

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (21)

November 4, 2021

**PUBLIC HEARING SCHEDULED:
7:10PM – 2022 Preliminary Budget**

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
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. Fifteen audience members

ADDITIONS OR CHANGES TO AGENDA – None

PUBLIC DISCUSSION ON AGENDA ITEMS – None

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COMMUNICATIONS –

1. UC Economic Development Alliance response to Town of Ulster’s second request to obtain 57 acres on Boices Lane Extension – denied request.
2. Town’s fiscal stress monitoring system scores provided by NYS Comptroller. Town of Ulster received scores of “0”, meaning no designation of fiscal stress in 2018, 2019, and 2020.
3. NYS Dept of Transportation began design phase on nine intersections in town of Ulster – traffic signal generators. Anticipated construction in summer 2022.
4. NYS Assessors Association and Deputy Assessor, Miranda Bernholz, provided communication that on October 25, 2021, Gov. Hochul signed into law the dark store bill. Former town assessor, James Maloney, brought this dark store theory was brought before the state association and our town board beginning in 2017. Town board passed several resolutions over the past three years in support of this theory.

New Business:

Presentation on the Implementation of a Project to Display American Veteran Banners in the Town of Ulster

Two individuals asked the town board to speak tonight to discuss display of veterans’ flags/banners in the community. They did not show.

Will wait for their presence at a future meeting to discuss further.

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Presentation of Resolution Adopting the Town Budget for 2022

No action tonight. Resolution for next town board meeting.

Resolution of the Town Board
TOWN OF ULSTER
Resolution Adopting Town Budget for 2022

Date: November 18, 2021

WHEREAS, this Board having, on November 4, 2021, commencing at 7:10 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2022, including the fire protection district budget and light district budgets for 2022, 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 2022 is hereby approved, as revised by the Town Board at its meeting held on November 4, 2021 and established as the annual budget for this Town for the fiscal year beginning January 1, 2022, 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 Clerk of the Ulster County Legislature as required by law.

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Motion to Authorize the Supervisor to make payment to Statewide Aquastore, Inc. in the amount of \$4750.00 for Contract TU-211, Replacement of Potable Water Storage Tank, Halcyon Water District (2021-M-292)

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Motion to Authorize the hiring of one Part Time Court Officer (2021-M-293)

Presented by Councilman Secreto

Anthony LaRocca: requested by Chief Berardi; \$21/hour; start date 11/15/2021

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

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Discussion on Letters to be sent to US Senator Schumer and NY Senator Hinchey on use of Kingston Ulster Airport (2021-M-294)

Supervisor: Past few months public comment about unacceptable noise with heavy helicopters: NY State Police, US Army, Air National Guard. Funded by FAA. Spoke to Sen Hinchey and Sen Schumer for assistance in asking these agencies to cut down on the heavy helicopter use. Letter in meeting documents asking each Senator.

Councilman Morrow: Airport management, personnel, and attorneys extremely cooperative to work with neighborhood. Makes a motion to write letters to both senators.

Councilman Secreto: Conversations with Amy Kim (attorney/Legal Fellow) from airport regarding playground in that neighborhood, working on it for past three months; conversations about having functions at the airport.

Supervisor: Planning Board Chairman, Geoffrey Ring, also a pilot, has had several conversations with airport staff and asked them to speak with resident Valerie Harris. Supervisor asked Chief Berardi to send detectives to her house for possible harassment complaint. Future conversation with resident, Stewart Dean.

Councilman Van Kleeck: We do not regulate airport. Our leverage is to ask others to do the right thing. We have to do the right thing.

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

November 4, 2021

Presentation of Resolution to Appropriate the Sum of _____ from Fund Balance towards Replacement of Water Storage Tank

Supervisor: Deadline for application is November 22 to replace Ulster south water tower. Evidence that town has funds to finance its share of the balance and designation of a SEQR action. Ballpark \$700-\$800,000. Amount is blank because budget has not been approved. Prudent that we replace the small tank now for future time that we would have to replace the large tank

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution to Appropriate the Sum of \$84,500.00 from Fund Balance towards Replacement of Water Storage Tank

WHEREAS, the Ulster Water District's 500,000-gallon Water Storage Tank located at the South end of the district adjacent to the Town Highway Garage at 584 East Chester St Bypass, Kingston, N.Y. was constructed in 1957; and

WHEREAS, the Ulster Water Department Superintendent has recommended that the 500,000-gallon water storage tank be replaced due to its age and increased maintenance costs; and

WHEREAS, the Town of Ulster Town Board has authorized the preparation of a Plan, Map and Report for the replacement of the 500,000-gallon water storage tank by the Town's Engineer, Brinnier & Larios, P.C. at the October 21, 2021 Town Board Meeting in preparation of making an application to the NYS Environmental Facilities Corporation for a WIIA Grant by November 22,2021; and

WHEREAS, the Town of Ulster Town Board has authorized the preparation of a Grant Application to apply to the NYS Environmental Facilities Corporation for a WIIA Grant by November 22,2021 under an Agreement with Blauer Associates authorized at the October 21, 2021 Town Board Meeting; and

WHEREAS, the Town Board determines that the construction of a new Tank is a rehabilitation or reconstruction of a facility in kind and is a Type II action pursuant to 6 NYCRR 617.5(c)(2), and is exempt from environmental review pursuant to the New York State Environmental Quality Review Act (SEQRA) and Local Law No. 6 of 1992; and

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WHEREAS, a budget has been prepared to be submitted with the application for the WEIA Grant and is attached as Exhibit “A” to this Resolution; and

WHEREAS, the budget identifies a local match in the amount of \$ _____; now, therefore, be it

RESOLVED; The Town of Ulster Town Board hereby appropriates the sum of \$ _____, to be used to fund the local match from the Ulster Water District Storage Tank Capital Reserve Account, account number SW1.0867.000 which has a balance of \$786,305.19 as of the date of this Resolution and is invested in the Town of Ulster’s Special Investment Account number 5202784105 at the Bank of Greene County which has a balance of \$ _____ as of October 31, 2021; and be it further

RESOLVED, that the Town of Ulster Supervisor is hereby authorized to provide a copy of this Resolution and supporting documents including a copy of the Bank Statements for the aforementioned account for inclusion in the WEIA Grant Application.

Presentation of Resolution Authorizing the Adoption by the Town Board of the Town of Ulster of Local Law No. ____ of 2021: A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster

Supervisor: Consideration at next meeting. We are required to make a declaration or not about how we feel about retail sale and onsite consumption of marijuana.

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. ____ of 2021: A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster

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WHEREAS an introductory Local Law entitled Local Law No. ____ of 2021: A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster was introduced before the Town Board of the Town of Ulster on September 16, 2021, and upon notice duly published and posted, a hearing was held on October 21, 2021, at 7:10 p.m. before the Town Board,

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

RESOLVED, that the adoption of the introductory local law entitled Local Law No. ____ of 2021: A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster 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. ____ of 2021: A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster, 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.

LOCAL LAW NO. __ of 2021

Town of Ulster, County of Ulster

A Local Law known and cited as Opt out of Allowing On-site Cannabis Consumption Sites in the Town of Ulster

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

SECTION 1. Purpose and Intent. It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the Town of Ulster that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4. The Town Board is considering this local law because New York Cannabis Law only gives municipalities the option to opt-out before December 31, 2021 and if municipalities do not do so, they no longer have the option to do so. This does not preclude the Town Board from deciding to allow on-site cannabis consumption sites in the future. This local law does not opt the Town out of allowing cannabis retail dispensaries within the Town of Ulster.

SECTION 2. A new chapter, Chapter 10, shall be added to the Town Code entitled “Cannabis” and shall read as follows:

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Section 10-1. Legislative Intent. It is the intent of this local law to opt-out of allowing on-site cannabis consumption sites in the Town of Ulster that would otherwise be allowed to be licensed under New York Cannabis Law, Article 4.

Section 10-2. Authority. This local law is adopted pursuant to Cannabis Law § 131, which expressly authorizes the Town Board to adopt a local law requesting the Cannabis Control Board to prohibit the establishment of on-site cannabis consumption licenses within the jurisdiction of the Town and is subject to permissive referendum, the procedure of which is governed by New York Municipal Home Rule Law § 24.

Section 10-3. Local Opt-Out. The Town Board of the Town of Ulster hereby opts out of allowing on-site cannabis consumption sites from being established and operating within the Town of Ulster. The Town Board requests that the Cannabis Control Board prohibit the establishment of such on-site cannabis consumption licenses provided in New York Cannabis Law, Article 4 within the Town of Ulster.

Section 10-4. Severability. If any clause, sentence, paragraph, subdivision or part of this Local Law or the application thereof to any person, firm or corporation, or circumstances, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 10-5. Permissive Referendum/Referendum on Petition. This local law is subject to a referendum on petition in accordance with Cannabis Law § 131 and the procedure outlined in Municipal Home Rule Law § 24.

Section 10-6. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF ULSTER

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Presentation of Resolution Adopting Local Law No. ___ of 2021, of the Town of Ulster Amending the Zoning Code, allowing adult-use cannabis retail dispensaries in accordance with the NYS Marijuana Regulation and Taxation Act 131

Supervisor: Modification of town’s zoning code to permit the retail distribution of marijuana in RC (retail commercial) and HC (highway commercial) zoning districts. Voted on at next meeting.

LOCAL LAW NO. ___ of 2021
Town of Ulster, County of Ulster
A Local Law to Amend the Zoning Code

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

Section 1. Legislative intent.

This local law amends Chapter 190 of the Town Code to provide amendments to the Town’s Zoning Law allowing adult-use cannabis retail dispensaries in accordance with the New York State Marijuana Regulation and Taxation Act § 131. The amendments are necessary and desirable to protect the public health, safety, welfare, and environmental resources, provide a consistent regulatory pathway for the cannabis industry consistent with state regulations, foster a healthy, diverse and economically viable cannabis industry that contributes to the local economy, and ensure that environmental, public health, safety and nuisance factors related to the cannabis industry are adequately addressed.

Section 2. Severability.

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 3. Terms defined.

Section 190-4 of the Zoning Law entitled “Definitions” is hereby amended by adding a new definition for “Cannabis Retail Dispensaries” as follows:

CANNABIS RETAIL DISPENSARIES — A retail facility that sells at retail any cannabis product, the sale of which a license is required for an adult-use cannabis retail dispensary under the provisions of the New York State Marijuana Regulation and Taxation Act.

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Section 4. Regulations.

A. Local Law No. 9 of the Year 1991, as amended, is amended as follows:

The Table of Use Regulations, Town of Ulster, New York shall be amended as follows:

Uses	R-60	R-30	R-10	LC	HC	RC	OM	I	TND	RO
Cannabis Retail Dispensary					S	S				

B. Cannabis retail dispensaries are subject to the New York State Marijuana Regulation and Taxation Act and with the following special conditions:

(1) Cannabis retail dispensaries are permitted by special use permit from the Town of Ulster Town Board within the HC and RC Zoning Districts.

(2) Cannabis retail dispensaries shall not open before 9 AM nor remain open after 9 PM Mondays through Saturdays and shall not open before 12 PM nor remain open after 6 PM on Sundays.

(3) A Cannabis retail dispensary shall not be located within 1,500 feet from any other Cannabis retail dispensary, such distance measured on a straight line from the nearest property line of any other existing Cannabis retail dispensary to the nearest property line of the lot to be occupied by the proposed Cannabis retail dispensary.

(4) Subject to applicable law, a Cannabis retail dispensary shall include, as a part of any special use permit application to the Town of Ulster Town Board, copies of all information submitted to the State of New York in application for a license to operate under the Marijuana Regulation and Taxation Act.

(5) All special use permits issued under this Subsection shall contain a condition that the Cannabis retail dispensary shall not operate, and the special use permit shall not be valid, until the applicant has obtained all licenses and permits issued by the State of New York and any of its agencies for the dispensary.

(6) A special use permit granted under this Subsection shall have a term limited to the duration of the applicant's ownership and use of the premises as a Cannabis retail dispensary. A special use permit may be transferred only with the approval of the Town of Ulster Town Board in the form of an amendment to the

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special use permit.

(7) Any violation of this Subsection shall be grounds for revocation of a special use permit issued under this Subsection.

(8) A revocation of the Adult-use Cannabis Retail Dispensary license by the State shall be grounds for revocation of the special use permit.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.

Presentation of a Resolution modifying the 2021 Town of Ulster Fee Schedule to establish a Sewer Use Rate for the Spring Lake Sewer District

Supervisor: Sewer improvements completed this spring and pumps installed. System is in operation, and it is required that to bill these residents we need a rate.

Resolution of the Town Board
TOWN OF ULSTER

Resolution of Town Board of the Town of Ulster Modifying the 2021 Fee Schedule to Take Effect Immediately

WHEREAS, the Town Board of the Town of Ulster is authorized to set all fees, deposits, and costs by resolution of the Town Board pursuant to adopted local law;

WHEREAS, the Town Board of the Town of Ulster adopted the Fee Schedule for the 2021 calendar year at the Town Board Meeting held February 4, 2021;

WHEREAS, the Town Board of the Town of Ulster established the Spring Lake Sewer District in order to put the Spring Lake Sewer Capital Project into service;

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WHEREAS, the Town Board is required to set certain usage fees for the remainder of 2021 in order to properly bill the customers for service;

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the schedule of fees set forth below is hereby added to Section I of the Adopted Fee Schedule Dated February 4, 2021:

Spring Lake Sewer Improvement Area: Five thousand (5,000) gallons or any portion thereof in each quarter: \$48.00. For over five thousand (5,000) gallons: \$9.58 per one thousand (1,000) gallons or any portion thereof

Old Business:

Three Items from Previous (10/21/2021) Town Board Meeting for Updates

Discussion on Memo from Town Attorney in reference to Spencer Wilson's Signs – Memo ATTACHED

Kovacs: Reviews his memo outlining the town's legal rights. Signs are vulgar and political in nature at 188 Wrentham St., directed at public officials. Courts have ruled that these signs are "political speech", which is given highest protection under first amendment. These signs full under protection of first amendment. Only caveat is that if the signs crossover into being "lewd", potentially could be regulated by the town.

A 1971 Supreme Court decision used a word that this incident uses (Cohen v California). Court decision that profanity is protected as long as it is not lewd.

Supervisor: Town board does not condone or support his position. We are limited in our abilities to address neighbors' concerns. We operate under assumption that political signs cannot be out until October 1. From building dept point of view, is there anything we can approach regarding size and location only of signs – not his freedom of speech.

Kovacs: Those are proper regulations. Have to look into that.

~ Discussion ~

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Bus stops there. Letting one person dictate this for the whole town. Not every sign will be rude.

Kovacs will come back to town board after he looks into this more.

Supervisor: Wilson already has an incident with the town regarding police interaction.

Discussion on Communication from UCRRA in reference to July 2021 Presentation

Supervisor – reads summary of memo in the meeting packet -- ATTACHED

1a- Food Waste Law

1b – UCRRA Board being a “good neighbor”

1c – Complaint and response process

Presentation of UPD General Operations Manual Policy for Armored Rescue and Recovery Vehicle

Correspondence – ATTACHED

Berardi: Current rules, regulations regarding the Bearcat vehicle. Policy developed by City of Kingston police. Reviewed by both chiefs to have an identical policy. Majority was sufficient, although one matter was not specific: public display and parades. Both departments agree it should be added, that the vehicle is not used for public display. Once Town of Ulster passes its policy, city of Kingston will amend theirs.

Each department of jurisdiction has the authority to deploy the vehicle.

Supervisor: Policy is on town website to be approved at next meeting.

Supervisor’s Power Point Presentation of the 2022 Budget (7:37 pm-8:18 pm)

Full Presentation is on the Town website and ATTACHED

November 4, 2021

PUBLIC HEARING

7:10PM – 2022 Preliminary Budget

Motion to Open Public Hearing (8:19 pm) (2021-M-295)

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. Regis Obijiski, town resident
Reads from prepared statement – ATTACHED

Supervisor: When I took office, we were in the hole. Worked a plan to pay loans off from former administration. Did not feel comfortable borrowing money to pay tax certiorari payments for Tech City lawsuit. Police equipment and other unexpected expenses are met out of fund balance.

Obijiski: Not saying that the town is mismanaged, just that budgeted vs actuals should be spoken about.

2. Laura Hartmann, town resident
Townofulstercitizens.org asked that taxes not be raised. Why is town holding onto funds in fund balance?

Supervisor: City of Kingston and Ulster County received federal aid, we do not. Reach out to congressman to ask why town of Ulster does not receive this aid.

3. Vicki Lucarini, town resident
Does not want taxes raised. They are raised every year.

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Motion to Close Public Hearing (8:40 pm) (2021-M-296)

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

PUBLIC COMMENT:

1. Laura Hartmann

Thank you for the follow up on the three items asked at the last meeting. Respectfully disagrees that one sign fell into lewd category. That sign is down now. Thanks Chief Berardi.

MOTION to adjourn: 8:42 pm (2021-M-297)

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