

TOWN OF ULSTER TOWN BOARD MEETING (20)

OCTOBER 21, 2021

PUBLIC HEARING SCHEDULED: 7:10 PM

Discuss Town of Ulster Regulation of Cannabis

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

(MEETING HELD IN PERSON; AVAILABLE VIRTALLY VIA ZOOM; BROADCAST FACEBOOK LIVE)

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 - *EXCUSED*

SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Warren Tutt, Building Inspector
2. Frank Petramale, Highway Superintendent
3. Jason Kovacs, Town Attorney
4. Bill Kemble, Daily Freeman
5. 15+ attendees

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

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APPROVAL OF MINUTES – September 2nd & 16th (2021-M-275)

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

COMMUNICATIONS – None

ABSTRACT OF CLAIMS (2021-M-276)

Presented by Councilman Secreto

October, 2021

Prepaid Bills:	\$	644,841.61
Abstract Bills:	\$	614,492.30
Escrow Bills:	\$	4,250.00
Reserve:	\$	296.00
TOTAL:	\$	1,263,879.91

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

OCTOBER 21, 2021

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of September 2021 (2021-M-277)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Presentation and Acceptance of the Supervisor's Monthly Report for the months of January – September 2021 (2021-M-278)

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

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VOTE ON BOTH MOTIONS TOGETHER:

Motion to authorize Supervisor to sign agreement with Brinnier & Larios in the amount of \$7,780 for the Preparation Plan, Map & Report to submit a 2021 NYS EFC WIA Grant Application for the Ulster Water District 500,000 Gallon South Tower

AND

Motion to authorize Supervisor to sign agreement with Blauer Associates in the amount of \$1,500 for the Preparation of a 2021 NYS EFC WIA Grant Application for the Ulster Water District 500,000 Gallon South Tower (2021-M-279)

Supervisor: Grant application due to EFC on 11/22/2021

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

CARRIED

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Motion to Authorize the Supervisor to Open a New Checking Account at Bank of Greene County for the Spring Lake Sewer Project – Phase II (2021-M-280)

Supervisor: Town submitted grant to EFC in June, 2021, with hope for decision by December.

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

Resolution Calling on Governor Hochul and the State Legislature to Enact and Support Legislation to Eliminate “The Dark Store Theory” in New York State Real Property Tax Law as a way to Reduce Property Assessments in Tax Certiorari Proceedings in New York State (2021-R-281)

Supervisor: Former assessor, Jim Maloney, championed the Dark Store Theory. Town called upon by Association of Towns (AOT) to support enacting this legislation. Purpose is to put on NYS AOT legislative agenda.

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RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board requests that the New York State Association of Towns add this issue to their 2021 AOT Legislative Agenda; and be it further

RESOLVED, that the Town Board of the Town of Ulster calls upon Governor Hochul, Senator Michelle Hinchey and Assemblyman Kevin Cahill to enact legislation that mandates sound appraisal theory in the valuation of real property for taxation purposes in the New York State Real Property Tax Law and eliminate the “Dark Store Theory” as an argument to lower property value in New York.

RESOLVED, that the Town Clerk of the Town of Ulster shall forward copies of this resolution to Governor Hochul, Senator Michelle Hinchey, Assemblyman Kevin Cahill, and the New York State Association of Towns.

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

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Resolution Authorizing the Town Clerk to Accept Credit Cards, Debit Cards, and Automated Clearing House (ACH) for All Services Offered at the Town Clerk and Tax Collector's Office (2021-R-282)

Reavy: Necessary for my office to collect fees with credit cards and fund transfers that the town board pass a resolution and sign an agreement with a company to process the transactions. We signed with MunicPay in 2017.

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Authorizing the Town Clerk to Accept Credit Cards, Debit Cards, and Automated Clearing House (ACH) for All Services Offered at the Town Clerk's Office

WHEREAS, local governments use a wide variety of banking services for the deposit, disbursement, and safekeeping of public monies; and

WHEREAS, the Town of Ulster Town Board acknowledges that changes in technology, cash management practices, and banking industry structure necessitates periodic evaluation of treasury functions in order to serve our customers in the most efficient way possible; and

WHEREAS, accepting credit/debit cards for such payment as licenses and tax payment would be consistent with the practices of many government agencies; and

WHEREAS, it is the recommendation of the Town of Ulster Town Board and the Town Clerk that the Town Clerk/Tax Collector accept credit cards, debit cards, and ACH; now, therefore, be it

RESOLVED, that the Town of Ulster Town Board does hereby authorize the Town Clerk to develop and administer internal procedures covering the acceptance of credit cards, debit cards, and ACH and to administer said payment solutions through the Town's authorized banking services contract holder.

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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	-Excused
Supervisor Quigley	-Yes

CARRIED

Resolution Appropriating ARPA Funds for Payments required to MOA by and between Town of Ulster and Town of Ulster PBA, Inc. dated October 5, 2021 (2021-R-283)

Supervisor: This resolution appropriates funds received from the federal government.

Resolution of the Town Board

TOWN OF ULSTER

**Resolution to Appropriate Funds from the Town's ARPA
Coronavirus Local Fiscal Recovery Fund**

Whereas, on July 1, 2021 the Town of Ulster was notified by the NYS Division of the Budget of its eligibility for funding of \$1,286,845 under the ARPA Coronavirus Local Fiscal Recovery Fund; and

Whereas, the NYS Division of the Budget has advised the Town that the NYS Office of the Comptroller will be making two payments of equal amounts of \$643,422.50 to the Town, with one payment being made in the summer of 2021 and one payment being made in the summer of 2022; and

Whereas, the enabling legislation and regulations allows expenditures of said funds to be made for premium pay for essential public safety, public health, health care, human services, and similar employees for their time responding to the COVID-19 public health emergency; and

Whereas, the Town of Ulster has entered into a Memorandum of Agreement with the Town of Ulster Police Benevolent Association, Inc. to pay a COVID-19 Bonus to essential workers in the Police Department for the calendar year 2020; now, therefore, be it

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Resolved, that the Town Board of the Town of Ulster hereby appropriates from the ARPA Funds to be received in Summer 2021 the sum of \$84,623.13 to be set aside for the payment of payroll and benefit expenses incurred under the above-referenced MOA.

Discussion: Councilman Kitchen & Supervisor

Full time employees \$2000 for time of service; part timers \$1/hour
Supervisor will distribute exact figures to Kitchen later.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

OCTOBER 21, 2021

Resolution Declaring Unlisted Action under SEQRA and Referring All Space Storage, 1693 Ulster Ave., Kingston, SBL39.19-3-24 to the Ulster County Planning Board (2021-R-284)

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Initiation of SEQR Unlisted Action
All Space Self Storage Site Plan Amendment
1693 Ulster Avenue
S-B-L: 39.19-3-24

WHEREAS, the Town of Ulster Town Board and its consultant planner have reviewed an application by All Space Self Storage a/k/a Apollo Group, LLC seeking Site Plan Amendment approval for construction of four (4) new storage unit buildings totaling 38,400 square feet; and

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

Completed Application for Site Plan Amendment prepared the Apollo Group, LLC dated 9/23/21

Letter of transmittal of application documentation from Shawn Curran, The LRC Group dated 9/28/21.

Signed Owner Consent Form for Filing, signed by Darin Page, 9/20/21

Signed Escrow Agreement, signed by Darin Page, 9/23/21

Completed Short Environmental Assessment Form w EAF Mapper Summary Report prepared by Ken Casamento, Agent for the Owner, dated 9/28/21

Amended Site Plan Submission Set, Allspace Self Storage consisting of eight (8) sheets as follows, all prepared by LRC Group and dated 9/28/21:

-) Sheet OP-1 Overall Site Plan;
-) Sheet SP-1 Site Plan;
-) Sheet SG-1 Site Grading / Drainage Plan;
-) Sheet EC-1 Erosion and Sedimentation Control Plan;
-) Sheet LP-1 Lighting Plan including Cut Sheet Details for LED Full Cut-Off Wall Packs;
-) Sheet TT-1 Truck Turning Plan;
-) Sheet DN-1 Site/Stormwater Details;
-) Sheet DN-2 Erosion Control Details;

Topographic Survey of a Portion of the Lands of Apollo Group, LLC prepared by Ausfield & Waldruff Land Surveyors LLP, dated 6/3/21

Architectural Elevations consisting of three (3) sheets (Sheet No. 3 thru 5) titled "Clayton Allspace Self Storage" as prepared by Nel-Struct, LLC dated 8/25/15

Preliminary Engineering Report prepared for Allspace Storage Site Amendment Phase

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III, prepared by LRC Group, dated 9/24/21 including recommendations to amend the existing approved SWPPP for this site plan.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action since more than 2,500 SF of new gross floor area is proposed with this Site Plan application, upon a favorable recommendation from the Town of Ulster Planning Board; and

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

WHEREAS, other Involved Agencies would include: NYSDEC and NYSDOT (Traffic Impacts at Route 9W); and

WHEREAS, Interested Agencies would include the Town of Ulster Planning Board and Ulster County Planning Board; and

WHEREAS, the Town of Ulster Planning Board, at its October 12, 2021 meeting, referred this matter to the Town Board for the purposes of initiating a SEQR Unlisted Action with the Town Board so named as Lead Agency, and to refer this matter to the Ulster County Planning Board;

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 and directs the Town Clerk to circulate a Notice of Intent to all Involved Agencies; and to refer this matter to the Ulster County Planning Board.

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

OCTOBER 21, 2021

Resolution Authorizing a Change in Town Policy to Reflect Amendments to Public Officers Law (2021-R-285)

Reavy: Current town policy states that deadline for all town meeting agenda items is to be received by Tuesday at 4pm, prior to the Thursday meetings. Governor Hochul signed into legislation on 10/19, which will be added as an addition to our town policy, that all meeting materials are to be posted to the town website and made available to the public at least 24 hours prior to the scheduled meeting. This will pertain to our town board, planning and zoning boards.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER
Resolution Authorizing a Change in Town Policy to Reflect
Amendments to Public Officers Law

WHEREAS, the Town of Ulster Town Board adopted a policy at the Town Board's Organizational Meeting held on January 7, 2021, which, inter alia, established a deadline for submitting agenda items for Town Board meetings to the Tuesday preceding the Town Board meeting at 4:00 p.m.; and

WHEREAS, on October 20, 2021, Governor Kathleen Hochul signed into law an amendment to the N.Y. Public Officers Law which requires that, if available, documents to be discussed or reviewed or voted upon at a Town Board meeting be posted on the Town's web site at least twenty-four (24) hours in advance of a public meeting;

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby modifies the previously enacted Town policy as follows:

The deadline for submitting Agenda Items for an Open Town Board Meeting shall be set as forty-eight hours prior to the start of the meeting and in accordance with the New York State Public Officers Law, as amended, all documents referenced in the Agenda shall be posted to the Town's Website at least twenty-four (24) hours in advance of the start of the meeting and distributed to the members of the public upon request; and be it further

RESOLVED, that this revised policy shall apply to all duly established town boards, commissions, and committees, including but not limited to the Town of Ulster Planning Board and the Town of Ulster Zoning Board of Appeals, and requests that the Chairmen of these boards, and their duly appointed secretaries, implement this modified policy for their next scheduled meetings.

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MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

PUBLIC HEARING SCHEDULED: 7:10 PM

Discussion Town of Ulster Regulation of Cannabis

Supervisor reviews purpose and outline of cannabis law and options:

NYS law changes allow town to regulate and permit marijuana retail distribution and public consumption in a lounge setting, to either, or, or both. If town votes “yes” to opt out now, it cannot say “no” in the future. Town can say “no” to opting out now, but can vote “yes” to opt out in the future. Town board asking for public input.

MOTION to Open the Public Hearing 7:16 pm (2021-M-286)

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

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PUBLIC COMMENT:

1. Kevin Reginato, Town resident, business owner, zoning board member
Asks board not to opt out. The business would increase tax revenue, jobs. National legal sales are \$17.5 billion. Business proven to be recession proof. Sophisticated market. Take market away from underground sales.
2. Larry Quick, town resident
Ask not to opt out of anything.
3. Larry Woerner, town resident
Ask not to opt out.
4. Laura Hartmann, town resident
Asks not to opt out. Tax revenue. Medical marijuana transforms community and lives.

Supervisor: Written comment accepted for 30 days.

MOTION to Close the Public Hearing 7:21 pm (2021-M-287)

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

Old Business:

Discussion on 2022 Tentative Budget

Councilman Morrow: Meeting with Rocco and highway department tomorrow.
Councilman Secreto: Met with John (water) and Vinnie (sewer) is out of town.

Resolution Approving Preliminary Budget, Nunc Pro Tunc (2021-R-288)

Nunc Pro Tunc: “Now for then”

Kovacs: Accepting preliminary budget as of last town board meeting and using preliminary budget for the public hearing.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Approving Preliminary Budget, Nunc Pro Tunc

The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

SECTION 1. Pursuant to and in accordance with the provisions of section 106 of the Town Law, and other applicable provisions of law, the annexed detailed statement of estimated expenditures and revenues be and the same hereby is approved and adopted as the preliminary budget of the Town of Ulster for the fiscal year beginning January 1, 2022. Such preliminary budget shall be filed forthwith in the office of the Town Clerk of the Town of Ulster, where it shall be available for public inspection.

SECTION 2. This resolution shall take effect as of October 7, 2021, *nunc pro tunc*.

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

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Motion to set a Public Hearing on the Preliminary Budget for Thursday, November 4, 2021 @ 7:10pm (2021-M-289)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Resolution Opposing the Creation of a County Wide Landfill in the Town of Ulster (2021-R-290)

Supervisor: Town board position established at last town board meeting. This resolution memorializes that position.

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Opposing the Creation of a County-Wide Landfill in the Town of Ulster

WHEREAS, it has been reported in the *Daily Freeman* (Oct. 5, 2021) that the head of the Ulster County Resource Recovery Agency (hereinafter the “Agency”) board expects a list of potential county-wide landfill sites to be ready before the end of the year; and

WHEREAS, the Agency allegedly wants to keep the list of potential county-wide landfill sites “under wraps to avoid public controversy;” and

WHEREAS, it appears that the Agency is creating such a list of potential county-wide landfill sites at the direction of the Environmental Committee of the Ulster County Legislature; and

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WHEREAS, the Town of Ulster already contains within its borders the site of the Ulster County Resource Recovery Agency facility, which has increased truck traffic on Routes 32 and 199, and has created noxious odors which have harmed the quality of life for residents of the Town of Ulster; and

WHEREAS, the creation of a county-wide landfill inside the borders of the Town of Ulster will harm economic development in the Town of Ulster, have a negative impact on quality of life of Town residents, and runs counter to the Town's duly adopted Comprehensive Plan dated July 2, 2007; now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby establishes as a policy of the Town of Ulster that a county-wide landfill site should not be located anywhere in the Town of Ulster; and be it further

RESOLVED, that the Town Clerk is directed to send certified copies of this resolution to the Chairman of the Ulster County Legislature, the Ulster County Executive, and the Chairwoman of the Ulster County Ulster County Resource Recovery Agency Board of Directors.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

ROLL CALL VOTE:

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

CARRIED

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PUBLIC COMMENT:

1. Regis Obijiski, town resident, Townofulstercitizens.org
Re: Preliminary budget.
Reads from prepared statement – ATTACHED
2. Joy Ann Simmons, Glenerie resident
Re: Viviani property on Glenerie Blvd.
Seven cabins, former Clement’s camp. Bought at auction four years ago. Now a dumping ground.
Leaves phone number for supervisor.

Supervisor and Tutt Discussion

Have to verify his building permits. Supervisor attending Glenerie Lake Park Assn. meeting last month and saw the property. Town has experience with owner.

3. Laura Hartmann, town resident
Re: UCRRA, Bearcat vehicle, Signs on Wrentham St. property.
Reads from prepared statement – ATTACHED
Supervisor to give full update on her three topics at next town board meeting.

MOTION to adjourn (7:39 pm) (2021-M-291)

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk