

## **TOWN OF ULSTER TOWN BOARD WORKSHOP (15)**

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August 4, 2016

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

**SALUTE TO THE FLAG**

**ROLL CALL BY CLERK, Suzanne Reavy:**

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

**ALSO IN ATTENDANCE:**

1. Town Attorney, Jason Kovacs
2. Highway Superintendent, Frank Petramale
3. Building Inspector, Kathy Moniz
4. Officer in Charge, JP Gramoglia
5. Assessor, James Maloney
6. 18 Town Residents

**ADDITIONS OR CHANGES TO AGENDA:** None

**PUBLIC DISCUSSION ON AGENDA ITEMS:** None

**COMMUNICATIONS:**

1. Letter read from Ulster Hose Company #5 regarding fire hydrants and the maintenance, testing, painting and labeling of them. Will assist in maintenance of hydrants and requests the setup of a maintenance schedule.
2. Letter read from Judith Hansen, RE: Request to have Town Board commence litigation against Don Mackenzie and Bucks Junkyard for non-compliance with Town Zoning Codes.

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## **NEW BUSINESS**

**Supervisor Quigley:** Asks the Board to approve taking matters out of order – would like to start off with Bucks Junkyard and the second communication that was just read. Asks Jason Kovacs to give a brief overview of where Town stands regarding the Bucks Junkyard litigation.

**Kovacs:** The Town has commenced a Supreme Court action in 2015 seeking a permanent injunction to close down Bucks Junkyard. Through Mr. Mackenzie's counsel, he agreed to several steps to bring property up to compliance. Given several months. He has not fulfilled some, if not all, requirements. Kovacs asked the Court to assign a Judge to this matter and we will hopefully get a resolution on this matter.

**Supervisor:** In the letter (read as communications), there was reference to the adjoining property. [To Kathy Moniz] Ms. Moniz, are we aware of any of his activity to encroach on the adjacent property?

**Moniz:** Yes, it seems that his business is extending onto the adjoining property.

**Supervisor:** If I recall, this is a property that we have attempted to correct those issues previously and the previous owner died.

**Moniz:** Yes we now have a current name of the current owner.

**Supervisor:** taking the second property, first for discussion, which is the property adjacent.

**Councilman Kitchen:** Yes, Mr. Supervisor. Ms. Moniz, have you issued a notice to remedy on the second property.

**Moniz:** I issued an Order to Remedy for unsafe structure in the past, and it was on the estate. We now have a name of a person and we can issue a violation to the person.

**Kitchen:** Can we shut that down? Can we bring them into Court?

**Moniz:** I believe I have to issue an Order to Remedy first.

**Kitchen:** How much time do you have to wait before...?

**Moniz:** I have to wait 30 days.

**Kitchen:** And Mr. Mackenzie is still operating without a permit in Eddyville?

**Kovacs:** The ultimate goal of the lawsuit is to seek a permanent injunction to shut down the to illegal use of that property.

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*Kitchen:* Do we have an emergency power to shut him down because of the compromised environment, safety?

*Kovacs:* I will look into that.

*Supervisor:* On the first issue regarding the adjacent property to the Junkyard, requests a Town Board **MOTION** to direct the Building Inspector to take compliance action as it relates to the Town's Building and Zoning codes with the new found owner from Queens [to file a Remedy, and if the matter is not corrected, to introduce the issue into the Town of Ulster Town Court for a Remedy Order (at which time the matter is also brought back to the Town Board for possible introduction to the Ulster County Supreme Court)]:

### **Discussion:**

*Councilman Brink:* What is the length of time to do that?

*Supervisor:* I believe you have a statutory limit of 30 days to correct, then upon expiration of the 30 days we have our local Town Court procedures.

*Councilman Secreto:* Are we all up to date on photos at Bucks?

*Moniz:* Yes.

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**

*Supervisor:* On the matter of Bucks, we have a pending litigation in Supreme Court, and the assignment of a Judge. Requests :

**MEMORIALIZING RESOLUTION** to instruct the Town Attorney to pursue this case with all due diligence:

MOTION: Councilman Morrow

SECOND: Councilman Secreto

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

*CARRIED*

### **UPDATE** on Tech-City Demolition Cleanup:

*Supervisor:* Ask Kathy Moniz to give brief update on what is occurring at the site.

*Moniz:* History: On 9/25/2015 Tech City applied for and was granted seven demolition permits to demolish buildings 1, 2, 3, 4, 25, 34, and, and 35. Only one building and part of 35 remain. Bldg. 25 was first to be demolished as it was built after 1/1/1974 and was exempt from asbestos surveys; as bldgs. were being demolished, asbestos surveys and abatement were completed ; tremendous amt of debris throughout facility; Periodic inspections performed & monitored continuously at the Board's request; req Roger Osterhoudt, VP of property management, to log any and all oversight; to date according to his records, they have removed and trucked offsite 1500 T of clean concrete and 750 T of light iron. Moniz witnessed no more than three trucks on site at one given time. Until just recently, primary focus has been on bldg. 25; however, there has been some activity in recent weeks in northern portion of the site. Based on initial directive from the Town Board two months ago, with the Town's deadline of October 1, 2016, feels it is highly unlikely that cleanup will be completed.

*Supervisor:* Some of the issues raised during the course of demolition related to public safety due to dust.

*Moniz:* That has been corrected. They purchased equipment from Hunter Mt. to spray down to debris.

*Supervisor:* Any Town Board member have questions

NONE

Supervisor requests a **MOTION** for the Town Board to issue a Stop Work Order if the demolition process creates any condition that is hazardous to the community:

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MOTION: Councilman Morrow

SECOND: Councilman Brink

### **Discussion:**

*Councilman Secreto:* When is the deadline? October 1. We have to give him the benefit of the doubt right now, that he does meet that.

*Supervisor:* If you recall the first meeting (June 2<sup>nd</sup>), the Town Board had extensive discussion on activity at Tech City. Tech City indicated that they were looking at a four month clean up time, in midst of switching contractors. Town Board made it very clear that the October 1 deadline be honored. How the 10/1 deadline came about. Making sure now that public safety is of utmost importance.

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

*CARRIED*

**MOTION** to Set a Public Hearing for Local Law No. \_\_\_\_\_ 2016, a Local Law providing for the Adoption of a New Chapter \_\_\_\_\_ of the Town Code (Hydrant Law of the Town of Ulster) for August 18, 2016 @ 7:10 pm:

*[available for viewing on the Town Website]*

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*

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**PRESENTATION** of Local Law No. \_\_\_\_ 2016, a Local Law providing for the regulation of and keeping of Poultry:

*[available for viewing on the Town Website]*

**PRESENTATION** by Eagle Scout elect Mitchell Rogerson on the construction of the Grant Avenue Bus Shelters:

Mitchell Rogerson: June, 2014, the Board gave him permission to use land to build two bus shelters [pictures shown to Board]. Finished two weeks ago; thanks Highway Supt, Frank Petramale and Councilman Brink. Shelters are wheelchair accessible. Fundraised approx \$1,000.00 for this project, planning to use for concrete. Concrete was donated by Bonded Concrete. Turns over check for \$515.55 – excess amount after project was completed. Town of Ulster is listed beneficiary.

Supervisor Quigley asks for **MOTION** to set \$515.55 aside to be used as maintenance for the bus shelters:

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*

**PRESENTATION** and **ACCEPTANCE** of the Town Clerk's Monthly Report for the month of July, 2016:

MOTION: Councilman Kitchen  
SECOND: Councilman Secreto

Town Councilman Brink	-Aye
Town Councilman Kitchen	-Aye

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

*CARRIED*

**PRESENTATION** and **ACCEPTANCE** of the Supervisor's Report for the month of July, 2016:  
*[available for viewing on the Town Website]*

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*

**STATUS** update on the Bridge Reconstruction projects on Sawkill Road and the Neighborhood Road Detour:

*Councilman Brink:* Two bridges on Sawkill Rd.

1. By Heritagenergy/Sawkill Ruby Rd:  
Met with project engineering; work progressing; old bridge torn out; will have to make a change at that intersection; the road from Sawkill Ruby toward Sawkill will be closed toward the end of September into October so that the intersection can be fixed. Completion date is December.
2. Thruway Bridge on Sawkill Rd: has to cure for a period of time and then steel will be installed some time in August; completion date is still November.

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*Supervisor:* Advise the Town Board that the Ulster County Highway Department has consented to re-route the bridge detour from Neighborhood Road to Seremma Court. Revised detour signs have been installed. Appeals that traffic use Seremma Court.

**RESOLUTION** to Enforce Provisions of Chapter 96 of Town Code (Grass, Weeds, & Noxious Vegetation) against Real Property at 12 Minuet Lane and 1027 Pine Place:

## **Resolution of the Town Board**

### **TOWN OF ULSTER**

#### **Resolution to Enforce Provisions of Chapter 96 of Town Code (Grass, Weeds & Noxious Vegetation) against Real Property at 12 Minuet Lane and 1027 Pine Place**

**Date: August 4, 2016**

Whereas, the owner and/or tenants of the real property at 12 Minuet Lane and 1027 Pine Place have been found by the Town of Ulster Building Inspector to be in violation of Town Code Sections 96-1 and 96-2; and

Whereas, the Town of Ulster Building Inspector has sent notice by certified mail to the last known address of the owner of 12 Minuet Lane and 1027 Pine Place; said notice included an estimate of the charges the Town would incur if forced to maintain the property at 12 Minuet Lane and 1027 Pine Place if the owner(s) were unable to maintain the property; and

Whereas, the owners of 12 Minuet Lane and 1027 Pine Place were unable to maintain the property pursuant to Chapter 96 of the Town Code; and

Whereas, the Town of Ulster Building Inspector has filed a formal assessment of the charges with the Town of Ulster Town Clerk, who has presented the formal assessment of the charges to the Town of Ulster Town Board, now, therefore, be it

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RESOLVED, that said formal assessment of the charges is based on the presentation and report submitted to the Town of Ulster Town Board; and

BE IT FURTHER RESOLVED, the owners of 12 Minuet Lane and 1027 Pine Place have not complied with Chapter 96 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town shall cause the removal of all garden waste, fallen tree limbs and shall cut and continue to cut the grass to a height not to exceed 6 inches, and any continued maintenance thereafter if the premises at 12 Minuet Lane and 1027 Pine Place continue not to be properly maintained; and

BE IT FURTHER RESOLVED, that the charges shall be sent to the owners of said property for reimbursement; and

BE IT FURTHER RESOLVED, that if said costs and disbursements are not reimbursed within thirty (30) days of the bill, said charges shall be added to the next state, county and town tax bill pursuant to the provisions of Section 96-5 of the Town Code and shall become a lien against the property and filed with the Ulster County Clerk and the Ulster County Commissioner of Finance; and

BE IT FURTHER RESOLVED, that the Highway Department or an appointed contractor is authorized to cut and continue to cut the grass to a height not to exceed 6 inches and to remove and continue to remove all garden waste and fallen tree limbs, solid waste, debris and litter.

MOTION: Councilman Morrow

SECOND: Councilman Brink

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

*CARRIED*

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**MOTION** authorizing the hiring of one Part time employee for the Court Office:

Crystal Boice: \$11.00/hour; requested by Susan Kesick; Start date 8/8/16; no benefits

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*

**MOTION** authorizing the hiring of one ninety day temp dispatcher for the Police Department:

Timothy Quigley: \$15.91/hour; requested by Officer in Charge Gramoglia;  
90 day temp; Full Time competitive; union; competitive.

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*

**MOTION** authorizing the hiring of one part time Police Dispatcher:

Erin Litts: \$15.91/hour; Part time; union; requested by Officer in Charge Gramoglia;  
Start date 8/8/16; experience in T/Lloyd and T/New Paltz PD's.

MOTION: Councilman Brink

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SECOND: Councilman Secreto

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

*CARRIED*

### **OLD BUSINESS**

**MOTION** to authorize the Supervisor to sign Change Order no. 1 to Contract TU-161, Brigham Lane Water Extension, Ulster Water District in the amount of \$153,372.00 for a revised Contract amount of \$511,698.50:

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 COMMENT**

**1. Town Resident, Roz Stark:**

Appreciates the discussion on Bucks Junkyard in Eddyville. Glad that the Town is making progress.

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**2. Town Resident, Paula Strang (President, Town of Ulster Senior Club):**

Treatment of senior center; club banner removed; not allowed to use TV, computer, refrigerator; other things scheduled during their meeting time; we would like the senior center go back to its intended use – for the seniors.

*Supervisor:* For just your club or all seniors in the community?

*Strang:* For all of them, particularly the club. We were told when it was built that we would have first say in everything.

*Councilman Morrow:* Who told you that?

*Strang:* That's what the members say.

*Supervisor:* We have the letter you wrote to the Town. It has been sent to the Building Committee to develop a set of rules, administered by the Town Clerk's office going forward. It is a Town building prioritized by senior functions. There are points in time when the building is vacant and there are other needs, and it is used for other needs. The Building Committee will develop a set of rules and they will be voted on by the Town Board.

*Strang:* Would like to invite Board members to next senior meeting on September 8.

*Supervisor:* The Building Committee consists of John (Morrow) and Eric (Kitchen). Please arrange with them and they will report back to the Board.

*Strang:* Our meeting is at 1:00 on 9/8.

*Supervisor:* Ok, we have the date. Thank you.

**3. Town Resident, Terry Wolf:**

Questioning where the Brigham Lane water extension will end.

*Supervisor:* We had bid the job to go all the way to the end of Brigham Lane, and contract bids came in over budget \$153,000. We had to reduce the scope of the water line by 1250 feet. It will not get to the end of Brigham Lane at this point in time.

**~~ No further Public Comment ~~**

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**MOTION** to go to Executive Session (7:34 PM):

MOTION:      Secreto

SECOND:      Brink

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

*CARRIED*

~~ Back from Executive Session (8:05 PM) – No action taken ~~

**MOTION** to adjourn at 8:05 PM:

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*

Respectfully Submitted by Suzanne Reavy  
Ulster Town Clerk