

**TOWN OF ULSTER TOWN BOARD MEETING (20)**

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October 17, 2019

**~ Public Hearing Scheduled – 7:15 pm**

**East Kingston Fire Protection District 2020 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 JOEL B. BRINK  
TOWN COUNCILMAN ERIC KITCHEN  
DEPUTY SUPERVISOR JOHN MORROW  
TOWN COUNCILMAN ROCCO SECRETO  
SUPERVISOR JAMES E. QUIGLEY 3<sup>rd</sup>

**ALSO IN ATTENDANCE:**

1. Kathy Moniz, Building Inspector
2. Frank Petramale, Highway Superintendent
3. Jason Kovacs, Town Attorney
4. Kyle Berardi, Police Chief
5. 11 Residents

**ADDITIONS OR CHANGES TO THE AGENDA—**

*Councilman Secreto:* Add the Halloween curfew to New Business

**PUBLIC DISCUSSION ON AGENDA ITEMS** – None

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**APPROVAL OF MINUTES** – September 5<sup>th</sup> and September 19<sup>th</sup>

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

**COMMUNICATIONS** – None

**ABSTRACT OF CLAIMS**

*Presented by Councilman Secreto*

Abstract total increased this month due to salt shed bills and payment to City of Kingston Water Department.

*October, 2019*

Prepaid Bills:	\$ 531,189.57
Abstract Bills:	\$ 507,725.87
Escrow Bills:	\$ 6,399.00
Reserve:	\$ 476.71
<b>TOTAL:</b>	<b>\$ 1,045,791.15</b>

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MOTION: Councilman Morrow  
SECOND: Councilman Kitchen

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

*CARRIED*

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**BUDGET MODIFICATIONS**

*Presented by Councilman Secreto*

**BUDGET TRANSFERS**

<b>General Fund:</b>	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) electric at Orlando St. Ballfield	414.42
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Softball League) water usage at Orlando St. Ballfield	54.00
	Modify Appropriation A7140.401 (Rec.Equip.Reserve) to be funded through A5110 (Approp.Reserve-Bddy Bsktbl) reimb. To Suzanne Reavy for purchase of a receipt book	8.29
	Modify Appropriation A9950.900 (Transfer,Cap.Proj-Salt Shed) to be funded thru A5990 (Approp.Fund Balance) town funding construction expenses- Salt Shed Cap. Proj.	75,000.00
	Modify Appropriation A3121.401 (Seizure funds) to be funded through A5110 (Approp.Reserve-Seizure Funds) payment to Andres F. Gomez-Medina for disposition of Case#7010-2019-Tag #408	150.00
	Modify Appropriation A3121.401 (Seizure funds) to be funded through A5110 (Approp.Reserve-Seizure Funds) payment to Tywan C. Buyfield for disposition of Case#7010-2019-Tag #409	1,640.00
	Modify Revenue A2615 (NYS STOP DWI-Drug Evaluation) and Appropriation A3120.101 (OT Wages) check from NYS STOP-DWI FOUNDATION for drug evaluation by Officer Miller - June 24th & June 29th	344.88
	Modify Appropriation A9950.900 (Transfer,Cap.Proj-Salt Shed) to be funded thru A5990 (Approp.Fund Balance) town funding construction expenses - Salt Shed Cap. Proj.	45,000.00
<b>Reverse Budget</b>	Appropriation A9950.900 (Transfer,cap.Proj-Salt Shed) and A5990 (Approp.Fund	

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<b>Mods of Sept. 2019 Hwy. Salt Shed</b>	Bal.) Short Term Advances- Salt Shed Cap. Proj. (\$100,000.00 & \$195,000.00)	295,000.00
<b>Highway Fund:</b>	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Aug. Gas Reimb.-Oper.Funds	6,817.05
	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Oil) Aug. Gas Reimb. (Ruby Fire District)	117.98
<b>Highway Fund:</b>	Modify Revenue D1289 (Oth. Dept. Income) and Appropriation D5110.420 (Gas & Oil) Oil) Aug. Gas Reimb. (Ul.Fire Dist.#1)	80.42
<b>Hwy. Salt Shed Replace. Cap.Proj.</b>	Modify Revenue HH4.5031 (Interfund Transfer) and Appropriation HH4.5197.200 (Constr.) town funding - construction expenses - Salt Shed Cap. Proj.	75,000.00
	Modify Revenue HH4.5031 (Interfund Transfer) and Appropriation HH4.5197.200 (Constr.) town funding - construction expenses - Salt Shed Cap. Proj.	45,000.00
<b>Hwy. Salt Shed Replace. Cap.Proj. Reverse Budget Mods of Sept. 2019</b>	Appropriation HH4.5197.200 (Construction) and Revenue HH4.5031 (Interfund Transfer) Short Term Advances - Salt Shed Cap. Proj. - (\$195,000.00 and \$100,000.00)	295,000.00

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MOTION: Councilman Morrow  
SECOND: Councilman Brink

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

*CARRIED*

**New Business:**

**Presentation and Acceptance of the Town Clerk's Monthly Report for the month of September 2019**

MOTION: Councilman Secreto  
SECOND: Councilman Kitchen

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

*CARRIED*

**Presentation and Acceptance of the Supervisor's Monthly Report for the month of September 2019**

MOTION: Councilman Brink  
SECOND: Councilman Kitchen

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

*CARRIED*

**TOWN OF ULSTER TOWN BOARD MEETING (20)**

October 17, 2019

**Presentation of Resolution to appoint a Temporary Assessor**

*Supervisor:* Suzanne Reavy appointed for a period not to exceed 90 days.

**RESOLUTION OF THE TOWN BOARD**  
**TOWN OF ULSTER**  
**Resolution Appointing Acting Assessor**

WHEREAS, the Town of Ulster does not have a duly acting and appointed Assessor since the previous Assessor, James F. Maloney, died in office on July 11, 2019; and

WHEREAS, the Office of Assessor is vacant; and

WHEREAS, pursuant to Section 314 of the Real Property Tax Law, the Town Board may appoint an "Acting Assessor" who shall assume the duties and functions of the Assessor until such time as a replacement Assessor is appointed.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The recitations set forth above are incorporated in this Resolution as if fully set forth and adopted herein.
2. Suzanne Reavy is hereby appointed Acting Assessor pursuant to the authority set forth in Section 314 of the Real Property Tax Law and said Suzanne Reavy shall function as the Assessor of the Town of Ulster for all purposes until December 31, 2019. Suzanne Reavy shall receive no salary from the Town of Ulster for his/her service as Acting Assessor.
3. The Town Clerk is hereby directed to send a certified copy of this Resolution to the State Board of Real Property Services in Albany, New York, said notice to be sent within fifteen (15) days hereof.
4. This Resolution shall take effect immediately.

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**Motion to accept the resignation of Police Officer Dixon**

*Chief Berardi:* Ended term at the end of September – he went to city of Kingston.

*Councilman Kitchen:* In good standing

MOTION: Councilman Secreto

SECOND: Councilman Kitchen

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

*CARRIED*

**TOWN OF ULSTER TOWN BOARD MEETING (20)**

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**Resolution to Convert Abandoned Motor Vehicle to Municipal Use**

**RESOLUTION OF THE TOWN BOARD**

**TOWN OF ULSTER**

**Resolution to Convert Abandoned Motor Vehicle to Municipal Use**

WHEREAS, the Town of Ulster Police Department caused a certain 2016 Ford Edge (VIN: 2FMPK4J94GGB76292) to be impounded pursuant to the Town of Ulster Town Code; and

WHEREAS, the owner was duly notified that the vehicle was impounded and directed the owner to retrieve the vehicle or it would be deemed abandoned; and

WHEREAS, pursuant to Section 1224 of the New York State Vehicle and Traffic Law, the vehicle is now deemed abandoned as the owner has failed to retrieve it; and

WHEREAS, the Town of Ulster Police Department has determined that said motor vehicle should be converted to municipal use; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board or the Town of Ulster does hereby declare the 2016 Ford Edge (VIN: 2FMPK4J94GGB76292) currently impounded by the Town of Ulster Police Department as abandoned pursuant to Section 1224 of the Vehicle and Traffic Law; and be it further

RESOLVED, that the Town of Ulster Police Department shall take any and all actions required under Section 1224 of the New York State Vehicle and Traffic Law and the regulations of the Department of Motor Vehicles to take title to said motor vehicle in the name of the Town of Ulster and to extinguish any and all liens on said motor vehicle.

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*



October 17, 2019

**Old business:**

**Discussion on 2020 Tentative Budget**

*No additional discussion*

**Resolution Approving Preliminary Budget and Public Presentation**

**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, 2020. 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 as of October 17, 2019.

MOTION: Councilman Brink

SECOND: Councilman Kitchen

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

*CARRIED*

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**Motion to set a Public Hearing for Local Law \_\_ of 2019: A Local Law to Regulate Illegal Dumping for 11/7/19 at 7:25 pm**

MOTION: Councilman Brink  
SECOND: Councilman Secreto

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

*CARRIED*

**Motion to authorize the Supervisor to sign the Project Change Order #1 for Contract TU-182M, Katrine Lane Sewer Project**

*Supervisor:* Quantity and model numbers of pumps changed

MOTION: Councilman Brink  
SECOND: Councilman Morrow

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

*CARRIED*

October 17, 2019

**Resolution to Reaffirm SEQRA Negative Declaration and Referral to the UC Planning Board for the Lincoln Park Grid Support Center, SBL 48.012-1-20, 48.016-1-1 and 48.016-1-2.21**

*Supervisor:* July, 2019: NFPA disclosed new fire codes related to battery storage facilities. Fire codes encouraged alternative structures other than those originally proposed. Will be replaced by series of shipping containers, individually protected. Planning Board asking Town Board to reaffirm SEQRA Negative Declaration and authorize the referral to the Ulster County Planning Board the revised site plan showing the containers.

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**LINCOLN PARK GRID SUPPORT CENTER**  
**REAFFIRMATION of SEQRA NEGATIVE DECLARATION**  
**REFERRAL TO THE ULSTER COUNTY PLANNING BOARD**  
*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**, the Applicant, Lincoln Park DG LLC, seeks amended site plan approval pursuant to the Town of Ulster Zoning Law 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**, the 20 MW battery energy storage facility requires approximately 11,500 battery modules with a collective capacity of approximately 80 megawatt hours (MWh) within 40 non-occupiable containers measuring 40'L x 8'W x 9'H that will be arranged in groups comprised of four containers each; and

**WHEREAS**, the approved Site Plan proposed a 30,000 square foot building to house the batteries, but changes to the New York State Uniform Fire Prevention and Building Code and National Fire Protection Association (NFPA) code 855, allows for the battery containers to be stored out-of-doors; and

**WHEREAS**, the Applicant has submitted a revised Site Plan Set that no longer calls for a 30,000 square-foot building, but instead proposes the placement of 40 non-occupiable battery containers measuring 40'L x 8'W x 9'H that will be arranged in groups comprised of four containers each; and

**WHEREAS**, the materials submitted in support of the application includes; and

- *SEQRA FULL EAF* Part 1 by Chazen Eng. & Land Surveying, & Landscape Architecture P.C, 10/8/2019;

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- *Revised Stormwater Pollution Prevention Plan* prepared by The Chazen Companies, dated 10/8/2019;
- *G001 Title Sheet* for Lincoln Park Grid Support Center by The Chazen Companies, dated 10/8/2019;
- *G002 Notes and Legend* for Lincoln Park Grid Support Center, The Chazen Companies, dated 10/8/19;
- *SV100 Existing Conditions Plan* prepared by The Chazen Companies, dated March 4, 2019;
- *C110 Map of Proposed Lot Line Revisions* prepared by The Chazen Companies, dated February 5, 2019;
- *C130 Site Plan* prepared by The Chazen Companies, dated October 8, 2019;
- *C140 Utility Plan* prepared by The Chazen Companies, dated October 8, 2019;
- *C150 Erosion & Sediment Control and Grading Plan* by The Chazen Companies, dated October 8, 2019;
- *C530 Site Details* prepared by The Chazen Companies, dated March 26, 2019; revised October 8, 2019;
- *C540 Storm Sewer Details* prepared by The Chazen Companies, dated March 26, 2019;
- *C541 Storm Sewer Details* prepared by The Chazen Companies, dated October 8, 2019;
- *C550 Erosion & Sediment Control Details* prepared by The Chazen Companies, dated March 26, 2019;
- *C551 Erosion & Sediment Control Notes* prepared by The Chazen Companies, dated March 26, 2019; and
- *Container Layout 3D Simulation* prepared by The Chazen Companies, dated October 8/2019.

**WHEREAS**, the Current Proposed Action does not exceed any of the thresholds established in the Town Board’s SEQRA Negative Declaration Statement; and

**WHEREAS**, the Town of Ulster Planning Board found the application sufficiently complete and recommended the Town Board reaffirm its SEQRA Negative Declaration and refer this matter to the Ulster County Planning Board.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board reaffirms its SEQRA Type 1-Action Negative Declaration for the Lincoln Park Grid Support Center; and

**FURTHER RESOLVED**, the Town of Ulster Town Board, based upon the above and its own review of the application materials, refers the amended Site Plan application to the Ulster County Planning Board.

MOTION: Councilman Kitchen

SECOND: Councilman Brink

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

*CARRIED*

**TOWN OF ULSTER TOWN BOARD MEETING (20)**

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**Resolution for the Town Board to issue a Special Permit for Odilio Aguirre,  
990 Flatbush Road (NYS Route 32), SBL 48.8-2-24.200**

*Supervisor:* Once Town Board issues special permit, will be referred back to Planning Board for review and approval.

**RESOLUTION**  
**TOWN OF ULSTER TOWN BOARD**  
**Special Permit Approval**

*Odilio Aguirre*

990 Flatbush Road (NYS Route 32)  
S-B-L: 48.8-2-24.200

**WHEREAS**, the applicant – *Odilio Aguirre* – is seeking Site Plan & Special Permit approval to develop a *Contractors Storage Yard* on the subject site, which is situated within the OM-Office Manufacturing Zoning District; and

**WHEREAS**, pursuant to Chapter 145 of the Town Code, the Proposed Action is subject to Site Plan review and approval by the Town of Ulster Planning Board since the Proposed Action involves less than 2,500 sf of new building area; and

**WHEREAS**, pursuant to Chapter 190 of the Town Code, the Proposed Action is subject to Special Permit review and approval by the Town of Ulster Town Board; and

**WHEREAS**, the application materials in support of the Proposed Action includes:

- *Cover Letter* authorizing Diego Celaya & Allan Dumas as (Agents) by Odilio Aguirre dated 6/28/19;
- *Cover Sheet for 990 Flatbush Avenue* by Diego Celaya dated June 28, 2019;
- *Consent Form* by Odilio Aguirre (Owner) consenting to the filing of the application dated 6/28/19;
- *Application for Site Plan Review* prepared by Odilio Aguirre dated June 28, 2019;
- *Short EAF Part 1* prepared by Odilio Aguirre dated June 28, 2019; and
- *Site Plan for Odilio Aguirre* by Christopher J. Zell, LLS and Dennis Larios, P.E., dated June 2019; and revised August 14, 2019.

**WHEREAS**, the Proposed Action is a SEQRA Type II Action pursuant to 6NYCRR Part 617.5(c)(9) of the SEQRA regulations for which no further review is required; and

**WHEREAS**, the Town of Ulster Town Board held its public hearing on the Special Permit request on August 15, 2019 thereby giving it until October 17, 2019 to make a decision; and

**WHEREAS**, this matter was referred to the Ulster County Planning Board (UCPB) and in a letter dated August 7, 2019 issued several required modifications and the Town of Ulster

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Planning Board found the County's concerns were addressed through refinements in the project design and that NYSDOT approval of site access will be condition of Site Plan approval pending the Town Board's approval of the Special Permit to allow the use on the site; and

**WHEREAS**, the Town of Ulster Planning Board referred this matter to the Town Board with a recommendation to grant Special Permit approval.

**NOW THEREFORE BE IT RESOLVED**, the Town of Ulster Town Board grants Special Permit approval and refers this matter back to the Town of Ulster Planning Board for final review of the applicants request for Site Plan approval.

MOTION: Councilman Secreto

SECOND: Councilman Brink

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

*CARRIED*

**Motion to set Halloween Curfew to 8:00 PM for unaccompanied minors**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

October 17, 2019

**~ Public Hearing Scheduled – 7:15 pm**

**East Kingston Fire Protection District 2020 Budget**

**MOTION to open the Public Hearing (7:15 pm):**

MOTION: Councilman Kitchen

SECOND: Councilman Secreto

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

*CARRIED*

**~ NO Public Comment ~**

**MOTION to close the Public Hearing (7:16 pm):**

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

*CARRIED*

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**TOWN OF ULSTER TOWN BOARD MEETING (20)**

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**PUBLIC COMMENT**

1. Lois Smith, Alder Court re: 990 Flatbush Road property

Here on behalf of her family. Central Hudson line that runs through that property. Has copy of that easement for CH main -- blacktop driveway will run across that CH main. Her parents have access via gravel driveway. Has deeds. Map #11287 filed with UC Clerks Office. If right of way is closed, her parents will require 50' access additional right of way. Property is classified as commercial.

*Supervisor:* Town Board has limited action to consider and only issues special use permit. Her points should be brought up at Planning Board. Awaiting documents from Smith.

*LS:* Was at PB and showed them documentation. Aguirre should have known about gravel road when he bought the property.

~ End Public Comment ~

**MOTION to adjourn (7:20 pm):**

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

*CARRIED*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk