

**TOWN OF ULSTER TOWN BOARD MEETING (08)**

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APRIL 15, 2021

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

**SALUTE TO THE FLAG**

**ROLL CALL by Town Clerk, Suzanne Reavy:**

TOWN COUNCILMAN ERIC KITCHEN (attended virtually)

TOWN COUNCILMAN JOHN MORROW

TOWN COUNCILMAN ROCCO SECRETO

TOWN COUNCILMAN CLAYTON VAN KLEECK

SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Warren Tutt, Building Inspector
2. Frank Petramale, Highway Superintendent
3. Jason Kovacs, Town Attorney
4. Bill Kemble, Daily Freeman
5. Three town residents

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

**ADDITIONS OR CHANGES TO AGENDA –** Request from Councilman Secreto to discuss raising boat launch (DEC) fees at Rider Park.

**PUBLIC DISCUSSION ON AGENDA ITEMS –** None

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**APPROVAL OF MINUTES – March 4<sup>th</sup> and 18<sup>th</sup> (2021-M-102)**

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*

**COMMUNICATIONS –**

Two letters read:

1. From Keith Baxter, 39 Leggs Mill Road: In appreciation of Detective Cheryl Benjamin.
2. From Cindy Bell, Ruby: In appreciation of work the town board is doing with DEP regarding the Esopus water quality; and, against the need for creating the office of comptroller in the town.

*Supervisor:* Fact that \$8.8 is general fund budget, not including highway, three sewer districts, seven water districts, seven lighting districts, five fire companies. Total numbers are understated. My term is up 12/31/2021; this election will be my last run, guaranteed. Imperative for community to have a voice regarding stable financial management.

**ABSTRACT OF CLAIMS (2021-M-103)**

*Presented by Councilman Van Kleeck*

*April, 2021*

Prepaid Bills:	\$ 332,123.52
Abstract Bills:	\$ 463,402.85
Escrow Bills:	\$ -
Reserve:	\$ -
<b>TOTAL:</b>	<b>\$ 795,526.37</b>

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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*

**New Business:**

**Presentation and Acceptance of the Town Clerk's Monthly Report for the month of March 2021 (2021-M-104)**

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*

APRIL 15, 2021

**Motion to authorize the Building Inspector to attend the Hudson Valley CEO Educational Conference in Poughkeepsie on April 21<sup>st</sup>-23<sup>rd</sup> (2021-M-105)**

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 accept the resignation of Part Time Court Clerk Annie Raskoskie (2021-M-106)**

Thank you to Annie. She retired two years ago and returned part time. Also served as president of the NYS Assn of Magistrates Court Clerks

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*

**Motion to hire two Seasonal Employees for Parks and Recreation (2021-M-107 & 108)**

1. Kyle Melick: \$13.50/hour; start date 4/17/21; returning employee

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MOTION: Councilman Van Kleeck

SECOND: Councilman Morrow

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

*CARRIED*

2. James Maisenhelder: \$13.00/hour; start date 4/22/2021

MOTION: Councilman Morrow

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 to authorize the Highway Superintendent to go to bid for (2) trucks  
(2021-M-109)**

*Supervisor*: misstated: one highway four wheel drive truck (2022, chassis only), not to exceed \$132,314; and a Viking plow/wing-plow package, not to exceed \$101,918.60. Delivery in 2022.

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*

APRIL 15, 2021

**Resolution initiating SEQRA with the Town Board as Lead Agency and referring LHV Precast, 530-600 Ulster Landing Road, SBL: 40.13-1- 34.110, to UC Planning Board (2021-R-110)**

*Supervisor:* 21,000 sq ft addition; active approval at building department for a 14,000 sq ft addition. His would authorize the 14,000 plus the additional 7,000 sq ft.

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**LHV Precast, P-833, 530-600 Ulster Landing Road, SBL 40.13-1-34.110**  
**ZONE: OM -- Site Plan Amendment**

WHEREAS, the applicant – LHV Precast, seeks Site Plan approval for an amendment to expand and improve their manufacturing facility; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, upon recommendation of said Planning Board, the Ulster Town Board agrees to be designated as lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, said Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

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*

APRIL 15, 2021

**Resolution Granting Site Plan Approval for LHV Precast, 530-600 Ulster Landing Road, SBL: 40.13-1-34.110 (2021-R-111)**

*Supervisor:* No modifications from Ulster County Planning Board. Our Planning Board referred to Town Board with condition that there be a review and comments by UCPB, expected first week in May. Town Board to review any possible recommendations/changes.

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution Granting Site Plan Approval for LHV Precast, 530-600 Ulster Landing Road, SBL: 40.13-1-34.110**

**WHEREAS**, the applicant LHV Precast has submitted a complete Site Plan application to the Town of Ulster Town Board and Planning Board; and,

**WHEREAS**, the applicant – LHV Precast, seeks Site Plan approval for an amendment to expand and improve their manufacturing facility; and,

**WHEREAS**, the Town Board, in coordination with the Planning Board, previously determined the Town Board as lead agency, and Town Board agrees to type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA); and,

**WHEREAS**, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board; and,

**WHEREAS**, the application materials in support of the Proposed Action include:

- Completed Application for Site Plan Amendment Review prepared by Paul B. Jankovitz, R.A.  
3 Maps – Sheet A-1.0 Site Plan with stormwater calculations, Sheet A-2.0 Showing Floor Plan & Batching Plant Silo Elevation and Equipment Layout details, and Sheet A-3.0 showing building elevations, all prepared by Paul B. Jankovitz, R.A. Architects/Planners.  
Signed Owner Consent Form for Filing  
Signed Escrow Agreement  
Completed Short Environmental Assessment Form, dated 3/17/21; and,

**WHEREAS**, the Town Board with consultation with the Town of Ulster Planning Board considered all of the application materials submitted by the applicant in support of the Proposed Action as well as comments from Town consultants and staff; and,

**NOW THEREFORE BE IT RESOLVED**, consistent with the recommendation of the Town of Ulster Planning Board, the Ulster Town Board makes a Negative Declaration under

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SEQRA for this Unlisted Action based on coordinated review with the Town Planning Board; and,

**BE IT FURTHER RESOLVED** that the Ulster Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with all Ulster County Planning Board required modifications relevant to this application, unless overridden by the Town of Ulster Town Board at a subsequent meeting.
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;
4. Compliance with documentation, site plan, design plans and all details as cited herein;
5. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

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*

APRIL 15, 2021

**Resolution initiating SEQRA with the Town Board as Lead Agency for Pioneer Solar, P-831, 491-549 Sawkill Road, SBL# 48.6-1-23 (2021-R-112)**

*Supervisor:* A 5-MW solar farm on a plateau, outside the view of Sawkill Road/Route 209 travelers.

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Pioneer Solar, P-831**  
**491-549 Sawkill Road, 48.6-1-23**  
**ZONE: OM -- Site Plan**

WHEREAS, the applicant – Pioneer Solar, seeks Site Plan approval for a community solar / utility company structure installation; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form; and,

WHEREAS, the Town of Ulster Planning Board has initiated coordinated application review, and the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, upon recommendation of the Planning Board the Town Board agrees to be lead agency and to type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, the Town Board agrees to formally refer this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

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*

APRIL 15, 2021

**Resolution initiating SEQRA with the Town Board as Lead Agency for  
Central Hudson Hurley Avenue Substation, P-837, 435 Hurley Avenue,  
SBL# 48.17-1-13.110 (2021-R-113)**

Supervisor: This before the town board and planning board twice in last two years for similar projects. Revision due to new technology, new plan and construction.

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Central Hudson Hurley Avenue Substation, P-837**  
**435 Hurley Avenue, 48.17-1-13.110**  
**ZONE: OM**  
**Site Plan Amendment**

WHEREAS, the applicant – Central Hudson Gas & Electric, seeks Site Plan approval for an amendment to expand and modernize their existing utility company structure / substation located at 435 Hurley Avenue; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Full Environmental Assessment Form and supporting and substantive environmental assessment documentation including a Phase 1A and 1B Cultural Resources Survey; and,

WHEREAS, the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, upon recommendation by the Town of Ulster Planning Board, the Town Board agrees to be lead agency and type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, said Town Board agrees to formally refer this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

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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*

**Presentation of Local Law \_\_\_ of 2021: A Local Law Repealing Local Law of 1999 – “Taxicab Local Law of the Town of Ulster, NY”**

*(available on the Town Website)*

*Supervisor:* Last meeting, Chief Berardi brought this to the town board. At next meeting a public hearing will be scheduled.

**Old Business:**

**Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law \_\_\_ of 2021, A Local Law Providing for the Creation of an Office of Town Comptroller (2021-R-114)**

*Supervisor:* Local law requires a public referendum. Position will be appointed by the town board and subject to civil service agency, not elected. Public referendum required because the duties of comptroller modify the duties of the town board in regard to the monthly audit.

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**Resolution of the Town Board**  
**TOWN OF ULSTER**  
**Resolution Authorizing Adoption by the Town Board of the Town of Ulster of**  
**Local Law No. 1 of 2021 - A Local Law Providing for the Creation of an**  
**Office of Town Comptroller**

WHEREAS, an introductory Local Law entitled “A Local Law Providing for the Creation of an Office of Town Comptroller” was introduced before the Town Board of the Town of Ulster on January 21, 2021, and upon notice duly published and posted, a hearing was held on February 18, 2021 at 7:10 p.m., before the Town Board,

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

RESOLVED, that the adoption of the introductory local law entitled “A Local Law Providing for the Creation of an Office of Town Comptroller” is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. 1 of 2021 - A Local Law Providing for the Creation of an Office of Town Comptroller, a copy of which is attached hereto and made a part of this resolution, and be it further

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

**TOWN OF ULSTER**

**Local Law No. 1 of 2021**

A Local Law Providing for the Creation of an Office of Town Comptroller

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

**Section I. Office established; powers and duties; salary.**

A. The Office of Town Comptroller of the Town of Ulster is hereby established.

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- B. The Comptroller of the Town of Ulster shall have all the powers and duties of a town comptroller set forth in Town Law § 34, and such other powers and duties as may be conferred or authorized from time to time either by local law or resolution of the Town Board.
- C. The salary of the Comptroller of the Town of Ulster shall be the amount established from time to time by the Town Board.

**Section II. Authority.**

This local law is enacted by the Town Board of Town of Ulster pursuant to its authority to adopt local laws under Article IX of the New York State Constitution and Municipal Home Rule Law § 10.

**Section III. Term of office.**

- A. The initial term of office of the Comptroller of the Town of Ulster shall commence with the appointment of an individual to such office, which shall take place no earlier than January 1, 2022, and shall continue until and shall expire on December 31, 2023.
- B. Thereafter, and beginning with the term of office that begins January 1, 2024, and continuing for each and every such term thereafter, the term of office of the Comptroller of the Town of Ulster shall be two years.

**Section IV. Residency requirement.**

The Comptroller of the Town of Ulster shall be a resident of the County of Ulster.

**Section V. Mandatory Referendum.**

This article is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Ulster at the election to be held on November 2, 2021. A proposition in the following form shall be included on the ballot at such election, and this Local Law shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon.

**"Shall Local Law No.   1   of 2021, entitled 'A Local Law Providing for the Creation of an Office of Town Comptroller,' be approved?"**

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**Section VI. Severability.**

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

**Section VII. Effective Date.**

This Local Law shall be effect when all applicable statutory requirements for its passage and adoption have been complied with fully including passage of a mandatory referendum under Municipal Home Rule Law Section 23 on the creation of the position and the local law has been duly filed as provided by the Municipal Home Rule Law, and shall become operative on January 1, 2022.

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*

APRIL 15, 2021

**Resolution awarding contract TU-212, Furnishing Influent Screening Equipment for the Ulster Wastewater Treatment Facility, Ulster Sewer District to Duperon Corporation of Saginaw, Michigan in the amount of \$182,000 as a result of a Public Bid held April 9, 2021 (2021-R-115)**

*Supervisor:* Notes that workforce of Town of Ulster wastewater department will be installing the equipment, saving taxpayer money and doing work in-house.

*Councilman Secreto:* This came in \$16,000 under preliminary estimate.

**TOWN BOARD RESOLUTION**  
**Town of Ulster, Ulster County, New York**

**Whereas,** the Town Board has previously authorized the advertisement of bids for Contract TU-212, Furnishing Influent Screening Equipment for the Ulster Wastewater Treatment Facility; and

**Whereas,** bids for Contract TU-212 were duly advertised on March 19, 2021; and

**Whereas,** one bid was received by the Town on Friday, April 9, 2021 at 2:00 PM: and

**Whereas,** the lowest responsible bidder was Duperon Corporation of Saginaw, Michigan for the lump sum price of \$ 182,000.00; and

**Whereas,** the bid has been reviewed by the project engineers, Brinnier and Larios, P.C., and they have recommended award of this contract.

**Therefore, Be It Resolved** that Contract TU-212, Furnishing Influent Screening Equipment for the Ulster Wastewater Treatment Facility Ulster Sewer District, Town of Ulster be awarded to the lowest responsible bidder, **Duperon Corporation** of Saginaw, Michigan in the amount of \$182,000.00 and that the Town Supervisor be authorized to enter into a contract with Duperon Corporation on behalf of the Ulster Sewer District of the Town of Ulster.

By Order of the Town Board, Town of Ulster, this 15th day of April 2021.

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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*

## **Discussion on Summer Camp**

### Councilman Secreto:

- All councilmen for summer camp
- July 5-Aug 13 (6 weeks); 9am-3pm; 125 campers max; Town residents have first priority
- \$540/camper; \$100/each additional sibling; ages 6-13; Covid waiver and sanitizer stations; two proofs of residency
- ID badges for all counselors
- Will be interviewing soon along with Councilman Van Kleeck

*Supervisor:* Looking at the 2021 budget, we looked at a reconstructed revenue, expense for equipment and staff, this town will not suffer a financial loss, but break even.

*Councilman Van Kleeck:* Had reservations that he discussed with Councilman Secreto. Now confident in the program and will continue watching to ensure we have a great program.

*Councilman Kitchen:* Town used to make camp affordable for everyone. Councilman Secreto stated we are more affordable than other towns. Especially during Covid, ok to raise the camp price gradually, but not double the cost. Will see struggling families. Does not agree with cost increase.

*Councilman Morrow:* We have opportunity to run an effective summer camp. Difficult decision to raise the price, but unfortunately we do have to do that to break even. Summer camp wonderful memory for kids. Socialization is needed. In favor of this.

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**MOTION to Proceed with Summer Camp as Proposed (2021-M-116)**

MOTION: Councilman Van Kleeck

SECOND: Councilman Morrow

Town Councilman Kitchen	-No
Town Councilman Morrow	-Yes
Town Councilman Secreto	-Yes
Town Councilman Van Kleeck	-Yes
Supervisor Quigley	-Yes

*CARRIED*

**Addition: Rider Park Boat Launch Fees**

*Supervisor:* In 1996, New York State donated land at Rider Park to town. NYSDEC provided funds for boat launch and docks. In return, town agreement with DEC to oversee operations of the facility. The rates we have been in effect since initial opening. Can negotiate with DEC to raise rates at Rider Park.

**MOTION to Engage and Negotiate with NYS DEC to Raise Boat Launch Rates at Rider Park (2021-M-117)**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

**Discussion**

*Councilman Secreto:* Rates currently are \$8/day and \$50/seasonal permits. Our highway department performs all of the work and we have port-a-johns.

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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**PUBLIC COMMENT:**

*Supervisor:* Our assessor gave birth to two baby girls, Charlie and Grace. Assessor's office remains open.

**MOTION to adjourn (7:40 pm) (2021-M-118)**

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