

Resolution declaring the intent of the Town
of Ulster Town Board to be Lead Agency
with respect to an action proposed by
Central Hudson, 2229- 2271 Ulster Ave,
Lake Katrine, NY, Site Plan Review for
SBL: 39.15-4-11 and authorizing a referral
to the Ulster County Planning Board

August 15, 2019

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

**Initiation of SEQR Type 1 Action-Coordinated Review
Referral to the Town Board
Central Hudson Gas & Electric Training Center
Site Plan, Special Permit and Lot Line Adjustment
S-B-L: 39.15-4-11 and 39.15-4-16**

WHEREAS, the Applicant – *Central Hudson Gas & Electric (CHG&E)* – is seeking *Site Plan & Special Permit* approval to establish a 40,351 square-foot (sf) *Training Academy* that will feature offices and classrooms, a separate 31,358 sf indoor training area, and an outdoor “gas village” containing (6) 120 sf residential training buildings, (1) 800 sf commercial training building, (1) 240 an apartment training building, and simulated electric transmission and distribution pole yards along with a 41,550 sf *Electric Transmission and Distribution Primary Control Center* on the subject 56.51-acre site.; and

WHEREAS, the Applicant is concurrently seeking a *Lot Line Adjustment* involving a 1.8-acre “Land Swap” with the adjacent Bread Alone (Largay, LLC) property; and

WHEREAS, the “*School of Learning*” use is permitted subject to *Site Plan* and *Special Permit* approval in both the R-30 Residential and HC-Highway Commercial Districts and the *Electric Transmission and Distribution Primary Control Center* “public utility” that is situated within the HC Zoning District, is an allowed use subject to *Site Plan* approval; and

WHEREAS, the Town of Ulster Town Board has the authority to approve the Proposed Action (*Site Plan* and *Special Permit*) since the expansion area of the substation is more than one (1) acre, upon a favorable recommendation from the Town of Ulster Planning Board; and

WHEREAS, the Town of Ulster Planning Board has the authority to approve the *Lot Line Adjustment*; and

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

- *Project Narrative* for CHG&E Training Center prepared by Central Hudson Gas & Electric undated;
- *Consent Form* signed by Peter Skelly, Member of Carraig Properties, LLC dated July 29, 2019;
- *Consent Form* signed by Daniel Leader, Member of Largay, LLC dated July 31, 2019;
- *Application for Preliminary Subdivision Plat Approval* prepared by Peter Skelly, dated July 29, 2019;
- *Application for Site Plan & Special Permit Review* prepared by Peter Skelly, dated July 29, 2019;
- *Full EAF Part 1, 2 & 3* by Jessica D. Caserto, Director, Electric T&D Planning dated 7/30/19;
- *Threatened & Endangered Species Habitat Assessment* by Michael Nowicki dated 7/24/19;

Civil Set

- *Cover Sheet* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Existing Conditions Plan* prepared by Brooks & Brooks Land Surveyors, PC dated March 12, 2019;
- *Lot Line Revision Plan* prepared by Brooks & Brooks Land Surveyors, PC dated March 12, 2019;
- *Site Plan* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Grading Plan (South Side)* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Grading Plan (North Side)* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Utility Plan (South Side)* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Utility Plan (North Side)* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Erosion & Sediment Control Details* prepared by Swartz Architecture, DPC dated July 30, 2019; and
- *Site Details* prepared by Swartz Architecture, DPC dated July 30, 2019.

Central Hudson Gas & Electric Training Center
Page 2

Architectural

- *Training Academy Floor Plan* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Primary Control Center Floor Plan* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Training Academy & Primary Control Center Elevation* by Swartz Architecture, DPC dated 7/30/19;
- *Gas Village Floor Plan and Exterior Elevations* by Swartz Architecture, DPC dated July 30, 2019;
- *Annex Floor Plan* prepared by Swartz Architecture, DPC dated July 30, 2019;
- *Annex Exterior Elevations* prepared by Swartz Architecture, DPC dated July 30, 2019; and
- *Annex Exterior Elevations* prepared by Swartz Architecture, DPC dated July 30, 2019.

WHEREAS, the Town of Ulster Planning Board, upon review of the application materials determined the Proposed Action was a *Type 1 Action* pursuant to 6 CRR-NY 617.4 (b)(6) of State Environmental Quality Review (SEQR) Law; and

WHEREAS, Involved Agencies include: Involved Agencies include: Town of Ulster Town Board (Site Plan, Special Permit, Sewer District Expansion and MS4 Acceptance), Town of Ulster Planning Board (Lot Line Adjustment), NYSDEC (SPDES General Permit for Construction Activities and SWPPP), and NYSDOT (Highway Work Permit for Utility Work)); and

WHEREAS, Interested Agencies would include Interested Agencies would include the Town of Ulster Planning Board (Site Plan and Special Permit), Ulster County Planning Board (NYSGML 239 review), United States Army Corps of Engineers (Nationwide Permit), NYS Parks, Recreation Historic Preservation (Consultation), U.S. Fish & Wildlife Service and NYNHP for consultation regarding Threatened and Endangered Species (Indiana Bat, Northern Long-eared Bat, Bog Turtle and Prairie Wedgegrass); and

WHEREAS, the Town’s Consulting Planner recommended to the Planning Board that the Proposed Action be referred to the Town Board for the sole purpose of initiating a SEQR *Type 1 Action-Coordinated Review* with the Town Board so named as Lead Agency; and

WHEREAS, the Town of Ulster Planning Board, at its August 13, 2019 meeting, referred this matter to the Town Board for the sole purpose of initiating a SEQR *Type 1 Action-Coordinated Review* with the Town Board so named as Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board, based upon the above and its own review of the application materials, hereby Declares its Intent to be Lead Agency for a *Type 1 Action-Coordinated Review* and directs the Deputy Town Clerk to circulate a Notice of Intent to all Involved and Interested Agencies.

Motioned by: _____
Seconded by: _____

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor
John Morrow, Deputy Supervisor
Joel Brink, Councilman
Eric Kitchen, Councilman
Rocco Secreto, Councilman

Date: _____

Update on cleanup of 59 Brigham Lane,
Lake Katrine

August 15, 2019

Presentation of Resolution Adopting Local
Law_____ of 2019: A Local Law No. 9 of
1991 entitled “Zoning Local Law of the
Town of Ulster, NY – Utility Structures

August 15, 2019

Resolution of the Town Board

TOWN OF ULSTER

Resolution Authorizing Adoption by the Town Board of the Town of Ulster of Local Law No. ____ of 2019 - A Local Law Amending Local Law No. 9 of the Year 1991 entitled "Zoning Local Law of the Town of Ulster, New York"

Date: August 15, 2019

WHEREAS, an introductory Local Law entitled "A Local Law Amending Local Law No. 9 of the Year 1991 entitled "Zoning Local Law of the Town of Ulster, New York" was introduced before the Town Board of the Town of Ulster on May 2, 2019, and upon notice duly published and posted, a hearing was held on June 6, 2019 at 7:10 p.m., before the Town Board,

WHEREAS, public discussion was heard at such hearing concerning the merits and environmental significant of said introductory local law, and be it

RESOLVED, that the adoption of the introductory local law entitled "A Local Law Amending Section 87-6 of Chapter 87 of the Code of the Town of Ulster" is hereby determined to be a Type II SEQR action, and be it further

RESOLVED, that the Town Board of the Town of Ulster hereby adopts said Local Law No. ____ of 2019 - A Local Law Amending Local Law No. 9 of the Year 1991 entitled "Zoning Local Law of the Town of Ulster, New York," a copy of which is attached hereto and made a part of this resolution, and be it further

RESOLVED, that the Town Clerk be and he hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Ulster, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

TOWN OF ULSTER

Local Law No. _____ of 2019

A Local Law Amending Local Law No. 9 of the Year 1991 entitled "Zoning Local Law of the Town of Ulster, New York"

Be it enacted by at least a majority plus one of the Town Board of the Town of Ulster, New York, as follows:

1. Local Law No. 9 of the Year 1991, as amended, is amended as follows:

The Table of Use Regulations, Town of Ulster, New York shall be amended as follows:

Uses	R-60	R-30	R-10	LC	HC	RC	OM	I	TND	ROD
Utility Company Structures	S	S	S	S	S	S	R/S*	R/S*		R

- 2. In Zoning Districts R-60, R-30, R-10, LC, HC, and RC, utility company structures cannot be larger than 3,500 square feet in total size.
- 3. In Zoning Districts OM, and I, utility company structures with a total area of 3,500 square feet or less remain allowed as of right. Utility company structures with a total area of more than 3,500 square feet require a special permit of the Town Board.
- 4. In no event shall a utility company structure be permitted in any Zoning District of the Town of Ulster if said utility company structure requires an "Air Quality Permit" issued by the New York State Department of Environmental Conservation.
- 5. If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

6. Except as herein modified, Local Law No. 9 of the Year 1991, as amended, is hereby ratified and confirmed.
7. This Local Law shall be effective immediately and the Town Clerk and the Town Supervisor are authorized and directed to file, publish, and post the same as provided by law.

Resolution authorizing the Settlement of the
Article 7 action by Florida Samas Ventures,
Inc. c/o The Home Depot and authorization
for Kyle Barnett, Esq. to sign such papers as
necessary to effectuate said settlement

August 15, 2019

RESOLUTION ____ - of 2019

BE IT RESOLVED, that the Town Board of the Town of Ulster does hereby authorize the settlement of the tax review proceedings instituted by Florida Samas Venture, Inc. c/o The Home Depot USA, Inc., for the tax assessment rolls of 2015, 2016, 2017, 2018 and 2019 for property located at 100 Massa Drive (48.42-03-09.120), as shown on the attached Consent Judgment; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Ulster does hereby authorize Kyle Barnett, Esq. of Van DeWater & Van DeWater, LLP to sign such papers as are necessary to effectuate said settlement.

Dated: August __, 2019
Kingston, New York

Moved: _____

Seconded: _____

Ayes: _____

Nays: _____

At an IAS Term of the Supreme Court of the State of New York, held for the County of Ulster, at 285 Wall Street, Kingston, New York on the _____ day of _____, 2019.

PRESENT: Hon. Christopher E. Cahill, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X

In the Matter of the Application of
FORIDA SAMAS VENTURE, INC.
c/o THE HOME DEPOT USA, INC.

CONSENT ORDER AND
JUDGMENT

Petitioner,

- against -

Index Nos.: 2015-2338
2016-1938
2017-1880
2018-2616

BOARD OF ASSESSMENT REVIEW and/or
ASSESSOR OF THE TOWN OF ULSTER AND
THE TOWN OF ULSTER, ULSTER COUNTY, NEW YORK

Respondents.

-----X

Petitioner having heretofore served and filed the Notices of Petition and Petitions to review assessments made by the Town of Ulster for the assessment years 2015, 2016, 2017, 2018 and 2019 upon certain property located in the Town of Ulster and designated as Section/Block/Lot No. 48.42-03-09.120 the tax maps and assessment rolls of the Town of Ulster; and

The issues of these proceedings having duly come before an IAS Term of this Court, and the Petitioner having appeared by James T. Ryan, III, Esq., of Stavitsky & Associates, LLC, and the Respondents having appeared by Kyle W. Barnett, Esq., of Van DeWater & Van DeWater, LLP, for the Town of Ulster, and the parties having agreed to a settlement of these proceedings, it is

ORDERED, ADJUDGED and DETERMINED that the assessments on the property designated as Section/Block/Lot No. 48.42-03-09.120, (100 Massa Drive) on the tax map and assessment rolls of the Town of Ulster for the assessment years, 2015, 2016, 2017, 2018 and 2019, is hereby reduced, corrected and fixed for the assessment rolls as follows:

Tax Year	Assessed Valuation	Reduction in Assessment	Final Assessment
2015	\$6,905,000	\$0.00	\$6,905,000
2016	\$6,905,000	\$0.00	\$6,905,000
2017	\$6,905,000	\$0.00	\$6,905,000
2018	\$6,905,000	\$0.00	\$6,905,000
2019	\$6,905,000	\$405,000	\$6,500,000

and, it is further

ORDERED, ADJUDGED AND DECREED, that the officer or officers having custody of the aforesaid assessment rolls and the tax rolls of the Town of Ulster shall make or cause to be made upon the proper books and records of said Town the entries, changes and corrections necessary to conform said assessments to such corrected and reduced valuations; and it is further

ORDERED, ADJUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the Town of Ulster or the Ulster County Commissioner of Finance, the amounts, if any, paid as Town and Town Special District taxes any other ad valorem taxes, against the original assessments in excess of what said taxes would have been if the said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York provided, however, if said refund is paid by the Town of Ulster within sixty (60) days of service upon the

Town of Ulster a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED, that there shall be audited, allowed and paid to the petitioner by the County of Ulster the amounts, if any, paid as County and County Special District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the County of Ulster within sixty (60) days of service upon the County of a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further

ORDERED, ADUDGED and DETERMINED that there shall be audited, allowed and paid to the Petitioner by the Kingston Central School District the amounts, if any, paid as School District taxes against the original assessments in excess of what said taxes would have been if said assessments had been made as determined herein together with interest as provided by the respective laws of the State of New York, provided, however, if said refund is paid by the Kingston Central School District within sixty (60) days of service upon the County of a copy of this Order together with a Demand for Payment said refund shall be paid without interest; and it is further

ORDERED, ADJUDGED and DETERMINED that the refunds hereinabove directed to be paid shall by paid by check payable to the order of Stavitsky & Associates, LLC, as attorneys for Petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorneys' lien, pursuant to Judiciary Law §475, and it is further

ORDERED, ADJUDGED and DETERMINED that to the extent any taxes or assessments are unpaid and have already been billed for the Town, School, County and special districts in accordance with the original assessed valuations, the officer or officers having custody of the assessment rolls and/or the tax rolls shall forward to the petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, ADJUDGED and DETERMINED that this Order and Judgment hereby constitutes and represents full settlement of the tax review proceedings herein, and that there are no costs or disbursements awarded to, by, or against any party and that upon compliance with the terms of this Order and Judgment, the above proceedings shall be, and the same hereby are, settled and discontinued with prejudice.

ENTER

HON. CHRISTOPHER E. CAHILL, J.S.C.

Signing and Entry of the within Order is hereby
Consented to:

STAVITSKY & ASSOCIATES, LLC
Attorneys for Petitioner

BY: _____
JAMES T. RYAN, III, ESQ.
Office and P.O. Address
350 Passaic Avenue
Fairfield, New Jersey 07004
Telephone: (973) 227-1912

VAN DE WATER & VAN DE WATER, LLP
Attorneys for Respondents

BY: _____
KYLE W. BARNETT, ESQ.
Office and P.O. Address
85 Civic Center Plaza, Suite 101
P.O. Box 112
Poughkeepsie, New York 12602
Telephone: (845) 452-5900

SHAW, PERELSON, MAY & LAMBERT, LLP
Attorneys for Kingston City School District

BY: _____
MARC E. SHARFF, ESQ.
Office and P.O. Address
115 Stevens Avenue
Valhalla, New York 10595
Telephone: (914) 741-9870

Resolution granting Conditional Site Plan
Amendment Approval and Reaffirm SEQR
Negative Declaration for Kingswood Park
Plaza, 1204 Ulster Ave, Kingston, N.Y.,
SBL 48.8-1-36

August 15, 2019

**RESOLUTION
TOWN OF ULSTER TOWN BOARD**

Kingwood Park Plaza
Conditional Site Plan Amendment Approval
1204 Ulster Avenue
S-B-L: 48.8-1-36

WHEREAS, the applicant – *Paquale Iovieno* with CGD Properties, LLC (Owner)– received *Site Plan approval in 2017* for construction of a two-story 14,400 square foot (sf) retail building along with ancillary driveways and on-site parking areas for 58 vehicles; and

WHEREAS, the applicant – Paquale Iovieno partner with CGD Properties, LLC (Owner) – is seeking Site Plan Amendment approval to change the approved Site Plan from a two-story 14,400 square foot (sf) retail building along with ancillary driveways and on-site parking areas for 58 vehicles to a 1-Story 7,200 square-foot retail building; and

WHEREAS, pursuant to Chapter 145 of the Town Code, the Town Board has the authority to approve the Site Plan; and

WHEREAS, the Town of Ulster Town Board, is still the Lead Agency for this Unlisted-Action Coordinated Review; and

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

- *Transmittal Letter* prepared by Paul B. Jankovitz, RA, Architects/Planners February 1, 2017;
- Review Letter by Town Designated Engineers (TDE) Brinnier & Larios dated February 8, 2017;
- *Title Sheet* prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Project Plan* prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- *Site Plan* prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017; revised 7/29/19;
- *Traffic Control Island Detail* by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- *Road Profile* by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- *Building Floor Plans* prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Building Elevations* by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017; revised 7/29/19;
- *Landscaping Schedule and Details* by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Pavement Details* prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Site Signage Traffic Control* prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Reinforced Concrete Retaining Wall Detail* by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Retaining Wall Reinforce Requirement* by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Guard Rail Details* prepared by Paul B. Jankovitz, RA, Architects/Planners 1/28/2017;
- *Sanitary Sewer Details* prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- *Site Lighting Details/Schedule* by Paul B. Jankovitz, RA, Architects/Planners undated; and
- *Lighting Plan Photometrics* prepared by Paul B. Jankovitz, RA, Architects/Planners dated 1/28/2017;
- *Proposed Grading and Drainage Plan* by Christopher R. DoCharo, P.E., dated February 2, 2017; and
- *Stormwater Pollution Prevention Plan (SWPPP)* by Christopher R. DoCharo, P.E., dated Feb. 2017.

WHEREAS, the *Current Proposed Action* calls for a significantly smaller building addition than the approved plan, so referral to the UCPB and Ulster County Highway is not required; and

Kingwood Park Plaza
Site Plan Approval
Page 2

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

WHEREAS, the Town Board, as the Lead Agency, upon review of the entire record (including SEQR Short EAF Part 1 & 2) found the *Current Proposed Action* would not result in the need to revise its SEQRA Negative Declaration since a significantly smaller building is proposed; and

WHEREAS, the Town of Ulster Planning Board, by motion, referred this matter to the Town Board at its August 13, 2019 meeting is a recommendation to reaffirm the SEQRA Negative Declaration and grant Site Plan Amendment Approval.

NOW THEREFORE BE IT RESOLVED, the Town of Ulster Town Board reaffirms its SEQRA Negative Declaration for the Proposed Action and has determined it has complied fully with the procedural requirements of Part 617 of the State Environmental Quality Review (SEQR) Law; and

FURTHER BE IT RESOLVED, the Town of Ulster Town Board grants conditional Site Plan Amendment approval to *Paquale Iovieno* for the proposed development of *Kingwood Park Plaza* on the above referenced site subject to the conditions, limitations and restrictions set forth below.

1. Compliance with applicable zoning and building laws, rules and regulations;
2. Compliance with all representations made by the applicant;
3. Compliance with final site plan, design plans and all details as cited herein;
4. All conditions established on the original Site Plan approval remain in effect;
5. The Town's consulting planner, engineer and Building Inspector are hereby authorized to approve minor Site Plan changes of a ministerial nature, which may arise due to unforeseen circumstances in the project site development; and
6. All fees, including consultant fees, shall be paid.

Motioned by: _____

Seconded by: _____

All in Favor:

All Opposed:

James E. Quigley, III, Supervisor

John Morrow, Deputy Supervisor

Joel Brink, Councilman

Eric Kitchen, Councilman

Rocco Secreto, Councilman

Date: _____

Resolution Authorizing Acceptance of
Easement from Big Matt Associates for the
Katrine Lane Sewer Project

August 15, 2019

**RESOLUTION AUTHORIZING ACCEPTANCE OF EASEMENT
FROM BIG MATT ASSOCIATES, INC.**

WHEREAS, sanitary sewer lines for the benefit of the proposed Katrine Lane Sewer District are to be installed on lands owned by Big Matt Associates, Inc., Town of Ulster (hereinafter "Grantor"); and

WHEREAS, an easement has been offered by Grantor to the Town of Ulster, and

WHEREAS, the Town Board of the Town of Ulster is desirous of accepting said offered easement on behalf of said Town, and

WHEREAS, the Town Board of the Town of Ulster has examined said instrument, and finds the consideration described above to be fair and reasonable for the value of such taking,

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Ulster does hereby accept an easement from Grantor in accordance with the terms and conditions contained in said instrument, authorizes the Town Supervisor to sign said easement and any transfer documents, and directs that the same be recorded in the Office of the Clerk of the County of Ulster, the fee for said recording to be borne by said Town.

August 15, 2019

Motion to authorize an Advance as a Short-
Term Loan in the amount of \$195,000 from
the General Fund to the Highway Garage
Salt Shed Capital Project

August 15, 2019

Motion to authorize the Payment of Payment
Application No. 1 for Contract TU-192,
Concrete Walls for Salt Storage Building in
the amount of \$187,625 to Precision
Concrete Structures, Inc. of West Hurley,
N.Y. from the Highway Garage Salt
Shed Capital Project

August 15, 2019

DENNIS M. LARIOS, P.E.
Lic. No. 58747

CHRISTOPHER J. ZELL, L.L.S.
Lic. No. 49629

BRINNIER and LARIOS, P.C.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
67 MAIDEN LANE
KINGSTON, NEW YORK 12401
-
TELEPHONE (845) 338-7622
FAX (845) 338-7660

DESIGN
REPORTS
SUPERVISION
CONSULTING SERVICES

SUBDIVISIONS
TITLE SURVEYS
TOPOGRAPHIC SURVEYS

August 5, 2019

Mr. James E. Quigley 3rd, Supervisor
and Town Board
Town of Ulster
Town Hall
Lake Katrine, New York 12449



RE: Payment Application No. 1
Contract No. TU-192
Concrete Walls for Salt Storage Building
Town of Ulster, Ulster County

Dear Supervisor Quigley and Town Board:

We hereby certify that the work, as per the attached Contractor's Payment Application No. 1, has been completed in substantial conformance with the Contract Plans and Specifications and that the amount of \$187,625.00 is now due and owing to Precision Concrete Structures, Inc. of West Hurley, New York.

Also enclosed please find certified payrolls.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

BRINNIER & LARIOS, P.C.

A handwritten signature in black ink that reads "Joseph E. Mihm". The signature is written in a cursive style with a large initial "J".

Joseph E. Mihm, P.E.
Sr. Project Engineer

JEM/prl
Enclosures
cc: Precision Concrete Structures, Inc.
Charlie Livermore, Resident Engineer

Town of Ulster

1 Town Hall Dr.
Lake Katrine, NY 12449
(845) 382-2765



Voucher

To: Precision Concrete Structures, Inc.
 460 Stone Road
 West Hurley, NY 12491
 845-338-9027

Check One

General Fund

Highway Fund

Sewer Districts
Ulster, Whitler, Washington Ave

Water Districts
Ulster, Hnlycon Park, Bright Acres, Spring Lake, Sawkill Road/Cherry Hill, Glenoric and East Kingston

Invoice Date	Invoice #	Description	Unit Price	Line Total
08/01/2019	1	Salt Storage Building Footers & Walls		197,500.00
		Less Retainage		(-9,875.00)
Total				187,625.00

I HEREBY CERTIFY that the above named articles were delivered to the Town of Ulster, upon the date indicated, and that the service above charged for, have been rendered at the time indicated and that such articles and services were for the sole use and benefit of the Town of Ulster, Ulster County, NY

Vendor Signature

For Town Use Only

Department Approval

The above services or materials were rendered or furnished to the Town on the dates stated and charges are correct.

James S. Dupley 3rd

8/16/2019
Date

Town Board Approval

This claim is approved and ordered paid from the appropriations indicated above.

Date Received by Dept. _____

Date Received by Purchasing _____

Date Processed by Purchasing _____

Account # _____

Abstract # _____

Check # _____

Date _____

P.O. # _____

APPLICATION AND CERTIFICATION FOR PAYMENT

AIA DOCUMENT G702

PAGE ONE OF TWO PAGES

TO CONTR: Town of Ulster
 PROJECT: Salt Storage Building
 584 East Chester Street Bypass
 Ulster, NY 12401

APPLICATION NO: 1
 PERIOD TO: 8/1/2019
 DISTRIBUTION TO:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR:
 Precision Concrete Structures, Inc.
 460 Stone Road
 West Hurlay, NY 12491

VIA ARCHITECT: N/A
 PROJECT NOS:
 CONTRACT DATE 05/30/19

Poured Concrete Walls

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

- 1. ORIGINAL CONTRACT SUM \$ 205,500.00
- 2. Net change by Change Orders \$
- 3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 205,500.00
- 4. TOTAL COMPLETED & STORED TO DATE (Column G on G703) \$ 197,500.00

- 5. RETAINAGE:
 - a. % of Completed Work \$ 9,875.00
(Column D + E on G703)
 - b. % of Stored Material \$ n/a
(Column F on G703)

- Total Retainage (Lines 5a + 5b or Total in Column I of G703) \$ 9,875.00
- 6. TOTAL EARNED LESS RETAINAGE \$ 187,625.00
(Line 4 Less Line 5 Total)
- 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate) \$ 0.00
- 8. CURRENT PAYMENT DUE \$ 187,625.00
- 9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less 6) \$ 17,875.00

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

CONTRACTOR:



By: _____ Date: 8/1/19

Subscribed and sworn to before me this 1st day of August, 2019, ALISON ROOSA, Notary Public, State of New York, County of Ulster, State of New York, Registered in Ulster County, Registration No. 01RO6383274, Commission Expires: Nov. 13, 2022. My Commission expires on: Nov 13, 2022

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 187,625.00

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

ARCHITECT: _____ Date: 8/2/19

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Motion to authorize the signing of the
School Resource Officer Agreement
between the Town of Ulster and Kingston
City School District for the
2019 - 2020 school year

August 15, 2019

SCHOOL RESOURCE OFFICER AGREEMENT

AGREEMENT MADE this day of August 2019, by and between the KINGSTON CITY SCHOOL DISTRICT, having its principal in place of business at 21 Wynkoop Place, Kingston, New York (hereinafter the “district”) and the ULSTER POLICE DEPARTMENT, having its principal place of business at 1 Town Hall Drive, Lake Katrine, New York (hereinafter referred to as “Ulster Police”).

WHEREAS, pursuant to the provisions of section 119-0 of the General Municipal Law, the district and the Ulster Police are authorized to enter into the agreement described herein; and

WHEREAS, the district and the Ulster Police wish to enter into such agreement for the purpose of the Ulster Police placing a Police Officer to serve as the School Resource Officer (SRO) in The M. Clifford Miller Middle School.

WHEREAS, the district has agreed it will reimburse the Ulster Police for its expense in providing an SRO for the districts schools.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and compliance with the parties agree as follows:

1. The Ulster Police agree to provide to the district one (1) Police Officer to serve as a School Resource Officer (SRO) in the M. Clifford Miller Middle School. The services to be performed by the SRO include but are not limited to:
 - A. Peer mediation for students to resolve conflicts.
 - B. Safety instruction for student and parents in areas such as sexual harassment, bicycle safety, school bus safety, substance abuse prevention, internet and computer safety, bullying.

- C. Conferences with the school personnel to assist regarding law enforcement and crime prevention issues.
- D. Attendance at monthly meetings at the Miller Middle School, including parent meetings, school safety committees, district-wide safety committee.
- E. Attendance at meetings with community agencies and organizations that offer assistance to children and families such as mental health clinics, drug treatment centers, youth associations, etc. Where necessary, the SRO may make recommendations for referrals.
- F. Assist the building principal in developing plans and strategies to prevent and/or minimize dangerous situations in their buildings and at school-sponsored events and activities.
- G. Maintain a vigilant eye and ear in the community as a preventive measure regarding possible violence in the schools and the community.
- H. Maintain a look-out for irregular occurrences in the school, such as trespassers, assaults, etc, and notifying District Personnel of any such observations.
- I. Respond to emergency situations in the school as necessary.
- J. Initiate law enforcement action as necessary and notify the building principal as soon as possible, and, whenever practicable advise the principal before requesting additional law enforcement assistance on campus and undertake all additional law enforcement responsibilities at the building principal's direction.
- K. Reaffirm the role as law enforcement officer by wearing the Ulster Police uniform, unless doing so would be inappropriate for scheduled school activities.

However, the uniform shall be worn at all events where it will enhance the image of the SRO and his abilities to perform duties.

- L. Performing other services for the safety and security of the students and staff, as directed by the Superintendent of Schools or Building Principal.

Under no circumstances shall an SRO be a school disciplinarian. The SRO will not be involved in the enforcement of disciplinary infractions that do not constitute violations of law.

2. This agreement shall commence as of September 3, 2019 and shall be effective for the duration of the 2019-2020 school year.

3. The District agrees to pay the Ulster Police the amount of \$69,368.90 for the SRO for the duration of the 2019-2020 school year, payable monthly.

4. The parties agree that at all times during the term of this agreement, the Ulster Police shall be the sole employer of the SRO and the SRO shall be paid salary and benefits by the Ulster Police. The SRO shall be subject to the general administration, supervision and control of the Ulster Police, subject, however, to supervision and direction by the superintendent of schools and building principals when performing services in the district's schools or at district-sponsored events and activities. The SRO shall coordinate and communicate with the building principal in the performance of the services hereunder.

5. The police officer assigned as the SRO will be mutually agreed upon by the Ulster Police and the Superintendent of Schools. The district may request the removal and replacement of the SRO in the district's schools for failure to perform the services set forth herein in a satisfactory manner, failure to follow the district's policies and procedures or failure to serve as an appropriate role model for the district's students. The district shall have the right to request that the Town replace an SRO with another officer at the district's expense within one year of the

initial appointment of the full-time SRO. Such request shall not be made unless it has been preceded by documented complaints regarding the conduct of the SRO, subject to investigation by the Town. Following such process, if the District's request has not been withdrawn, it shall not be unreasonably denied by the Town.

6. It is understood and agreed that the Ulster Police, in its sole discretion, shall have the authority to discharge and discipline the SRO.

7. The SRO shall familiarize himself and shall abide by board policy and applicable law concerning interviews with students should it become necessary to conduct formal law enforcement interviews with students or staff on school property or at school functions under the jurisdiction of the board.

8. It is understood and agreed that the district shall evaluate the SRO program and the performance of the SRO. Such evaluation by the district and the Ulster Police shall be performed in order to evaluate the performance of the SRO in accordance with the department rules and regulations and also to ascertain what, if anything, can be done to improve the SRO program.

9. The Ulster Police agree to maintain at all times during the term of this agreement a general comprehensive liability insurance policy for a minimum of \$1,000,000 and agree to indemnify and hold harmless the Kingston City School District, its officers, and employees and agents from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the SRO or the SRO Program.

10. The district agrees to indemnify and hold harmless the Ulster Police Department from any injuries or losses occasioned to the SRO by the negligence of the Districts employees, teachers, students or other district personnel.

11. This agreement contains the entire agreement between the parties, and it shall not be modified or changed except by a writing duly authorized and executed on behalf of the district and Ulster Police.

12. This agreement shall be governed, constructed and interpreted in accordance with the laws of the state of New York.

13. Each of the signatories to this agreement warrant and represent that each has the power and authority to enter into this agreement and that the execution thereof has been authorized, respectively, by the Ulster Police Department and the Kingston City School District.

IN WITNESS WHEREOF, the undersigned have affixed their signatures hereto.

THE KINGSTON CITY SCHOOL
DISTRICT

TOWN OF ULSTER

DR. PAUL J. PADALINO
SUPERINTENDENT OF SCHOOLS

JAMES E. QUIGLEY 3rd
SUPERVISOR

KYLE S. BERARDI
CHIEF OF POLICE