

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

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

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

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

ALSO IN ATTENDANCE:

1. Town Attorney, Jason Kovacs
2. Building Inspector, Kathy Moniz
3. Assessor, James Maloney
4. Police Chief, Kyle Berardi
5. 26 Audience Members

ADDITIONS OR CHANGES TO THE AGENDA—

Supervisor: Remove the park improvements item and address at next meeting.

PUBLIC DISCUSSION ON AGENDA ITEMS – None

APPROVAL OF MINUTES – October 4th and October 18th

MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

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ANNOUNCEMENTS –

Councilman Kitchen announces that the Christmas tree lighting is 11/25/18 at 5:30 PM at the senior center.

ABSTRACT OF CLAIMS

Presented by Councilman Brink (previously reviewed by Secreto & Brink)

November, 2018

Prepaid Bills:	\$ 530,778.36
Abstract Bills:	\$ 329,338.40
Escrow Bills:	\$ 5,292.50
Reserve:	\$ 225.08

TOTAL: \$ 865,634.34

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

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BUDGET MODIFICATIONS

Presented by Councilman Brink (previously reviewed by Secreto & Brink)

**General
Fund:**

Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric at Orlando St. Ballfield	95.08
Modify Revenue A2680 (Insur.Recoveries) and Appropriation A3120.201 (Police Vehs. & Prep.) check from U.S. Specialty Insur. Co. for 2009 Police Dodge Charger-DOL-9/17/18 - Insured-William Barton	8,309.33
Modify Revenue A2665 (Sale of Equipment) and Appropriation A3120.201 (Police Vehs. & Prep.) check from Auctions Int'l.- sale of 2010 Police Dodge Charger 4 Door VIN#2B3AA4CT9AH302644	2,800.00
Modify Revenue A2389 (Misc.Rev-Oth Govts) and Appropriation A3120.421 (Veh.Maint.) check from Ul.Co.Probation-Restitution-Syler T. Degroat-glass repair to Police Unit #437	384.51
Modify Revenue A4389 (Fed.Aid-Safety) and Appropriation A3120.430 (Clothing-Cleaning) Fed.Grant-Bullet Proof Vests from DOJ Treas 310/Misc.Pay	1,122.80

**Highway
Fund:**

Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Sept. Gas Reimb.-Oper.Funds	7,500.54
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Oil) Sept. Gas Reimb. (Ruby Fire District)	124.77
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Oil) Sept. Gas Reimb. (E.Kng.Vol.Fire Co.)	345.47
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Oil) Sept. Gas Reimb. (Ul. Fire Dist.#1)	78.05
Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5142.420 (Gas & Oil) Oil) Oct. Gas Reimb. (Ul. Fire Dist.#1)	80.82

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	Modify Revenue D2770 (Misc.Revenue) Water Break - Sunset Garden Apts.-10/2/18	2,507.37
	Modify Appropriations: D5110.100 Wages	788.18
	D5110.440 Blacktop	390.18
	D5110.441 Stone Dust	82.50
	D5130.422 Equip. Maint.	1,246.51
Highway Fund:	Modify Revenue D2680 (Insur.Recoveries) and Appropriation D5130.422 (Equip. Maint.) check from National General - reimb. For damage to 2015 Ford F450 Utility Unit #40-Insured-Jodi Cooper-DOL 9/26/18	1,089.06
	Modify Revenue D2680 (Insur.Recoveries) and Appropriation D5130.422 (Equip. Maint.) check from Permanent Gen.Assurance Corp. - reimb. For damage repairs to Truck #20, 2016 Mack Dump due to MVA-Insured-Richard Depauw-DOL 8/23/18	1,225.11
UI.Water:	Modify Revenue SW1.2770 (Misc.Revenue) and Appropriation SW1.8320.409 (Rep.&Supplies) reimb. from Sunset Garden Apts.- water main break-10/2/18	1,587.31
UI.Sewer:	Modify Revenue SS2.2770 (Misc.Revenue) and Appropriation SS2.8130.423 (Rep.&Maint.) reimb. from Sunset Garden Apts. - water main break-10/2/18	1,116.68

MOTION: Councilman Secreto
 SECOND: Councilman Kitchen

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

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New business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of October 2018

MOTION: Councilman Brink
SECOND: Councilman Kitchen

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

CARRIED

Presentation and Acceptance of the Supervisor's Monthly Report for the month of October 2018

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

Presentation of the form of Payment in Lieu of Taxes Agreement for Solar Energy between the Town of Ulster and Landau Solar, LLC and Landau Solar II, LLC

15 year PILOT under NYS Tax Law 487, should this project be approved and constructed

Presentation of the form of Host Community Agreement between the Town of Ulster and Landau Solar II, LLC

For consideration at a future meeting; memorialization of a payment of \$30,000 for environmental activities from Landau Solar to Town of Ulster as a result of the project sited in the Town of Ulster.

TOWN OF ULSTER TOWN BOARD MEETING (22)

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Resolution granting Conditional Site Plan Amendment Approval for Health Quest – Hudson Valley Mall, 1300 Ulster Ave, Kingston, N.Y. 12401, SBL 48.12-1-1.112

RESOLUTION
TOWN OF ULSTER TOWN BOARD
Conditional Site Plan Amendment Approval
Health Quest - Hudson Valley Mall
1300 Ulster Avenue
S-B-L: 48.12-1-1.112

WHEREAS, the applicants– *Rob Johnson with Hull Property Group for Kingston Mall, LLC (Owner) and Health Quest Systems Inc.*, have concurrently submitted applications for Site Plan Amendment approval for a change-in-use of the former 120,814 square-foot (sf) Macy’s anchor store at the Hudson Valley Mall from retail to medical office; and

WHEREAS, the Proposed Action involves the demolition of 32,965 square feet (sf) of the 120,814 sf former “Macy’s” anchor store and conversion of approximately 88,118-square feet (sf) of the former retail space to a medical office/urgent care facility with ancillary imaging and physical therapy services for Health Quest;

WHEREAS, the materials submitted in support of the Proposed Action includes:

- *Consent Form* signed by representative of Hull Property Group, dated October 8, 2018;
- *Site Plan Application* signed by James Hull, Hull Property Group, dated October 8, 2018;
- *SEQR Short EAF Part 1* prepared by Michael Zolnik, Health Quest dated October 8, 2018;
- *Existing Conditions and Removal Plan* prepared by Tighe & Bond, PC. dated November 13, 2018;
- *Proposed Site Plan* prepared by Tighe & Bond, PC. dated November 13, 2018;
- *Parking Compliance Plan* prepared by Tighe & Bond, PC. dated November 13, 2018;
- *Fire Apparatus Turning and Landscaping Plan* by Tighe & Bond, PC. dated November 13, 2018;
- *Floor Plans Health Quest* prepared by e4h – Environments for Health Architecture dated 11/13/18;
- *Building Elevations* prepared by e4h – Environments for Health Architecture dated 11/13/18; and
- *Sign Details* prepared by e4h – Environments for Health Architecture dated 11/13/18.

- *Consent Form* signed by John G. Mulherin (Agent) Kingston Mall, LLC dated October 9, 2018;
- *Site Plan Review Application* by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018;
- *SEQR Short EAF Part 1* by Robert C. Johnson (Agent) for Hull Property Group dated Oct. 9, 2018; and
- *Cover Sheet* prepared by Hull Property Group dated October 16, 2018;
- *Demolition Site Plan* prepared by Hull Property Group dated October 16, 2018;
- *Site Plan* prepared by Hull Property Group dated October 16, 2018; and
- *Exterior Wall Elevation and Perspective* by Hull Property Group dated October 16, 2018.

WHEREAS, the Town of Ulster Town Board has the authority to approve the Site Plan amendment for this Proposed Action upon a recommendation from the Planning Board; and

WHEREAS, the Town of Ulster Planning Board, at its November 13, 2018 meeting, passed a resolution referring this matter to the Town Board with a recommendation to grant Conditional Site Plan Amendment approval; and

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WHEREAS, the Proposed Action does not require referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster since the site has channelized access and sufficient parking spaces are provided on the site to accommodate the amended Site Plan and change in use and all signs will be required to comply with the Town Code requirements; and

WHEREAS, the Town Board considered of the application materials submitted by the applicant in support of the Proposed Action, along with the comments of its consultants made via memoranda (which memoranda are incorporated herein by reference); and

WHEREAS, the Town of Ulster Town Board, as Lead Agency (only Involved Agency for the Site Plan), upon review of the entire record determined it was a SEQRA *Type II Action* pursuant to 6NYCRR Part 617 of State Environmental Quality Review (SEQR) Law for which no further review is required.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby classifies the proposed Site Plan Amendment as a SEQRA Type II Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board grants Conditional Site Plan Amendment approval for the Proposed Action on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. Applicant provides necessary *cross access* and *common area maintenance agreements* in form acceptable to the Town Attorney;
5. *The applicant addresses all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios and the Town Planner;*
6. *The applicant provides a revised plan to address any requirements by the Town's water and sewer departments including providing details of all water and sewer line connections, meters, easements and agreements for maintenance;*
7. *The applicant provides cut sheets for exterior site lighting around the entrance and perimeter of the building, which shall be International Dark Sky compliant;*
8. The Town's consulting planner, engineer 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.

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Presentation by Health Quest

Michael Zolnik, Project Manager- Health Quest

Larry Bell, VP of Construction & Property Management – Health Quest

Brandee Nelson, P.E. – Tighe & Bond Engineering

Doug Dubrow – U4H

DD: Take down part of Macy’s. Hull on mall side. Efface façade on south wall.

BN: Site improvements: main entrance on west side; new awning; remove old landscape. South side: replace door/bring down in size. East side: three egress points with awnings. There will be 614 parking spaces; code requires 253; 14 handicapped; repave and restripe. Designated snow storage areas – south and west. No entranceway between mall and Healthquest.

DD: Urgent Care at main entrance; a lot of specialty practices; future ambulatory surgery; proposal for digital signs; building is 88,100 sq ft.

Supervisor: Construction schedule?

MZ: Shooting for June occupancy date. Just submitted for demolition permit.

Supervisor: Recommendation to Town Board by Planning Board. Resolution recites presented material considered by the Planning Board.

Town Clerk reads the following into record:

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board hereby classifies the proposed Site Plan Amendment as a SEQRA Type II Action; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board grants Conditional Site Plan Amendment approval for the Proposed Action on the above referenced site subject to the conditions, limitations and restrictions set forth below.

10. Compliance with applicable zoning and building laws, rules and regulations;
11. Compliance with all representations made by the applicant;
12. Compliance with final site plan, design plans and all details as cited herein;
13. Applicant provides necessary *cross access* and *common area maintenance agreements* in form acceptable to the Town Attorney;

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14. *The applicant addresses all technical comments by the Town Designated Engineers (TDE) Brinnier & Larios and the Town Planner;*
15. *The applicant provides a revised plan to address any requirements by the Town's water and sewer departments including providing details of all water and sewer line connections, meters, easements and agreements for maintenance;*
16. *The applicant provides cut sheets for exterior site lighting around the entrance and perimeter of the building, which shall be International Dark Sky compliant;*
17. *The Town's consulting planner, engineer 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*
18. *All fees, including consultant fees, shall be paid.*

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Motion authorizing the hiring of a Part Time Court Officer

Nicholas Craig: Part time; non-union; \$20.00/hour; start date 11/20/18; requested by Judge S. Kesick; currently a peace officer at UCCC.

MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

CARRIED

NOVEMBER 19, 2018

Resolution Authorizing Purchase of Camera Equipment for Sewer Department under the Best Value Policy

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Purchase of Ibak MiniLite Push Camera System under the Local Law to Allow Purchasing of the Best Value

WHEREAS, the Town adopted Local Law #3 of 2013 entitled “A Local Law to Allow Purchasing of the Best Value”,

WHEREAS, the Town Board authorized the purchase on December 22, 2011 of a Premium Mainline Pipe Inspection System which included a Sewer Camera System manufactured by IBAK from Cyncon Equipment, Inc. in the amount of approximately \$159,811,

WHEREAS, the Town Sewer Department has determined a need for a Portable Pushrod Camera System and has obtained a proposal from Cyncon Equipment, Inc. for an Ibak MiniLite Push Camera System that is compatible with the Premium Mainline Pipe Inspection System purchased in 2011.

WHEREAS, the Town Sewer Department recommends that in order to maintain operational integration with the Pipe Inspection System, that the Town Board authorize the purchase of the IBAK MiniLite Push Camera System w/ Hydrus Camera in accordance with the proposal of November 14, 2018 in the amount of \$8,400.00,

RESOLVED, that the Town Board authorizes the purchase by the Town Sewer Department of the equipment under the Town’s Best Value Law in an amount not to exceed \$8,400.00.

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

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Old business:

Motion to authorize the Supervisor to sign the TOU-COK Intermunicipal Agreement for Police Services for 2019

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Resolution Approving Tentative Budget as Preliminary Budget

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

Resolution Approving Preliminary Budget

The Town Board of the Town of Ulster, duly convened in regular session, does hereby resolve as follows:

SECTION 1. Pursuant to and in accordance with the provisions of section 106 of the Town Law, and other applicable provisions of law, the annexed detailed statement of estimated expenditures and revenues be and the same hereby is approved and adopted as the preliminary budget of the Town of Ulster for the fiscal year beginning January 1, 2019. Such preliminary budget shall be filed forthwith in the office of the Town Clerk of the Town of Ulster, where it shall be available for public inspection.

SECTION 2. This resolution shall take effect *nunc pro tunc* as of November 1, 2018.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

Resolution Adopting the Preliminary Budget as the Town Budget for 2019

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

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

NOW, THEREFORE, BE IT RESOLVED that said Preliminary Budget approved and filed as aforesaid including the fire protection district budget and the light district budgets for 2019 is hereby approved, as revised by the Town Board at its meeting held on November 19, 20178 and established as the annual budget for this Town for the fiscal year beginning January 1, 2019, and that such annual budget be so adopted in detail in the minutes of the proceedings of this Town Board, and be it further

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

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

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

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED, that the interest rate established for the borrowing period is 1.5% per annum, and the repayment obligation amount is up to \$20,000.00, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of up to \$20,000.00, to the Glenerie Water District and be it further

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

MOTION: Councilman Brink

SECOND: Councilman Kitchen

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

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

RESOLUTION OF THE TOWN BOARD

TOWN OF ULSTER

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

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

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

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

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

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

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

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

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

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

TOWN OF ULSTER TOWN BOARD MEETING (22)

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

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

RESOLVED, that the interest rate established for the borrowing period is 1.5% per annum, and the repayment obligation amount is \$30,000, plus accrued interest; and be it further

RESOLVED, that the source of funding shall be a Landfill Closure Reserve Fund Interfund loan, in the amount of \$30,000 to the Whittier Sewer District and be it further

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

MOTION: Councilman Secreto

SECOND: Councilman Morrow

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

CARRIED

**PUBLIC HEARING - -7PM – ENVIRONMENTAL IMPACT STUDY PREPARED BY
CYPRESS CREEK RENEWABLES, LLC FOR LANDAU SOLAR I & II**

Presentation:

Present:

Brian Stumpf, Manager at Landau Solar

Rich DeSantos, Langan Engineering: Visual impacts & stormwater

Michael Fishman, Wildlife Biologist: Environmental concerns

Karen Mack, Archaeologist

BS: Cypress Creek in 18 states; focus on commercial solar. This project 6 MW total: 1-2MW and 1-4MW to power up 1300 homes; two interconnection points. April, 2018 – community meeting; Balloon test conducted and made various connections; June, 2018 – worked on scope and environmental issues; public hearing to review the scope and made adjustments.

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RD: Able to combine both sites and reduce number of poles. Landau 2 & 3 became Landau 2. Poles reduced at entrance from 21 to 3. Planning to plant 129 spruce trees at south corner of project due to results of balloon test (visibility). Stormwater – site designed with stormwater manual. Removing trees and converting to meadow: less runoff and altered the direction of stormwater flow. Flows NE toward wetland. No residents adversely affected by water flow. Landau 1: stormwater flows south toward Mountain Rd/Rondout Creek.

Councilman Kitchen: Will this affect the natural spring?

BS: No, we are aware of that area. Will not be affected.

MF: Wetlands and tree clearing. Eleven wetlands labeled; 19 stream segments; none of the wetlands regulated by NYS. Jurisdictional determination from US Army Corp of Engineers not yet received. Mapped 18 ecological types. Total area of disturbance 65 acres; 50 acres of trees.

Councilman Kitchen: Were they involved with project in Town of Kingston?

MF: Yes. Not seen it since project completed. This plan has sedimentary control. Town of Kingston is bluestone.

Councilman Kitchen: Extent of wildlife disturbance?

MF: 120 acres will remain and connected corridor. Advantage is diversifying wildlife. Fenced in but raised 6” off ground to allow passage; 6’ chainlink fence; 1’ barbed wire.

BS: Focus is the re-use of the mined area – situated over top.

KM: Phase IA – Background research – known files from the State to see if site is sensitive of cultural resources. Phase IB – excavation and walkover survey. Looked at 23 acres. Not impacted by quarrying activity. Results: No evidence that cultural resources could be impacted by the project.

Questions:

1. Laura Hartmann: Re: Trees
What will you do with the trees you cut down?
BS: Up for discussion and suggestion with the Town Board.
2. Bill Kemble, Daily Freeman: Re: Contingencies
If you are wrong about stormwater and runoff, as in the Town of Kingston project, what are contingencies?

MF: Town of Kingston project very different. We are going with our plan; it is designed to handle this; studied by engineers; monitoring this very closely.

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Motion to Open Public Hearing: 7:51 pm

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

Comments:

1. Regis Obijiski, 170 Ledge Rd – HANDOUT **Attachment #1**
2. Eileen Murphy: Ledge Rd – HANDOUT **Attachment #2**
3. Laura Hartmann, 45 Birch St.: HANDOUT **Attachment #3**
4. Vicki Lucarini, 170 Ledge Rd.
What studies have been done regarding the pollinator?

MF: By creating meadows, we are assuring an increase in pollinators.

BS: Working with Cornell and will provide results.

VL: Do you know what the increase in stormwater runoff will be? Are you prepared to deal with amount of stormwater from snow and rain?

RD: Site designed in accordance with NYS stormwater regulations. Meadows have higher attraction to stormwater.

MF: Meadows have higher root and stem density.

~ No Further Comments ~

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

Motion to Close Public Hearing (8:09 pm)

MOTION: Councilman Secreto
SECOND: Councilman Brink

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

CARRIED

PUBLIC HEARING – 7:15PM – SITE PLAN APPROVAL, SPECIAL USE PERMIT AND OPEN DEVELOPMENT AREA DESIGNATION FOR THE LANDAU SOLAR, LLC AND LANDAU SOLAR II LLC

Motion to Open Public Hearing (8:10 pm)

MOTION: Councilman Brink
SECOND: Councilman Secreto

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

CARRIED

~ No Public Comment ~

Motion to Close Public Hearing (8:11 pm)

MOTION: Councilman Morrow
SECOND: Councilman Secreto

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETING (22)

NOVEMBER 19, 2018

PUBLIC COMMENT –

~ No Public Comment ~

Motion to Enter Executive Session (8:15 pm) to discuss labor negotiations TOU & TOU PBA

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

Return from Executive Session – No Action Taken

MOTION to adjourn (8:30 pm):

MOTION: Councilman Brink
SECOND: Councilman Morrow

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk