

**TOWN OF ULSTER TOWN BOARD MEETINGS (19)**

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NOVEMBER 5, 2020

**~ PUBLIC HEARING 7:10 pm: Public Hearing on Preliminary Budget**

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**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
2. Jason Kovacs, Town Attorney
3. Warren Tutt, Building Inspector
4. Kyle Berardi, Police Chief
5. Vincent Maggiore, Wastewater Superintendent
6. Bill Kemble, Daily Freeman
7. Four town residents

**ADDITIONS OR CHANGES TO AGENDA – None**

**PUBLIC DISCUSSION ON AGENDA ITEMS – None**

**COMMUNICATIONS – None**

## TOWN OF ULSTER TOWN BOARD MEETINGS (19)

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### COMMITTEE REPORTS

1. Recreation – Rocco Secreto  
Parks: Docks at Rider Park, removal soon and is weather dependent. Meeting with recreation committee soon via Zoom. Will be talking about Easter egg hung. Mens and womens softball over and changes made along the way. Town will be paving basketball courts at mini parks. Thanks water, sewer, highway, supervisor office, and town clerk's office for all work and support. Thanks Chief Berardi for patrol of parks, as they are known hangouts. Happy Birthday to Frank Petramale.
  
2. Finance – Clayton Van Kleeck  
Meet on monthly basis for financial review of paid bills, no concerns.
  
3. Personnel – Clayton Van Kleeck  
Met with Councilman Kitchen and interviewing all new hires within the town. except seasonal, temporary, and highway personnel. Recently worked with justice court and police for hiring needs. Working with Warren Tutt in building dept to hire a new inspector. Will meet with department heads to discuss personnel reviews. Disciplinary hearing on employee conduct recently, which was peaceful, honest, and all reached a mutually agreed upon resolution. Commends all involved.
  
4. John Morrow – Town hall has new ADA compliant doors installed which are great. Worked with Councilman Secreto.

NOVEMBER 5, 2020

**New Business:**

**Presentation of Resolution Adopting the Town Budget for 2021**

*No vote tonight. Budget adoption vote will take place on 11/19/2020*

**Resolution of the Town Board**  
**TOWN OF ULSTER**  
**Resolution Adopting Town Budget for 2021**

**WHEREAS**, this Board having, on November 5, 2020, commencing at 7:10 p.m., duly held a public hearing on the preliminary budget approved by this Board and filed with the Town Clerk for the fiscal year commencing January 1, 2021, including the fire protection district budget and light district budgets for 2021, 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 2021 is hereby approved, as revised by the Town Board at its meeting held on November 5, 2020 and established as the annual budget for this Town for the fiscal year beginning January 1, 2021, 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.

NOVEMBER 5, 2020

**Presentation of Resolution authorizing Supervisor to retain Real Estate Appraiser for Tax Certiorari Matters**

*Supervisor:* Vote at next meeting (11/19). In relation to lawsuits filed against the town re: tax assessments (mostly commercial). We are required to hire an appraiser for tax certiorari matters, to establish values, primary evidence for court cases.

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

**Resolution to Retain Appraisers for Tax Certiorari Matters**

WHEREAS, the Town of Ulster regularly defends upwards of ten to fifteen tax certiorari matters on an annual basis: and

WHEREAS, a certified appraisal prepared by a licensed New York State appraiser is typically required for the successful defense of a tax certiorari matter; now therefore, be it

RESOLVED, that the Town Board of the Town of Ulster, hereby authorizes the Town Supervisor to retain an appropriate and qualified licensed New York State appraiser to assist the Town of Ulster in its various tax certiorari matters for cases filed in 2020, said fees being capped at \$10,000.00 per tax certiorari matter.

NOVEMBER 5, 2020

**Resolution for Site Plan and Lot Line Adjustment for Romeo KIA Dealership,  
1694 Ulster Avenue, SBL# 39.82-2-3.110 & 120 (2020-R-272)**

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

**Romeo KIA Dealership, P-796**

**1670 – 1678 & 1680 – 1694 Ulster Avenue (Route 9W), SBL 39.82-2-  
3.110 & 120 ZONE: RC**

**Site Plan Review w Lot Line Adjustment**

WHEREAS, the applicant – Romeo KIA Dealership with the Consent of 64 Properties, LLC (property owner) – seeks site plan approval with approval of a lot line adjustment for construction of a 18,991 square foot KIA automobile dealership along with associated parking, access, landscaping, and utility infrastructure. Application includes a Lot Line Adjustment to consolidate the existing parcels SBL 39.82-2-3.110 & 120; and,

WHEREAS, the applicant has submitted a complete Site Plan and Lot Line Adjustment application to the Town of Ulster Town Board and Planning Board including a State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Town Board, in coordination with the Planning Board, previously determined the Town Board was lead agency, typed the application as an Unlisted Action, and initiated the coordinated review under the New York State Environmental Quality Review Act (SEQRA); and,

WHEREAS, this application was referred under New York State General Municipal Law 239 to the Ulster County Planning Board who have responded with two (2) binding comments as follows:

“Landscaping. The Quick Check located to the south of this parcel has applied the U.S. Route 9W Corridor Enhancement Plan well with respect to street trees along its frontage, working in concert with the sidewalk, which continues in front of the proposals site. Required Modifications.

Landscaping details will need to be provided and it is highly recommended that the row of street trees be continued northward onto the proposals site as well, utilizing the same variety of trees. Signage. It is unclear from the materials provided whether the proposed signage will meet the standards found in the Town’s zoning statute.”; and,

WHEREAS, the application materials in support of the Proposed Action include:

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Application for Site Plan Review by Romeo KIA, signed by Lucia Romeo, Corporate Counsel, dated 2/27/20  
Signed Owner Consent Form for Filing & Signed Escrow Agreement, dated 2/27/20  
Completed Short Environmental Assessment Form, prepared by Bruce D. Utter, PE, dated 2/29/20  
Approved Site Plan prepared by Bohler Engineering, PC, dated 10/4/06  
Existing and Proposed Site Plans prepared by Praetorius & Conrad, PC, dated 2/27/20  
Floor Plan and Building Elevations prepared by Syvertsen Rigosu, Architects, dated 12/5/19  
Romeo KIA Proposed New Dealership Site Plan – including Cover Sheet, Existing Site Plan, Proposed Site Plan, Proposed Grading Plan, Proposed Utility Plan, Proposed Erosion Control Plan, and Proposed Truck Access Plan prepared by Praetorius & Conrad, PC dated 6/30/20  
Floor Plans for Proposed Building and Building Elevations (2 sheets) prepared by Syvertsen Rigosu, Architects  
Letter from R. Daniel MacKay, NYS Parks, Recreation and Historic Preservation dated March 11, 2020 and stating that “...no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project...” Updated copies of all previously submitted documents, plus  
Traffic Comparison Study by Creighton Manning  
Stormwater Pollution Prevention Plan (SWPPP) by Praetorius and Conrad P.C.  
Lighting specification sheets  
Additional and updated schematics and elevations; and,

WHEREAS, the Town Board, based on Planning Board recommendations from their October 20, 2020 meeting, considered 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).

NOW THEREFORE BE IT RESOLVED, the Ulster Town Board makes a Negative Declaration under SEQRA for this Unlisted Action based on coordinated review with the Town Planning Board and others: and,

BE IT FURTHER RESOLVED, that the Town of Ulster Town Board grants approval of the Lot Line Adjustment element of this application subject to all conditions of approval as stated below;

AND FURTHER BE IT RESOLVED, approval of the Lot Line Adjustment as described above is subject to additional conditions, limitations and restrictions set forth below:

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1. The Plat may be filed with the office of County Clerk after signed by the chairman of the Planning Board; and
2. No changes, erasures, modifications or revisions shall be made to any plat after approval by the Planning Board and endorsed in writing on the plat; and
3. The final Plat must be filed with the Office of the county Clerk within 62 days of the date final Plat is approved by the Planning Board; and
4. All fees, including consultant fees, shall be paid.

BE IT FURTHER RESOLVED that the Ulster Town Board makes final review of this Application and grants Conditional Site Plan approval for the Proposed Action subject to the conditions, limitations and restrictions set forth below:

1. Compliance with any final comments as may be needed from the Town Engineer, Town Sewer Department, Town Water Department, and applicable Fire District.
2. Compliance with comments from Ulster County Planning Board as they specifically relate to landscaping and signage within the Route 9W Corridor Enhancement Plan area; with the exception that the Planning Board recommends over-riding the requested modification for street trees paralleling Route 9W and instead agrees that a series of uniform, evenly spaced, low lying plantings be included in the landscaping that are consistent with the Route 9W Corridor Enhancement Plan and will be reviewed by the Town consulting planner and building inspector;
3. Compliance with applicable zoning and building laws, rules and regulations;
4. Compliance with all representations made by the applicant;
5. Compliance with documentation, site plan, design plans and all details as cited herein;
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;
7. Lighting specifications shall meet, and be documented on the site plan to meet, the maximum average foot candle requirements of the Town code. Additionally, exterior lighting will include controls to dim during hours whenever this approved site plan use is not in operation including at night; and,
8. All fees, including consultant fees, shall be paid.

*Supervisor:* From Town Planning Board. Gives Warren Tutt (building inspector) final say on issuance of building permit. Town Board to require property owner to address issues that were created before they previously abandoned placing the project in this location (e.g. tree cutting and development).

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MOTION: Councilman Morrow

SECOND: Councilman Secreto

**DISCUSSION:**

*Councilman Van Kleeck:* What is an example of what owner is doing to solve these issues?

*Supervisor:* There are two specific issues relation to site development to previous location: 1. All site plan approvals require that the maintenance of storm water plan, that has not been complied with (DEC issue); 2. Notices from neighboring property owners that due to the clear cutting, contractor went further than what was in site plan approval. Expectation that landscaping to alleviate issues of neighboring property owners.

*Councilman Secreto:* Dave Brink called because sign there asking for clean fill. Asking the building inspector to keep an eye out for what constitutes clean fill.

*Tutt:* Spoke to numerous contractors and informed them no dumping fill there without approval from his department.

*Supervisor:* Currently expired site plan. Owner needs to come back again for another site plan review.

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

*CARRIED*



NOVEMBER 5, 2020

**Resolution to Initiate SEQRA and refer Application for review to Ulster County Planning Board for Urban Precast, P808, 6-8 Kieffer Lane, SBL# 48.66-2-2.210 (2020-R-273)**

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Urban PreCast, P-808 6-8 Kieffer Lane, SBL 48.66-2-2.210**  
**ZONE: OM Site Plan Amendment**

WHEREAS, the applicant – Urban PreCast, seeks Site Plan amendment approval for construction of 3,533 square foot addition to existing building; and,

WHEREAS, the applicant has submitted a complete Site Plan Amendment application to the Town of Ulster Planning Board, in coordination with the Ulster Town Board, including a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, based on a review of the application and a recommendation from the Planning Board, the Town Board resolves that this application is for a nonresidential facility involving less than 4,000 square feet is a Type II Action under the New York State Environmental Quality Review Act (SEQRA) and requires no further review or action under SEQRA .

NOW BE IT FURTHER RESOLVED, the Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

*Supervisor:* Small addition to enclose area related to their operations.

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

NOVEMBER 5, 2020

**Resolution to Initiate SEQR and refer Application for review to Ulster County Planning Board for Joseph Emanuele, P-813, 2332 Route 9W, SBL# 39.12-1-24 (2020-R-274)**

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Joseph Emanuele, P-813**  
**2332 Route 9W, SBL 39.12-1-24**  
**ZONE: HC**  
**Site Plan Amendment**

WHEREAS, the applicant –Joseph Emanuele, seeks Site Plan approval for construction of two new storage buildings with stockade fencing extension; 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 a submitted State Environmental Quality Review Act (SEQRA) Short Environmental Assessment Form; and,

WHEREAS, the Planning Board agrees that the Ulster Town Board has final review and approval authority for this application.

NOW THEREFORE BE IT RESOLVED, the Town Board, based on a review of the application and a recommendation from the Planning Board, determines to be designated as lead agency and to type the application as an Unlisted Action under the New York State Environmental Quality Review Act (SEQRA).

NOW BE IT FURTHER RESOLVED, the Town Board formally refers this application to the Ulster County Planning Board for review consistent with the Ulster County Planning Board Land Use Referral Guide and NYS General Municipal Law 239.

*Supervisor:* Small addition to an existing building.

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MOTION: Councilman Van Kleeck

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

**Resolution for Change of Use/Site Plan Findings and Recommendation to  
Town Board for Glenerie Cottages, 101-113 Glenerie Blvd, SBL# 39.7-8-1-200  
(2020-R-275)**

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Glenerie Cottages**  
**101-113 Glenerie Boulevard**  
**SBL 39.7-8-1.200**  
**Change of Use / Site Plan Findings and Recommendation to Town**  
**Board**

WHEREAS, the applicant – Glenerie Cottages – is seeking Change of Use and Site Plan approval to convert and renovate a set of existing cottages from seasonal rentals to year-round residential rentals. Specifically, five (5) cottages will be converted and renovated; and,

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

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

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WHEREAS, the Proposed Action was exempt from referral to the Ulster County Planning Board pursuant to their referral agreement with the Town of Ulster as it is a site plan for re-occupancy or reuse of existing structures not increasing parking and not needed access to County or State road; and,

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon review and recommendations by the Planning Board of the entire record, has determine to be Lead Agency, to designate the Proposed Action is an Unlisted Action, and to declare a negative declaration warranted under SEQRA; and,

BE IT FURTHER RESOLVED, the Town of Ulster Planning Board met on October 20, 2020 and recommends to the Town Board the granting of Change of Use / Site Plan 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;
4. Compliance with submitted site plan, design plans and all details noting that said site plan should show the following: a. removal of a single cottage within the mapped flood hazard area, and b. provision of adequate snow removal and storage at the north end of Glenerie Boulevard;
5. 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
6. All fees, including consultant fees, shall be paid.

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 of the above said conditions, limitations and restrictions (conditions) reported from the Planning Board and grants Change of Use and Site Plan Approval consistent with said conditions

MOTION: Councilman Secreto

SECOND: Councilman Van Kleeck

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

NOVEMBER 5, 2020

**Resolution granting Site Plan Extension to Lincoln Park Grid Support Center, Miron Lane and Frank Sottile Blvd., SBL 48-012-1-2.21, 48.016-1-1, 48.016-1-2.21 (2020-R-276)**

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**SITE PLAN APPROVAL EXTENSION**  
**LINCOLN PARK GRID SUPPORT CENTER**  
***Miron Lane and Frank Sottile Boulevard***  
***Town of Ulster, Ulster County, New York***  
S-B-L: 48.012-1-20, 48.016-1-1 and 48.016-1-2.21

**WHEREAS**, Town of Ulster Town Board, on November 20, 2019, approved an application for Amended Site Plan Approval for Lincoln Park DG LLC to construct the Lincoln Park Grid Support Center (LPGSC), a battery array that provides capacity and ancillary services to the regional electric grid by absorbing (charging) and generating (discharging) electricity as directed by New York Independent System Operator (NYISO), the regional grid operator; and

**WHEREAS**, pursuant to Town of Ulster Town Code Section 145-13, an approval of a proposed use by the Town Board shall be deemed to have expired unless construction of the development shall be actually commenced within twelve (12) months; and

**WHEREAS**, the applicant is seeking and extension of their original Amended Site Plan Approval 1 to enable them to move forward with the development of the Lincoln Park Grid Support Center on the subject site; and

**NOW THEREFORE BE IT RESOLVED** the Town Board of the Town of Ulster, hereby grants Amended Site Plan Approval extension for the above referenced project, 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 site plan, design plans and all details as cited herein;
4. The applicant secures a permit for commercial driveway access from Ulster County DPW;
5. The submits a Lighting Photometric Plan with lighting levels calculated for the plan with levels not to exceed the Illuminating Engineering Society (IES) Outdoor Site/ International Dark Sky Association (IDSA) Area Recommended Illuminance Levels. All luminaires are required to be LED and will need to meet the “fully shielded” definition

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adopted by the International Dark Sky Association (IDSA) or be an approved fixture of IDSA with cut sheets provided

6. The applicant submits a Landscaping Plan that provides additional landscaping, particularly the portion of the property to the east of the switchyard designated to be a stockpile during construction.
7. 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
8. All fees, including consultant fees and all fees for the extension, shall be paid.
9. Amended Site Plan Approval heretofore granted on November 20, 2019, shall be amended, as follows: the approval granted by the Town Board on November 20, 2019 shall be deemed to have expired unless a building permit is issued by the Town and construction actually commences on the subject site no later than November 20, 2021.

*Supervisor:* Issue related to Central Hudson engineering of the power line to interconnect to substation on Boices Lane. Supply chain problems did occur during Covid. Necessity to extend site plan.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

NOVEMBER 5, 2020

**Resolution Declaring Certain Property Surplus, John Clark Drive behind 417 Old Neighborhood Road, Lake Katrine, N.Y. (2020-R-277)**

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**  
**Resolution Declaring Certain Property Surplus**

WHEREAS, in the early 1990s the Town of Ulster acquired a portion of the Right of Way for John Clark Drive from the owners of the then Caldor Plaza (now Burlington Plaza). The acquired right-of-way was accompanied by a Use Agreement between the owners of the land (now the Town of Ulster) and Mr. Roosa and his wife, the then owners of 417 Old Neighborhood Road.

WHEREAS, the Use Agreement covered the backyard of the residence at 417 Old Neighborhood Road that the family has used. The Use Agreement ceased when Mr. and Mrs. Roosa died.

WHEREAS, the current owners of the residence at 417 Old Neighborhood Road would like to acquire said real estate as described on Exhibit A so as to sell to a third party.

WHEREAS, a portion of said real estate as described on Exhibit A attached hereto is no longer needed as described as long as the Town of Ulster's right-of-way and drainage system is protected;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Ulster, in regular session duly convened, does hereby authorize and direct the Supervisor of the Town of Ulster to declare the property described in Exhibit A as surplus, and to enter into an agreement to sell said property, contingent on a Town Board resolution, subject to permissive referendum *Supervisor*: 1992 when town was constructing John Clark Dr., we obtained the right of way of the road including a small portion behind house on corner of Old Neighborhood Road. Written agreement memorializing the use of the vacant lot behind the house by the owner of the house, for their backyard. Current owner of the house requests to buy the backyard. Property surveyed. Discussion with Frank Petramale. Does not impact town drainage or utilities. This parcel is surplus to the town and we can start the process of disposing of it.

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MOTION: Councilman Secreto  
SECOND: Councilman Morrow

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

*CARRIED*

**Resolution authorizing the Supervisor to sign the Facility Encroachment Agreement with CSX Transportation, Inc. for the Ulster Sewer line under the Kingston Yard (2020-R-278)**

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

**Resolution Authorizing the Supervisor to Execute a Facility Encroachment Agreement with CSX**

**WHEREAS**, the Town of Ulster Town Board has previously entered into a license agreement with Penn Central Transportation Company -- the predecessor-in-title to CSX -- dated September 14, 1972, for the installation of sewer pipes under Penn Central tracks at or near the property at 634-654 Ulster Avenue; and

**WHEREAS**, CSX has approached the Town of Ulster about modifying said license agreement due to various building encroachments at 634-654 Ulster Avenue: and

**WHEREAS**, the Town Supervisor, Town Sewer Superintendent, and the Town Attorney, have reviewed the proposed Facility Encroachment Agreement and recommend its adoption by the Town of Ulster Town Board.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board hereby authorizes the Town of Ulster Supervisor to execute the Facility Encroachment Agreement with CSX.



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*Supervisor:* 1972, town obtained easement and license agreement from CSX to construct a sewer line underneath railroad yard across from Business Resource Center on Ulster Avenue. Right of way went behind Bryant Garage. CSX in process of purchasing Bryant property. Can town attorney Kovacs say that this agreement does modify the rights or responsibilities town obtained in 1972 and does not increase liabilities town had under that same agreement?

*Kovacs:* Yes.

*Supervisor:* This agreement is neutral to the town.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

NOVEMBER 5, 2020

**Resolution renaming Ulster Mini Park on Elmendorf Drive in the Town of Ulster to Eagle Scout Park (2020-R-279)**

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

**A Resolution to Rename Ulster Mini Park on Elmendorf Drive in the Town of Ulster to Eagle Scout Park**

WHEREAS, recipients of the highest rank in the Boy Scouts of America, the rank of Eagle Scout, demonstrate a strong sense of duty, honor, and patriotism, making said recipients clear examples of the best qualities of American youth, and

WHEREAS, in the Town of Ulster, Eagle Scouts, through their service projects, have contributed greatly to the betterment of our community in a variety of ways; and

WHEREAS, it is appropriate and fitting that the Town of Ulster recognize all of our community's Eagle Scouts – past and present -- by recognizing them in the name of our current Ulster Mini Park that is located on Elmendorf Drive; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULSTER, THAT: The Town of Ulster hereby changes the name of the Town of Ulster's Ulster Mini Park to Eagle Scout Park.

*Supervisor:* At request of Councilman Secreto. We have had this park improved through several Eagle Scout projects.

MOTION: Councilman Secreto  
SECOND: Councilman Morrow

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

*CARRIED*

NOVEMBER 5, 2020

**Motion to authorize the Supervisor to sign Engagement letters with EFPR Groups, CPAs for the Town of Ulster 2020 Financial Statement Audit**

**Motion to authorize the Supervisor to sign Engagement letters with EFPR Groups, CPAs for the AUP Report for the TOU Justice Court for 2020**

**Motion to authorize the Supervisor to sign Engagement letters with EFPR Groups, CPAs for the AUP Report for the Town of Ulster Town Clerk/Receiver of Taxes for 2020**

(2020-M-280)

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

NOVEMBER 5, 2020

**Resolution authorizing the Supervisor to sign the Final 2017 – 2019 MOA by and Between the Town of Ulster and the Town of Ulster PDA Inc. (2020-R-281)**

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

**Resolution Approving a Memorandum of Agreement (“MOA”) in Connection with the Collective Bargaining Agreement with the Town of Ulster Policemen’s Benevolent Association, Inc. (“PBA”)**

WHEREAS, the Town of Ulster is a party to a Collective Bargaining Agreement with the Town of Ulster Policemen’s Benevolent Association, Inc.; (“PBA”) and

WHEREAS, the existing Collective Bargaining Agreement expired on December 31, 2016; and

WHEREAS, the Town and the PBA have agreed to terms and conditions for a successor agreement which has been set forth in the Memorandum of Agreement (MOA); and

NOW, THEREFORE, BE IT RESOLVED, that Memorandum of Agreement (MOA) between the Town of Ulster and the PBA dated November 3, 2020 and covering the period of January 1, 2017 thru December 31, 2019 is hereby approved; and

BE IT FURTHER RESOLVED, that the Town Supervisor is authorized to execute a successor Collective Bargaining Agreement which is consistent with the terms and conditions set forth in the Memorandum of Agreement (MOA).

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

*CARRIED*

**TOWN OF ULSTER TOWN BOARD MEETINGS (19)**

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**~ PUBLIC HEARING 7:10 pm: Public Hearing on Preliminary Budget**

**Motion to Open Public Hearing (7:20 PM) (2020-M-282):**

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

**Public Comment:**

*Supervisor:* Will bring the revised budget back for a vote at 11/19 Town Board meeting.

Regis Obijiski, 170 Ledge Road (on behalf of Townofulstercitizens.org)

[distributed a handout, attached hereto & placed on Town Website]

- Preliminary budget demonstrates a lot of work by town board & shows less money coming in
- Still a gap of \$56,000; asking that the gap be filled with the fund balance (\$1.7M)
- Would like to offer any help in participating in scripted messages to officials
- Budget is personnel intensive, an obvious place for cutting costs.
- Looked at audits and found answers to: (1) Where does the town's money come from? , (2) Where does the money go? (3) Is there any leftover?, (4) Can we meet our short term financial obligations?, (5) Can we meet our long term financial obligations?
- 80% comes from taxes; most money goes to personnel (over 90%); Is there money leftover? Yes. Discipline should be recognized. Short term expenses reachable. Long term liabilities exceed assets, but not alarming, likely to be met.

**TOWN OF ULSTER TOWN BOARD MEETINGS (19)**

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NOVEMBER 5, 2020

*Supervisor:* Compliments him on review of town's historical. Review minutes from May & June previous years for supervisor's fund balance reviews, reserves and contributions, and Fund Balance Policies on town website.

**Motion to Close Public Hearing (7:34 PM) (2020-M-283):**

MOTION: Councilman Morrow

SECOND: Councilman Secreto

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

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**Discussion on Town Website Development/Hosting**

*Town Clerk:* Currently the town has Digital Towpath as web host. Trying to find a new host. Have two proposals from 1. CivicPlus, and 2. GovTech, which were briefly sent to town board in an email. Awaiting a third proposal from Mark Marshall. Would like the town board to start thinking about acquiring a new web host, not to make a decision tonight.

*Supervisor:* Asks town board who would be willing to assist town clerk in search.

*Councilman Van Kleeck:* Will assist town clerk.

NOVEMBER 5, 2020

**Old Business:**

**Resolution Creating a Road Repair Reserve under GML6-f for Highway Fund (2020-R-284)**

**Resolution of the Town Board**  
**TOWN OF ULSTER**

**Resolution Establishing Snow and Ice Removal and Road Repair Reserve Fund Under General Municipal Law Section 6-f**

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

SECTION 1. That there be and hereby is established a reserve fund to pay for the cost of removal of snow and ice from public thoroughfares and public places of a municipal corporation, and/or the cost of repairing and maintaining roadways.

SECTION 2. Such fund is to be known as the “Snow and Ice Removal and Road Repair Reserve Fund of the Town of Ulster.”

SECTION 3. That the estimated maximum cost of the said capital improvement(s) is unknown at the present time.

SECTION 4. Such sums as may hereafter be appropriated shall become part of the fund.

SECTION 5. The moneys in the fund shall be deposited in a separate bank account.

SECTION 6. The Supervisor, in his discretion, may invest the moneys in the fund in the manner provided in section 6-f of the General Municipal Law of the State of New York. Any interest earned or capital gains realized on the moneys so deposited or invested shall accrue to and become a part of the fund.

SECTION 7. No expenditure shall be made from the fund except by authorization of the Town Board of the Town of Ulster pursuant to the provisions of section 6-c of the General Municipal Law of the State of New York.

SECTION 8. This resolution shall take effect immediately.

NOVEMBER 5, 2020

*Supervisor:* At request of Frank Petramale, intended to take unspent monies appropriated for blacktop, in a year when not fully consumed, and set aside for future emergency blacktop use.

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

*CARRIED*

**Motion to enter into Agreement with Emergency Preparedness Solutions, LLC, for Public Employer Emergency Planning Requirement (2020-M-285)**

*Councilman Van Kleeck:* Governor's plan that must include entire town government. Governor determined that by 4/15, every municipal employer required to have a detailed plan in place. This is more that we can handle in-house and we can contract with EPS, LLC, is a company we can work with to develop a useful package, not just to fulfill the mandate, but a useful package going forward for emergency procedures.

*Councilman Secreto:* Have they worked with other towns?

*Van Kleeck:* This is a new mandate, so not with other towns. Other companies. They are fully aware what is needed. Recommend we accept this and have Supervisor sign.

*Supervisor:* AOT had conference call with 100 municipalities and gave a template for the plan, but a lot of work that has to be done to populate the template. Risk factors must be flushed out. Must be specific to operations of community.

*Van Kleeck:* We have to work with our unions and present to and involve unions. Board needs to accept this, but we would like to expand to other departments. First interaction with company, not concerned about unions. We have to work within state mandates.

*Secreto:* Biggest problem will be with unions.



**TOWN OF ULSTER TOWN BOARD MEETINGS (19)**

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NOVEMBER 5, 2020

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

*CARRIED*

**Motion to set a Public Hearing for Spring Lake Sewer District Performance  
Hearing for Thursday, November 19, 2020 @ 7:10pm (2020-M-286)**

*Supervisor:* Requirement of the small cities program that town is utilizing with a grant for construction of Spring Lake Sewer project. To wrap up and take public input on the value of the project.

MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

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

*CARRIED*

**TOWN OF ULSTER TOWN BOARD MEETINGS (19)**

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NOVEMBER 5, 2020

**Clayton Van Kleeck & Chief Berardi – Police Reform Committee Report**

*Van Kleeck:* Committee is moving along and comfortable with our schedule and timeline. Focus and mission of group is Town of Ulster; there are temptations to get distracted but group comes together to focus on Town of Ulster. Very impressed.

*Berardi:* We are at a great point. Will schedule another group meeting to see where all subcommittees are, to formalize ideas and gather. Will schedule a “Town Hall” in December for all members of the public to participate in public or virtually.

*Councilman Secreto:* Good job.

**PUBLIC COMMENT** - None

**MOTION to adjourn: 7:47 pm (2020-M-287)**

MOTION: Councilman Morrow

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