

TOWN OF ULSTER TOWN BOARD MEETING (06)

MARCH 4, 2021

CALLED TO ORDER BY SUPERVISOR QUIGLEY, CHAIRMAN at 7:03 PM

~~ MEETING HELD VIRTUALLY ~~

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
TOWN COUNCILMAN CLAYTON VAN KLEECK
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Warren Tutt, Building Inspector
2. Frank Petramale, Highway Superintendent
3. Jason Kovacs, Town Attorney
4. Kyle Berardi, Police Chief
5. Vincent Maggiore, Wastewater Superintendent
6. Two town residents

~~ ALL AGENDA ITEMS (MOTIONS AND RESOLUTIONS) ARE MADE VIA ROLL CALL VOTE ~~

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

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COMMUNICATIONS –

1. Letter read from Regis Obijiski, 170 Ledge Road
[Attachments part of this record]
Re: March 3 public hearing and speakers I opposition to NYS DEP conclusions on the effects of the volume and turbidity of periodic releases in to the Lower Esopus Creek. Recommends an agenda item to consider submitting comments to NYS DEC on New York City DEP DEIS for Modification of the Catalum SPDES Permit before the 6/16/21 deadline.
2. Letter read from Cindy Bell, Ruby
Re: Response to the Comptroller Local Law
Does not think this is a necessary action. Will take action to fellow citizens if the measure passes.

New Business:

Discussion on reopening Town Hall to the Public effective Tuesday, March 9, 2020 9AM (2021-M-62)

Supervisor: Covid-19 protocols in accordance with NYS regulations. Officer at entryway.

Councilman Secreto: Good idea to put barrier in both hallways.

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

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Discussion on reopening the Senior Center (2021-M-63)

Councilman Morrow: Comply with same regulations as town hall.

Supervisor: State regulations in place. 25 people maximum/social distancing/contact tracing/sign waiver as acknowledgement/we would be absolved.

Kovacs: Fair as long as groups are 25 or less. Prepare a short agreement. Waive any liability on the town.

Councilman Secreto: Time lapse in between groups for cleaning.

Supervisor: Town clerk to coordinate.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Discussion on the Town of Ulster holding Summer Camp in 2021

Supervisor: Councilman Secreto has an upcoming meeting with Recreation Committee. Table this item until after they meet.

Discussion on Rider Park and Post Park

Supervisor: We would like to man Rider Park but no one in mind. Town clerk to post on Website and Facebook request for part time employee at Post Park (landscaping, cleaning, coordinating attendance at pavilions under Covid restrictions) and Rider Park (boat launch, landscaping, security)

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**Motion to Post for Employment Opportunities at Rider and Post Parks
(2021-M-64)**

MOTION: Councilman Secreto
SECOND: Councilman Morrow

DISCUSSION:

Councilman Kitchen: (to Secreto) In the past, garbage piling up at Rider Park. Is attendant assisting with that?

Councilman Secreto: Yes, responsible for cleaning and landscaping.

Councilman Van Kleeck: Last year the comments on the condition of the parks were 'exceptional'.

Councilman Secreto: Tribute to department heads too.

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Motion to accept the resignation of PT Police Officer Joslin-Peters (2021-M-65)

Chief Berardi: Employed here full time and Town of Woodstock full time. Obtained full time at Kingston Police Dept and has to resign here.

Councilman Secreto: In good standing.

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MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen -Yes

Town Councilman Morrow -Yes

Town Councilman Secreto -Yes

Town Councilman Van Kleeck -Yes

Supervisor Quigley -Yes

CARRIED

Motion to authorize the Highway Superintendent to go out to bid for (1) 9FT Utility Body Installed under Bid # RFB-TOUH-2021-01 (2021-M-66)

Petramale: Town board previously approved ordering three chassis. This body will go on one of the chassis.

MOTION: Councilman Secreto

SECOND: Councilman Morrow

Town Councilman Kitchen -Yes

Town Councilman Morrow -Yes

Town Councilman Secreto -Yes

Town Councilman Van Kleeck -Yes

Supervisor Quigley -Yes

CARRIED

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Motion to authorize the Highway Superintendent to go out to bid for (3) 10.6 Plows under Bid # RFB-TOUH-2021-02 (2021-M-67)

Petramale: Newer 10 ½' plows.

Councilman Kitchen: Town roads always clean and cleaned early. Thank you to highway crew.

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Motion to authorize the Highway Superintendent to go out to bid for (2) Switch N Go Hoists and bodies under Bid #RFB-TOUH2021-03 (2021-M-68)

Petramale: Two chassis with switch & go system. Two different dump bodies: chipper, two basic units (mounting sanders on), and a flatbed system. Different components as we go along. First step. Bid covers hoist and separate bodies.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

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Motion to authorize the Highway Superintendent to go out to bid for (2) 10' Stainless Steel Hopper Sander under Bid #RFB-TOUH2021-04 under Bid # RFB-TOUH2021-04 (2021-M-69)

Petramale: Going on switch n go bodies in winter. Does not limit us to one use.

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Motion authorizing the Supervisor to sign the Application of Supervisor for Extension of Time for Collection of Taxes to the Commissioner of Finance of the County of Ulster until June 1, 2021 (2021-M-70)

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

MARCH 4, 2021

Resolution for Certificate of Resolution for MVP (2021-R-71)

Supervisor: MVP slow in getting this to us due to Covid. Established flexible spending account that the town uses to administer the health insurance plan.

Certificate of Resolution for MVP

The undersigned authorized representative of Town of Ulster (the Employer) hereby certifies that the following resolutions were duly adopted by the governing body of the Employer on March 4, 2021, and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of Welfare Benefit Plan, effective December 1, 2020, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan.

RESOLVED, that the proper agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

The undersigned further certifies that attached hereto as Exhibits, are true copies of Town of Ulster's Benefit Plan Document and Summary Plan Description approved and adopted at this meeting.

MOTION: Councilman Van Kleeck
SECOND: Councilman Kitchen

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

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Discussion on letter from Cornell Cooperative for Rider Park Boat Inspection Program – Summer 2021 (2021-M-72)

Supervisor: Inspection program of watercraft program to inspect vessels for aquatic invasive species.

Councilman Secreto: Well accepted, helpful, educational.

Councilman Morrow: Program is amazing. Example, a ship from Asia polluted the St. Lawrence River with zebra mussels. Very important to clean boats.

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Old Business:

Discussion on Public Employer Health Emergency Plan as required by NYS Law

Councilman Van Kleeck: Requirement of New York State to put this plan together. Committee working with union leaders, town clerk and Paula Perpetua from highway department. Thanks everyone for their help.

Supervisor: No requests for revisions.

Councilman Morrow: Great effort by talented people, this was a lot of work.

MARCH 4, 2021

Resolution approving the Public Employer Health Plan and authorizing the Supervisor to sign and submit the plan to NYS (2021-R-73)

Resolution Approving Public Employer Health Emergency Plan

Whereas on September 7, 2020 the Governor signed Senate Bill S8617B into law requiring public employers to develop health emergency plans for the protection of employees and contractors; and

Whereas the Town of Ulster fully supports the health and safety of our employees and contractors and therefore created such a Health Emergency Plan (the “Plan”); and

Whereas the Plan supports continuity of operations of the Town of Ulster, and

Whereas the Plan was developed collaboratively with several officials of the Town of Ulster; and

Whereas the Plan has been developed to meet the requirements set forth in the aforementioned law; and

Whereas the Town of Ulster provided labor unions representing Town of Ulster employees the opportunity to review and comment on the Plan; and

Now, therefore, be it resolved, that the Town Board of the Town of Ulster approves the public employer health emergency plan of the Town of Ulster; and

Be it further resolved, that the Town Board of the Town of Ulster authorizes the Town Supervisor to sign the Plan, putting it into full force and effect in accordance with the law and the provisions identified in the Plan.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

MARCH 4, 2021

Discussion on the Town of Ulster Police Reform and Reinvention Collaborative Committee Report with Supporting Documentation

Chief Berardi: Thanks all committee members, legal resources and officers, Councilman Van Kleeck, for this well thought out purpose. Report focused on several areas to improve practices of police department.

Councilman Van Kleeck: Echoes appreciation to all committee members for time. Tried to keep this public and open.

Councilman Secreto: Thanks everyone for hours, this is very important. Public would like to know if group will continue to meet and if other towns will be met with?

Councilman Van Kleeck: Recently met with Lester Strong. Committee members willing to be a resource.

Berardi: We will meet with others outside of geographical boundaries.

Supervisor: Strong made a presentation and discussed plan presented to city of Kingston. Recommendations are welcome from town board. Some have begun to be implemented, i.e. body cams. Berardi already looking into them and implemented within the next year. Officer training – two officers attended a UCSO training for one week. Trying to set up a continuation of that program.

Berardi: Talked to Sheriff and looking to proceed on collaborative training in near future.

Resolution on the Town of Ulster Police Reform and Reinvention Collaborative Committee Report with Supporting Documentation (2021-R-74)

Supervisor: Outlines the reasons why this document was prepared. Authorizes the town to submit this document to NYS Office of Budget, that we have met the requirements of this mandate Executive Order 203.

MARCH 4, 2021

Resolution to Adopt the Police Reform and Reinvention Collaborative Committee Final Report Pursuant to Executive Order 203

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, these incidents have led the Governor of the State of New York to sign into law the Say Their Name Agenda which reforms aspects of policing in New York State; and

WHEREAS, it has been determined that government has a responsibility to ensure that all of its citizens are treated equally, fairly, and justly before the law; and

WHEREAS, one of the essential roles of government is to maintain public safety, which requires mutual trust and respect between police and the communities they serve; and the success and safety of our society depends on positive police-community relationships and policies that allow police to do their jobs to protect every member of the public; and

WHEREAS, the Governor has enacted Executive Order 203 entitled the “New York State Police Reform and Reinvention Collaborative”; and

WHEREAS, Executive Order 203 states that in coordination with the resources of the Division of Criminal Justice Services and the Division of the Budget, local governments may “increase the effectiveness of the criminal justice system by ensuring that the local police agencies within the state have been actively engaged with stakeholders in the local community and have locally-approved plans for the strategies, policies and procedures of local police agencies; and

WHEREAS, pursuant to Executive Order 203 each local government entity, including the Town, which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law, must adopt a policing reform plan after performing a collaborative review of the needs of the community served by its police agency, and evaluate the department’s current policies and practices to address any racial bias and disproportionate policing of communities of color and promote trust, fairness, and legitimacy; and

WHEREAS, on or about August 17, 2020, the Office of Budget released a Guidance Document in order to assist municipalities in the development of the Program (the “Guidance Document”); and

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WHEREAS, the Supervisor of the Town is required to convene the head of the local police agency, and stakeholders in the community to develop such plan; and

WHEREAS, the Town, in coordination with its police agency, must consult with stakeholders, including stakeholders identified in the Guidance Document as required or recommended, and create a Police Reinvention and Collaborative Program (the “Program”) to adopt and implement the recommendations resulting from its review and consultation, including any changes to its policing deployments, strategies, policies, procedures, and practices, tailored to the specific needs of the community and general promotion of improved police agency and community relationships based on trust, fairness, accountability, and transparency, and which seek to reduce any racial disparities in policing;

WHEREAS, such Program must be offered for public comment to all citizens in the locality, and after consideration of such comments, shall be presented to the local legislative body in such political subdivision, which shall ratify or adopt such plan by local law or resolution, as appropriate, no later than April 1, 2021; and

WHEREAS, the Town is then required to transmit a certification to the Director of the Division of the Budget to affirm that the Program has been developed and the required local law or resolution has been adopted approving the Program; and

WHEREAS, the Town has formed a Police Reform and Reinvention Collaborative Committee, comprised of all interested residents of the Town of Ulster, stemming from diverse backgrounds, under the facilitation of Town of Ulster Police Chief Kyle S. Berardi and Councilman Clayton Van Kleeck, and said Committee has met numerous times, and has prepared a Final Report; and

WHEREAS, said Committee has held two (2) public hearings, on January 20, 2021 and January 28, 2021, to gather feedback from the public on its Final Report;

NOW, THEREFORE BE IT HEREBY RESOVLED the Town Board of the Town of Ulster hereby adopts the Police Reform and Reinvention Collaborative Committee Final Report; and be it further

RESOLVED, that the Town of Ulster Town Board hereby authorizes the Town of Ulster Police Chief and/or the Town of Ulster Supervisor to file the required certification with the New York State Division of the Budget by April 1, 2021, that the Town has met the requirements of Executive Order No. 203.

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MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Discussion on Form of Ground Lease Agreement for 100 x 100 Pad Site at the Town of Ulster Transfer Station, Miron Lane, Kingston, NY to Tarpon Towners II, LLC for the construction of a cell tower

No comments.

Resolution of Town Board of the Town of Ulster Approving a Lease Agreement for property located at 901 Miron Lane, SBL:48.12-1-21.110 (2021-R-75)

MARCH 4, 2021

**Resolution of Town Board of the Town of Ulster Approving
a Lease Agreement**

WHEREAS, the Town of Ulster (the “Town”) is the owner of the property located at 901 Miron Lane and designated on the tax map as SBL: 48.12-1-21.110 (“Property”); and

WHEREAS, the Town desires to use a portion of the Property for the installation of a wireless communications support structure; and

WHEREAS, Tarpon Towers II, LLC (“Tarpon”) desires to use a portion of the Property to install the support structure and compound area necessary to accommodate the wireless coverage needs of various Town Departments, including the Police Department and EMS, the Highway Department, and the Water and Sewer Departments, in addition to the providing capacity for the collocation of private public utility wireless communication facilities in order to close significant gaps in reliable wireless service that exist in the vicinity of the Property within the Town; and

WHEREAS, the Town and Tarpon desire to enter into a lease agreement (“Agreement”), a copy of which is attached hereto as Exhibit “A”, for the purpose of constructing a tower (the “Facility”) with municipal antennas located thereon and which shall provide for the collocation of commercial wireless communication facilities including antennas and related equipment on the Facility all of which shall be situated on or within a 3,500 square foot lease parcel; and

WHEREAS, the Facility will provide wireless telecommunications services essential for responding to accidents, natural disasters and for reporting medical emergencies and other dangers such as potential criminal activity; and

WHEREAS, the Agreement between the Town and Tarpon is for Town property not presently being utilized by the Town and not anticipated to be needed by the Town over the term of the Agreement and the Agreement is for fair market value and in the best interests of the Town and its residents; and

WHEREAS, the Town has: (a) classified the action of approving the Agreement and performing the “balancing of the interests” test as described below as an Unlisted Action pursuant to the State Environmental Quality Review Act (“SEQRA”); (b) declared itself lead agency as there are no other involved agencies; and (c) adopted a Negative Declaration finding that there are no potential significant adverse environmental impacts; and

WHEREAS, it is recognized under New York State Law that towns are accorded certain “immunity” from local zoning regulations; and

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WHEREAS, the leading New York Court of Appeals decision, Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702 (“Monroe”), establishes the “balancing of the interests” approach for determining whether a project should be accorded immunity from local zoning regulations; and

WHEREAS, Monroe permits the Town to determine whether or not it is in the public interest to subject a particular project serving governmental interests to local zoning; and

WHEREAS, Monroe discusses the following nine (9) factors for consideration when balancing the interests of the public and the governmental entity:

- 1) The nature and scope of the instrumentality seeking immunity;
- 2) The encroaching governmental entity’s legislative grant of authority;
- 3) The kind of function or land use involved;
- 4) The effect local land use regulation would have upon the enterprise concerned;
- 5) Alternative locations for the facility in less restrictive zoning areas;
- 6) The impact upon legitimate local interests;
- 7) Alternative methods of providing the proposed improvement;
- 8) The extent of the public interest to be served by the improvements; and
- 9) The intergovernmental participation in the project development process and an opportunity to be heard; and

WHEREAS, the Town has analyzed each of the foregoing considerations to determine whether the Facility should be exempt from the Town of Ulster zoning regulations and has determined that the Facility as proposed to be located, should be exempt from such zoning regulations.

NOW, THEREFORE, it is hereby found and determined that based upon a review of the foregoing considerations, this board has adopted the following findings of fact:

FIRST: The Town is a municipal corporation of the State of New York and provides emergency and public safety protection to its residents. Therefore, the Town is purely public in nature and is a governmental entity that provides an essential public service.

SECOND: The Facility will be located within the municipal borders of the Town, and therefore there is no encroaching entity. Pursuant to Section 64(2) of New York State Town Law, the Town has authority to lease Town lands.

THIRD: The function or land use that is contemplated by the Town under the Agreement, is a wireless communications facility. The Facility will consist of a tower and compound to support the communication needs of various Town departments, and to provide for the collocation of antennas operated by wireless public utility telecommunications service providers.

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FOURTH: Imposing local land use regulations on the proposed Facility would have the effect of unreasonably delaying an essential public need for immediate and effective emergency response and reliable wireless communications.

FIFTH: There are no alternative locations for the Facility in less restrictive zoning areas as such facilities are permitted in all Town zoning districts by special use permit. Moreover, the proposed location for the Facility at the subject Property is ideal in order to minimize aesthetic impacts to the greatest extent feasible based on the large size of the property and distance from neighboring uses. The Property already supports large scale municipal operations and, therefore, the location of the Facility on the Property will not have a detriment on the community. By controlling the location of the Facility on municipal property, the Town can ensure that there is adequate infrastructure in place for the location of emergency communication antennas, while controlling the proliferation of new towers.

SIXTH: The Facility will not have an adverse environmental or other impact on the public because the Facility will be sited on a large parcel and will be distant from neighboring residential uses. The Facility will benefit the public interest by providing essential services and by producing revenue for the Town, by providing critical infrastructure for municipal emergency wireless communications and public utility commercial wireless services and will be sited to minimize any potential adverse environmental impacts. The Facility will comply with all structural standards and will not adversely affect the public health, safety or the general welfare. The Facility will not cause any harmful interference with the frequencies of any radio, television, telephone or other uses. The Facility will have no impact on pedestrian or vehicular traffic, since the proposed use is unmanned requiring infrequent maintenance visits of approximately once per month. The Facility will not produce any smoke, gas, odor, heat, dust, noise above ambient levels, fumes, vibrations or flashing lights; the Facility will not generate solid waste, waste water or sewage, will not require water supply or waste disposal, and will not attract insects, vermin or other vectors. Any human exposure to electromagnetic energy from the Facility even under “worst case” conditions, will be several orders of magnitude below the exposure limits established by the FCC, the American National Standards Institute, the Institute of Electronic and Electrical Engineers, the National Council on Radiation Protection and Measurements, and the New York State Department of Health. The Facility will not impact any wetlands and will not be located within any wetland buffers.

SEVENTH: Due to the topography of the Town, the proposed height of the Facility is necessary to provide reliable wireless communications services in the local area and support collocation thereby discouraging the proliferation of towers.

EIGHTH: The Facility will protect and promote the public interest; in that it will serve and

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benefit the entire community by providing the infrastructure necessary to offer the public a wireless telecommunications services essential for protecting public health, safety, and welfare, including the provision of enhance 911 services.

NINTH: The zoning exemption contemplated by this resolution shall apply and extend to the commercial public utility antennas and related equipment located on or associated with the Facility consistent with the decision of the New York State Court of Appeals in the Matter of Crown Communication New York, Inc., 4 N.Y.3d 159.

TENTH: The Agreement is for Town land that will not be required by the Town over the term of the Lease and the compensation provided to the Town under the Agreement is for fair market value.

ELEVENTH: The Town Board has reviewed the Agreement and provided all notices required under the New York State Town Law.

NOW THEREFORE BE IT:

RESOLVED, that the Negative Declaration prepared in connection with the Agreement is hereby adopted; and

RESOLVED, that based upon the foregoing balancing of interests, it is not in the public interest to subject the Facility to local zoning and land use regulations; and

RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law within ten (10) days; and it is further

RESOLVED, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to execute all documents required to complete the Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

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Resolution Authorizing Settlement of Tax Certiorari – Target #1318 v TOU, property located at 1300 Ulster Ave. (2021-R-76)

Supervisor: \$1,200,000 assessment for 2021, so 2021 tax bill will have a refund attached. These refunds are indemnified to the town from Hull Property Group as a condition of settlement of HVM tax certiorari case three years ago; town negotiated an indemnification up to \$100,000 for any refunds town, county, or school district would be required to be made to Target as a result of tax certiorari action. Provision expires at the end of 2021 and prudent that the town settle this agreement and claim against the indemnity rather than attempt to litigate.

RESOLUTION AUTHORIZING TAX CERTIORARI
SETTLEMENT
WITH PETITIONER TARGET #1318
FOR PROPERTY
LOCATED AT 1300 ULSTER AVENUE

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., Esq., 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:

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<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
TARGET #1318	1300 Ulster Avenue SBL 48.8-1-38	2019 2020

<u>Tax Year</u> <u>Assessment</u>	<u>Current Assessment</u>	<u>Amount of Reduction</u>	<u>Revised</u>
2019	\$7,100,000	0.00	\$7,100,000
2020	\$7,100,000	\$1,221,400	\$5,878,600

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Motion to award bid for Water and Sewer to purchase Chemicals for 2021 (2021-M-77)

Supervisor: Salt award to US Salt at \$210.00/ton; chlorine award to JCI at \$200.00/150# cylinder

MOTION: Councilman Secreto
SECOND: Councilman Morrow

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

PUBLIC COMMENT:

1. Eileen Murphy, 114 Quail Drive

Speaking as a committee member of Police Reform. It was enlightening to be informed on the police department in her town. High degree of transparency. Lester Strong speaking to group and contributions were valuable. Regarding the document she has two corrections: 1. Page 2 wants to correct language from “youngsters” to “young people” or “young men” “young women”; 2. Page 5 “Personnel & Complaint”, information not included is that we agreed there should be a way to identify interaction between police department and people of color. Percentages of people arrested that were people of color. Should be a way to run a report.

Councilman Van Kleeck: The document presented tonight removed the word, “youngster” and replaced with “people”.

Supervisor: Regarding your second point, Gov Cuomo had several proposals addressing that issue and we are waiting to hear what language will appear in his budget proposal.

Chief Berardi: Resolution in assembly, identifying race, gender, more specific information. Not sure where it is in legislative process. Ulster County Information Services manages our records management working on collaborative effort with local agencies on an online dashboard, where statistics can be accessed quickly.

Supervisor: Tickets currently are a standard format across New York State. Certain that new legislation will modify that form. Cannot be modified at the local level.

2. Stewart Dean, Ulster Landing Road

Worth of body cameras has been proven. Difficult subject matter – matter of public relations. Might serve to have a professional to manage crises, build bridges to community. Police can police. Government can administer. Police should be appreciated in people’s consciousness.

TOWN OF ULSTER TOWN BOARD MEETING (06)

MARCH 4, 2021

3. Councilman Van Kleeck: Hoping Covid is nearing its end. Impressed with our town and how we responded. Concerned that we may not finish well. Requires diligent management. Staff is in full support of that. Hoping to finish well with cleaning, continuing to wear masks. Do not lose faith and not reflect poorly on the process.

MOTION to adjourn: 7:58 pm (2021-M-78)

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk