

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

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

**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 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Frank Petramale, Highway Superintendent (via Zoom)
2. Jason Kovacs, Town Attorney
3. Kyle Berardi, Police Chief
4. Warren Tutt, Building Inspector
5. Two town residents

**ADDITIONS OR CHANGES TO AGENDA** – Addition of a Resolution under “New Business”; Town of Hurley requesting reduction in speed on Hurley Mountain Road.

**PUBLIC DISCUSSION ON AGENDA ITEMS** – None

**APPROVAL OF MINUTES** – July 16<sup>th</sup> (2020-M-212)

MOTION: Councilman Morrow  
SECOND: Councilman Secreto

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

*CARRIED*

**COMMUNICATIONS** – None

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

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AUGUST 20, 2020

**ABSTRACT OF CLAIMS (2020-M-213)**

*Presented by Councilman Van Kleeck*

*August, 2020*

Prepaid Bills:	\$ 326,815.59
Abstract Bills:	\$ 194,725.92
Escrow Bills:	\$ 17,506.00
Reserve:	\$ 1,647.04
<b>TOTAL:</b>	<b>\$ 540,694.55</b>

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MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

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

*CARRIED*

**BUDGET MODIFICATIONS (2020-M-214)**

*Presented by Councilman Van Kleeck*

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

*CARRIED*

AUGUST 20, 2020

**New Business:**

**Resolution Requesting Speed Study on Hurley Mountain Road (2020-R-215)**

*Supervisor:* Increased usage on Hurley Mountain Road as a bikeway. Town of Hurley asked that Town of Ulster participate in speed study reducing the current 55 MPH speed limit to 45 MPH. Town Clerk to send a request to NYSDOT and UC Board of Public Works to conduct study.

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**

**Resolution Requesting Speed Study on Hurley Mountain Road**

**WHEREAS**, the Town of Ulster has received complaints regarding the speed limit on Hurley Mountain Road, and

**WHEREAS**, Hurley Mountain Road is frequented by cyclists and runners; and

**WHEREAS**, the Town of Ulster recommends that the Ulster County Department of Public Works reduce the speed limit on Hurley Mountain Road from the current speed limit of 55 MPH to 45 MPH: therefore, be it

**RESOLVED**, that the Ulster Town Board requests that the Ulster County Department of Public Works have the New York State Department of Transportation conduct such study of Hurley Mountain Road; and be it further

**RESOLVED**, that a copy of this resolution shall be sent to the New York State Department of Transportation, as well as Form TE 9a, to the Ulster County Department of Public Works Commissioner.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

AUGUST 20, 2020

**Presentation and Acceptance of the Town Clerk's Monthly Report for the month of July 2020 (2020-M-216)**

*Reavy:* Monthly report was \$84,500. Building fees alone \$76,010, of which \$39,000 building permit from Central Hudson.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

**Resolution and Order Setting Public Hearing for Sept. 3, 2020 at 7:20 p.m. (Formation of Spring Lake Sewer District) (2020-R-217)**

*At a regular meeting of the Town Board of the Town of Ulster in the County of Ulster, New York, was held at the Town of Ulster Town Hall at 1 Town Hall Drive, Lake Katrine, New York on August 20, 2020 at 7:00 p.m.*

Present:

James E. Quigley 3<sup>rd</sup>, Town Supervisor  
Councilman Eric Kitchen  
Councilman John Morrow  
Councilman Rocco Secreto  
Councilman Clayton Van Kleeck

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In the Matter of the Establishment of the  
Spring Lake Sewer District in the Town of  
Ulster, County of Ulster, Pursuant to  
Article 12-A of the Town Law  
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**RESOLUTION AND  
ORDER CALLING FOR A  
PUBLIC HEARING**

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

WHEREAS, previously hereto a map, plan and report have been prepared by Brinnier & Larios, P.C. in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Ulster, New York, relating to the establishment of a proposed Sewer District, to be known and designated as Spring Lake Sewer District, Town of Ulster, and

WHEREAS, such map, plan and report have been duly filed in the office of the Ulster Town Clerk, New York, and

WHEREAS, the boundaries of the proposed extension of said district are set forth in Schedule A, attached hereto and made a part hereof, and

WHEREAS, the proposed District is bounded and described as follows:

**Beginning at a point along the easterly boundary of the New York State Thruway ,  
said point of beginning being the Southwesterly corner of Parcel S/B/L 56.22-1-2.100  
(Spring Lake Mobile Home Park LLC), and running:**

**1) thence from said point of beginning along the easterly boundary of the New York State Thruway,  
northeasterly 3,035 feet more or less to a point at the municipal boundary of the Town of Ulster and City of  
Kingston.**

**2) thence Southeasterly along the municipal boundary, 460 feet more or less to a point;**

**3) thence Southwesterly, 35 feet more or less to a point;**

**4) thence Southeasterly, 20 feet more or less to a point;**

**5) thence Southwesterly, 55 feet more or less to a point;**

**6) thence Southeasterly, 110 feet more or less to a point;**

**7) thence Southeasterly, 165 feet more or less to a point;**

**8) thence Northeasterly, 15 feet more or less to a point;**

**9) thence Southeasterly, 210 feet more or less to a point;**

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

- 10) thence Northeasterly, 40 feet more or less to a point;
- 11) thence Southeasterly, 125 feet more or less to a point;
- 12) thence Southwesterly, 50 feet more or less to a point;
- 13) thence Southeasterly, 270 feet more or less to a point;
- 14) thence Northeasterly, 70 feet more or less to a point;
- 15) thence Southeasterly, 80 feet more or less to a point;
- 16) thence Southwesterly, 80 feet more or less to a point;
- 17) thence Southeasterly, 95 feet more or less to a point;
- 18) thence Northeasterly, 85 feet more or less to a point;
- 19) thence Southeasterly, 370 feet more or less to a point on the easterly boundary of Lucas Avenue;
- 20) thence Southwesterly along the easterly boundary of Lucas Avenue, 90 feet more or less to a point;
- 21) thence Southeasterly, 225 feet more or less to a point;
- 22) thence Southwesterly, 100 feet more or less to a point;
- 23) thence Southeasterly, 410 feet more or less to a point;
- 24) thence Southwesterly, 210 feet more or less to a point;
- 25) thence Northwesterly, 825 feet more or less to a point on the easterly boundary of Lucas Avenue;
- 26) thence Northeasterly, 130 feet more or less to a point on the westerly boundary of Lucas Avenue;
- 27) thence Westerly along the northerly boundary of Tax Map Parcel 56.22-1-17, 175 feet more or less to a point;
- 28) thence Southwesterly along the westerly boundary of Tax Map Parcels 56.22-1-18 and 56.22-1-19.100, 295 feet more or less to a point;
- 29) thence Southeasterly, 150 feet more or less to a point on the westerly boundary of Lucas Avenue;
- 30) thence Southwesterly along the westerly boundary of Lucas Avenue, 1,005 feet more or less to a point on the southeasterly property corner of Tax Map Parcel 56.22-1-2.100;
- 31) thence Northwesterly, 195 feet more or less to a point;
- 32) thence Southwesterly, 295 feet more or less to a point;

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

AUGUST 20, 2020

33) thence Southeasterly, 150 feet more or less to a point;

33) thence Westerly, 60 feet more or less to a point;

34) thence Northerly, 240 feet more or less to a point;

35) thence Westerly along the southerly boundary of Tax Map Parcel 56.22-1-1, 380 feet more or less to a point;

36) thence Northerly, 85 feet more or less to a point;

37) thence Westerly, along the southerly boundary of Tax Map Parcel 56.22-1-2.100, 130 feet more or less to the point of beginning at the easterly boundary of the New York State Thruway.

Said description further excludes the following Tax Map Parcels, as identified by the County of Ulster, Real Property Tax Service Agency:

56.22-3-14 on Lucas Avenue

56.22-3-15 on Lucas Avenue

And further excludes the following properties on Saccoman Avenue and Spring Lake Drive:

56.22-2-1, 56.22-2-2,56.22-2-3;56.22-2-4,56.22-2-5,56.22-2-6,56.22-2-7,56.22-2-8,

56.22-2-9.1,56.22-2-10.1, 56.22-1-3, 56.22-1-4;56.22-1-5,56.22-1-6,56.22-1-7,56.22-1-8,

56.22-1-9,56.22-1-10, 56.22-1-11, 56.22-1-12; 56.22-1-13;56.22-1-14,56.22-1-15 and

56.22-1-16.

As shown on a map of Proposed Spring Lake Sewer District, Scale 1" equals 150 feet, as prepared by Brinnier and Larios, P.C., Professional Engineers and Land Surveyors, dated March, 2020.

WHEREAS, following preparation of a map, plan and report by Brinnier & Larios, P.C., competent engineers duly licensed by the State of New York, for the proposed establishment of said District, and the construction of a sewer system therein. The LPS conveyance system will be comprised of the following components: 2960 lineal feet of 2 “and 3” diameter high density polyethylene (HDPE) force main,550 lineal feet of 4” diameter HDPE

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

force main, terminal and intermediate flushing connections, valve assemblies and appurtenances, and stubs for future connections, including land or rights in land, pumps and pump systems, original equipment, machinery, furnishings, fittings, connections, fill, services, appurtenances and related site work (the “Sewer Improvement”), said map, plan and report now on file in the office of the Town Clerk; and

WHEREAS, the Town Board will give due consideration to the impact that such construction in District may have on the environment and on the basis of such consideration, the Town Board will determine the environmental impact, if any, to be caused by such construction; and

WHEREAS, the maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$920,000.00, and the plan of financing includes the issuance of \$170,000.00 serial bonds of the Town to finance said cost and the assessment, levy and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefitted thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable;

NOW THEREFORE, BE IT DETERMINED and stated that the estimated cost of hookup fees is \$75.00 per residential property and \$150.00 per commercial property and the estimated cost of the District to the “typical property” (as defined in the Town Law) is \$735.00, annually; and that the Town Board has theretofore caused to be prepared and filed for public



**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

inspection with the Town Clerk, a detailed explanation of how such estimates were computed; and further that the cost of the District to such typical property is not above the average estimated cost to the typical properties for the establishment of similar types of districts, as computed by the State Comptroller, and be it

ORDERED, that a meeting of the Town Board of the Town be held at the Town Hall, 1 Town Hall Drive, Lake Katrine, NY 12449, on September 3, 2020, at 7:20 p.m. to consider the establishment of the proposed District herein referred to and the construction of such sewer system therein, and to hear all persons interested in the subject thereof, concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it

FURTHER ORDERED, that the Town Clerk publish at least once in the Daily Freeman, a newspaper having a general circulation in the Town and hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of section 30 of the Town Law, a copy of this order, certified by said Town Clerk, the first publication thereof and said posting to be not less than 10 nor more than 20 days before the date of such public hearing; and be it

FURTHER ORDERED, that the Town Clerk file a certified copy of this order with the Comptroller of the State of New York on or about the date of publication of a copy of this order.

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

AUGUST 20, 2020

**Resolution Granting Site Plan Amendment Approval for Buffalo Wild Wings  
(1266 Ulster Avenue) (2020-R-218)**

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Buffalo Wild Wings (aka Banta BWW KG, LLC)**

1266 Ulster Avenue  
SBL 48.8-1-19

WHEREAS, the applicant – Buffalo Wild Wings (aka Banta BWW KG, LLC) – is seeking to Amend Site Plan approval originally fully approved in 2018 for a site at 1266 Ulster Avenue SBL 48.8-1-19. Specially the Action is to modify building façade design to be more consistent with current Buffalo Wild Wings branding, and to change the previously approved monument sign to the reuse of an existing, but abandoned pole/pylon sign just south of the site; and,

WHEREAS, the materials submitted to the Planning Board consist of a complete application for such approval; and

WHEREAS, the Town of Ulster Town Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code while the Planning Board serves as advisory to said Town Board; and

WHEREAS, the Amended Site Plan as proposed is not substantially different from that approved in 2018 and therefore is not required to be referred to the Ulster County Planning Board; and

WHEREAS, the Town of Ulster, upon review by the Planning Board of the entire record and decision by the Town Board determined the Proposed Action is an Unlisted Action and a negative declaration is warranted under SEQRA;

WHEREAS, the Town of Ulster Planning Board met on August 11, 2020 and unanimously recommends to the Town Board the granting of Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Issuance of a Negative Declaration under SEQRA;
2. Compliance with applicable zoning and building laws, rules and regulations;
3. Compliance with all representations made by the applicant;

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

4. Approval of all façade improvement amendments proposed and documented by building elevations as filed with the Town of Ulster Planning Board and unanimously recommended by said Planning Board on August 11, 2020;
5. Denial of proposed amendment to use a pole/pylon sign instead of the previously approved monument sign as unanimously recommended by said Planning Board on August 11, 2020 and as consistent with Local Law No. 2 of 2014 adding 190-29.4 to the Town Zoning Code titled U.S. Route 9W Corridor Enhancement Plan;
6. 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
7. All fees, including consultant fees, shall be paid; and,

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Ulster makes a negative declaration for the Action under SEQRA; and,

BE IT FURTHER RESOLVED the Town Board of the Town of Ulster concurs with all seven (7) said conditions, limitations and restrictions reported from the Planning Board (recommendations) and grants Buffalo Wild Wings Site Plan Application conditional site plan approval consistent with said recommendations.

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

AUGUST 20, 2020

**Resolution Granting Site Plan Amendment Approval for JASS Holdings (625 Route 28) (2020-R-219)**

**RESOLUTION TOWN OF ULSTER TOWN BOARD**

**JASS Holdings**

625 Route 28

SBL 47.2-3-22

WHEREAS, the applicant – JASS Holdings – is seeking Amended Site Plan approval to renovate an existing commercial structure and site by adding a 14’ by 36’ office addition and construction of a new 40’ by 80’ warehouse plus delineation of parking and other site improvements; and

WHEREAS, the materials submitted to the Planning Board consist of a complete application for such approval; and

WHEREAS, the Town of Ulster Town Board retains the authority to approve the Site Plan Amendment in accordance with the Town Code while the Planning Board serves as advisory to said Town Board; and

WHEREAS, the Proposed Action was referred to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster;

WHEREAS, the Town of Ulster, upon review by the Planning Board of the entire record and decision by the Town Board determined the Proposed Action is an Unlisted Action and a negative declaration is warranted under SEQRA;

WHEREAS, the Town of Ulster Planning Board met on August 11, 2020 and unanimously recommends to the Town Board the granting of Conditional Site Plan Amendment approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below.

1. Compliance with comments from Ulster County Planning Board.
2. Issuance of a Negative Declaration under SEQRA;
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant;
5. Compliance with submitted site plan, design plans and all details noting that said site plan should show the following: a. notes clarifying references to Parcel I and Parcel II, b. additions of SBL references for adjoining lots, c. documentation of all new light fixtures, and d. note that vegetative slope on extreme rear of site will be left undisturbed;
6. Compliance with any requirements from NYS DOT regarding construction and access to the Route 28 right of way;
7. The Town’s consulting planner and Building Inspector are hereby authorized to approve

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and

8. All fees, including consultant fees, shall be paid; and,

NOW THEREFORE BE IT RESOLVED the Town Board of the Town of Ulster makes a negative declaration for the Action under SEQRA; and,

BE IT FURTHER RESOLVED the Town Board of the Town of Ulster concurs with all eight (8) said conditions, limitations and restrictions reported from the Planning Board (recommendations) and grants JASS Holdings Site Plan Application conditional site plan approval consistent with said recommendations

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

*CARRIED*

### **Discussion on installing an EV Charging Station at Ulster Town Hall**

*Supervisor:* Town in process of installing generator and this is an opportune time for electric charger. Incremental costs conduit and cable from building to police department path. State grant available -- \$4000. Established account with NYSERDA and can submit application.

*Councilman Kitchen:* Understanding that users will be charged a fee to use this.

*Supervisor:* When there are electric vehicles in town fleet, individual department would be charged. Users will be charged. Level 2 charger.

*Councilman Van Kleeck:* Very effective and good idea. Has one at his business. Customers pay with own credit card. No problems at all. Adequate charge in reasonable amount of time. Two cars at one time.

*Supervisor:* Will put package together for Town including costs for next meeting.

AUGUST 20, 2020

**Old Business:**

**Discussion on the Electrical Generator Replacement Project at Town Hall**

*Supervisor:* Site plan in meeting documents, including proposed location of generator. Final electrical analysis tomorrow. Disconnect will be placed in boiler room in PD and will initially provide power to entire Town Hall. Next year senior center own disconnect switch.

*Councilman Morrow:* When we hook up senior center, we will be able to get rid of second Central Hudson service, separate from the town hall. If there is ever a new town hall, this generator can be moved.

*Councilman Secreto:* Senior center emergency center if needed.

**Discussion on the Town Hall Front door Replacement Project**

*Supervisor:* Automated, sliding doors. Thanks Warren Tutt. Doors and glass partial installation in September. Hardware scheduled October 1. Interior doors installed first.

**Discussion on Whittier / Deer Run – Kingsvale Water Co**

*Supervisor:* Received 60 surveys to date. Response is 80% positive. Public Service Commission approved Town's application to be a party to all filings. Deadline early October for Town's submission of expression of interest. In meeting documents, proposal from Walden [Environmental Engineering] /consultant for municipal purchase of utility. Ready for October 5 town board meeting. Cost is \$5,500 to complete work to further support decision for Town's acquisition of water district.

*Councilman Kitchen:* Happy moving ahead and hoping residents come out to future public hearing.

*Councilman Secreto:* We still need information from other residents.

*Supervisor:* This is not an approval to acquire the water district. Only approval to allow engineering report for a future Town board decision.

AUGUST 20, 2020

**Motion to authorize Supervisor to enter into a Professional Services Contract for the Valuation of the Kingsvale Water Co. for a price not to exceed \$5,500 (2020-M-220)**

MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

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

*CARRIED*

**Motion to authorize the Supervisor to sign the Amendment No.1 to Contract No. 2020-0000039 Task Force Agreement with Town of Ulster (2020-M-221)**

*Supervisor:* DWI Taskforce. Reduction in payment due to reduced revenue at County level for DWI penalties.

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

*CARRIED*



AUGUST 20, 2020

**Motion to hire one full time Court Clerk effective 8/31/20 (2020-M-222)**

*Presented by Councilman Kitchen*

Roseanne Kaznowski: \$14.16/hour; six-month probationary period; union; health care; Grade 5, Step 1

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

**Report on status of Police Review Commission**

*Presented by Councilman Van Kleeck & Chief Berardi*

*Van Kleeck*: Met with Berardi several times this month. We have an established committee.

*Berardi*: Ten individuals agreed to participate. Meeting scheduled 8/27/2020. Will go over goals and objectives. Deadline for State is April 1, 2021.

*Van Kleeck*: Reads main mission: trust, respect, functions, public records, policies. Recently received 139-page guide.

*Berardi*: Will add rules, regulations, policies to Town Website; hiring process; accredited agency information; standards must be met.

*Van Kleeck*: Most important task is to ensure a healthy, productive engagement, fostering mutual trust between police and community. Document must be to the town board by end of March, 2021 to produce policy to be ratified by Town Board. All on committee are volunteers. Great cross-section. Berardi and Van Kleeck will facilitate, not run it. Members must be self-determined.

*Berardi*: Encouraging members to speak to others about this information to engage in more conversation and bring dialogue to our meetings. Three rank and file members: sergeant, detective, officer.

**TOWN OF ULSTER TOWN BOARD MEETINGS (14)**

---

AUGUST 20, 2020

*Councilman Kitchen:* Thanks Councilman Van Kleeck.

**~End of Scheduled Agenda~**

**PUBLIC COMMENT** - None

1. *Chief Berardi:* Regarding DWI Task Force agreement – reduction is not a result of productivity. Since becoming Chief in 2017, actually a steady increase in DWI arrests here. Due to COVID, no annual conference, but one Ulster PD officer placed second in DWI arrests in the County.

**~End of Public Comment ~**

**MOTION to adjourn: 7:32 pm (2020-M-223)**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk