ulster County Firemen’s Parade**

*(Town Police responsible for traffic control; Town is in support of the parade)*

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

**Resolution Authorizing NYSDOT Permit Request – 2018 Ulster County Firemen’s Parade**

WHEREAS the Ulster County Volunteer Firemen’s Association will hold its annual Volunteer Fireman’s Parade in the Town of Ulster on July 28, 2018; and

WHEREAS the parade requires a highway permit from the New York State Department of Transportation for the closure of Ulster Avenue for the parade; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board hereby declares its support for the holding of the Volunteer Fireman’s Parade in the Town of Ulster on July 28, 2018 and for the closing of Ulster Avenue; and be it further

RESOLVED, that the Town of Ulster Town Board hereby declares that the Town of Ulster Police Department will be handling any traffic control needs for the Parade; and be it further

RESOLVED, that the Town Clerk of the Town of Ulster send a certified copy of this resolution to the New York State Department of Transportation.

MOTION: Councilman Brink

SECOND: Councilman Secreto

Councilman Brink:           Aye  
Councilman Kitchen:       Aye  
Councilman Morrow:      Aye  
Councilman Secreto:       Aye  
Supervisor Quigley:       Aye

**CARRIED**

October 19, 2017

**RESOLUTION Establishing a Worker's Compensation Reserve Fund**  
*(Not a funding request – simply just to create the reserve)*

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

**Resolution Establishing a Worker's Compensation Reserve Fund**

WHEREAS, the Town of Ulster is a participant in the Ulster County Self Insurance Plan for Workers' Compensation; and

WHEREAS, in the past years the Town has had a good experience relating to workers' compensation claims; and

WHEREAS, the Town, despite all its efforts to maintain a safe working environment for all employees, realizes that there may be years in which its workers' compensation claims may not be as positive, and

WHEREAS, the Town wishes to protect itself from those times when injuries may occur, and

WHEREAS, General Municipal Law, Section 6-j allows Town governments to set up a Workers' Compensation Fund Reserve Fund

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Ulster, in accordance with Section 6-j of the General Municipal Law, the Town hereby creates a workers' compensation reserve fund in such amounts as may be provided thereof by budgetary appropriations and such other sums as may be legally appropriated shall be placed into such funds, and it is further

RESOLVED, that the monies in such fund shall be deposited and secured in the manner provided by Section 10 of the General Municipal Law and such funds shall be deposited and be accounted for separate and apart from all other funds of the Town, and the Chief Fiscal Officer of the Town, to wit: The Town Supervisor, shall invest the monies in such fund in the manner provided pursuant to Section 11 of the General Municipal Law. Any interest earned or capital gain realized on the money said deposited or invested shall accrue to and become part of such fund, and it is further

RESOLVED, that any expenditure shall be made from such fund only for the payment of compensation and benefits, medical, hospital, or other expenses authorized by Article 2 of the Workers' Compensation Law.

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MOTION: Councilman Morrow

SECOND: Councilman Brink

Councilman Brink: Aye

Councilman Kitchen: Aye

Councilman Morrow: Aye

Councilman Secreto: Aye

Supervisor Quigley: Aye

*CARRIED*

October 19, 2017

**RESOLUTION referring Joseph Emanuele project for Site Plan Amendment to the UC Planning Board**

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

**Referral to Ulster County Planning Board**

**Joseph Emanuele**

**Site Plan Amendment**

S-B-L: 48.50-2-20.120, 20.111 & 20.112

**WHEREAS**, the applicant – *Joseph Emanuele (Owner)* – is seeking *site plan amendment approval* for construction of a 60' x 75', 4,500 square feet (sf) steel storage building behind an existing steel commercial building; and

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

- *Consent Form* signed by Joseph Emanuele dated August 21, 2017;
- *Site Plan Application* prepared by Joseph Emanuele dated August 22, 2017;
- *SEQR Short EAF Part I* prepared by Michael F. Vetere, Jr, LS, PLLC, dated August 21, 2017; and
- *Map of Site Plan* prepared by Michael F. Vetere, Jr, LS, PLLC, dated 8/18/17, revised 10-9-17.

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

**WHEREAS**, the Town of Ulster Town Board, upon review of the SEQR Short EAF Part 1 determined the Proposed Action was an *Unlisted Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law; and

**WHEREAS**, the Town Board declared its intent to serve as Lead Agency for the SEQRA review and is the designated Lead Agency for this Unlisted Action-Coordinated Review; and

**WHEREAS**, Interested Agencies include the Town of Ulster Planning Board, Ulster County Planning Board (UCPB) and NYSDOT (traffic circulation); and

**WHEREAS**, the Town of Ulster Planning Board has referred this matter to the Town Board with a recommendation to refer this matter to the Ulster County Planning Board for NYS GML 239 1 and m review and in accordance with the referral agreement between the Town and County.

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**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board, based upon the above and its own review of the application materials, as the Lead Agency for this Unlisted Action-Coordinated Review, directs the Town Clerk to refer this matter to the Ulster County Planning Board.

MOTION: Councilman Secreto

SECOND: Councilman Brink

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

**RESOLUTION calling on Governor Cuomo and the State Legislature to Enact and Support Legislation to Eliminate “The Dark Store Theory” in New York State Real Property Tax Law as a way to Reduce Property Assessments in Tax Certiorari Proceedings in New York State**

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

**Resolution Calling on Governor Cuomo and the State Legislature to Enact and Support Legislation to Eliminate “The Dark Store Theory” in New York State Real Property Tax Law as a way to Reduce Property Assessments in Tax Certiorari Proceedings in New York State**

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**WHEREAS**, New York State Real Property Tax Law Section 305 requires all Assessors in New York State to assess real property at a uniform percentage of value in each assessing units; and

**WHEREAS**, the owners of real property in New York State are to be assessed on the basis of the building as it existed on taxable status date; and

**WHEREAS**, Assessors in New York State are required to assess property as it is being used “*Value in Use*” on March 1<sup>st</sup> of each year; and

**WHEREAS**, Assessors when valuing property utilize all three approaches to value, The Cost approach, The Income Approach and the Sales; and

**WHEREAS**, the best indicator of value is the sale of a similar use comparable property; and

**WHEREAS**, The Dark Store Theory relies on the use of shuttered, deed restricted and abandoned properties that are in no way similar to lighted stores as comparables; and

**WHEREAS**, several recent court decisions in varying judicial districts have adopted the Dark Store Theory in their decisions; and

**WHEREAS**, the potential loss of real estate tax revenue may run into the hundreds of millions of dollars statewide; and

**WHEREAS**, the lost real estate tax revenue will be shifted and redistributed to all other taxpayers in each taxing jurisdiction throughout New York State; and

**WHEREAS**, The States of Michigan, Indiana and Texas have all experienced a similar destruction to their tax base by way of “The Dark Store Theory” being used; and

**WHEREAS**, the short fall in tax revenue has caused cuts in libraries, road repair and other essential municipal services, and

**WHEREAS**, The States of Michigan, Indiana and Texas are advancing similar legislation in the respective States, and

**WHEREAS**, The Dark Store Theory represents a serious threat to the Town of Ulster tax base;

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board requests that the New York State Association of Towns add this issue to their 2018 AOT Legislative Agenda; and be it further

**RESOLVED**, that the Town Board of the Town of Ulster calls upon Governor Andrew M. Cuomo, Senator George Amedore and Assemblyman Kevin Cahill to enact legislation that



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mandates sound appraisal theory in the valuation of real property for taxation purposes in the New York State Real Property Tax Law and eliminate the “Dark Store Theory” as an argument to lower property value in New York.

**RESOLVED**, that the Town Clerk of the Town of Ulster shall forward copies of this resolution to Governor Andrew M. Cuomo, Senator George Amedore, Assemblyman Kevin Cahill, and the New York State Association of Towns.

*Councilman Secreto*: Would like Jim Maloney to give everyone a quick summary of this.

*James Maloney*: The Dark Store Theory started in Michigan approx. 10 years ago. State Legislature has moved to outlaw this. Attorneys and appraisers use shuttered big box stores (Lowe’s, Home Depot, CVS, RiteAid – nationally branded stores). They deed restrict the property and place restrictions on it, and it sells for a very low price. Appraisers are using the usual low sales of the shuttered store and compare it to the new store wherein costs exceed \$10 or \$15M. Drafted this Resolution and presented to State Assessors in Lake Placid where it passed unanimously. Presented by other state officials. Forwarded to NYSAC. This Resolution forwarded to NYS Association of Towns.

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

**CARRIED**

October 19, 2017

**RESOLUTION supporting New York State Assessor’s Association position on “The Dark Store Theory”**

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE  
ASSESSORS ASSOCIATION’S CALL TO ELIMINATE “THE  
DARK STORE THEORY” IN TAX CERTIORARI  
PROCEEDINGS**

BE IT RESOLVED that the Town Board of the Town of Ulster hereby supports the New York State Assessors Association’s recent resolution (copy of which is annexed to this resolution) which calls upon Governor Andrew M. Cuomo and the New York State Legislature to enact legislation that mandates sound appraisal theory in the valuation of real property for taxation purposes in the New York State Real Property Tax Law and eliminate the “Dark Store Theory” as an argument to lower property value in New York.

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Councilman Brink:           Aye  
Councilman Kitchen:        Aye  
Councilman Morrow:       Aye  
Councilman Secreto:         Aye  
Supervisor Quigley:         Aye

*CARRIED*

October 19, 2017

**RESOLUTION Transferring Funds to Building Repair Reserve Fund**

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

**Resolution Transferring Funds to Building Repair Reserve Fund**

WHEREAS, the Town Board of the Town of Ulster that previously established pursuant to Section 6-c of the General Municipal Law, as amended, a capital reserve fund to be known as the “Building Repair Reserve Fund” (hereinafter “Reserve Fund”); and

WHEREAS, the purpose of this Reserve Fund is to accumulate money to finance the cost of a type of capital improvement. The type of capital improvement to be financed from the reserve fund is for the repair, physical public betterment or improvement or any preliminary studies and surveys relative thereto to any town structures or buildings; and

WHEREAS, the Town of Ulster has received a cost estimate from Scott Dutton & Associates, Architects, for the potential renovations to the lower level of the Ulster Town Hall in the sum of approximately \$500,000, and

WHEREAS, the Town Board has determined funding through reserves for capital projects to be a prudent action;

NOW, THEREFORE,

BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to transfer \$500,000 into the Building Repair Reserve Fund; and be it further

RESOLVED, that this resolution shall be subject to a permissive referendum, as permitted by law.

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

*CARRIED*

October 19, 2017

**RESOLUTION Introducing Local Law No. \_\_\_\_\_ of 2017 Entitled “ A Local Law to Amend Local Law. 1 of 2008 to Extend the Cold War Veterans Exemption”**

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

**Resolution Introducing Local Law No. \_\_\_\_\_ of 2017 Entitled “A Local Law to Amend Local Law No. 1 of 2008 to Extend the Cold War Veterans Exemption”**

WHEREAS, Section 458-b of the New York Real Property Tax Law ("N.Y. RPTL") provides an exemption from taxation to qualified residential real property owned by Cold War veterans and/or qualified owners for a period of ten years provided municipalities adopt a local law authorizing the same; and

WHEREAS, pursuant to Local Law 1 of 2008, the Town Board of the Town of Ulster (the "Town Board") adopted a local law establishing an exemption from real property taxes for Cold War Veterans in accordance with Section 458-b of the N.Y. RPTL; and

WHEREAS, recent amendments to Section 458-b of the N.Y. RPTL provide that municipalities may "adopt a local law... providing that the exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to such ten-year limitation";

WHEREAS, the Town Board desires to extend the aforementioned exemption in accordance with the statutory amendments to Section 458-b of the N.Y. RPTL, which became effective on September 12, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Town Board, duly convened at a regular meeting on October 19, 2017, that, pursuant to Section 458-b(2)(c)(iii) of the N.Y. RPTL, the Town Board hereby introduces the following Local Law to be known as Local Law No. \_\_\_\_\_ of 2017 entitled, "A Local Law to Amend Local Law No.2 of 2008 to Extend The Cold War Veterans Exemption";

BE IT FURTHER RESOLVED, by the Town Board as follows:

Section 1. Statement of Purpose and Intent.

The purpose of this resolution is to introduce Proposed Local Law No. \_\_\_\_\_ of 2017. The Proposed Local Law is to amend Local Law No. 1 of 2008, which established the Cold War veterans exemption in accordance with Section 458-b(2)(c)(iii) of the N.Y. RPTL. The proposed local law will amend Local Law No. 1 of 2008, to add the following text as Section 5(ii):

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"(ii). The exemption authorized by this section shall apply to qualifying owners of qualifying real property for as long as they remain qualifying owners, without regard to the ten-year limitation as set forth in § 458-b, Subdivision (2)(c)(iii) of the New York Real Property Tax Law."

**Section 2. Effective Date.**

This resolution shall become effective immediately. If enacted, the local law shall become effective immediately upon filing with the New York Secretary of State.

**Section 3. Public Bearing.**

Pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing on this local law. Therefore, a public hearing shall be held in relation to said Proposed Local Law as set forth in the form of notice hereinafter provided, at which interested parties and citizens shall have an opportunity to be heard. This hearing shall be held at the Town Hall on November \_\_\_\_, 2017, at 7:00 o'clock p.m., and notice of said hearing shall be published in the official newspaper of general circulation in the Town of Ulster by the Town Clerk, at least ten (10) days before such hearing, and such notice shall be in the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE that the Town Board of the Town of Ulster will hold a public hearing at the Town Hall, 1 Town Hall Drive, Lake Katrine, New York on November \_\_\_\_, 2017 at 7:00 o'clock p.m., on proposed Local Law No. \_\_\_\_ of 2017, entitled, "A Local Law to Amend Local Law No. 1 of 2008 to Extend The Cold War Veterans Exemption" (the "Proposed Local Law"). The purpose of the Proposed Local Law is to provide tax exemptions to qualifying owners of qualifying real property for as long as they remain qualifying Cold War veterans and/or qualifying owners, without regard to the ten-year limitation set forth in Section 458-b, Subdivision (2)(c)(3) of the New York Real Property Law;

TAKE FURTHER NOTICE, that copies of the aforesaid Proposed Local Law will be available for examination at the Town of Ulster Town Hall, 1 Town Hall Drive, Lake Katrine, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing;

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

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*Supervisor:* No need for action. This will be brought back at the November Town Board meeting in order to schedule a public hearing.

*Councilman Kitchen:* Thanks Legislator Maloney, who has been working on this since 2007, ensuring that the sun does not set on these veterans and their exemption.

**ADDITION**

**MOTION to authorize the purchase of 20 new hand held portable radios under State bid from NYCOMCO for the Police Department, for an amount not to exceed \$35,600.00**

MOTION: Councilman Kitchen

SECOND: Councilman Brink

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

***CARRIED***

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**OLD BUSINESS**

**Request from Building Department for an Engineering Inspection for 697 Old Flatbush Road – property of Richard Rider**

MOTION: Councilman Kitchen

*Councilman Secreto:* Requests two prices on this, Mr. Supervisor

*Supervisor:* Amends MOTION to request that two prices be obtained on the inspection.

SECOND: Councilman Secreto

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

***CARRIED***

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**~PUBLIC HEARING SCHEDULED 7:15 pm – Local Law \_\_\_\_ of 2017, a Local Law Regulating Certain Solar Energy Systems and Equipment within the Town of Ulster**

**MOTION to open Public Hearing (7:27 PM):** Councilman Brink

**SECOND:** Councilman Secreto

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

**COMMENT**

1. Tom Puchner, Phillips Lytle

On behalf of Cypress Creek. Provides handouts for Town Board to be included in the record. Opposes both solar law and the moratorium. Town has an existing code that is workable. The Town does not need a moratorium. Which version of the solar law is being introduced?

*Supervisor:* The one published four weeks ago is the most recent version (i.e. version 3). Includes and is a reflection of 2016 public comments when the law was first introduced and during public hearing process.

*Puchner:* V. 3 has provision of 50 acres for each solar farm. Cypress Creek supports that version. Project size vs parcel size – important that the 50 acres is for the project impact not the parcel itself. Chipping away at the ability to have a two megawatt project. Beneficial to have discretion with planning board. Reviews what is in his handout.

2. Brian Stumpf, Cypress Creek Renewables Zoning Manager

Commends Morrow and Quigley on their visit to the Landau site on 9/28. Learned a lot and heard interest. Has surveyors now looking at pre-disturbed areas looking at viability on E. side of Route 32.. Looking at (3) 2-megawatt projects now. Will try to submit project application 11/6 – 11/10. Review of application will be valuable.

**MOTION to close Public Hearing (7:34 PM):** Councilman Brink

**SECOND:** Councilman Morrow



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Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

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**~ PUBLIC HEARING SCHEDULED 7:20 pm – Local Law \_\_\_\_\_ of 2017, a Local Law Imposing a Temporary Town-Wide Moratorium on the Installation of Freestanding or Ground-Mounted Solar Energy Systems~**

**MOTION to open Public Hearing (7:34 PM): Councilman Morrow**  
**SECOND: Councilman Brink**

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

**COMMENT**

1. Tom Puchner, Phillips Lytle

Asks that his previous handout be included in the record for this public hearing. Cypress Creek asks that the Town Board not pass a moratorium. Working to modify projects to meet the town's interests. Existing Town Code has everything that is needed already to regulate solar. Will work with Town Board for new codes.

2. Brian Stumpf, Cypress Creek Renewables Zoning Manager

Agrees with everything Tom said.

3. Judith Hansen, Cutler Hill Road

Supports proposed moratorium. Property owners have right to return on their investment but not at the residents' expenses. Served on the Town's Comprehensive Planning Committee's, which guided and crafted vision statement in 2007. Cites vision statement. Project is to protect ground water; protect scenic views; protect and preserve historic resources; attract new businesses; greater protection of ridgelines; among others. The project underscores some goals and poses threat to others. The Town does not have

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framework in place to regulate a project of this size. Support moratorium to allow this project to be an asset to the community. [Provides written copy of statements made]

**MOTION to close Public Hearing (7:40 PM):** Councilman Morrow

**SECOND:** Councilman Secreto

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

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**~ PUBLIC HEARING SCHEDULED 7:30 pm – 2018 Tentative Budget ~**

**MOTION to open Public Hearing (7:41 PM):** Councilman Kitchen

**SECOND:** Councilman Brink

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

**COMMENT**

1. Rich Graff, 325 Stickles Terrace

Major concern is proposed 5% increase in property taxes. Thought 2% increase was the cap. Concerns that people get 18% raise; workmans compensation increasing 36%. Understands that the mall failed and citizens are asked to pay for that. When does it stop?

*Supervisor:* Regarding tax cap, legislation speaks to dollar amount of tax levy adopted in Town's budget. Separate of the tax rate, which is function of the tax levy and assessment base. When assessment base goes down, and the amount required to raise for tax levy stays the same, then the tax rate goes up. Regarding Highway Dept budget, levy less than tax levy was in the prior year. In all other districts outside of the General Fund, tax cuts because tax levy has been

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reduced. The General Fund is different. Has highest percentage of personnel and benefit costs than any other fund that is budgeted. Approaches 80% for personnel and benefits. Trying to minimize tax levy; cannot approach tax cap percentage of 2%. Workmans Compensation – we are in self-insurance program with the County and if someone gets hurt, Town pays directly . Have had series of 207c claims within Police Dept, i.e. officers injured on the job getting their full salary until recovery.

*Graff:* Cannot spend more than you make. Buying \$41K speed monitor and should cut spending. Spending more on taxes will drive people out of the area.

**MOTION to close Public Hearing (7:47 PM):** Councilman Secreto  
**SECOND:** Councilman Kitchen

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

*CARRIED*

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**Discussion of FOIL Issue**

*Supervisor:* (To Ragucci) Please provide letter to us now. Per Supervisor, Kovacs did not receive fax from Ragucci either.

**SHORT BREAK:** Ragucci emails document to Suzanne Reavy. Reavy provides copies to Town Board

*Councilman Secreto:* With all of the legal discussion and our Town attorney not present, we should table this discussion for another day.

*Councilman Brink:* Obvious that Mr. Kovacs did not receive this correspondence.

*Councilman Kitchen:* Asks that we ask our attorney to look at this and call a special meeting in the next few days – Monday or Tuesday.

*Supervisor:* Have this material to Kovacs tomorrow morning. Schedule for Tuesday 10/24/17 at 7pm.

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**MOTION to hold a special Town Board meeting on 10/24/17 at 7 PM:**

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

Councilman Brink: Aye  
Councilman Kitchen: Aye  
Councilman Morrow: Aye  
Councilman Secreto: Aye  
Supervisor Quigley: Aye

*CARRIED*

*Supervisor:* (to Ragucci) To state for the record, the way you mentioned in your presentation, sounded like the Town was sued for the FOIL release of Saunders and McGinnis. Conferring with Chief Berardi, this is in reference to a personal injury lawsuit involving a police vehicle where the dash cam video was supplied to your office during that case.

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**PUBLIC COMMENT** --

1. Nancy Slauson – Beech Ct, Deer Run

Thanks Frank Petramale and crew for cleaning out a ditch in her neighborhood, patching and paving and looks fantastic. Thank you for countless hours plowing and sanding.

2. Christopher Ragucci –

Responding to Supervisor's remark citing the Saunders and McGinnis cases. Letter states that the Town was not going to release the dash cam video. Videos were released because of other judicial proceedings.

Supervisor: In preparation for Tuesday night meeting, asks Chief Berardi and Ms. Reavy to review FOILs received by the Town.

3. Leslie Lansing, Lincoln Park Place

- a. Will there be a detour for the 2018 parade, asks for consideration because of activity on her street.
- b. If citizens have concerns on their street, can the speed sign be utilized since it is funded by taxpayers?

*Supervisor:* Citizens should make formal complaints to police department and police will determine if speed sign will be used for monitoring.

- c. Is cat law dead?

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*Supervisor:* Not happy with final report that came through. Does not think that the issue is dead.

d. Regarding ticketed legislator: Mirror should be held up to her regarding her behavior for the way she treated the police officer and to influence police officer's decision.

4. Teri Quarantino, Flatbush Road

Received letter from Suzy Reavy that NYSDOT is putting stripes on her road. Will take the stripes than work on the speed again.

5. Derek Coffey, Cutler Hill Road

Supports moratorium. Thanks Frank Petramale and his team for their work in Eddyville, and Chief Berardi for talking with residents in Eddyville about traffic safety.

6. Bill Kemble, Daily Freeman

Public Officers Law requires that there be a public information and an appeals officer. Says nothing on the Town Board release of anything. The officers can check in with attorneys. Idea of having a special town board meeting seems out of place in this instance when all of this information is here in front of us. No reason to withhold or deny reason for it being withheld. Why wait until Tuesday when you are speaking to Kovacs tomorrow.

7. Richard Cahill

In response to Ragucci, the tapes were released previously in the two other referenced cases because the Court said that the Town's position was wrong. Please keep in mind.

~~ NO FURTHER COMMENTS ~~

**MOTION TO ADJOURN (8:07 PM)**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Councilman Brink:	Aye
Councilman Kitchen:	Aye
Councilman Morrow:	Aye
Councilman Secreto:	Aye
Supervisor Quigley:	Aye

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk