

TOWN OF ULSTER TOWN BOARD MEETINGS (16)

SEPTEMBER 17, 2020

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

SALUTE TO THE FLAG

ROLL CALL by Town Clerk, Suzanne Reavy:

TOWN COUNCILMAN ERIC KITCHEN
TOWN COUNCILMAN JOHN MORROW
TOWN COUNCILMAN ROCCO SECRETO
TOWN COUNCILMAN CLAYTON VAN KLEECK
SUPERVISOR JAMES E. QUIGLEY 3rd

ALSO IN ATTENDANCE:

1. Frank Petramale, Highway Superintendent
2. Jason Kovacs, Town Attorney (via Zoon)
3. Warren Tutt, Building Inspector
4. Bill Kemble, Daily Freeman
5. One town resident

ADDITIONS OR CHANGES TO AGENDA – Agenda items re: public hearing times should be 7:10 and 7:15 (typos)

PUBLIC DISCUSSION ON AGENDA ITEMS – None

APPROVAL OF MINUTES – August 6 and August 20 (2020-M-234)

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

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

CARRIED

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COMMUNICATIONS –

1. Letter read from Linda and Art Nelson, Park Road, commending park attendant Randy Sauers and Rocco Secreto, the condition of Robert Post Park this year.
2. Supervisor received a letter from an Ulster Gardens resident with quality of life matter. Supervisor directed letter and concerns to Alfred Allison, of NYS Office of Housing and Community Renewal in Albany, who is responsible for oversight of the project. Will report back.

ABSTRACT OF CLAIMS (2020-M-235)

Presented by Councilman Secreto

September, 2020

Prepaid Bills:	\$ 324,680.91 (+\$300)
Abstract Bills:	\$ 386,814.61
Escrow Bills:	\$ 1,875.00 (-\$300)
Reserve:	\$ 1,012.81
TOTAL:	\$ 714,383.33

MOTION: Councilman Morrow
SECOND: Councilman Kitchen

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

CARRIED

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BUDGET MODIFICATIONS (2020-M-236)

Presented by Councilman Secreto

MOTION: Councilman Van Kleeck

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

New Business:

Presentation and Acceptance of the Town Clerk's Monthly Report for the month of August 2020 (2020-M-237)

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

SEPTEMBER 17, 2020

Presentation and Acceptance of the Supervisor's Monthly Report for the month of August 2020 (2020-M-238)

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

SEPTEMBER 17, 2020

Resolution Establishing Standard Workday for Elected Officials (2020-R-239)

Reavy: Elected and appointed officials who participate in NYS retirement are on this resolution. Calculation of their record of activity is reported to retirement. Earlier this year, the Town Board passed a resolution for Frank Petramale, Eric Kitchen, and me.

RESOLUTION OF THE TOWN BOARD
TOWN OF ULSTER

Resolution Establishing Standard Workday for Elected Officials

WHEREAS, Regulation 315.4 of the New York State and Local Retirement System requires the Governing Body of the town to establish a Standard Workday and Reporting System for all elected and appointed town officers that were elected or appointed after August 12, 2009, and WHEREAS, persons affected are those that are enrolled in the New York State Retirement System as either Tier 2, 3, 4, 5 or 6 members, and

WHEREAS, the persons affected are those that receive monetary compensation for their duties and do not use the town's Time Clock nor use Time Sheets to document their work hours; now therefore be it

RESOLVED, that eight (8) hours is established as the Standard Workday for the Town Supervisor, Town Deputy Assessor, Town Clerk, and Highway Superintendent positions; six (6) hours is established as the Standard Workday for Part Time Assessor, Town Councilman, Town Justice, Planning and Zoning Board members, Board of Assessment Review member positions, and be it further

RESOLVED, that the recording of time worked consists of a three month Time/Work log starting on January 1, 2016. This Time/Work log shall be created and maintained by the affected worker; and be it further

RESOLVED, that once passed, this Resolution shall be posted on the Town's Website and the Official Sign Board for a period of at least 30 days; and be it further

RESOLVED, that the Ulster Town Clerk shall submit a certified copy of the Resolution and affidavit of its posting to the Office of State Comptroller within 15 days after the posting period ends; and be it further

RESOLVED, that once the three month time period Time/Work log is completed, the affected person shall sign and submit their Time/Work log to the Ulster Town clerk; and be it further

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RESOLVED, that the governing Body of the Town shall utilize the Time/Work logs to calculate the percentage of the Standard Workday worked over the 3 month time period and report the findings to the New York State and Local Retirement System so that the New York State and Local Retirement System may determine pension credits; and be it further

RESOLVED, that the Ulster Town Clerk shall retain the Time/Work logs submitted for a period of ten year. Elected or Appointed Officers affected by regulation 2 NYCRR 315.4:

<u>Name</u>	<u>Title</u>	<u>Term of Office</u>	<u>Record of Activities</u>
James E. Quigley 3 rd	Town Supervisor	1/1/2018-12/31/2021	23.81
Marsha S. Weiss	Town Justice	1/1/2020-12/31/2023	Not submitted
Miranda Bernholz	Deputy Assessor	1/1/2020-12/31/2026	17.13
Daniel Baker	Part Time Assessor	1/1/2020-12/31/2026	05.09
John Crispell	Board of Assessment Rvw.	10/1/2019-9/30/2022	Not Submitted
Anna Hayner	Planning Board Member	1/1/2016-12/31/2020	Not submitted
Anna Hayner	Board of Assessment Rvw	10/1/2020-9/30/2023	Not Submitted

MOTION: Councilman Morrow
SECOND: Councilman Kitchen

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

CARRIED

SEPTEMBER 17, 2020

Resolution Authorizing Tax Certiorari Settlement with Petitioner David Moyal for property located at 71-77 Kukuk Lane (2020-R-240)

Supervisor: A number of tax certioraris, property owners that have sued the town for a reduction in assessment. Town obtained an appraisal on this property; appraisal would not substantiate values that our assessor applied to the property. Our attorney negotiated a settlement to freeze assessment at value stated. No refunds and challenges for the next three years.

**RESOLUTION AUTHORIZING TAX CERTIORARI
SETTLEMENT
WITH PETITIONER DAVID MOYAL
FOR PROPERTY
LOCATED AT 71-77 KUKUK LANE**

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

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

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

WHEREAS, Special Town Attorney William F. Ryan, Jr., after reviewing information on comparable properties from the Town Attorney and Assessor's office files, believe that this settlement is reasonable and advantageous to the Town; and

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

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

<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
David Moyal	71-77 Kukuk Lane SBLL 39.16-4-7.100	2019 2020

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<u>Tax Year</u>	<u>Current Assessment</u>	<u>Amount of Reduction</u>	<u>Revised Assessment</u>
2019	\$1,200,000	0.00	\$1,200,000
2020	\$1,200,000	\$400,000	\$800,000

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

SEPTEMBER 17, 2020

Resolution Authorizing Tax Certiorari Settlement with Petitioner Hudson Valley 2011 C/O Wal-Mart Real Estate Trust, for property located at 501-799 Frank Sottile Blvd. (2020-R-241)

Supervisor: This afternoon, Kyle Barnett, of Vandewater & Vandewater advised town he has reached a settlement with WalMart and Lowe's. Reduction in value of \$2.5M in gross value. No refunds of prior years' taxes and freeze value for three years.

RESOLUTION AUTHORIZING TAX CERTIORARI SETTLEMENT WITH PETITIONER HUDSON VALLEY 2011 LLC, FOR PROPERTY LOCATED AT 501-799 FRANK SOTTILE BLVD.

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

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

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

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

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

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

<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
Hudson Valley 2011 LLC	501-799 Frank Sottile Blvd.	2019
	SBL 48.8-1-34.210	2020

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<u>Tax Year</u>	<u>Current Assessment</u>	<u>Amount of Reduction</u>	<u>Revised Assessment</u>
2019	\$21,500,000	0.00	\$21,500,000
2020	\$21,500,000	\$2,500,000	\$19,000,000

MOTION: Councilman Kitchen
SECOND: Councilman Secreto

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

CARRIED

SEPTEMBER 17, 2020

Resolution Authorizing Tax Certiorari Settlement with Petitioner Hudson Valley 2011 C/O Lowes, for property located at 901 Frank Sottile Blvd. (2020-R-242)

Supervisor: Reduction in value of \$430K. Brings the value down to a value equal to that awarded to Home Depot previously. No refunds and freeze value for three years.

**RESOLUTION AUTHORIZING TAX CERTIORARI
SETTLEMENT WITH PETITIONER HUDSON VALLEY 2011
LLC, FOR PROPERTY
LOCATED AT 901 FRANK SOTTILE BLVD.**

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

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

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

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

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

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

<u>Petitioner</u>	<u>Address/Description</u>	<u>Year</u>
Hudson Valley 2011 LLC	901 Frank Sottile Blvd. SBL 48.8-1-34.230	2019 2020

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<u>Tax Year</u>	<u>Current Assessment</u>	<u>Amount of Reduction</u>	<u>Revised Assessment</u>
2019	\$7,365,540	0.00	\$7,365,540
2020	\$7,365,540	\$402,783	\$6,962,757

MOTION: Councilman Morrow

SECOND: Councilman Kitchen

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secreto

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

SEPTEMBER 17, 2020

Resolution Establishing the Spring Lake Sewer District (2020-R-243)

Supervisor: At our last meeting (9/3) a public hearing was held to establish the district.

**RESOLUTION OF THE TOWN OF ULSTER, NEW YORK,
ADOPTED SEPTEMBER 17, 2020, APPROVING THE
ESTABLISHMENT OF SPRING LAKE SEWER DISTRICT IN
SAID TOWN, AND PROVIDING THAT SUCH RESOLUTION
SHALL BE SUBJECT TO PERMISSIVE REFERENDUM**

RECITALS

WHEREAS, the Town Board of the Town of Ulster (herein called “Town Board” and “Town,” respectively), in the County of Ulster, New York, has heretofore duly caused Brinnier & Larios, P.C., competent engineers duly licensed by the State of New York, to prepare a map, plan and report for the proposed establishment of the Spring Lake Sewer District (the “District”) in the Town, consisting of the installation of and the construction of a sewer system therein. The LPS conveyance system will be comprised of the following components: 2960 lineal feet of 2 “and 3” diameter high density polyethylene (HDPE) force main, 550 lineal feet of 4” diameter HDPE force main, terminal and intermediate flushing connections, valve assemblies and appurtenances, and stubs for future connections, including land or rights in land, pumps and pump systems, original equipment, machinery, furnishings, fittings, connections, fill, services, appurtenances and related site work; including land or rights in land, original equipment, machinery, furnishings, services, appurtenances, related site work and ancillary costs (the “Sewer Improvement”); which map, plan and report have been duly filed in the office of the Town Clerk of the Town for public inspection; and

WHEREAS, pursuant to the Order Calling Public Hearing (“Order”) duly adopted on August 20, 2020, the Town Board determined to proceed with the proposed establishment of the said District and adopted an Order reciting a description of the boundaries of the District in a manner sufficient to identify the lands included therein as in a deed of conveyance, the improvements proposed, the maximum amount proposed to be expended for the construction of the said Sewer Improvement, in connection with the District, the proposed method of financing to be employed, the Town’s compliance with all applicable laws, rules and regulations with respect to environmental matters, the fact that a map, plan and report describing the same are on file in the Town Clerk’s office for public inspection and specifying September 3, 2020 at 7:20 p.m. as the time when, and the Town Hall, in the Town, as the place where, the Town Board would meet to consider the proposed District, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the part of the Town Board in relation thereto, as may be required by Law; and

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WHEREAS, certified copies of such Order were duly published, posted and filed pursuant to the provisions of article 12-A of the Town Law; and

WHEREAS, a Public Hearing on the matter was duly held by said Town Board on the 3rd day of September, 2020, commencing at 7:20 p.m. at the Town Hall, at which all interested persons desiring to be heard were heard, including those in favor of, and those opposed to, the proposed District.

NOW, THEREFORE, upon the evidence adduced at such Public Hearing, be it

RESOLVED BY THE TOWN BOARD OF THE TOWN OF ULSTER, IN THE COUNTY OF ULSTER, NEW YORK, AS FOLLOWS:

Section 1. It is hereby determined that:

(a) the Notice of Public Hearing was published, posted and filed as required by Law, and it is otherwise sufficient;

(b) all the property and property owners benefited included within the proposed District hereinabove referred to in the recitals hereof are benefited thereby;

(c) all the property and property owners benefited are included within the limits of the proposed District; and

(d) it is in the public interest to establish the District.

Section 2. The establishment of the proposed District is hereby approved, as hereinafter described, and said District shall be designated and known as Spring Lake Sewer District in the Town of Ulster, and shall be bounded and described as follows:

Beginning at a point along the easterly boundary of the New York State Thruway ,

said point of beginning being the Southwesterly corner of Parcel S/B/L 56.22-1-2.100

(Spring Lake Mobile Home Park LLC), and running:

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

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

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

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

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- 5) thence Southwesterly, 55 feet more or less to a point;
- 6) thence Southeasterly, 110 feet more or less to a point;
- 7) thence Southeasterly, 165 feet more or less to a point;
- 8) thence Northeasterly, 15 feet more or less to a point;
- 9) thence Southeasterly, 210 feet more or less to a point;
- 10) thence Northeasterly, 40 feet more or less to a point;
- 11) thence Southeasterly, 125 feet more or less to a point;
- 12) thence Southwesterly, 50 feet more or less to a point;
- 13) thence Southeasterly, 270 feet more or less to a point;
- 14) thence Northeasterly, 70 feet more or less to a point;
- 15) thence Southeasterly, 80 feet more or less to a point;
- 16) thence Southwesterly, 80 feet more or less to a point;
- 17) thence Southeasterly, 95 feet more or less to a point;
- 18) thence Northeasterly, 85 feet more or less to a point;
- 19) thence Southeasterly, 370 feet more or less to a point on the easterly boundary of Lucas Avenue;
- 20) thence Southwesterly along the easterly boundary of Lucas Avenue, 90 feet more or less to a point;
- 21) thence Southeasterly, 225 feet more or less to a point;
- 22) thence Southwesterly, 100 feet more or less to a point;
- 23) thence Southeasterly, 410 feet more or less to a point;
- 24) thence Southwesterly, 210 feet more or less to a point;
- 25) thence Northwesterly, 825 feet more or less to a point on the easterly boundary of Lucas Avenue;
- 26) thence Northeasterly, 130 feet more or less to a point on the westerly boundary of Lucas Avenue;
- 27) thence Westerly along the northerly boundary of Tax Map Parcel 56.22-1-17, 175 feet more or less to a point;
- 28) thence Southwesterly along the westerly boundary of Tax Map Parcels 56.22-1-18 and 56.22-1-19.100, 295 feet more or less to a point;

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- 29) thence Southeasterly, 150 feet more or less to a point on the westerly boundary of Lucas Avenue;
- 30) thence Southwesterly along the westerly boundary of Lucas Avenue, 1,005 feet more or less to a point on the southeasterly property corner of Tax Map Parcel 56.22-1-2.100;
- 31) thence Northwesterly, 195 feet more or less to a point;
- 32) thence Southwesterly, 295 feet more or less to a point;
- 33) thence Southeasterly, 150 feet more or less to a point;
- 33) thence Westerly, 60 feet more or less to a point;
- 34) thence Northerly, 240 feet more or less to a point;
- 35) thence Westerly along the southerly boundary of Tax Map Parcel 56.22-1-1, 380 feet more or less to a point;
- 36) thence Northerly, 85 feet more or less to a point;
- 37) thence Westerly, along the southerly boundary of Tax Map Parcel 56.22-1-2.100, 130 feet more or less to the point of beginning at the easterly boundary of the New York State Thruway.

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

56.22-3-14 on Lucas Avenue

56.22-3-15 on Lucas Avenue

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

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

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

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

56.22-1-16.

As shown on a map of Proposed Spring Lake Sewer District, Scale 1" equals 150 feet, as

prepared by Brinnier and Larios, P.C., Professional Engineers and Land Surveyors, dated

March, 2020.

Section 3. The maximum amount proposed to be expended for the construction of the Sewer Improvement is estimated to be \$920,000.00, and the plan of financing includes the issuance of \$170,00000 serial bonds of the Town to finance said cost, and the assessment, levy

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and collection of special assessments from the several lots and parcels of land within the District, which the Town Board shall determine and specify to be especially benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit conferred upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 4. The permission of the State Comptroller is not required with respect to the District because the estimated cost of the District to the Typical Property (as defined in the Town Law) is not above the Average Estimated Cost to the Typical Properties for the establishment of similar types of districts, as computed by the State Comptroller, and the Town Clerk has filed a certified copy of the Order with the State Comptroller as required by the Town Law.

Section 5. This resolution shall be subject to a permissive referendum in the manner provided by law and the Town Clerk is directed to publish notice in the Daily Freeman of the adoption of this resolution.

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

Town Councilman Kitchen

Town Councilman Morrow

Town Councilman Secretò

Town Councilman Van Kleeck

Supervisor Quigley

CARRIED

SEPTEMBER 17, 2020

Motion to set a Public Hearing for the 2021 Budget for the East Kingston Fire Company for Thursday, October 1, 2020 at 7:10pm (2020-M-244)

MOTION: Councilman Kitchen
SECOND: Councilman Morrow

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

CARRIED

Motion to set a Public Hearing for a Special Use Permit for the placement of a Mobile Home outside of a Mobile Home Park-Akram Aldhari for Thursday, October 1, 2020 at 7:15pm (2020-M-245)

MOTION: Councilman Secreto
SECOND: Councilman Morrow

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

CARRIED

TOWN OF ULSTER TOWN BOARD MEETINGS (16)

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Motion to authorize the hiring of two seasonal workers for the Highway Dept.

(2020-M-246)

Presented by Councilman Kitchen

1. Justin Binney: laborer; start date 9-11-2020/end date 11-30-2020; \$15/hour
2. Ben Nerone: laborer; start date 9-14-2020/end date 11-30-2020; \$15/hour

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

CARRIED

PUBLIC COMMENT - None

MOTION to adjourn: 7:15 pm (2020-M-247)

MOTION: Councilman Kitchen

SECOND: Councilman Morrow

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

CARRIED

Respectfully Submitted by Suzanne Reavy
Ulster Town Clerk