

December 2, 2021

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. Nine audience members

ADDITIONS OR CHANGES TO AGENDA – Supervisor has an addition at the end of the scheduled agenda.

December 2, 2021

PUBLIC DISCUSSION ON AGENDA ITEMS –

Regis Obijiski, town resident

Re: Agenda item requesting NYS legislature to allow town of Ulster to be a town of the first class, seeking clarification and understanding of the NYS town law. Questions regarding the office of town comptroller.

Prepared material – **ATTACHED**

Supervisor: Found out that in the early 1970s, the town made a home rule request as it relates to a special designation as a town of the second class despite knowing they would exceed the 10,000 population threshold. Cannot find anything in town records on this. Understands that town wanted to avoid first class designation and impositions it may have faced. NYS passed a bill designating such.

Kovacs: Two separate issues – creating office of town comptroller and designating town of the first class. Enacted local law properly in creating position by referendum. No need to redo the law; becoming a town of the first class would have made creating that position much simpler. This will simplify going forward, give the town more power, more possibilities.

COMMUNICATIONS –

1. Letter read from Keith Gurgui, town resident, in support of cannabis retail.
2. Two letters received from NYSDEC – Ulster and Whittier sewer plants received satisfactory ratings on their comprehensive compliance inspections in October.

New Business:

Presentation of the Town Fee Schedule for 2022

No action necessary. Presentation only.

December 2, 2021

Motion to set fee for Annual Permits at the Transfer Station (2021-M-327)

Permit sales start 12/6 and prices must be set. No changes from 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

Presentation of the Resolution Adopting the 2022 Town Fee Schedule

No action tonight. For consideration at the organizational meeting in January.

Resolution of Town Board of the Town of Ulster Adopting a Fee Schedule to Take Effect January 1, 2022

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,

NOW, THEREFORE, BE IT HEREBY

RESOLVED, that the schedule of fees, deposits, and costs is hereby amended as set forth in Exhibit "A" annexed hereto, effective as of January 1, 2022.

Presentation of Town of Ulster Revised Fund Balance Policy

Supervisor: Revised policy that reflects changes that were obtained from the governor's accounting finance officers association and reflect modifications to Ulster County fund balance policy, modifying general fund unreserved balance from 10% of next year's revenues to a 16-18% range. Published on the town website. No action taken tonight.

December 2, 2021

Presentation of Resolution to Revise Fund Balance Policy

Presentation only

Resolution of the Town Board
TOWN OF ULSTER
Resolution to Amend Fund Balance Policy

Whereas, on May 14, 2007, the Town of Ulster Town Board adopted a Fund Balance for the management of the Town’s Fund Balances and Finances; and

Whereas, the Town of Ulster Town Board most recently reviewed and readopted the Fund Balance Policy at its Annual Organizational Meeting held on January 4, 2021; and

Whereas, the Fund Balance Policy provides for management of financial resources to stabilize tax rates, user fees, protect the Town’s bond rating, maintain adequate cash flows, and protect against current and future financial risks such as revenue shortfalls and unanticipated expenditures; and

Whereas, the GFOA (Government Finance Officers Association) recommends, at a minimum, that general-purpose governments, regardless of size, maintain unrestricted budgetary fund balance in their general fund of no less than two months (16.67%) of regular general fund operating revenues or regular general fund operating expenditures; and

Whereas, the current Town Fund Balance Policy requires the policy be reviewed and updated at the Annual Organizational Meeting of the Town Board; and

Whereas, revision of the current Fund Balance Policy is necessary to align with the recommended GFOA best practices; now, therefore be it

Resolved, that the Town Board hereby adopts the Fund Balance Policy as amended, and attached, entitled “Exhibit A”,

December 2, 2021

Motion to set the 2022 Organizational Meeting for Thursday, January 6, 2022 at 7:00pm (2021-M-328)

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

Motion to accept the resignation of Part Time Police Officer Nace (2021-M-329)

Chief Berardi: Accepted a position with city of Kingston police. Not able to hold two badges. In good standing.

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 a Deputy Town Clerk (2021-M-330)

Councilman Secreto

Megan Hay: \$15.50/hour; start date 12/13/2021

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen -Yes

Town Councilman Morrow -Yes

Town Councilman Secreto -Yes

Town Councilman Van Kleeck -Yes

Supervisor Quigley -Yes

CARRIED

Motion approving the payments to the Town Registrar and Deputy Registrar of Vital Statistics for the twelve-month period ending November 30, 2021 in accordance with Town Policy (2021-M-331)

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Town Councilman Kitchen -Yes

Town Councilman Morrow -Yes

Town Councilman Secreto -Yes

Town Councilman Van Kleeck -Yes

Supervisor Quigley -Yes

CARRIED

December 2, 2021

Presentation of the Resolution making a Request to the NYS Legislature to Enact Legislation Pursuant to Section 40 of the Municipal Home Rule Declaring the Town of Ulster to be a Town of the First Class

Supervisor: Presented for the 12/16 town board meeting.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Requesting New York State Legislature Enact Legislation Pursuant to Section 40 of the Municipal Home Rule Law Declaring the Town of Ulster to be a Town of the First Class

WHEREAS, pursuant to Town Law Section 10, towns containing a population of ten thousand or more are generally considered a Town of the “First Class,” with the explicit exception of the Town of Ulster, which is, pursuant to Town Law Section 10, a town of the “Second Class,” and

WHEREAS, New York State towns of the “First Class” have more powers, obligations, and privileges under Municipal Home Rule than towns of the “Second Class,” and

WHEREAS, the only way to have the Town of Ulster declared a town of the “First Class” is by state law revising that portion of Town Law Section 10 which explicitly declares the Town of Ulster to be a town of the “Second Class,” and

WHEREAS, a necessity exists for the passage of such legislation by the New York State Legislature, now, therefore, be it

RESOLVED, that the Town Board of the Town of Ulster hereby requests the New York State Legislature amend Town Law Section 10 so that the Town of Ulster can be declared and treated as a town of the “First Class,” and be it further

RESOLVED, that the Town Supervisor be, and hereby is, authorized and directed to submit one or more Home Rule Requests to the New York State Legislature pursuant hereto, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to Senator Hinchey and Assemblyman Cahill.

December 2, 2021

Resolution Appropriating ARPA Funds for Payments to Town Employees for COVID-19 Premium Pay in December 2021 (2021-R-332)

Supervisor: Precedent to follow police department MOA and to be followed by Local 17. Departments heads (including elected department heads) and exempt employees. No payment for supervisor and town board.

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 Supervisor has prepared a list of Proposed COVID-19 Bonuses to Essential Department Heads and Non-Union Employees based upon their job performance during the calendar year 2020 which is attached hereto; now, therefore, be it

Resolved, that the Town Board of the Town of Ulster hereby authorizes the payment of COVID-19 Bonuses per the attached list and hereby appropriates from the ARPA Funds received in Summer 2021 the sum of \$35,182 to be set aside for the payment of payroll and benefit expenses as described.

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

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

Motion to Authorize the Supervisor to sign the MOA by and between the Town of Ulster and Laborers International Union Local 17 for vacation buyout (2021-M-333)

Supervisor: MOA between employees and Local 17; employees not able to buyout their vacation time due to many problems with Covid, not able to utilize their vacation time.

Councilman Van Kleeck: Where are these funds?

Supervisor: Reserve account for compensated absences. First goes through budget.

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

December 2, 2021

Motion to Authorize the Supervisor to enter into a Criminal Justice Discovery Agreement with the County of Ulster (2021-M-334)

Chief Berardi: Great financial burden for police departments to get discovery to court and attorneys. Ulster County DA's Office applied for grant for police departments to assist; to receive approximately \$7,000.

Supervisor: Town of Ulster made the investment in technology before this (discovery law) came along and is able to handle this requirement. Town of Ulster is one of the lowest reimbursements in the County.

Discussion:

Town of Ulster one of the busiest courts in the County. We did not over-document. We were prepared ahead of time.

MOTION: Councilman Kitchen
SECOND: Councilman Van Kleeck

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

CARRIED

Motion to authorize the Supervisor to sign the Intermunicipal Agreement for Police Services with the City of Kingston for 2021 (2021-M-335)Yearly agreement.
Reviewed by Jason Kovacs.

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

December 2, 2021

Motion to authorize the Town Supervisor to enter into a contract to purchase electricity and natural gas for the term 2/1/2022 through 3/1/2023 (12 months) through the New York Energy Program administered by Good Energy (2021-M-336)

Supervisor: Town entered into contract two years ago which expires 1/31/2022. For business purposes we should look for a 12 month contract for electric and natural gas. Our consultant expecting adjustments in summer 2022 to negotiate future prices.

MOTION: Councilman Secreto
SECOND: Councilman Van Kleeck

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

CARRIED

Presentation of Local Law No. ____ of 2021: A Local Law to modify Section ____ of the Town Zoning Code, A Local Law known and cited as Parkland and Recreation Fees

Supervisor: Current town code requires contract for developers to pay a certain fee per unit to enhance recreational facilities. Local law designed to clarify and expand on this section of the town code for parkland and recreation fees. No action tonight. Will set a public hearing at the next meeting.

Resolution Granting Final Conditional Site Plan Approval for Pioneer Solar, P-831, 491 – 549 Sawkill Road, Kingston, N.Y. SBL 48.6-1-23 subject to conditions, limitations and restriction set forth by the Town Board (2021-R-337)

Supervisor: At the recommendation of the town planning board – advisory committee

December 2, 2021

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

WHEREAS, the applicant – Pioneer Solar, seeks Site Plan approval for construction of a 5MW community solar array on a 77.8 acres site using approximately 20.42 acres. This is a permitted use as a utility company structure in the OM zoning district; and,

WHEREAS, the applicant has submitted a complete Site Plan application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including the following:

- *Completed Application for Site Plan Amendment Review prepared by Pioneer Solar, aka Solar Generation Projects LLC dated 2/18/2021 and received 2/22/2021*
- *Proposed Site Plan prepared by Solar Generation Projects LLC, all dated 2/20/2021 and consisting of 5 sheets: 1) Aerial Site Plan, 2) Hillshade View, 3) Array Electrical Stringing, 4) Array Electrical Pole Lineup, and 5) Array Wildlife Fence.*
- *Signed Owner Consent Form for Filing*
- *Signed Escrow Agreement*
- *Completed Short Environmental Assessment Form and Full Environmental Assessment Form, dated 2/18/2021*
- *Complete Visual Environmental Assessment Form Addendum*
- *Ulster County Planning Board memorandum Referral No. 2021-166 for Pioneer Site Plan*
- *Memorandum from Zachary Schrowang, Solar Generation to Town of Ulster Planning Board, dated 05/25/2021 documenting compliance with Town of Ulster Planning Board, and Ulster County Planning Board comments.*
- *Visual Assessment for Project Pioneer, prepared by Solar Generation, including documentation of balloon tests*

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

- *Draft Decommissioning Agreement*
- *Preliminary Stormwater Pollution Prevention Plan for Pioneer Solar Array Project, prepared by Integrated Engineering Solutions, PC, dated 09/02/2021 including Pre-Developed Drainage Area Maps (Sheets 1 of 4 & 2 of 4), Post-Development Drainage Area Maps (Sheets 3 of 4 & 4 of 4)*

WHEREAS, the Ulster Town Board has final Site Plan review and approval authority for this application, now therefore, be it

RESOLVED, based on a review of the application as well as recommendations from the Town of Ulster Planning Board, the Town Board takes the following actions: and be it further

RESOLVED, that the Town Board of the Town of Ulster as Lead Agency, and in coordination with the Town of Ulster Planning Board, determines that the Site Plan application is an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA) and makes a Negative Declaration that this Action will not have any significant, adverse environmental impact; and be it further

RESOLVED, that the Ulster County Planning Board Referral No. 2021-166 includes recommended comments on Endangered and Threatened Species, Stormwater, Stormwater Monitoring/Maintenance, and Access that have been discussed with the Applicant and are a part of this Site Plan approval; however, the comment related to Access and requiring a driveway permit from Ulster County Department of Public Works is found to be unnecessary as the application project will use existing access; and be it further

RESOLVED, the Town Board formally grants Conditional Site Plan approval subject to statement above as well as the following:

RESOLVED that the Town of Ulster Town Board grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with the Ulster County Planning Board comments from Referral Memo No. 2021-166 as noted above including coordination with NYS Department of Environmental Conservation regarding protocols for protection of Northern Long-eared Bat and Bald Eagle habitat associated with site clearing and tree removal; but excluding the requirement of a driveway permit from Ulster County based on the use of existing driveway access to Sawkill Road;
2. Compliance with all comments by Brinnier and Larios, PC, Town of Ulster Town Engineers, including those specific to the Stormwater Pollution Prevention Plan documentation provided with this application;

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

3. Filing with the Town of Ulster of a fully executed Decommissioning Agreement acceptable to the Ulster Town Attorney;
4. Execution of a payment in lieu of taxes agreement between the Town of Ulster and the Owner/Applicant, pursuant to Real Property Tax Law Section 487; said agreement shall be subject to separate approval of the Town of Ulster Town Board, and said agreement shall be in a form satisfactory to the Town Attorney;
5. Compliance with applicable zoning and building laws, rules and regulations;
6. Compliance with all representations made by the applicant;
7. Compliance with documentation, site plan, design plans and all details as cited herein;
8. The Town's consulting planner and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
9. All fees, including consultant fees, shall be paid.

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

December 2, 2021

Old Business:

Presentation of Local Law ___ of 2021, of the Town of Ulster: A Local Law Amending the Zoning Code of the Town for On-Site Consumption of Cannabis in accordance with the NYS Marijuana Regulation and Taxation Act 131

Supervisor: Modification to the town's zoning code sets forth acceptable zoning districts and conditions within those districts where onsite consumption would be allowed under the town zoning code. Introduced tonight. Next meeting will call for a public hearing. Law in no way represents opinion of the town board whether the town is opting in or out of onsite consumption.

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 (2021-R-338)

Supervisor: Modify zoning code to allow onsite adult retail dispensaries. Modifies town zoning code to allow onsite retail to take place in two districts: Retail Commercial (RC) and Highway Commercial (HC), subject to specific requirements contained within the law on regulating the use on the site, including distances from schools, churches, etc., as well as the requirement to obtain a NYS license.

Councilman Secreto: Hours of operation will be set.

**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

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

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.

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 On-Site Consumption Establishment					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.

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

(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 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.

MOTION: Councilman Kitchen

SECOND: Councilman Van Kleeck

ROLL CALL VOTE:

Town Councilman Kitchen	-Yes
Town Councilman Morrow	-Yes

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

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

CARRIED

(WILL BECOME LOCAL LAW 5 OF 2021)

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 (2021-R-339)

December 2, 2021

Supervisor: Town eligible to opt out now, prior to 12/31/21. Right to reverse opt out at a point in the future. If fails to opt out by 12/31/21, forever forgoes its right to opt out.

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

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

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

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:

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

MOTION: Councilman Kitchen

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

SECOND: Councilman Secreto

Discussion:

Councilman Kitchen: NYS has not outlined any details and town has no guidelines.

Kovacs: Final rules have not yet been promulgated. Cannabis Control Board has its own set of rules.

Councilman Secreto: One year to opt back in?

Supervisor: Forever, not one year. If town receives satisfactory rules and regulations within six months, town board can vote to opt back in.

Councilman Van Kleeck: Zoning presentation made will probably be able to be reviewed and accepted prior to issuance of licenses.

Kovacs: Opinion that no licenses have been issued yet.

Councilman Morrow: Cannot consciously vote for something we do not know much about. Agrees.

Supervisor: Must notify Cannabis Control Board.

ROLL CALL VOTE:

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

CARRIED

(WILL BECOME LOCAL LAW 4 OF 2021)

Supervisor Addition:

Letter read by Town Clerk – ATTACHED

Supervisor Quigley advises town board that he is unavailable for the organizational meeting in 2022 and appoints Clayton Van Kleeck as Deputy Supervisor for 2022, effective 12:01am, Jan. 1, 2022.

TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (23)

December 2, 2021

PUBLIC COMMENT:

1. Karin Smith-Spanier, town resident

Re: 8% tax increase discussion and budget. She did question Congressman Delgado's office, who stated that beginning of 2021 there was a Covid relief package. Crafted bill was to issue appropriations to municipalities with a population of 500,00 and above, all others would get zero. Delgado proposed amendment so that monies would be given to municipalities by population. Grateful to congressman.

MOTION to adjourn: 7:47 pm (2021-M-340)

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

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk