

TOWN OF ULSTER TOWN BOARD MEETING (18)

September 15, 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 3rd

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Building Inspector, Kathy Moniz
3. Officer in Charge, Kyle Berardi
4. Assessor, James Maloney
5. 11 Town Residents
- 6.

ADDITIONS OR CHANGES TO AGENDA: None

PUBLIC DISCUSSION ON AGENDA ITEMS: None

APPROVAL OF MINUTES – August 4th and 18th

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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COMMUNICATIONS: None

ABSTRACT OF CLAIMS:

Presented by Councilman Brink

PrePaid Bills:	\$ 203,200.85
Abstract Bills:	\$ 427,722.11
Escrow:	\$ 7,017.50
Reserve:	\$ 587.31

TOTAL:	\$ 638,527.77

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

BUDGET MODIFICATIONS:

Presented by Councilman Brink

NOTED by Supervisor Quigley: An increase of \$110,939.00 in police equipment due to the purchase of the dispatch radio console, approved by the Town Board in January, 2016.

General Fund:

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric - Orlando St. Ballfield	402.65
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) home plate, frght. From BSN Sports	135.00
Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through	

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	A5110 (Approp.Reserve-Football League) home plate,frght. From BSN Sports	49.66
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Football League) insurance pyt. to K & K Insurance	1,344.20
	Modify Appropriation A3120.200 (Equipment) to be funded through A5990 (Approp.Fund Bal.) purchase police dispatch console from NYCOMCO	110,939.00
	Modify Revenue A1289 (Oth. Dept. Income) and Appropriation A8160.401 (Dumping Cost) reimb. From Ulster Fire Training Center for disposal of debris from demolition taken to UCRRA	1,123.74
	REVISION - BUDGET MODIFICATION OF 6/16/16	
	Reduce A.5110 Approp.Reserve (Seizure Funds)	3,649.99
	Reduce A3120.401 (Seizure Funds)	3,649.99
	Check issued to Frank Smith voided - check undeliverable	
Highway Fund:		
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. - Oper.Funds	5,196.74
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ruby Fire Dist.)	167.70
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (Ulster Fire Dist.#1/Spring Lake)	87.77
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) June Gas Reimb. (Ulster Hose #5)	33.26

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Highway Fund:	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) July Gas Reimb. (E.Kng.Vol.Fire Co.)	159.47
	Modify Revenue D1289 (Oth.Dept. Income) and Appropriation D5110.100 (Wages) \$11,479.15 & Appropriation D5130.413 (Equip.Rental) \$1,744.74 reimb.-court renovation for labor and equip. rental	13,223.89

General Fund:	Transfer From	Transfer To	
	A7140.200 Equipment	A7110.426 Repairs,Constr.	8,000.00
	A8160.401 Dumping Costs	A8160.200 Equipment	8,200.00
	A1990.400 Contingency	A1440.400 Engineering	13,000.00
	A1990.400 Contingency	A1989.400 Grant Writer	250.00
	A1990.400 Contingency	A8760.400 Emergency Disaster	3,100.00
	A1110.400 Court Stenos.	A1110.410 Computer Technology	200.00
	A3620.200 Equipment`	A3620.404 Off. Equip. - Maint.	50.00

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

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NEW BUSINESS

RESOLUTION authorizing Tax Certiorari Settlement with Petitioner Johnson Route 28, LLC for property located at 120 Route 28:

**RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT
WITH PETITIONER JOHNSON ROUTE 28, LLC
FOR PROPERTY
LOCATED AT 120 ROUTE 28**

WHEREAS, petitions have been filed by the property owner below challenging real property tax assessments on the Town's assessment roll; and

WHEREAS, petitioner's court challenges are now pending in Supreme Court, Ulster County; and

WHEREAS, the Town and property owner have reached a mutually agreeable resolution; and

WHEREAS, Special Town Attorney William F. Ryan, Jr., after reviewing information on comparable properties from the Town Attorney and Assessor's office files, believe that this settlement is reasonable and advantageous to the Town; and

WHEREAS, the Town Board has had an opportunity to review the Special Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Ulster;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster hereby authorizes Special Town Attorney William F. Ryan, Jr. to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
Johnson Route 28, LLC	120 Route 28	2014
SBL: 48.14-1-33		2015

<u>Tax Year</u>	<u>Current Assessment</u>	<u>Amount of Reduction</u>	<u>Revised Assessment</u>
2014	\$2,588,000	\$988,000	\$1,600,000
2015	\$2,588,000	\$988,000	\$1,600,000

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MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

RESOLUTION referring Capital Group, LLC for Kingston Commons Commercial Development Project to Ulster County Planning Board:

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

**Site Plan Amendment
Referral to the Ulster County Planning Board
Kingston Commons, LLC
S-B-L: 48.14-1-19 & 20**

***WHEREAS**, the Town of Ulster Planning Board and its consultant planner and engineer have reviewed an application by SAI Capital Group, LLC for Kingston Circle Properties, LLC (Owner) seeking site plan amendment approval for the construction of 7,425 square feet (sf) of retail space, 3,190 sf bank with two (2) drive-thru service lanes, a 4,430 sf fast-food restaurant with two (2) drive-thru service lanes, and a 2,200 sf coffee/donut shop with one (1) drive-thru service lane along with ancillary on-site parking and a sidewalk, which is proposed within the NYSDOT r-o-w; and*

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

- *Cover Letter by Stonefield Engineering and Design, dated August 29, 2016;*
- *Supplemental Stormwater Management Memo by Stonefield Engineering & Design, dated 8/29/2016;*
- *Cover Sheet for Plan Set prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Existing Conditions Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Demolition Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*

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- *Site Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Grading Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Drainage Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Utility Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Lighting Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Phase I Soil Erosion & Sediment Control Plan by Stonefield Engineering & Design, dated 8/29/2016;*
- *Phase II Soil Erosion & Sediment Control Plan by Stonefield Engineering & Design, dated 8/29/2016;*
- *Soil Erosion and Sediment Control Details by Stonefield Engineering & Design, dated 8/29/2016;*
- *Landscaping Plan prepared by Stonefield Engineering & Design, dated 8/29/2016;*
- *Landscaping Details prepared by Stonefield Engineering & Design, dated 8/29/2016; and*
- *Construction Details (7 Sheets) prepared by Stonefield Engineering & Design, dated 8/29/2016.*

WHEREAS, *the Town of Ulster Town Board has the authority to approve the Current Proposed Action since it was the Lead Agency that granted Conditional Site Plan Approval; and*

WHEREAS, *the Current 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*

NOW THEREFORE BE IT RESOLVED, *the Town of Ulster Town Board directs the Town Clerk to refer the Current 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.*

Per Jason Kovacs: Minor modifications to site plan. These modifications require referral to the UC Planning Board as part of the site plan process.

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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RESOLUTION declaring intent to TOU Town Board to Serve as Lead Agency for LHV Precast, 540 Ulster Landing Road, S-B-L: 40.31-1-34.100, 34.200 & 40.31-1-22.132:

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

Declaration of Intent to Serve as Lead Agency

LHV PRECAST

540 Ulster Landing Road

S-B-L: 40.31-1-34.100, 34.200 & 40.31-1-22.132

WHEREAS, the applicant – Paul B. Jankovitz, RA on behalf of the owner *LHV Precast* – is seeking *site plan amendment approval* to construct a 14,400 square foot (sf) addition to their existing 14,400 sf building so they can expand their manufacturing operation at 540 Ulster Landing Road. and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Town Board since the Proposed Action involves more than 2,500 sf of new building area; and

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

- *Project Narrative prepared by James R. Willis of LVH Precast Incorporated;*
- *Historical Traffic Generation from Subject Site provided by LHV Precast Incorporated*
- *Site Plan Consent Form prepared by James R. Willis –property owner agent – dated 7/26/16;*
- *Site Plan Application prepared by Paul B. Jankovitz, RA, Architects/Planners dated 7/26/16;*
- *SEQR Short EAF prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Title Sheet, prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Site Plan prepared by Paul B. Jankovitz, RA, Architects/Planners dated;*
- *Site Plan Enlarged prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Existing Pre-cast Facility prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Proposed Addition prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Site Details prepared by Paul B. Jankovitz, RA, Architects/Planners not dated;*
- *Site Signs prepared by Paul B. Jankovitz, RA, Architects/Planners not dated and*
- *Lighting Fixtures prepared Paul B. Jankovitz, RA, Architects/Planners not dated.*

WHEREAS, the Proposed Action is an *Unlisted Action* pursuant to the New York State Environmental Quality Review Act (SEQRA) regulations 6 NYCRR Part 617 and subject to environmental review; and

WHEREAS, Involved Agencies include the Town of Ulster Town Board and

WHEREAS, Interested Agencies include the Town of Ulster Planning Board, Ulster County Planning Board, Ulster County Highway Department and NYSDOT.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, hereby declares its intent to be Lead Agency for an Unlisted Action-Coordinated Review and directs the Deputy Town Clerk to circulate a Notice of Intent to all Involved Agencies.

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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

PRESENTATION and acceptance of the Town Clerk's Monthly Report for the month of August, 2016:

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

PRESENTATION and acceptance of the Supervisor's Monthly Report for the month of August, 2016: [*Posted to Town Website*]

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

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MOTION to accept the resignation of Police Dispatcher Johnson:
Per Councilman Morrow: In Good Standing

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

MOTION to authorize the hiring of a full time Clerk to the Justice:
Presented by Councilman Morrow, Personnel

Karen Gorski: Requested by Judge Susan Kesick; non-union; \$15.50/hour; Start date 9/19/2016; Full time ; training to replace retiring Annie Raskoskie (1st quarter of 2017)

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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OLD BUSINESS

STATUS UPDATE on the Bridge Reconstruction projects on Sawkill Road and Neighborhood Road Detour:

Presented by Councilman Brink

1. Bridge by Cherry Hill: On schedule; will be done in November. Rebar on one side & will pour concrete, then work on other side.
2. Bridge by Heritagenergy: On schedule; pouring concrete next week; will work on grade of road and when that happens, travel access from Sawkill-Ruby Rd through to Sawkill Rd toward Zena will be shut down. Sawkill Rd has been repaved between the two bridges.

PUBLIC COMMENT

1. **Roz Stark, Eddyville:** Comes tonight seeking any progress on Bucks Junkyard.

Supervisor: The biggest part of this is the court process – Mr. Kovacs...

Jason Kovacs: Now in litigation, seeking a permanent injunction; 8/22 there was a conference with Judge Mott/very good/he understands the Town's position Looking for summary judgment sometime in October and decision will be soon after.

Supervisor: Received an email today from Assemblyman Kevin Cahill stating that the DEC inspected and found two violations at this site. 1. McKenzie not filing reports with the DEC for calendar year 2015; 2. McKenzie maintained inventories of regulated liquids in non-conforming manner/liquids in containers are not properly marked. DEC gave him until 10/1 to come into compliance. This information has been added to the compilation of material collected by Kovacs.

Stark: After the legal decision is made, who will be the enforcer of the order?

Supervisor: If Judge finds in favor of the Town that this business will be shut down, is it a matter of the Town Building Dept enforcing the Order?

Kovacs: If we do get a permanent injunction and Mr. McKenzie does not comply with the order, he can be found in contempt of court.

Stark: Thank you.

Kitchen: Mr. Kovacs, will this also include criminal penalties?

Kovacs: It would not be, but if you're found in contempt of court, incarceration is a penalty.

Kitchen: Will this new information from the DEC, will the Judge find out about these violations?

Kovacs: Yes.

2. **Teri Quarantino, Town Resident:** What is the status of the lights at Charles Rider Park?

Supervisor: I will check with the Highway Dept as it is their project and get back to you tomorrow.

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No further comments

MOTION to enter Executive Session (7:23 PM):

MOTION: Morrow

SECOND: Secreto

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

CARRIED

~Back from Executive Session – No action taken~

MOTION to adjourn at 7:59 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