

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (13)

July 1, 2021

CALLED TO ORDER BY SUPERVISOR QUIGLEY at 7:00 PM

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. Kyle Berardi, Police Chief
3. Jason Kovacs, Town Attorney
4. Frank Petramale, Highway Superintendent
5. Bill Kemble, Daily Freeman
6. 21 town residents

ADDITIONS OR CHANGES TO AGENDA –

Supervisor adds a discussion on the Town of Ulster senior picnic to the end of “New Business”

PUBLIC DISCUSSION ON AGENDA ITEMS –

1. Mike Berardi, Ulster Landing Road
Re: UCRRA
UC Comptroller identified odors and contaminants and brought to UCRRA attention that basic contract states not to create odors, pollutants, and the failure to secure legislative approval from UC Legislature to receive waste from outside the county. Chair of UCRRA letter to Daily Freeman, identified that in previous years, received food waste from Westchester. If this requires legislative approval for the importation, it appears they have failed to follow legislative process – essentially illegal. Subsequently, UC Comptroller sent subpoena to UCRRA, and UCRRA sent petition to squash subpoena. Question is, has legislative approval been granted to UCRRA to accept waste outside of the county? Resolution?

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Supervisor: We will discuss during agenda item.

2. Mathew Molinaro, Town resident and Asst Fire Chief Ulster Hose Co. No. 5
Re: Bearcat Emergency Vehicle
Only rescue task force in Ulster County. Trains and responds often with ESU (Emergency Services Unit). Police Departments have our back. Supports this purchase.
Written correspondence – **ATTACHMENT # 1**
3. Shawn Heppner, Chief Ulster Hose Co. No. 5
Letter read by M Molinaro.—**ATTACHMENT # 2**
Re: Bearcat Emergency Vehicle
Supports purchase
4. Eileen Murphy, 114 Quail Drive
Re: Bearcat Emergency Vehicle
Written correspondence read – **ATTACHMENT # 3**
Open to further discussion on the matter.
5. Laura Hartmann, 44 Catskill Ave
Re: Bearcat Emergency Vehicle
Written correspondence read -- **ATTACHMENT # 4**
Appreciate more information for need and intentions of purchase.
6. Karin Spanier, Lakeview Ave.
Re: Bearcat Emergency Vehicle
No more militarization. Has tremendous appreciation for police.
7. Wayne Spanier, Lakeview Ave.
Re: Bearcat Emergency Vehicle
Written correspondence read – **ATTACHMENT # 5**
Do not militarize police, but demilitarize community.
8. Regis Obijiski, 170 Ledge Road
Re: Bearcat Emergency Vehicle
Written correspondence read -- **ATTACHMENT # 6**
Consider creating a citizen police commission.
9. Christa Cruise, 2097 Sawkill-Ruby Road
Re: Bearcat Emergency Vehicle
Lost husband after 24 years as a police officer. Wants these guys to go home to families.
Hopes opposers to the vehicle never have the feeling that she felt every day.

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COMMUNICATIONS –

1. Letter from Barbara Barry-Fanti, 126 Quail Drive, asking the town to take action to remedy, 1. Traffic using the one-way access road between Memorial Drive and Quail Drive, as a two-way thruway; and 2. The Issue that there is no posted speed limit on Quail Drive.

Discussion:

2. Received 16 emails in full support of the armored vehicle purchase. The consensus of the correspondences asks the town board to put aside media and political pressure in its decision-making, and that the purchase is necessary for the security of our community and for the protection of police officers.

We received two emails, one of which was cited at our last town board meeting, asking the town board for more information about the needs and intentions for making this purchase.

MOTION for Town Clerk to write letter to post Quail Drive as a 30 MPH zone (2021-M-175)

Discussion:

Petramale: Wrong way, turn back sign ordered and town allow to post. Posted at Ulster Gardens and Quail Drive

Town to consider placing speed trailer at the intersection. (2015 town borrowed and used City of Kingston speed trailer at location)

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

July 1, 2021

New Business:

Motion to accept the resignation of Full Time Dispatcher Kelly (2021-M-176)

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 four Part Time Police Officers (2021-M-177)

1. Jacob Studt
2. John R. Miller
3. Jonathon J. Torres
4. Noah Kight

Union; PBA; \$23.63/hour; start date 7/22/2021; police academy; recommended by Chief Berardi

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

July 1, 2021

Motion to hire one Part Time Employee for the Town Clerk's Office (2021-M-178)

Alyssa Bigelow: \$13.00/hour; start date 7/6/2021; part time

MOTION: Councilman Kitchen
SECOND: Councilman VanKleeck

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

CARRIED

Motion to approve the meeting minutes of June 17, 2021 (2021-M-179)

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 Resolution Adopting the ADA Grievance Procedure

To vote on at next meeting; update of procedure; requirement of Small Cities grant procedure

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Discussion on 2021 Tax Collector Report and Settlement with UCDOF

Town Clerk Reavy: Tax collection began 1/1/21; since town offices closed, each bill received an insert informing taxpayers how to pay. \$457, 712 paid online. Total tax collection was 93.6% of total warrant (\$18,317,859). Gives deputy Lauren Hommel credit as it was just the two of us processing tax bills and in the process, made 518 water bill deposits. Final settlement with Ulster County was on 6/18/21 and all numbers matched; was a successful meeting.

Supervisor: Commends tax collector for all work put in this year.

Discussion on Water use by Volunteer Fire Companies for training purposes

Supervisor: Supports volunteer use exclusively for training purposes.

Councilman Morrow: Liken fire departments using water to police wearing vests and using bullets. Necessity.

Councilman Secreto: Agrees with John Morrow. Give them what they need.

Councilman Kitchen: All on same page.

Kovacs: A Motion is acceptable.

Supervisor: Calls for motion.

MOTION for Ulster Water districts to allow volunteer access to hydrants to obtain water for training purposes (2021-M-180)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

July 1, 2021

Discussion Senior Picnic

Supervisor: Kiwanis does not have manpower to serve senior picnic this year. Have private caterer or cancel?

Councilman Van Kleeck: Permit, insurance, health department needed?

Councilman Secreto: Restaurant cater event.

Councilman Kitchen: Happy to call around, maybe Home Plate Deli

Councilman Kitchen to provide update at July 15 meeting

Old Business:

Discussion on Police Department funding for the joint purchase with the City of Kingston of one Lenco Bearcat Vehicle for the Emergency Services Unit

Discussion – Town Board and Chief

Supervisor: To Chief Berardi, regarding Laura Hartmann's question, how many times was a weapon discharged?

Berardi: Relative to a threat, none. No police shootings.

Berardi: We are moderate to equal to other communities. City has highest rate of crime. We are very fortunate no serious incidents in Town of Ulster. One incident is too many. Mall shooting in 2005, still gets chills talking about it. Traumatic and terrifying. Chief has to keep public and officers as safe as possible. Increased mental health training and officer interaction. We still have to adapt. Still violence and hostile situations.

Supervisor: Because we live in a safer environment, does not mean we should be less prepared for an incident. Related to police reform and de-escalation. What actions has town board afforded since the police reform committee report, as it relates to de-escalation?

Berardi: Last several months, trained additional members as crisis intervention training (CIT) – trained specifically for de-escalation and mental health of the officer. County class is 44 officers. We partner with Ulster County Sheriff Office with officer-citizen interaction training, and we sent 10 officers to that training/ role play hands on training. Working with local mental health

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professional as a liaison. Implementation of body cameras, looking at Watchguard, which is a six-figure purchase.

Supervisor: Pro-active in implementation as a result of police reform committee.

Berardi: Working with local mental health professional as a liaison to police department. Bringing that mental health professional to us, working shifts, help with home or work-related issues. Goal is to better help his officers.

At next board meeting, wanted to bring to the board the implementation of body cameras; looking to go to Watchguard; final quote for body and dash cameras. (a six-figure purchase)

Councilman VanKleeck: What is recent experience with County? Older version of this vehicle? Access or use. And state police vehicle?

Berardi: Their program cam off of the 1033 program. Is down for repair and unable to respond to a joint operation in City of Kingston/ESU team. Not sure why. State police has Lenco Bearcat, vehicle stationed at New Windsor, coverage area Hudson Valley to Long Island.

Councilman Secreto: I will give you any equipment, police or fire, anything to make you safe. Will support in any way.

Supervisor: County has an AMRAP, mine-resistant assault vehicle, designed to survive IEDs in the road. Lenco vehicle is a “suped up Brink’s truck”.

Berardi: No armored plating in any of our patrol cars. Years ago, a demo adding plating to a patrol car door, is an added expense. NYPD issues all marked patrol with armored plating on door and bullet proof glass. Does not open lines of communication. This vehicle will only be used when it meets the threat matrix of the ESU. Only used by ESU. Not threatening.

- Van Kleeck request list of protocols of other ESU.
- Supervisor asks this list and procedural manuals to be posted on website.
- Berardi will research and provide.

Councilman VanKleeck: Chief – we sat last week and listened to police commission review board, what was largest concern about vehicle purchase?

Berardi: There is a financial understanding, largest concern is using it in wrong manner. General public sees as intimidation. Vehicle strictly used for rescue. Gun turret removed.

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Supervisor: Observation that police department uses weapons as a defense. We have a set of rules using firearms. What are current protocols in place for a review of situation if officer uses weapon in a situation?

Berardi: Serious physical injury or deadly physical injury, Attorney General office called in as per Governor Cuomo orders, assistance of police administration.

Any time officer uses use of force (baton, spray, firearms, etc.), review completed by sergeant, lieutenant, and chief. Looking for ways to progress, possible do better the next time.

Councilman VanKleeck: Is city of Kingston in support or grappling with this issue?

Berardi: Kingston Ulster ESU only ESU in Ulster County that is accredited, meeting certain standards. Involves an armored rescue vehicle. Surround and deescalate. Certification judgment made by DCJS. Recommended that ESU procure a vehicle of this nature.

Supervisor: Discussion with Mayor Noble City of Kingston and they still have the \$100,000 dedicated to this purchase.

Councilman Kitchen: We are half of this equation, along with city of Kingston. Is this Kingston decision require a vote of common council?

Supervisor: Has to go to the common council financial committee to the full common council for a vote. Acquisition of vehicle requires approval from both Kingston and Ulster.

Berardi: Appreciates everyone's views and those of committee. Understands both sides. Priority is to protect life. Sad fact we do respond to crisis and violent calls. Supports mental health in Ulster County. This is bigger than us. Vehicle will not be green or tan, will be white or gray.

Supervisor: Follow procedure and accept comments before making decision.

Councilman VanKleeck: Thanks people that served on police advisory board.

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Discussion on Status of Lincoln Park Grid Support Center (Glidepath)

Letter from Regis Obijiski – ATTACHED – ATTACHMENT # 7

Supervisor Reply – ATTACHED – ATTACHMENT # 8

Supervisor: Further comment, why does the Town of Ulster want to do this in house? Notes the rail trail on south end of the town: Our highway department paved that parking lot using recreation funds. While waiting for DOT approval to start and a grant, parking lot completed with town board approval. Our departments are qualified to do different types of projects – e.g. paving, sewer systems, water systems. Potential construction of a trail system on this particular parcel, they are very qualified to do so.

Discussion on UCRRA Composting

Supervisor: UCRRA exempt from Planning and Zoning because they are a governmental agency.

Councilman Kitchen: Mike Berardi states UCRRA called out by comptroller but ignoring her subpoena. Is composting continuing?

Supervisor: Issue here is that Ulster County Legislature appoints Board of Directors of UCRRA. UC legislature and UCRRA responsible for the development of solid waste management plan, which they recently reviewed and approved a new 10-year update. In plan, composting identified as activity to be expanded. Purchase additional land to accommodate increase in composting operation. Letter to editor from Chairman of UCRRA points out that UC not generating enough raw materials to conduct a composting operation, mandated by UC legislature. In order to follow the mandate, they are required to import materials from Westchester County.

Councilman Kitchen: Is this illegal?

M Berardi: Contention of the UC comptroller that the UCRRA had not secured legislative approval. Any activity that takes place requiring legislative approval, but takes place without it, according to the comptroller is essentially unlawful.

Councilman Kitchen: Have you weighed in with our legislators?

Berardi: Has had numerous conversations with his legislator, Dean Fabiano. Surprised when new 10-year plan passed unanimously without comment.

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Supervisor: Including two legislators from town of Ulster, adversely affected by this.

Berardi: Served in legislature for four years. Sometimes things move when they shouldn't.

Councilman Kitchen: Do not live near there, but still understand. Rail trail comes through there.

Councilman VanKleeck: Some discussion about this. We receive the brunt, the gateway from the Rhinecliff Bridge. The entrance to this county is a stinking garbage dump. In support of what needs to be done to squeak the wheel, aggravate them. We have to change it.

Councilman Secreto: Sit at Mobil station and county number of trucks coming off of bridge. Jason was supposed to write a letter to UCRRA.

Supervisor: Informed that it appears that UCRRA received business from Northern Dutchess and southern Greene County, and now doing business with Waste Management as they have undercut UCRRA price. Now private permitted hauling facility acting as collection point for garbage going to Waste Management land north of Albany. What can be done? Not a sustainable operation from waste from inside Ulster County. Asking for a motion to authorize an invitation to the chair and executive director of UCRRA to next town board meeting, focusing on composting, to determine who authorized composting operation. If it was authorized by UC legislature, then invite those members to a following meeting.

MOTION to invite Chair of UCRRA to come to next Town Board meeting to answer any questions, focusing on composting to determine who established composting operation. (2021-M-155)

MOTION: Councilman VanKleeck

SECOND: Councilman Kitchen

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

CARRIED

July 1, 2021

Motion to accept the Statement of Annual Financial and Operating Information (“SEC”) for the fiscal year ending December 31, 2020

Public Comment: (2021-M-181)

Supervisor: Will be posted on town website tonight.

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

PUBLIC COMMENT

1. Mathew Molinaro

Clarification for hydrants for town fire departments – does this include our mutual aid companies also?

Supervisor: Yes, training only. Should be a text message, phone call or email sent to the water superintendent, how much water used and where it came from.

Regarding Bearcat vehicle purchase

As an ESU team volunteer, cites an incident in which he was called out at 12:30am. Eight members of unit walked down a dark street. From his training, they need to be in the back of a rescue vehicle. Volunteers are sitting ducks. If a civilian or law enforcement agent goes down, vehicle needed to retrieve and remove that person.

If anyone ever has questions, stop and ask him questions. Look through car. Visit firehouse.

2. Laura Hartmann, 44 Catskill Ave

Supervisor: Monday night (7/28/21) presentation by Bard College students on why town of Ulster should be climate smart community. Board members received printouts; same materials to Kingston Freeman and on town website. Town departments to fill in gaps in gap report.

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Laura: Thanks supervisor and Councilmen Van Kleeck and Morrow for support attending meeting. Hoping to take climate smart pledge. Need to appoint commissioner and task force. Take a look at town's inventory at things we have done well. Note that students did not have full inventory.

Supervisor: VanKleeck pointed out to me that we have not advertised our successes. Police department has 12 vehicles including four hybrids, possibly two more for 2022.

Highway superintendent requests four Ford electric vehicles. Standing capital improvement program to replace vehicles will handle those purchases in the vehicle production next cycle.

Wastewater treatment: \$70,000 engineering study designed to identify energy inefficiencies to prepare for changes, capacity and operation. Now looking at a \$6M budget, to replace boiler with dual-fuel boiler to cut down on amount of propane.

Last meeting authorized complete replacement of all streetlights to LED by end of year. We started this process 10 years ago and have been continuing. We were first town to completely replace a lighting district with LED lights (Grant Ave).

2010- Replaced windows in this building with a NYSERDA grant.

Not that we don't want to do it – we have been doing it.

In 2019, wrote letter to UC executive, interest in obtaining 57 acres end of Boices Lane to construct town-owned 20-acre solar farm to provide power to behind the meter directly to sewer plant. Analyze bills of town's facilities, smallest component is electric charge. Saving 10% by going to community solar does not move the needle enough. Replacing the demand and transportation costs saves us a fortune. Still no answer from the county.

Because of Monday's meeting, one issue solar permitting. Talked to developers and county planning department - -when you add up 1.9 MW on dump property (which town facilitated in occurring), 6 MW on south side of town, 5 MW approved off of Sawkill Road, town of Ulster will have more solar collector panels than any town in Ulster County. Think we are leading the pack. I do not want to analyze flood effects of 15 houses on Hudson River due to sea change.

Talked to other supervisors on this pledge. Issues take over a year that could be completed in one month. We are more prone to take action.

Students in meeting made substantive points. Positive exercise and appreciates it.

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Laura: We are doing great things. Still going to move forward on taking the pledge. Not going to stop working.

Councilman Kitchen: Supervisor very prepared. Town record speaks for itself.

3. Regis Obijiski, 170 Ledge Road

Thank you for agenda items on the website.

When did we get a statement DEP DEIS? If we haven't I would still encourage that.

Supervisor: Town did not respond to comment period. After your question to the board, I had conversation with Adam Bosch (DEP Director of Public Affairs). DEP received 200+ comments; what else can town of Ulster say that is any different? Discussion over process that now has to be followed with these comments. Did put in verbal comments to Bosch, suggesting putting in place a public benefit corporation, similar to communities north of reservoir – Catskill Water (CWC). Tree removal, bank stabilization, tree planning, sand bar removal, to improve water course below the dam. No scientific study done in the numbers to determine releases. When you look at gauged data of water being released from Ashokan (specifically in Lomontville) – water goes into aquifer in Marbletown before it gets to us. Releases are claimed to be an environmental benefit (10-15 million gallons/day), realistically, benefit is to the aquifer, not to the ecology below Lomontville. Made these points for past five years Same points made by CLEC (Coalition of Lower Esopus Watershed) consisting of Marbletown, Hurley, Saugerties, City of Kingston, Town of Ulster. Commitment to receive written status report from DEP – commitments arose from last community meeting.

Obijiski: Nothing public about this. This was a public concern brought to this board. How much is to be released? Is it turbid? Leaving us hanging. Should be some statement. We never heard anything from supervisors meeting with DEP.

Supervisor: Equal number of residents upset with brown water in their house, asking for water to be released. We have a split issue.

Obijiski: Clear that there will not be a statement. There is a group of us that put together a statement. Better if letter came from town board.

Supervisor: We can forward your request as a group of concerned citizens. The collective town board opinion does not mirror that of your statement. My opinion is “mud over flood”. I am the one who receives the calls.

Obijiski: Not saying you are not a great negotiator. Just would like to hear more about it.

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MOTION to adjourn: 8:56 pm (2021-M-182)

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

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk