

**TOWN OF ULSTER TOWN BOARD WORKSHOP MEETING (8)**

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APRIL 5, 2018

**~PUBLIC HEARING SCHEDULED 7:10 pm – Local Law \_\_\_\_ of 2018: An Amendment to Town Code Section 87, Flood Damage Prevention**

**~ PUBLIC HEARING SCHEDULED 7:15 pm – Issuance of a Special Permit – Timber Harvest under Section 190-25 (E) of the Town Code, for Angela Buzzanco**

**~PUBLIC HEARING SCHEDULED 7:20 pm – Special Permit for Pietro & Mario Altomare, Ruby Estates, SBL: 39.1-5-13.2**

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

**ROLL CALL :**

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

**ALSO IN ATTENDANCE:**

1. Town Attorney, Jason Kovacs
2. Building Inspector, Kathy Moniz
3. Highway Superintendent, Frank Petramale
4. Town Assessor, James Maloney
5. Police Chief, Kyle Berardi
6. 28 Town residents

**ADDITIONS OR CHANGES TO THE AGENDA – Deletion of the Presentation of Local Law \_\_\_\_ of 2018: Modification of Section 190-14 of the Town of Ulster Zoning Code**

**PUBLIC DISCUSSION ON AGENDA ITEMS -- None**

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**COMMUNICATIONS** – Five letters read

1. Lead Agency Notification from NYSDEC Re: Kingstown Mine

Supervisor **MOTION** to notify NYSDEC that the Town has no interest in being Lead Agency

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

2. Townofulstercitizens.org Earth Day celebration notification
3. Scenic Hudson (Jeff Anzevino) email to Supervisor and Chazen Companies (Stuart Mesinger) response Re: balloon test
4. McCabe & Mack LLC letter to Supervisor/Town Board agreeing to extend the time for adoption of the Final Scoping Document (Lincoln Park Grid) to 4/19/18.

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**~PUBLIC HEARING SCHEDULED 7:10 pm – Local Law \_\_\_\_ of 2018: An Amendment to Town Code Section 87, Flood Damage Prevention**

*Supervisor:* Result of an update by FEMA, changing the identifying number to the map and requires an update to the Town Code, as the map numbers are referenced in the Town Code.

**MOTION** to open Public Hearing (7:10 PM)

MOTION: Councilman Secreto  
SECOND: Councilman Brink

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

*CARRIED*

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*James Maloney:* Asks Supervisor to inform the public as to what section of Town this is.

*Supervisor:* Small section – lowlands – off of Rt.28A by Hoyer Rd., called Painter Brook. Is a sparsely populated area. Required flood remapping of that area and change to the maps.

**MOTION** to close Public Hearing (7:12 PM)

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**New Business**

**Authorize the Highway Superintendent to go out to bid to seek prices for Full Depth Recycling & Stabilization Services**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

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**Authorize the Highway Superintendent to go out to bid to seek prices for Cold Planing Road Services**

MOTION: Councilman Kitchen  
SECOND: Councilman Morrow

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

*CARRIED*

**Motion to authorize the hiring of two Full Time MEO's in the Highway Department**

*Presented by John Morrow, Personnel*

1. Lukas Boyle: non-competitive; Union; \$14.87/hour; step 6; start date 4/9/18; requested by Frank Petramale

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

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

*CARRIED*

2. Justin Judware: non-competitive; Union; \$14.87/hour; step 6; start date 4/9/18; requested by Frank Petramale

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

*CARRIED*

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**Motion to authorize the hiring of two seasonal employees for the Recreation Department**

*Presented by John Morrow, Personnel*

1. Frank Rittie: Robert Post Park; seasonal; non-competitive; non-union; \$11.50/hour; start date 4/16/18

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

2. Richard Metzger: Rider Park; seasonal; non-competitive; non-union; \$11.50/hour; start date 4/6/18

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

*CARRIED*

**Motion to authorize the hiring of eight seasonal employees for the Highway Department**

*Presented by John Morrow, Personnel*

*All employees' wages are \$11.00/hour; finish date is 9/1/18; Laborers; recommended by Frank Petramale*

1. Bradley Boyd: Start date 4/9/18

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MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

2. Justin Kelly: Start Date 4/9/18

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

*CARRIED*

3. Nick Secreto: Start date 5/21/18

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

*CARRIED*

4. Cameron Ott: Start date 5/21/18

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MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

5. Hunter Heppner: Start date 6/25/18

MOTION: Councilman Secreto  
SECOND: Councilman Brink

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

*CARRIED*

6. Gage Maglio: Start date 5/21/18

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

7. & 8. – Slots to remain open to be filled at a later date if necessary

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**Motion to authorize the Police Department to provide Town support to the Town of Kingston Fun Run on May 6, 2018**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

*CARRIED*

**Motion to authorize the advancement of \$10,000.00 from Ulster Sewer to Spring Lake Sewer Project for the payment of materials**

MOTION: Councilman Kitchen  
SECOND: Councilman Brink

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

*CARRIED*

**Presentation of Local Law \_\_\_ of 2018: Establishing a new Chapter of the Town Code \_\_\_ : Community Choice Aggregation Energy Plan**

*Supervisor:* No action taken tonight. Set a Public Hearing at the next meeting.

**Presentation of Local Law \_\_\_ of 2018: Modification of Section 190-14 of the Town of Ulster Zoning Code: Storage Containers**

*Supervisor:* No action taken tonight. Set a Public Hearing at the next meeting.

**Presentation of 2018 OCR Small Cities Competition Agreement between the TOU and Mark Blauer for development of a Grant Application**

*Supervisor:* Presentation only. To be discussed at 4/19/18 meeting



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**Motion to set a Public Hearing for Public Input on Projects to be considered for 2017 OCR Small Cities Competition for Thursday, April 19, 2018 at 7:15pm**

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

*CARRIED*

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**~ PUBLIC HEARING SCHEDULED 7:15 pm – Issuance of a Special Permit – Timber Harvest under Section 190-25 (E) of the Town Code, for Angela Buzzanco**

*Supervisor:* Comes at the recommendation of the Town of Ulster Planning Board

**MOTION** to open Public Hearing (7:22 PM)

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

COMMENTS:

1. Dawn DeLuca, 414 Warren St:

Understands that she will harvest only 40 trees per acre. Asks: How many acres entailed? Does this relate to power line changes on that road? What is to be done with the wood? Will it cause flooding or damage? If 100' buffer between forestry and homes is sufficient? Is harvester local/within NYS?

*Supervisor:* 100' is deemed sufficient because that is what is called for by the Town. The rest of the questions, will get back to her in writing after review of Planning Board notes. Does

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not think that the use of the timber was addressed; harvester can use it for what is deemed necessary. Harvester is local.

*Corey Creagan*, Consulting Forester for Angela Buzzanco: Timber will be milled locally; logger is local; only certain trees will be selected/single tree selection; harvesting mature oak trees; has nothing to do with the power line; still to remain forested; water bars used during logging to prevent flooding and erosion; approx. 50 acres to be harvested.

*Supervisor*: Town Board will take this up at next meeting for vote on special use permit. Written comments will be accepted.

**MOTION** to close Public Hearing (7:27 PM)

MOTION: Councilman Brink

SECOND: Councilman Secreto

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

*CARRIED*

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**~PUBLIC HEARING SCHEDULED 7:20 pm – Special Permit for Pietro & Mario Altomare, Ruby Estates, SBL: 39.1-5-13.2**

*Jason Kovacs*: **Purpose:** This is a Public Hearing on a Special Permit to expand the trailer park. Special permit is required because the trailer park is a prior non-conforming use and any expansion on a non-conforming use requires a special permit issued by the Town Board.

**MOTION** to open Public Hearing (7:28 PM)

MOTION: Councilman Brink

SECOND: Councilman Morrow

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

*CARRIED*

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### COMMENTS:

#### 1. Gary Feddes, 299 South Rd. Ruby

Expecting a presentation tonight as to what would happen with septic/sewer. Original design was for 15 units. How much extra sewerage/modifications will be added with six new units? NYS guidelines state 150 gallons/day per single wide mobile home. 900 add'l gallons will be added to the septic. Will it be updated? Is it being run properly today as described by UC Health Dept? Indications show that septic is not being maintained today. Worried about stream which goes into Plattekill and Esopus. Thinks this should be rejected.

*Supervisor:* Question, “Explained and rejected” or “Outright rejected until explained”?

*GF:* Not authorized to reject them because we have political and health depts. to monitor this today and investigated for tomorrow. Glossed over.

*Supervisor:* Not glossed over. This was discussed at the Planning Board; letters from Health Dept discussing sanitary conditions. Your request for a presentation is valid. Taking them under consideration.

*GF:* Objection is solid. Wants a copy of what was presented to Planning Board from Health Dept.

*Supervisor:* Will get that for him tomorrow.

#### 2. Garth Godfrey, 260 South Rd., Ruby

Owns property adjacent to Ruby Estates; concerned about sewage and water if not handled properly; water quality; water table; overall impact on property values. Hearing from neighbors that it may not be up to handling the addition of six parcels. Interested in seeing reports (email address provided)

#### 3. Diane Godfrey, 260 South Rd., Ruby

Lived there 30 years. Never witnessed Ruby Estate (under new owner) pump septic until recently. Stench from septic. Trailer park in disrepair. Garbage in pond, stream and roadways. Last year or two cutting down trees at Ruby Estates. Land near them is swamp or bluestone; trailer park is swamp. Last storm two pine trees fell and landed on trailers. Concerned about addition of six more trailers to the park – 40 % increase; addition of cars and road is not wide enough; water shed; environment; septic; traffic.

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**MOTION** to close Public Hearing (7:38 PM)

MOTION: Councilman Secreto

SECOND: Councilman Brink

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

*CARRIED*

*Councilman Secreto:* Makes recommendation that building inspector inspects the location for the garbage situation.

*Supervisor:* We do have an annual mobile home permit fee that is accompanied by an inspection. Made note to follow up on that including planning board questions.

*Mr. Hagopian,* on behalf of applicant: Would you like a presentation on the mobile park?

*Supervisor:* At the next meeting. We will put them on the agenda for the next meeting to continue discussion then.

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**Old Business:**

**Resolution Adopting Local Law \_\_\_ of 2018: A Local Law Amending Section 87.6 of Chapter 87 of the Code of the Town of Ulster**

**Resolution of the Town Board**

**TOWN OF ULSTER**

**Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. 1 of 2018 - A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster**

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WHEREAS, an introductory Local Law entitled “A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster” was introduced before the Town Board of the Town of Ulster on March 15, 2018, and upon notice duly published and posted, a hearing was held on April 5, 2018 at 7:10 p.m., before the Town Board,

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

RESOLVED, that the adoption of the introductory local law entitled “A Local Law Amending Section 87-6 of Chapter 87 of the Code of 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. 1 of 2018 - A Local Law Amending Section 87-6 of Chapter 87 of the Code of 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.

**TOWN OF ULSTER**  
Local Law No. 1 of 2018

A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster

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

**Section I.** A new Section 87-6 of Chapter 87 of the Code of the Town of Ulster is hereby enacted as follows:

**§87-6. Basis for establishing areas of special flood hazard.**

The areas of special flood hazard for the Town of Ulster, Community Number 360866, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

A. Flood Insurance Rate Map Panel Numbers

36111C0295E 36111C0315E 36111C0320E 36111C0455E  
36111C0460E 36111C0470E 36111C0480E

whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

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- B. A scientific and engineering report entitled “Flood Insurance Study, Ulster County, New York, All Jurisdictions – dated September 25, 2009.”
  
- C. Letter of map revision, Case Number 16-02-1921P, effective April 5, 2017 revising FIRM Panel 36111C0455F.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the office of the Building Department of the Town of Ulster located at 584 East Chester Street Bypass, Kingston, New York, and the office of the Town Clerk of the Town of Ulster located at 1 Town Hall Drive, Lake Katrine, New York.

**Section II. Severability**

If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section III. Effective Date**

This Local Law shall be effective as provided by law, upon filing and acceptance by the New York State Secretary of State.

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

*CARRIED*

APRIL 5, 2018

**Resolution Authorizing Tax Certiorari Settlement with Petitioner Central Hudson Gas & Electric Corp.**

**RESOLUTION AUTHORIZING TAX CERTIORARI  
SETTLEMENT WITH PETITIONER CENTRAL HUDSON GAS  
& ELECTRIC CORP.**

**WHEREAS**, petitions have been filed by the property owner below challenging real property tax assessments on the Town's assessment roll; and

**WHEREAS**, petitioner's court challenges are now pending in Supreme Court, Ulster County; and

**WHEREAS**, the Town and property owner have reached a mutually agreeable resolution; and

**WHEREAS**, Special Town Attorney Kyle Barnett, Esq., after reviewing information on comparable properties from the Town Attorney and Assessor's office files, believe that this settlement is reasonable and advantageous to the Town; and

**WHEREAS**, the Town Board has had an opportunity to review the Special Town Attorney's file on this matter and has been satisfied that the proposed settlement is deemed to be just, reasonable and in the interest of the Town of Ulster;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Ulster hereby authorizes Special Town Attorney William F. Ryan, Jr. to execute for the property listed below the following settlement on behalf of the Town and all Special Districts at revised assessments of no less than the following amounts:

**SEE STIPULATOIN OF SETTLEMENT AND ORDER ATTACHED HERETO  
AND INCORPORATED HEREIN**

MOTION: Councilman Brink  
SECOND: Councilman Morrow

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

*CARRIED*

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### **Discussion on East Kingston Fire Cleanup**

*Former Methodist Church damaged in a recent fire*

*Supervisor:* Town Attorney, Jason Kovacs, applied to NYS Supreme Court for Order to Show Cause to Atlantic North, Inc., for owner to go to court and explain why they should not be compelled to clean up the property. Hearing scheduled for 4/10/18 at 9:30am. Absent compliance of property owner, Town asking for authorization to enter property and begin cleanup, dispose of materials through DEC guidelines; and recover cost through civil action or assessment against tax levy. Town also seeking authorization to coordinate with DEC for permits and licenses for cleanup. Town is seeking a timely cleanup.

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### **PUBLIC COMMENT**

1. Leslie Lansing, 770 Lincoln Park Place: Re: Cats

Reads letter written to Supervisor from 1/31/18 RE: feral cats and cat law. Neighbors have roaming cats.

*Supervisor:* Would like names of neighbors; he will visit personally.

*LL:* My recourse is to speak to someone higher.

*Supervisor:* We have limitations with agricultural law. We are not supported by the State.

*LL:* I will take it into my own hands. Will give the names.

*Councilman Morrow:* Agrees with Supervisor. No matter what we do, there is little impact.

*LL:* Works very hard to maintain property.

2. Dawn DeLuca: 414 Warren St. Re: Cats

Spring is here, the cats are out in force – breeding and defecating in her yard. Cats should belong to the feeders. Why aren't they held responsible? It is possible that some have rabies.

3. Dan Furman, 273 Riseley St. Re: GlidePath

Glad that the email was read regarding the extended deadline on final scope. This is a hard deadline. Concerned about the public comments being considered. Will this get done by 4/19?

*Supervisor:* There is one of two choices with consultants. If all goes well and the document is finished by the consultant(s), the document will be presented on 4/19; If because of any apparent issues of interpretation/clarification over the next two weeks, e.g. with DEC, we are reliant on DEC's clarification. If we do not get clarification, we will be asking for another extension.



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*DF:* And they do not have to grant it...

Supervisor: When we are trying to clear up ambiguity, it is not in their interest. There are issues related to technical interpretation of standards. It is in their best interest to extend to ensure our interpretation is accurate.

~~ END OF PUBLIC COMMENT ~~

**MOTION to adjourn (7:53 pm):**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk