

**TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (21)**

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NOVEMBER 1, 2018

**~Public Hearings Scheduled:**

**7:10pm – Public Hearing on 2019 Preliminary Budget**

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

**SALUTE TO THE FLAG**

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

TOWN COUNCILMAN JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
TOWN COUNCILMAN JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Town Attorney, Jason Kovacs
2. Assessor, James Maloney
3. Police Chief, Kyle Berardi
4. Wastewater Superintendent, Vincent Maggiore
5. Water Superintendent, John Rose
6. Highway Superintendent, Frank Petramale
7. 23 Audience Members

**ADDITIONS OR CHANGES TO THE AGENDA—**

Addition of “Dark Store Theory” Resolution. In October, 2017, the Town Board passed this Resolution and James Maloney requested to add it to tonight’s agenda. Will be posted to the Town Website.

**PUBLIC DISCUSSION ON AGENDA ITEMS** – None

## TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (21)

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### ANNOUNCEMENTS – None

### DEPARTMENT HEAD REPORTS:

1. Police Department, Chief Berardi:

In 2018, 15,284 blotters; 945 cases; 559 arrests (32 DWI and 89 drug-related); 1080 accidents; 1849 tickets; speed trailer deployed 11 times; 10 public events hosted or attended; 11/10 9-3 Site In Day at the range on Ulster Landing Road.

2. Recreation, Jeff Hayner:

Parks closed 10/31/18; adult volleyball underway. 340 campers this year (\$15K under revenue);

*Councilman Secreto:* Will you draft teams? Complaints from parents of overloaded teams.

*JH:* Yes

3. Sewer/Wastewater, Vincent Maggiore:

Thanks Sewer Dept personnel; fully staffed. Vincent and Josh Brink recently took ABC test operator license and passed. Ulster Sewer began engineering report and study to operate to maximum efficiency and upgrade. Looking at increasing energy efficiency. Study looking at future. Getting ready for winter/repairing manhole covers. Thanks highway dept.

4. Town Clerk, Suzanne Reavy:

In October, the TC office took in \$45,000 in town clerk fees; \$4300 in biddy ball; \$430,000 in water bills. Began receiving paperwork and escrow lists from banks in preparation for tax season which begins January 1.

5. Assessor, James Maloney:

Office busy. Out now for inspecting building permits from July. Governor Cuomo changed the law on exemptions. Enhanced STAR has to come back; apps have to be in his office by 3/1/19; only the exemption for senior citizens has to be administered locally. Board can allow him to provide an exemption. His office sends reminders, makes phone calls, then knocks on doors.

6. Water Department, John Rose:

They painted all fire hydrants and replaced 8" main valve on Harwich St. Repaired south tower holes; 118 service calls; 130 mark outs; with assistance of highway dept flushed all hydrants except Bright Acres, which is done in April.

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7. Highway Department, Frank Petramale:

All departments work well together. Paved 5 miles of road; would have liked to do more. Leaf pickup starts 11/13; in the newspaper three times; keep brush separate from leaves; and keep on grass/not on roads. Received new CAT loader; online action first part of December. Employees everything going smoothly. Some work at the town parks with drainage. Since sorting recycling began again, only received a \$4 charge. Prepping for winter; reminder of street parking ordinance during storms – from 11/15 – 4/1.

**New Business:**

**Presentation of Resolution Adopting the Town Budget for 2019**

*For future consideration.*

**Resolution of the Town Board**  
**TOWN OF ULSTER**  
**Resolution Adopting Town Budget for 2019**

**WHEREAS**, this Board having, on November 1, 2018, commencing at 7:10 p.m., duly held a public hearing on the tentative budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2019, including the fire protection district budget and light district budgets for 2019, and having heard all persons desiring to be heard in the matter and the matter of the budget for this Town for such fiscal year having been fully discussed and considered,

**NOW, THEREFORE, BE IT RESOLVED** that said Preliminary Budget approved and filed as aforesaid including the fire protection district budget and the light district budgets for 2019 is hereby approved, as revised by the Town Board at its meeting held on November 15, 20178 and established as the annual budget for this Town for the fiscal year beginning January 1, 2019, and that such annual budget be so adopted in detail in the minutes of the proceedings of this Town Board, and be it further

**RESOLVED**, that the Town Clerk of the Town shall prepare and certify as provided by law, duplicate copies of the said annual budget hereby adopted, shall attach thereto an exemption report in compliance with the requirements of Chapter 258 of the Laws of 2008, and deliver one of such copies to the Supervisor of the Town, and that the Supervisor shall present such copy to the Board of Legislators of the County of Ulster as required by law.

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**Presentation of TOU-COK Intermunicipal Agreement for Police Services for 2019**

*Discuss at next meeting*

**Presentation of Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Glenerie Water District**

*Interfund loan at a reduced amount.*

*Discuss with exact amount at next Town Board meeting.*

**RESOLUTION OF THE TOWN BOARD**

**TOWN OF ULSTER**

**Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Glenerie Water District**

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the "LANDFILL CLOSURE RESERVE FUND" to finance the closing of the Town's landfill, and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund is no longer needed for this purpose and may be transferred to another account pursuant to the authority vested in the Town Board by General Municipal Law Section 6-c (9-a), and

WHEREAS it is proposed to loan monies from the Landfill Closure Reserve Fund to the Glenerie Water District (hereinafter the "District") to cover the balance of expenses for the Glenerie Water Storage Tank Project; and

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WHEREAS, such loan from the Landfill Closure Reserve Fund to the Glenerie Water District will save the Glenerie Water District the cost and expense of borrowing the needed funds, and

WHEREAS, given these circumstances, the District has requested that the Town Board authorize an interfund loan in order to advance the costs of the Glenerie Stormwater Project from the Landfill Closure Reserve Fund to the District's Fund, until such time that the District can collect such taxes or otherwise generate sufficient revenue; and

WHEREAS, pursuant to General Municipal Law § 9-a, all interfund loans must be authorized by Town Board resolution, now therefore be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes an interfund loan of up to \$92,500.00 from the Landfill Closure Reserve Fund to the Glenerie Water District; and be it further

RESOLVED, that, pursuant to General Municipal Law § 9-a, said monies shall be repaid to the Landfill Closure Reserve Fund no later than December 31, 2019; and be it further

RESOLVED, that the interest rate established for the borrowing period is 0.5% per annum, and the repayment obligation amount is up to \$XX,XXX.XX, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of up to \$XX,XXX.XX, to the Glenerie Water District and be it further

RESOLVED, that the Town Supervisor is hereby authorized to take any and all steps necessary to effectuate said loan.

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**Presentation of Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Whittier Sewer District**

*Sewer District completed a \$1M upgrade, which fell \$200,000 short. Required an advance with interest from the landfill closure fund – remaining balance approx. \$60,000.. Required to refinance the remaining balance in 2019.*

*Discuss with exact amount at next Town Board meeting.*

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**  
**Resolution Authorizing Interfund Loan from the Landfill Closure Reserve Fund to the Whittier Sewer District**

WHEREAS on August 9, 1988, pursuant to Section 6-f of the General Municipal Law as amended, the Town Board of the Town of Ulster did establish a Capital Reserve Fund known as the “LANDFILL CLOSURE RESERVE FUND” to finance the closing of the Town’s landfill, and,

WHEREAS monies have been deposited in a bank account known as the Landfill Closure Reserve Fund, and

WHEREAS the Supervisor was authorized to invest from time to time the monies of said fund pursuant to Section 6-f of the General Municipal Law on authorization of the board pursuant to Section 6-c of the General Municipal Law, and,

WHEREAS the Town of Ulster, by deed dated May 18, 1993 conveyed the Town Landfill to the Ulster County Resource Recovery Agency which has assumed responsibility for costs of closing and capping the Town Landfill and,

WHEREAS the money deposited in the Landfill Closure Reserve Fund is no longer needed for this purpose and may be transferred to another account pursuant to the authority vested in the Town Board by General Municipal Law Section 6-c (9-a), and

WHEREAS it is proposed to loan monies from the Landfill Closure Reserve Fund to the Whittier Sewer District (hereinafter the “District”) to cover the balance of expenses for the Whittier Wastewater Treatment Plant Upgrade Project; and

WHEREAS, such loan from the Landfill Closure Reserve Fund to the Whittier Sewer District will save the Whittier Sewer District the cost and expense of borrowing the needed funds, and

WHEREAS, given these circumstances, the District has requested that the Town Board authorize an interfund loan in order to advance the costs of the Whittier Wastewater Treatment Plant

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Upgrade Project from the Landfill Closure Reserve Fund to the District's Fund, until such time that the District can collect such taxes or otherwise generate sufficient revenue; and

WHEREAS, pursuant to General Municipal Law § 9-a, all interfund loans must be authorized by Town Board resolution, now therefore be it

RESOLVED, that the Town Board of the Town of Ulster hereby authorizes an interfund loan of up to \$200,000.00 from the Landfill Closure Reserve Fund to the Whittier Sewer; and be it further

RESOLVED, that, pursuant to General Municipal Law § 9-a, said monies shall be repaid to the Landfill Closure Reserve Fund no later than December 31, 2019; and be it further

RESOLVED, that the interest rate established for the borrowing period is 0.5% per annum, and the repayment obligation amount is \$XX,XXX, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of \$XX,XXX to the Whittier Sewer District and be it further

RESOLVED, that the Town Supervisor is hereby authorized to take any and all steps necessary to effectuate said loan.

**Motion declaring surplus equipment in the Highway Department and authorizing the Highway Superintendent to sell such by way of auction or to another government agency**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

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**Motion to authorize the Building Inspectors to attend the Tri County Chapter of NYSBOC Conference, Tuesday, November 13th, Kingston, NY**

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

**Discussion on 2019 Town Park Improvements Plan**

*Supervisor:* Will be on the Town Website

*Councilman Secreto:* Recommends that the Recreation subcommittee takes a ride to the parks.

*Councilman Kitchen:* Recommends that the entire Town Board visits locations.

*Supervisor:* Leaves to Board to make the trips and address at the next meeting.

**ADDITION: Dark Store Theory – ATTACHMENT 3**

*Supervisor:* Dark Store Theory applies to chain stores such as Home Depot, CVS, et al., where appraisers state during a tax certiorari action that the value of the property is to the second or third user. Since buildings are custom built the values are dramatically different – much lower. This Resolution is in support of a request to change NYS statutes; the dark store theory is not a valid theory under which a valuation can be completed for tax certiorari action. Town has been victim of tax certiorari actions, which off the chart values have been requested.

**MOTION to accept Resolution as presented:**



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**Resolution in Support of the New York State Assessors Association’s Call to Eliminate  
“The Dark Store Theory” in Tax Certiorari Proceedings**

**RESOLUTION IN SUPPORT OF THE NEW YORK STATE ASSESSORS  
ASSOCIATION’S CALL TO ELIMINATE “THE DARK STORE  
THEORY” IN TAX CERTIORARI PROCEEDINGS**

BE IT RESOLVED that the Town Board of the Town of Ulster hereby supports the New York State Assessors Association’s recent resolution (copy of which is annexed to this resolution) which calls upon Governor Andrew M. Cuomo and the New York State Legislature 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.

MOTION: Councilman Secreto

SECOND: Councilman Brink

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

*CARRIED*

**Old Business:**

**Update on Capital Projects – ATTACHMENT 2**

*List posted to Website*

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**Resolution Approving the Preliminary Budget**

*Approve transition from tentative to preliminary budget.*

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**  
**Resolution Approving Preliminary Budget**

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, 2019. 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 November 1, 2018.

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*Supervisor's Presentation on 2019 Budget*

**~Public Hearing Scheduled: 7:10pm – 2019 Preliminary Budget**

- *Budget Presentation is available on the Town Website* -

**MOTION to open the Public Hearing (7:56 PM):**

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**COMMENTS -**

1. Regis Obijiski, Ledge Rd

Thanks the Supervisor for a very clear and comprehensive report of the budget.

Reads correspondence – ATTACHMENT 1

**MOTION to close Public Hearing (8:03 PM):**

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**PUBLIC COMMENT –**

1. Laura Hartmann, 45 Birch St

Called Supervisor on update on individual water and sewer meters in rental apartments.

*Supervisor:* We are doing legal research on our ability to regulate.

*LH:* Has done research from tenants with leases in existence. Some tenants are afraid of being evicted.

*Supervisor:* Discusses Nov 7<sup>th</sup> or 8<sup>th</sup> for a private meeting with Hartmann. Will ask building inspector to attend if necessary.

*Councilman Kitchen:* Please clarify. Water/sewer charges to tenants is that something new?

*LH:* New.

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*Kitchen:* Is there one meter for each building or per unit?

*John Rose:* There are two sections of Sunset Garden apartments. Not sure which is which. Only read one meter in new section – phase I.

*Supervisor:* Asks Rose for meter system breakdown for apartment complex. JR will provide by next week.

*Kitchen:* In my experience, this is not allowed. Have you contacted the HUD/State Housing Authority?

*LH:* Bills are entire building broken down by apartment and number of people on the lease.

*Councilman Secreto:* Similar to trailer parks.

*John Rose:* One known trailer park had one meter only, then installed a meter at individual trailers and billed residents directly.

*Supervisor:* [To Hartmann] Will you invite Councilman Kitchen to your next tenant meeting?

*LH:* Yes.

2. Barbara Rice, 45 Birch St

357 Sunset Garden residents are terrified to speak/come forward; they are intimidated. No heat at times; no smoking rule not enforced; leases violated.

*Supervisor:* Did you contact the building department?

*BR:* No, the health department. Was told by management that they only want millennials as tenants. People are doing anything to escape. This is serious.

*Councilman Kitchen:* Been in real estate. A lot of young people moving up from NYC. Landlords seeing trends in getting young people in; less affordable housing for locals.

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3. Nancy Ebel, Eddyville

Thank you for budget proposal. Anything new on Buc's ?

*Supervisor:* Supreme Court action that shut them down.

*NE:* Occasional activity there. Is there any hope for him to sell or clean it up?

*Supervisor:* Has not paid taxes. Will research with Town attorney to take more action. Thinks property will be lost to Ulster County/foreclosure. Will follow up with Ebel in two weeks.

**~ End of Public Comment ~**

**MOTION to adjourn (8:23 pm):**

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk