

ULSTER COUNTY LEGISLATURE

TRACEY A. BARTELS, Chair
EVE WALTER, Vice Chair
JONATHAN R. HEPPNER, Majority Leader
KENNETH J. RONK, JR., Minority Leader
VICTORIA A. FABELLA, Clerk



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MINUTES

OCTOBER 18, 2022

PUBLIC HEARINGS & REGULAR MEETING

Also Available via *vimeo* Livestream <https://livestream.com/accounts/1512750/events/1824203>



Public Comment also available via Call in Studio. Dial: 205-Ulster-0 (205-857-8370)

7:00 PM

MEETING CALLED TO ORDER BY CHAIR: 7:13 PM

PLEDGE OF ALLEGIANCE TO THE FLAG AND MOMENT OF SILENT MEDITATION:

Led by Chair Tracey A. Bartels.

ANNOUNCEMENTS

FIRE EVACUATION PLAN

PLEASE NOTE THAT IN THE EVENT OF AN EMERGENCY THE FIRE DEPARTMENT HAS REQUESTED THAT LEGISLATORS AND ALL OTHERS MOVE AT LEAST ONE BLOCK AWAY FROM THE COUNTY OFFICE BUILDING IN ORDER NOT TO IMPEDE THE FIREFIGHTERS IN THEIR DUTIES

CELL PHONES

Please silence cell phones for the duration of the Session.

MICROPHONES

Please be reminded to use your microphones when speaking so that you are recorded for the official record.

ROLL CALL:

Present: 23

Absent: 0

7:05 PM - CALL OF THE 1st PUBLIC HEARING BY CLERK: 7:15 PM

On Application For U.S. Department Of Housing Community Development Block Grant Funds (CDBG)
Administered By The New York State Office Of Community Renewal: PK30

PUBLIC COMMENT: There were no speakers signed up for public comment.

PUBLIC HEARING ADJOURNED: 7:16 PM

Motion by Legislator Litts, seconded by Majority Leader Heppner to adjourn the public hearing. All in favor.

7:10 PM - CALL OF THE 2nd PUBLIC HEARING BY CLERK: 7:16 PM

Pursuant To Section 1411 (D) Of The Not-For-Profit Law Of The State Of New York Regarding The Sale
Or Transfer Of County Owned Property

PUBLIC COMMENT: There was (1) speaker signed up for public comment.

1. Mike Baden, Town of Rochester Supervisor: Mr. Baden spoke on behalf of the Town of Rochester in support of this transfer. He stated that there are 2 structures on the property (1 commercial, 1 residential) and hopes that the property can be revitalized and/or subdivided for use by the town.

Motion by Legislator Litts, seconded by Majority Leader Heppner to adjourn the public hearing. All in favor.

PUBLIC HEARING ADJOURNED: 7:18 PM

7:15 PM - CALL OF THE 3rd PUBLIC HEARING BY CLERK: 7:18 PM

Pursuant to Article 25AA of the NYS Agriculture & Markets Law: 8 Year Review of Agricultural Dist. 4

PUBLIC COMMENT: There were no speakers signed up for public comment.

PUBLIC HEARING ADJOURNED: 7:19 PM

Motion by Legislator Litts, seconded by Majority Leader Heppner to adjourn the public hearing. All in favor.

7:20 PM - CALL OF THE 4th PUBLIC HEARING BY CLERK: 7:20 PM

Pursuant to Section 201 of the Eminent Domain Procedure Law

PUBLIC COMMENT: There were no speakers signed up for public comment.

PUBLIC HEARING ADJOURNED: 7:24 PM

Motion by Legislator Litts, seconded by Majority Leader Heppner to adjourn the public hearing. All in favor.

7:25 PM - CALL OF THE 5th PUBLIC HEARING BY CLERK: 7:25 PM

On Proposed Local Law No. 10 of 2022 – A Local Law Amending The Code of The County of Ulster In Relation To Construction Apprenticeships

PUBLIC COMMENT: There were (9) speaker signed up for public comment.

1. Valerie Dwyer, Arold Construction, Inc.: Ms. Dwyer spoke in opposition of this proposed local law. She stated that certain companies will be excluded from bidding on local projects.
2. Joe Hogan, Associated General Contractors of America: Mr. Hogan spoke in opposition of this proposed local law. He stated that comprehensive impact analyses are needed.
3. Penny Hazer, Merit Apprenticeship Alliance: Ms. Hazer spoke in opposition of this proposed local law. She stated that these requirements are too constraining and will impede local business success.
4. Tanner Schmidt, ABC - Empire State: Mr. Schmidt spoke in opposition of this proposed local law. He stated that apprenticeship processes are costly and lengthy, and requirements must be clarified.
5. Charles Lamendola, W.M. Schultz Construction: Mr. Lamendola spoke in opposition of this proposed local law. He stated that competitive bidding would be negatively impacted.
6. Rich Whitney, New Paltz: Mr. Whitney spoke in support of this proposed local law. He stated that the county should not lower its standards and that he supports apprenticeship programs.
7. Dean Tamburri, Laborers' Local 15: Mr. Tamburri spoke in support of this proposed local law. He stated that his apprenticeship program is comprehensive and inclusive of youth
8. Mike Ham, IUOE Local 825: Mr. Ham spoke in support of this proposed local law. He stated that graduation rates are indicative of a strong apprenticeship program and safe upcoming workforce.

PUBLIC HEARING ADJOURNED: 7:44 PM

Motion by Legislator Litts, seconded by Majority Leader Heppner to adjourn the public hearing. All in favor.

Please Note: Complete content of the public comment period can be heard on the Ulster County Legislative Website.

BIRTHDAYS:

Legislator Craig Lopez, October 30th

Confidential Secretary to the Chair, Laurie Lichtenstein, October 31st

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE PREVIOUS MEETING

COMMUNICATIONS FROM:

UC Legislative Chair, Tracey A. Bartels

Restore NY & ESD Capital Purchase Grant
for CPW's Kingston Midtown Arts Hub
Appt. UC Board of Ethics, Deborah Schneer
Appt. UC Board of Ethics, Lara Kasper-
Bukareff
Appt. UC Board of Ethics, Dean McGee
Appt. UC Planning Board, Johanna Winer
Appt. UC Youth Board, Jazmin Kay
Appt. UC Youth Board, Dylan S. Gallagher
Appt. UC Insurance Officer, Brian
MacGregor
Appt. UC Community Services Board
People with Developmental Disabilities,
Maureen Sheehan
Appt. UC Community Services Board
People with Developmental Disabilities,
Samantha Michaels

COMMUNICATIONS (continued):

UC Legislative Chair, Tracey A. Bartels (cont.)

UC Clerk of the Legislature, Victoria Fabella

UC Comptroller, March Gallagher

UC Personnel Dept.

UC Veteran Services Director, Mark A. Cozzupoli

UC Economic Development Alliance

UC Dept. of Public Works Commissioner, Brendan Masterson

UC Planning Board

UC Agricultural and Farmland Protection Board

Catskill Forest Association, Inc.

Jeff Kehoe, Associate Environmental Analyst, NYS
Agriculture and Markets

C. Davidson

P. Doxsey

L. Wong-Pan

T. Kruglinski

L. Lang

Robert F. Hagemann, III, Clerk of the Board and
Jefferson County Administrator

B. Blauvelt

Hudson 7

Appt. UC Community Services Board
People with Developmental Disabilities,
Emma Hambright
Request for Recommendations for UC Law
Enforcement Community Engagement
Committee

FOIL Ack. & Response, P. Doxsey

FOIL Response, L. Wong-Pan

FOIL Response, L. Lang

Summer Newsletter

Press Release, County Comptroller's

Historical Sales Tax Snapshot 10.12.22

Civil Service Announcements

Veteran Related Communications

Board of Directors October Meeting Agenda

Route 28A Soil Nailing Project

Agenda and Meeting Materials

Draft Minutes, 9.26.22

Annual Membership October Meeting
Announcement, 10.6.22

CFA News, Fall 2022

UC Agricultural District No. 2 Review

Thank You

FOIL Request: UC Reapportionment Comm.

FOIL Request: UC Reapportionment Comm.

FOIL Request: UC Reapportionment Comm.

FOIL Request: Background Check

Request for Resolution Opposing Concealed
Carry Improvement Act

Request for Greene County Information

Meeting Agenda & Minutes

COUNTY EXECUTIVE COMMUNICATIONS:

May 2022 UC Compliance Committee Meeting
Charter Revision Commission Notice
UC Traffic and Safety Board Appts
UC Board of Health Appts
2023 UC Executive Operating Budget
2023 UC Executive Budget Summary
2023-2028 UC Executive Capital Improvement Program
Government Operations Center Presentation
Press Release, Ulster County to Award Additional \$950,000 in Funding to Support over 25 Small- to Medium-Sized Businesses, 10.8.22
Press Release Ulster County Convenes a Task Force for Preventing and Responding to Domestic Terrorism, 10.15.22

MEMORIALIZING LETTERS:

Decommissioning of Indian Point Nuclear Power Point

COMMITTEE REPORTS:

Economic Development, Planning, Education,
Employment, Arts & Agriculture
Energy, Environment & Sustainability
Law Enforcement and Public Safety
Laws and Rules, Government Services
Health, Human Services & Housing
Public Works, Capital Projects & Transportation
Ways and Means

American Rescue Plan Act (ARPA)

DATE:

September 6, 2022
September 8, 2022
September 8, 2022
September 19, 2022
September 7, 2022
September 12, 2022
September 13, 2022
September 20, 2022
August 31, 2022
September 13, 2022

PRIDE PRESENTATION:

This evening the Legislature is honoring Hudson Rowan, age 14 of Marbletown with a Pride of Ulster County Award for winning the Ulster County Board of Elections 2nd Annual “I Voted” Sticker Contest. This young Ulster County resident won 1st place by a commanding margin, earning over 228,200 votes and 93% of all votes cast. His unconventional sticker design quickly went viral and gained international recognition.

Chair Tracey A. Bartels will call upon Hudson’s legislative representative, District 18 Legislator Eric Stewart and his former teacher, District 17 Legislator Megan Sperry to present the Pride of Ulster County Award. Legislators Stewart and Sperry will be joined by Board of Election Commissioners Ashley Dittus and John Quigley to add their congratulations. The winning sticker will be distributed to voters across Ulster County who participate in the General Election on November 8, 2022. Joining Hudson tonight are parents, Molly and Tim Rowan, and friends.

PUBLIC COMMENT (on items currently before the Legislature):

There were (8) speakers signed up for public comment.

1. Rashida Tyler, Kingston: Ms. Tyler spoke in support of Res. Nos. 461 and 498. She stated that there is an eviction crisis in the county and people need adequate housing representation to stay housed.
2. Justin Orashan, Kingston (Call In Studio): Mr. Orashan spoke in support of Res. No. 461 and 498. He stated the impact of personal displacement and that the county has a severe housing crisis.
3. Brahvan Ranga, For The Many (Call In Studio): Mr. Ranga spoke in support of Res. No. 461 and 498. He stated that housing is unaffordable and inaccessible in the county and that people need more legal assistance to stay housed.
4. Nina Nichols, Connelly: Ms. Nichols spoke in support of Res. No. 461 and 498. She stated that “urban renewal” is redlining, and that the county is special and must remain so.
5. Lee Gough, Connelly: Ms. Gough spoke in support of Res. No. 461 and 498. She stated that as a librarian, she works with unhoused patrons and that housing in the county is an emergency.
6. Anne Ames, Kingston: Ms. Ames spoke in support of Res. No. 461 and 498. She stated that she works for DSS and witnesses numerous unhoused people who carry their life belongings in carts, that community residents are being displaced, even as it gets colder.

Please Note: Complete content of the public comment period can be heard on the Ulster County Legislative Website.

**RESOLUTION NOS: 11, 308 – 310, 400, 434, 435, 436, 461, 492 – 494, 496 – 506, 510 - 536;
432, 486, 495, 507, 508, 509 – POSTPONED; 189 & 200 – NO ACTION TAKEN;
199, 433 – WITHDRAWN**

Resolution No. 189 – Establishing A Policy Prohibiting The Housing Of Incarcerated Individuals Transferred From Facilities Outside Of Ulster County The Ulster County Board-In Policy
NO ACTION TAKEN

Resolution No. 199 – Setting A Public Hearing On Proposed Local Law No. 6 Of 2022, A Local Law Amending Section C-101 B. Of The Ulster County Charter, Section A30-2 B. Of The Ulster County Administrative Code, And Section 216-5 Of The Code Of The County Of Ulster In Relation To Appointments To The Commission Of Human Rights, To Be Held On Tuesday, November 15, 2022 At 7:10 PM
WITHDRAWN BY SPONSOR

Resolution No. 200 – Setting A Public Hearing On Proposed Local Law No. 7 Of 2022, A Local Law Amending The Code Of The County Of Ulster In Relation To Evictions, To Be Held On Tuesday, November 15, 2022 At 7:15 PM
NO ACTION TAKEN

Resolution No. 432 – Establishing A Policy To Dedicate The Surplus Revenue Received From Ulster County Real Property Public Auctions
POSTPONED IN COMMITTEE

Resolution No. 433 – Providing An Exemption From Sales And Compensating Use Taxes For Receipts From Retail Sales Of, And Consideration Given Or Contracted To Be Given For, Certain Clothing And Footwear, Pursuant To The Authority Of Article 29 Of The Tax Law Of The State Of New York, By Amending Resolution No. 286 Of 1969 Adopted February 13, 1969, As Amended On Various Occasions
WITHDRAWN BY SPONSOR

Resolution No. 486 – Adopting The Ulster County Information Services/ Information Technology Security Policy – Department Of Information Services
POSTPONED IN COMMITTEE

Resolution No. 495 – Supporting NYS Clean Slate Act - A6399A and S1553B
POSTPONED IN COMMITTEE

Resolution No. 507 – Establishing Capital Project No. 564 – Purchase And Implementation Of A Real Property Tax Collection & Delinquency Enforcement System - Amending The 2022 Capital Fund Budget – Department Of Finance
POSTPONED IN COMMITTEE

Resolution No. 508 – Establishing Capital Project No. 564 – Purchase And Implementation Of A Real Property Tax Collection & Delinquency Enforcement System - Amending The 2022 Capital Fund Budget – Department Of Finance
POSTPONED IN COMMITTEE

Resolution No. 509 – Setting A Public Hearing On Proposed Local Law No. 11 Of 2022, A Local Law Amending Local Law Number 10 Of 2007 Providing For The Administration And Enforcement Of The New York State Uniform Fire Prevention And Building Code, To Be Held On Tuesday, November 15, 2022 At 7:05 PM
POSTPONED IN COMMITTEE

	Consent
493	Urging New York State Governor And New York State Legislature To Adopt Legislation Guaranteeing Universal Access To Free Meals For Students In Grades K-12 ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
496	Establishing County Equalization Rates For The Year 2023 Levy ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
500	Adopting Proposed Local Law No. 9 Of 2022, A Local Law To Provide For The Collection Of Delinquent Village Real Property Taxes ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

501	Authorizing The County Of Ulster To Submit An Application And Assurances To The New York State Housing Trust Fund (HTFC) As Part Of NYS Homes And Community Renewal For The Plus One ADU Program In Partnership With The City Of Kingston And RUPCO – Department Of Planning ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
502	Approving The Execution Of A Contract For \$149,215.00 Entered Into By The County – WSP – Department Of Planning ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
503	Authorizing The Chair Of The Ulster County Legislature To Execute A Lease Agreement With WCD Window Coverings, Inc. For A Warehouse Of The Ulster County Department Of Public Works – Buildings And Grounds ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
504	Approving The Execution Of A Contract Amendment For \$109,018.00 Entered Into By The County – SAFECO Alarm Systems, Inc. – Department Of Public Works ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
505	Approving The Execution Of A Contract For \$168,000.00 Entered Into By The County – Chad Davis Contracting Inc. – Department Of Public Works ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

506	Approving The Execution Of A Contract For \$70,400.00 Entered Into By The County – Postler & Jaeckle Corp. – Department Of Public Works ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
510	Approving Ulster County’s 2023 STOP DWI Program Plan And Authorizing The Chair Of The Ulster County Legislature To Execute All Inter-Municipal Agreements Required Under The Plan – Department Of Probation, STOP-DWI Division ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
511	Approving The Execution Of A Contract For \$245,108.90 Entered Into By The County – Aviat Networks – Emergency Management ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
512	Approving The Execution Of A Contract Amendment For \$285,700.00 Entered Into By The County – Trustees Of Columbia University In The City Of New York – Department Of Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
513	Amending The 2022 Ulster County Budget To Accept An Additional Allocation Of Adult Protective Services Funds From The New York State Office Of Children And Family Services – Department Of Social Services ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

514	Approving The Execution Of A Contract Amendment For \$67,899.00 Entered Into By The County – Family Of Woodstock Inc. – Department Of Social Services ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
515	Approving The Execution Of A Contract For \$90,000.00 Entered Into By The County – Youth Advocate Programs, Inc. – Department Of Social Services ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
516	Approving The Execution Of A Contract For \$90,000.00 Entered Into By The County – Youth Advocate Programs, Inc. – Department Of Social Services ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
517	Authorizing Execution Of An Intermunicipal Agreement With The Dutchess County Department Of Behavioral & Community Health - Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
518	Authorizing Execution Of An Intermunicipal Agreement And Amending The 2022 Ulster County Budget To Accept Federal Block Grant Funding Through The City Of Kingston To Support The Pilot Program: Kingston Mobile Mental Health Team – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

519	Approving The Execution Of A Contract For \$99,311.00 Entered Into By The County – Access: Supports For Living Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
520	Approving The Execution Of A Contract For \$768,239.00 Entered Into By The County – Access: Supports For Living Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
521	Approving The Execution Of A Contract For \$355,923.00 Entered Into By The County – Astor Services For Children & Families – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
522	Approving The Execution Of A Contract For \$1,208,284.00 Entered Into By The County – Family Of Woodstock Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
523	Approving The Execution Of A Contract For \$365,297.00 Entered Into By The County – Family Services, Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
524	Approving The Execution Of A Contract For \$2,246,077.00 Entered Into By The County – Gateway Community Industries, Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

525	Approving The Execution Of A Contract For \$184,901.00 Entered Into By The County – HealthAlliance Mary’s Campus – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
526	Approving The Execution Of A Contract For \$2,727,785 Entered Into By The County – Mental Health Association In Ulster County, Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
527	Approving The Execution Of A Contract For \$365,155.00 Entered Into By The County – PEOPLE: Projects To Empower And Organize The Psychiatrically Labeled, Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
529	Approving The Execution Of A Contract For \$100,000.00 Entered Into By The County – HealthAlliance Hospital Mary’s Avenue Campus – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
530	Approving The Execution Of A Contract Amendment For \$607,832.00 Entered Into By The County – Info Quick Solutions Inc. – Ulster County Clerk ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

531	Authorizing The Chair Of The Ulster County Legislature To Enter Into A Funding Agreement For Absentee Ballot Pre-Paid Postage With The NYS Board Of Elections – Ulster County Board Of Elections ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
532	Authorizing The Chair Of The Ulster County Legislature To Sign An Agreement With The Highland Central School District For The Use Of Polling Equipment And Material – Ulster County Board Of Elections ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
533	Approving The Execution Of A Contract For \$75,000.00 Entered Into By The County – PKF O'Connor Davies, LLP – Legislature ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
534	Approving The Execution Of A Contract Amendment For \$26,618.40, Causing The Aggregate Contract Plus Amendment Amount To Be In Excess Of \$50,000.00, Entered Into By The County – Assetworks LLC – Information Services ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
535	Authorizing The Conveyance Of County-Owned Property To The Original Owner – Department Of Finance MOVED TO NON-CONSENT
536	Authorizing The Reacquisition Of Residential Property To Original Owner – Department Of Finance ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0

	Non-Consent
11	Requesting Enactment Of A Senate Bill And Assembly Bill In The New York State Legislature For A Special Law In Relation To The Hotel And Motel Room Occupancy Tax Rates In Ulster County <i>POSTPONED IN WAYS AND MEANS COMMITTEE</i>
308	Declaring Ulster County's Intent To Act As Lead Agency Under New York State Environmental Quality Review Act (SEQRA) For The Purpose Of Constructing A Government Operations Center And Appurtenances To Be Located At Paradies Lane In New Paltz – Department Of Emergency Services <i>POSTPONED IN WAYS AND MEANS COMMITTEE</i>
309	Amending Capital Project 607- Government Operations Center And Authorizing The Acquisition Of Real Property Located At Paradies Lane In The Town Of New Paltz For Purpose Of Siting A Government Operations Center And Authorizing The Chair Of The Ulster County Legislature To Execute Any And All Documents Required For Said Acquisition – Department Of Public Works (Buildings And Grounds) <i>POSTPONED IN WAYS AND MEANS COMMITTEE</i>
310 BOND	Authorizing The Acquisition Of Parcels Of Land For A New Multi-Use Government Operations Center, In And For The County Of Ulster, New York, At A Maximum Estimated Cost Of \$3,750,000, And Authorizing The Issuance Of \$3,750,000 Bonds Of Said County To Pay The Cost Thereof <i>POSTPONED IN WAYS AND MEANS COMMITTEE</i>
400	Amending The 2022 Budget To Establish And Fund The Ulster County Agricultural Crisis Relief Program - Department Of Finance, Division Of Recovery And Resilience <i>POSTPONED IN WAYS AND MEANS COMMITTEE</i>

434	Extending The Election Of A Cents Per Gallon Rate Of Sales And Compensating Use Taxes On Motor Fuel And Diesel Motor Fuel, In Lieu Of The Percentage Rate Of Such Taxes, Pursuant To The Authority Of Article 29 Of The Tax Law Of The State Of New York, By Amending Resolution No. Resolution No. 169 Adopted April 19, 2022 DEFEATED BY THE FOLLOWING VOTE: AYES: 7 NOES: 16 (Noes: Legislators Bartels, Cahill, Criswell, Erner, Gavaris, Greene, Heppner, Hewitt, Levine, Maloney, Nolan, Petit, Stewart, Sperry, Uchitelle, Walter)
435	Dedicating Funding To Implement The Boost For Main Streets Program – ARPA - Economic Recovery – Department Of Economic Development Legislator Gavaris motioned, seconded by Majority Leader Heppner, to amend the resolution. MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0 ADOPTED AS AMENDED BY THE FOLLOWING VOTE: AYES: 21 NOES: 2 (Noes: Chair Bartels and Legislator Maloney)
436	Approving The Execution Of A Contract For \$2,000,000.00 Entered Into By The County – Ulster County Economic Development Alliance – Department Of Finance ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 2 (Noes: Chair Bartels and Legislator Maloney)
461	Adopting Revised Ulster County Fund Balance Policy To Dedicate Funding To Housing Justice <i>POSTPONED IN WAYS & MEANS COMMITTEE</i>

492	Urging The United States Congress, New York State Governor And New York State Legislature To Codify Into Law The Right To Food As A Fundamental Human Right ADOPTED BY THE FOLLOWING VOTE: AYES: 16 NOES: 7 (Noes: Legislators Corcoran, Fabiano, Hansut, Litts, Lopez, Ronk, Roberts)
494	Supporting The Clean Water, Clean Air, Green Jobs Environmental Bond Act Of 2022 ADOPTED BY THE FOLLOWING VOTE: AYES: 17 NOES: 5 (Noes: Legislators Corcoran, Litts, Lopez, Ronk, Roberts) (1 Abstention: Legislator Greene)
497	Amending The 2022-2027 Capital Improvement Program – Increasing Funding For Capital Project No. 642 – ARPA Homeowner Energy Improvements And Job Training Project – Amending The 2022 Capital Fund Budget – Department Of Finance ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
498	Approving The Execution Of A Contract For \$221,430.60 Entered Into By The County – Legal Services Of The Hudson Valley – Department Of Social Services ADOPTED BY THE FOLLOWING VOTE: AYES: 15 NOES: 8 (Noes: Legislators Corcoran, Hansut, Litts, Lopez, Maloney, Petit, Ronk, Roberts)

499	Authorizing The Chair Of The Ulster County Legislature To Convey Parcels Of County Owned Property Acquired Pursuant To Article 11 Of the Real Property Tax Law For Unpaid Taxes To The Town Of New Paltz For Public Use And Benefit – Department Of Finance Legislator Petit motioned, seconded by Majority Leader Heppner, to amend the resolution. MOTION ADOPTED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0 ADOPTED AS AMENDED BY THE FOLLOWING VOTE: AYES: 23 NOES: 0
510	Approving Ulster County’s 2023 STOP DWI Program Plan And Authorizing The Chair Of The Ulster County Legislature To Execute All Inter-Municipal Agreements Required Under The Plan – Department Of Probation, STOP-DWI Division MOVED TO CONSENT
528	Approving The Execution Of A Contract For \$783,758.00 Entered Into By The County – Rehabilitation Support Services, Inc. – Department Of Mental Health ADOPTED BY THE FOLLOWING VOTE: AYES: 21 NOES: 2 (Noes: Legislators Maloney and Petit)
535	Authorizing The Conveyance Of County-Owned Property To The Original Owner – Department Of Finance ADOPTED BY THE FOLLOWING VOTE: AYES: 22 NOES: 1 (Noes: Legislator Erner)

PUBLIC COMMENT (on subjects *not* currently before the Legislature):

There was (1) speaker signed up for public comment.

1. Molly Holmes, Mount Tremper: Ms. Holmes shared concerns about noise pollution and safety concerns on the residential properties near the Rail Explorers business.

MEETING ADJOURNED IN MEMORY OF:

Hailee Nicole Witherel, Gardiner, NY
Earl Light, Jr., West Park, NY
Stella Kallos, Lake Katrine, NY
Barbara A. Tabler-Smith, Saugerties, NY
Philip M. Kearney, Kingston, NY
Errol Nadler, Glenford, NY
Peter J. Weider, Kingston, NY
John Naccarato, Kingston, NY
Irving J. Kotrady, Lake Katrine
Kathleen M. Reilley, Woodland Valley, NY
James Henry Spellman, Marlboro, NY
William Pillius, New Paltz, NY
Francis Mackey, Milton, NY
Douglas T. Lee, Saugerties, NY
John J. Senkewich, Newburgh, NY
Walter Herbert Read, Sr., Epsom, NH
Marlene Chambers, Kingston, NY

Mary Ann DiPietro, Kingston, NY
Mary J. Hill, Ulster, NY
Amelia Veronica Buddington, Saugerties, NY
Beatrice Koskie, Ulster Park, NY
Roland W. Ellis, Jr., New Paltz, NY
Ernest & Hanna Mann, Leesburg, FL
Daniel Valk, Saugerties, NY
Frances Heller, Malden-on-Hudson, NY
Marlys J. Swinger, Ulster Park, NY
Earl T. Montgomery, High Falls, NY
Gary A. Ronk, Sr., New Paltz, NY
Addison Wilklow, Marlboro, NY
Albert Pagano, Sr., Marlboro, NY
Albert Henry Short, Sr., Leesburg, FL
Jack McGarril, New Paltz, NY
Robert E. Hyde, Gardiner, NY

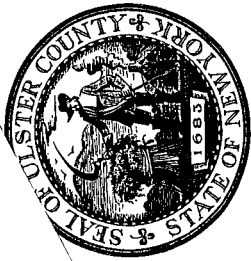
Motion by Legislator Litts, seconded by Legislator Heppner to adjourn Legislative Session.
All in favor.

MEETING ADJOURNED: 8:48 PM

NEXT MEETING:

The next Regular Meeting of the Ulster County Legislature will be held on **November 15, 2022 at 7:00 PM** in the Legislative Chambers, Sixth Floor, Ulster County Office Building, 244 Fair Street, Kingston, New York.

Resolution deadline is **Friday, October 21, 2022 at 12 Noon.**

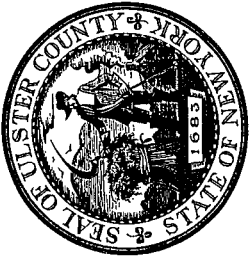


ULSTER COUNTY LEGISLATURE

PUBLIC HEARING: ON APPLICATION FOR U.S. DEPARTMENT OF HOUSING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS (CDBG) ADMINISTERED BY THE NEW YORK STATE OFFICE OF COMMUNITY RENEWAL: PK30

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT
1.	TOWN WHERE YOU RESIDE: EMAIL:	YES No
2.	TOWN WHERE YOU RESIDE: EMAIL:	YES No
3.	TOWN WHERE YOU RESIDE: EMAIL:	YES No
4.	TOWN WHERE YOU RESIDE: EMAIL:	YES No
5.	TOWN WHERE YOU RESIDE: EMAIL:	YES No
6.	TOWN WHERE YOU RESIDE: EMAIL:	YES No



ULSTER COUNTY LEGISLATURE

**PUBLIC HEARING: PURSUANT TO SECTION 1411 (D) OF THE NOT-FOR-PROFIT
LAW OF THE STATE OF NEW YORK REGARDING THE SALE OR TRANSFER OF
COUNTY OWNED PROPERTY**

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT
1. Mike Baden Call In Studio	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
2.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
3.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
4.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
5.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
6.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO



ULSTER COUNTY LEGISLATURE

PUBLIC HEARING: PURSUANT TO ARTICLE 25AA OF THE NYS AGRICULTURE & MARKETS LAW: 8 YEAR REVIEW OF AGRICULTURAL DIST. 4

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT
1.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
2.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
3.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
4.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
5.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
6.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO



Johanna Contreras
Acting County
Executive

ULSTER COUNTY

AGRICULTURAL AND FARMLAND PROTECTION BOARD

c/o Ulster County Planning Dept.
244 Fair St.
PO Box 1800
Kingston, N.Y. 12401

Robert Magnanini, Chair

October 6, 2022

RE: AFPB Report on Agricultural District #4 to the Ulster County Legislature and Recommendation

Dear Ulster County Legislators,

The Ulster County Agricultural and Farmland Protection Board (AFPB) met on September 26, 2022 to discuss the review of Agricultural District #4 and make a recommendation to continue the District with modifications.

Staff from the Ulster County Planning Department presented 2 tax parcels in Saugerties as candidates for removal from the agricultural district. The AFPB voted unanimously to recommend to the Ulster County Legislature that Agricultural District #4 be continued with modifications, because it shows substantial agricultural viability and acreage in agricultural production. The modifications are for the removal of the 2 tax parcels.

The report on the review of Agricultural District #4 addresses five items as required by New York State Law:

1. Nature and status of farming and farm resources in a district
2. Extent to which a district is achieving its original objectives
3. Discussion of local plans and policies on agriculture
4. Discussion of local laws and how they affect agriculture
5. Recommendation to continue, modify or terminate a district

Seven of the eleven AFPB members were able to attend the meeting.

Respectfully yours,

Robert Magnanini
Chair, Ulster County Agricultural and Farmland Protection Board



Johanna Contreras
Acting County Executive

ULSTER COUNTY

AGRICULTURAL AND FARMLAND PROTECTION BOARD

c/o Ulster County Planning Dept.
244 Fair St.
PO Box 1800
Kingston, N.Y. 12402

Robert Magnanini, Chair

October 6, 2022

Report to the Ulster County Legislature: AFPB Recommendation for Agricultural District #4

The Ulster County Agricultural and Farmland Protection Board (AFPB) has conducted a review of issues related to the continuation of Agricultural District #4. The AFPB finds that the majority of the land within the District continues to be viable agricultural land and recommends the recertification of Agricultural District #4 with modifications to remove 2 parcels as a result of land use changes.

Section 303-a(2c), Article 25AA of Agriculture and Markets Law requires the AFPB to consider the following factors in making its recommendation to recertify the District,

1. The nature and status of farming and farm resources within the district, including the total number of acres of land and the total number of acres of land in farm operations in the District

Agricultural District #4 is 11,335.60 acres, comprising 399 parcels. The acreage of land in farm operations is 5,398.30 acres, which comprises tax parcels classified as agriculture by local tax assessors using New York State's property class codes.

The acreage of land in farm operations does not reflect all the agricultural activity in the District. Maple farms are not incorporated into this statistic. Maple farms do not have their own property class code signifying them as agriculture. Properties with maple sugaring operations can still qualify for an agricultural tax assessment even with a property class code for residential or vacant land. Maple farms are considered agriculture operating in forests and not typical farmland.

Also, some small crop and livestock operations in the District do not generate enough revenue to receive an agricultural tax assessment. They are often assigned a residential property class code. As an example, they may have property class code 240, which is for a rural residence with 10 acres or more.

Agricultural District #4 covers northern Ulster County (see Appendix 1). The region served by Agricultural District #4 includes the Towns of Hurley, Kingston, Saugerties, Woodstock, Shandaken and Ulster. Parts of the Towns of Marbletown and Olive within the Esopus Creek Watershed are also served. In 2017, a sizable tax parcel along the Esopus Creek in a mainly

undeveloped part of the City of Kingston was included into the District. Technically, Agricultural District #4 are all the tax parcels in this area of the County included in the New York State Certified Agricultural District Program.

Agricultural District #4 has tax parcels located across widely different geographical areas (see Appendix 2). To the west, the District serves part of the Catskill Mountains in Ulster County within the Esopus Creek Watershed. Maple sugaring operations are found here, along with a number of small farms using flat areas with prime soils tucked away in mountainous terrain to grow crops. Compared to other parts of Ulster County, there are fewer agricultural district tax parcels here and they are scattered across the landscape.

As the Esopus Creek heads to lower ground, southeast of the Catskills, it cuts its way through an area with steep slopes on either side. When the Esopus Creek runs alongside Route 213, it enters the Hamlet of Stone Ridge. Here, parcels start to cluster together, and in this part of Marbletown, the Esopus Creek goes into an area with field crop and vegetable production. One of Ulster County's last remaining dairy farms is nearby.

The Esopus Creek then turns northeast and enters a wide plain known as the Hurley Flats. This area stretches from Marbletown through Hurley to Route 28 in the Town of Ulster. The Esopus Creek and Route 209 run alongside one another in the Hurley Flats. The Hurley Flats sees much of the agricultural activity in Agricultural District #4. Tax parcels in the District spread across this plain.

Past Route 28, the Esopus Creek heads due north. There's more of a mix of farmland between crops and livestock. Stretches of the Esopus Creek flow close to urban areas in the City of Kingston. In Lake Katrine, it is right alongside a residential area on its east banks and expansive farmland on its west banks. Residences are also found on either side of the Creek in some stretches here. By the time it flows to the Town of Saugerties, the landscape becomes all rural again. The Esopus Creek then enters the Village of Saugerties and turns east, heading into the Hudson River. Tax parcels in the District continue northward until they meet mountainous terrain or the boundary with Greene County.

2. The extent to which the district has achieved its original objectives

Agricultural District #4 continues to achieve its objectives since its creation in March 1975. Northern Ulster County saw its first tax parcels with commercial farms included into the New York State Certified Agricultural District Program at that time. It remains an area with significant viable land for agriculture that contributes to the regional agricultural economy.

While farming takes place across Agricultural District #4, much of its history – early to recent – unfolded in the Hurley Flats. The Town of Hurley’s Comprehensive Plan from 2006 summarizes the history of this area along the Esopus Creek in the following:

For centuries, the Esopus Native Americans used the fertile soils deposited by the Esopus Creek to cultivate a rich and varied diet.

Later, Dutch farmers introduced a two-crop system that worked well in the mud flats of the Rhine River Valley and was well suited for the Esopus plain. They harvested grain in September for personal use and planted winter wheat for an April cash crop they could sell in Albany.

Then, the new French Huguenot and English settlers removed most of the trees in the [Lower Esopus] Valley so they could plow. Cultivated fields occupy much of the forest we see in the Valley today.

In time, the Hurley Flats helped make Ulster County a major producer of corn. Sweet corn and a few other crops like hay, came to dominate the landscape. The 2006 plan noted that “refrigerated trucks carry our outstanding sweet corn to distant markets.” The plan also noted that farmers were at the “forefront of farming innovation by participating in experiments to find the best way to cultivate crops. Some reserve plots...grow heritage varieties to keep the gene pool widely available.” Then, the 2010s came and marked a decade of significant change.

Fallow Fields

Over the last few years, the area identified as having commercial activity¹ for this land-use analysis saw its acreage of cropland increase. USDA CropScape data from 2015 has 4,424.75 acres of cropland.² In 2021, the area covered by cropland rose to 4,775.24 acres. A distinction needs to be made, however, between cropland that is fallow and cropland that is actively farmed with fruits, grains, vegetables, or pasture growing on it.

For a few years, fallow fields were prevalent in the Hurley Flats. There was a spike in fallow acreage during the middle of the decade. The USDA land-use category, Fallow/Idle Cropland,

¹ The area with commercial activity for this land-use analysis are one or both of the following:

- Tax parcels in a New York State Certified Agricultural District
- Tax parcels outside a certified agricultural district but designated as agriculture by local tax assessors through a New York State property class code, which typically have around 30 parcels

Property class codes signifying agriculture are mostly in the 100 class. Property class code 120 (field crops) is seen often in Agricultural District #4. Property class code 241 (residential with agriculture) and 555 (riding stables) were incorporated in the area with commercial activity. Horse farms had been 555 but are now property class code 117.

² This land-use analysis compares 2015 and 2021 because 2015 is when the last review of Agricultural District #4 was completed and 2021 is most recent year CropScape data is available as of the writing of this report.

sheds light on the level of farming activity seen a few years ago. In 2012, there were 243.52 acres of Fallow/Idle Cropland and 4,150.54 acres of actively farmed cropland. In 2015, Fallow/Idle Cropland increased greatly and covered 2,098.96 acres in Agricultural District #4, most of this in the Hurley Flats. By 2021, the amount of fallow cropland decreased to 139.66 acres, and the amount of cropland actively farmed went from 2,325.79 acres in 2015 to 4,635.58 acres. Actively farmed cropland started increasing a few years prior to 2021. This increase and decrease in fallow acreage marked the change seen over the last decade.³

As it had in previous eras, the Hurley Flats transitioned during the 2010s. The Hudson Valley Farm Hub purchased Gill Farms in 2013. Two years after this purchase, the Farm Hub was still developing the programs and partnerships that make this organization what it is now: a resource for agricultural education, demonstration, and research. So, for the first few years, including 2015, much of its farmland in Hurley was idle. But this does not account for all fallow farmland in the area. Further south, going into Marbletown, CropScape shows areas with Fallow/Idle Cropland during that time, too. These are areas where farmers have often grown corn, particularly sweet corn.

Sweet Corn

The Hudson Valley Farm Hub bought farmland that produced lots of corn when it purchased its property in 2013. Much of the farmland in this plain, which stretches from Marbletown through Hurley and up to Route 28 in the Town of Ulster, grew corn, particularly sweet corn. Hundreds of rows of corn along both sides of Route 209 were a common site every year. There also continues to be some pockets north of the Hurley Flats in Agricultural District #4 that grow corn. These are areas north of Route 28 in the Towns of Ulster and Saugerties.

Farms in these communities have been well positioned to sell truck crops. These communities in Agricultural District #4 have highly productive soils and good access to major roads. The well-drained and fertile soils, along with ample access to water, and exposure to the sun throughout the day, made sweet corn an ideal truck crop.

According to the USDA Economic Research Service, per capita consumption of fresh sweet corn in the United States decreased from 9.2 pounds in 2010 to 4.7 pounds in 2020.⁴ “Sweet corn consumption overall has declined as less frozen and canned sweet corn is being consumed per person.”⁵ The total dollar value of processed sweet corn went from well over

³ Appendices 3a, 3b, and 3c are maps of CropScape data from 2012, 2015, and 2021, respectively. Each are of Agricultural District #4 in its entirety.

⁴ Bar chart titled “Per Capita Consumption of Sweet Corn in the United State from 2000 to 2002 (in pounds) from statista.com.

⁵ Cheryl Kaiser and Matt Ernst. (July 2018). *Sweet Corn*. University of Kentucky, Center for Crop Diversification Crop Profile, CCD-CD122.

\$350 million about a decade ago to about \$190 million in 2021.⁶ Farmers started receiving less for sweet corn. The price of field corn also plummeted around this time, taking away an option for those farmers looking to shift out of sweet corn. Recently, though, the price of field corn started increasing again as demand has risen.⁷ Demand for sweet corn at the national level is still not as strong as it used to be.

Locally, sweet corn production continued. Farms in Agricultural District #4 contain most of the land used for sweet corn production in Ulster County. Historically, the District contained three-quarters, and at times more, of the land used for growing sweet corn in the County. In 2021, this was estimated at around 71%. Even after the sale of Gill Farms in 2013, hundreds of acres each year have been used to grow sweet corn in the District. This was upwards of 1,500 acres during the years leading up to the sale. Farmers continued to plant sweet corn with everything going on nationally and locally. Any changes in sweet corn production were part of broader changes happening in Agricultural District #4 at the time.

More Variety

When farmers in Agricultural District #4 started growing crops again on fields that had been fallow, the area didn't quite revert to what it was before. What emerged is a landscape with a greater variety of crop production. Properties operated by the Farm Hub, because of its mission, see a changing mix of all sorts of crops grown. Farms in the Hurley Flats that predate the Farm Hub grow a greater proportion of field corn than seen before 2014 since its price increased. More is also seen in the way of greens, alfalfa, rye, soybeans, and truck crops other than sweet corn. Newer, smaller farms grow all sorts of produce. Some of them are organic farms, but in general, they tend to emphasize sustainable farming practices. Farms old and new are erecting or even rehabilitating greenhouses and high tunnels across the District. This trend of crop diversification was noted in the District's last review eight years ago and has continued. Agricultural District #4 provides one example of how farmland is a working landscape that undergoes change.

Farmers found ways to bring what they produce to market. Area supermarkets make a concerted effort to sell products from local farms and elsewhere in Upstate New York. From time to time, certain stores have signs in the produce section that tell customers what farms particular fruits and vegetable came from along with the hamlet, town, or village. Sometimes such signs indicate produce was grown in a nearby state. An area restaurateur in a radio ad several years back talked about how he used to have to go to New York City to get produce

⁶ USDA, National Agricultural Statistics Service, Quick Stats (Sweet Corn selected as commodity). Column titled Sweet Corn, Processing – Production, Measured in \$ - Value.

⁷ The price of corn in general dropped over the better part of a decade. The commodity price of corn in the United States is almost entirely made up of the price of field corn. The price of corn started dropping in 2012 from over \$8 a bushel to hovering around \$3.50 and \$4 a bushel until prices started to rise in 2020. Recently, in 2022, corn prices reached levels seen back in 2012 because of numerous domestic and international factors increasing the demand for corn.

grown in the Hudson Valley. More restaurants source items from local farms now. Farmers markets, farm stands, and CSAs continue as important ways for direct sales. Some continue to sell wholesale. More farms have an online presence selling perishable goods, along with value-added, non-perishable items like soap. More farms integrate agritourism into their operations. Camps, concerts, and if enough out-of-towners show up, even goat yoga. At least one farm does affiliate marketing on its Instagram account, advertising a product for another business.⁸ Farms adapt and live on. The fortunate ones, anyway. All this sheds light on why farmers continue to grow sweet corn in Agricultural District #4.

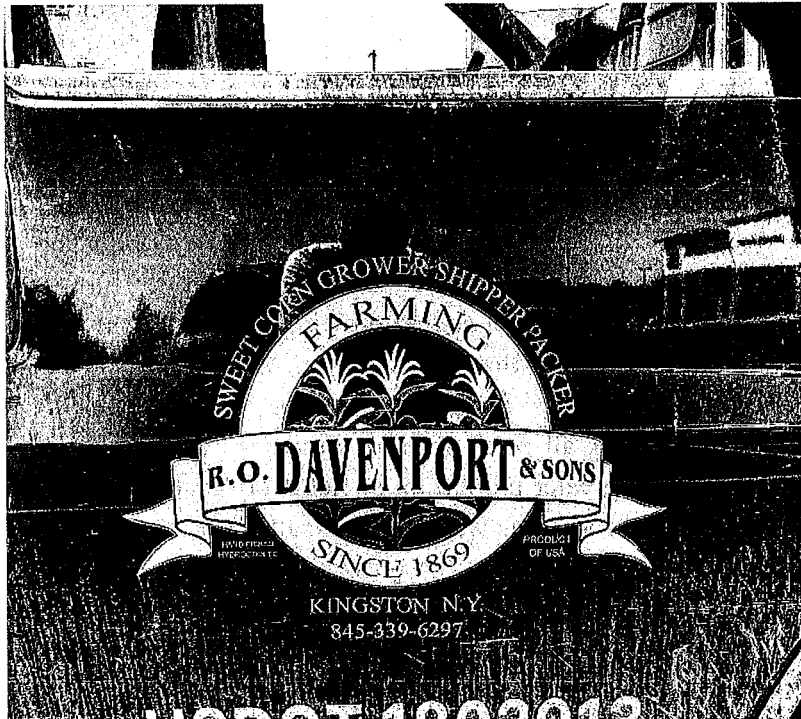


Figure 1: Photo taken May 29, 2022 in Lake Katrine

Even if the demand for sweet corn diminished over time at the national level, there is still demand for sweet corn. Large companies offer more varieties of canned sweet corn than before to cater to different tastes. Canned corn comes in “Summer Crisp”, “Extra Crispy”, and “Extra Sweet” varieties, in addition to plain old cans of sweet corn. Names for these varieties convey a sense of freshness. Frozen sweet corn is now available in butter sauce. Perhaps, a local farm has a contract with one of these companies. Certainly, fresh sweet corn grown in Ulster County makes its way to farm stands, supermarkets, and CSA packages delivered to households. The University of Kentucky’s Center for Crop Diversification, in its research into sweet corn, found that

⁸ Farmers in other parts of the country have YouTube channels. When monetized, these channels provide an income stream.

Because [fresh] sweet corn is in high demand and in-season sweet corn is easy to sell per ear, it is often used to draw consumers to a retail outlet. Sweet corn is labor-intensive but can be a profitable venture, especially when a reputation for quality is established in a local market.

World-renowned musician and longtime Woodstock resident Levon Helm said, "Ulster County has the best sweet corn." Many would agree. It really tastes good. Fresh sweet corn, especially if it tastes really good, will make its way onto a dinner plate. But sometimes, for that to happen, some things changed back at the farm.

3. The extent to which county and local comprehensive plans, policies and objectives are consistent with and support the district

The Ulster County Legislature adopted the *Ulster County Agricultural and Farmland Protection Plan* in 1997. The Plan identifies state certified agricultural districts as a key tool for preserving farmland. The Plan encourages farm participation in the New York State Agricultural District Program, promotes land use compatibility and recommends strategies and practices that increase agricultural viability. Three of the nine municipalities in Agricultural District #4 have established a comprehensive set of policies for agriculture as part of their long-range, land-use planning.

Limited Focus on Agriculture in Comprehensive Planning

Within the District, three towns have no comprehensive planning efforts that address agriculture. Shandaken's comprehensive plan makes passing references to farming in the discussion of its history and in citing statistics for employment and land acreage. Olive and the Town of Kingston do not have comprehensive plans.

Woodstock includes several references to agriculture in its comprehensive plan and acknowledges that small farms need protection and encourages more of them. It cites promoting small farms as an economic development goal. Woodstock's plan calls for looking into the agricultural potential of the Hamlet of Wittenberg, protecting open space that had once been farms and establishing a tax break for farmers making more than \$10,000. While Woodstock does address agriculture in its long-range planning, it is limited compared to other municipalities in the District.

Considerable Focus on Agriculture in Comprehensive Planning

Hurley devotes an entire section to agriculture in its comprehensive plan. Hurley expressly states that its goal is to maintain farmland. Its comprehensive plan recommends amending the zoning statute "to promote production of local food and other agricultural products." Its plan also states, "that the town does not intend to unreasonably restrict or regulate farm operations." Hurley does have a very specific recommendation regarding agriculture, which is

to establish a local right to farm law. Most agriculture in Hurley is located in the Esopus Creek/Route 209 corridor, generally away from residential neighborhoods. Development is unlikely to encroach on this agricultural corridor given floodplains and other environmental constraints.

The Town of Ulster also devotes a whole section of its comprehensive plan to agriculture. Its comprehensive plan makes several recommendations focused on preserving agriculture. Those directly related to land use controls include:

- Identify areas where agricultural activity should be supported over the long-term
- Develop land-use policies aimed at retaining large blocks of farmland that can support a variety of farm businesses
- Create an A-G Agricultural Zoning District
- Encourage cluster or conservation subdivisions to retain prime farmlands.
- Review land-use controls to ensure they are agriculture friendly

Even though part of the town is an urban area with subdivisions, apartments and malls, the comprehensive plan speaks to the cultural heritage of farming there. A total of 91% of those surveyed for the plan felt that the preservation of farmland was an important issue. In addition to recommendations to preserve farmland, one recommendation is to encourage property owners to seek state funding to preserve barns.

Marbletown has done the most long-range planning for agriculture. Marbletown published its own farmland protection plan. *The Marbletown Agricultural and Farmland Protection Plan* builds on the Town's policy of supporting agriculture with several broad recommendations to protect and promote it. Each recommendation has a list of proposed actions. In general, the recommendations have the aim of establishing farmland protection programs and improving agricultural economic development. These recommendations also have the aim of integrating agricultural friendly policies not just into the Town's land use laws, but in its operating activities, too. Marbletown's comprehensive plan addresses agriculture in a section titled Open Space/Agricultural. It says areas in town that host farming and are interwoven with open spaces, such as floodplains along the Esopus and Rondout Creeks, "comprise the agricultural heritage and natural features which are the essence of Marbletown and should be protected and preserved."

Both the Village and Town of Saugerties prepared and adopted a joint comprehensive plan.⁹ Their plan addresses "agriculturally important soils." Areas with these soils are identified. Three goals identified in the plan relating to agriculture. One is to maintain agriculture and

⁹ The Village of Saugerties has no tax parcels included in the New York State Agricultural District Program and is not evaluated in this report.

support its economic viability. A second is to implement land-use policies and regulations that are compatible with soils' ability to support development while protecting prime agricultural soils. The third is to promote options for preserving farms without interfering with a farmer's right to obtain financing or benefit from the sale of their financing. With its focus on protecting soil resources and promoting economic viability, Saugerties has the policy of creating an environment conducive to agriculture as the strategy for protecting and encouraging agriculture. This is even more true since the town has a right-to-farm law.

The City of Kingston had not incorporated agriculture into its long-range planning until recently. The city adopted a new comprehensive plan in 2016 and an open space plan in 2019. Its comprehensive plan gives considerable attention to urban agriculture. The plan discussed the opportunity to expand urban agriculture through vacant lots and blighted properties. Objective 1.3 is dedicated to policy recommendations for urban agriculture, and calls for educating the public, incorporating it into the zoning code, and instituting design review for urban agriculture projects. Objective 1.3 shows that the city wants to minimize the impacts of these projects on surrounding properties, which will be near one another in an urban environment. This makes tax parcels with such projects poor candidates for inclusion into the state certified agricultural district program. Objective 1.3 shows that the city wants to exercise a certain level of regulatory control over urban agriculture projects.

The City of Kingston adopted its open space plan in 2019. It calls for supporting urban agriculture with more community gardens. The plan identifies the Esopus Creek Corridor and Lowlands as an area with existing farmland and the potential for more. The plan recommends protecting 50 acres of farmland and natural areas in this area. "This 50-acre target represents a majority of land in agricultural use in the city", according to the plan.

4. The degree of coordination between local laws, ordinances, rules and regulations that apply to farm operations in such district and their influence on farming

Olive, Shandaken, Woodstock and Ulster

Several towns allow agricultural operations in every zoning district. Olive, Shandaken, Woodstock and Ulster are towns that permit agriculture in every zoning district. Shandaken and Woodstock have supplementary regulations for agricultural operations in their zoning statutes, too. These regulations address setbacks for buildings and for locating manure and or other dust- or odor-producing substances near adjacent properties. These regulations also address the number of animals allowed on a piece of land. Olive addresses setbacks for manure and other dust- or odor-producing substances right alongside the regulations that deal with zoning districts themselves. The Town of Ulster doesn't have supplementary regulations for agriculture in its zoning statute.

Despite allowing agricultural operations in every zoning district, the Town of Ulster has development and zoning issues that make it different from Olive, Shandaken, and Woodstock. Ulster sees a range of land development patterns that include suburban-style subdivisions, manufacturing and commercial uses with other areas of town hosting commercial farming operations. Since the last review of Agricultural District #4, Ulster amended its zoning statute to restrict the number of chickens landowners can have on their properties in the town's residential zoning districts. In effect, this excludes poultry operations in these areas.

Olive, Shandaken and Woodstock deal specifically with farms stands. They come under special permit procedures and site plan review in Olive as commercial uses and are allowed in every zoning district. In Shandaken, farm stands are permitted by right in all commercial districts and by special permit in residential districts. Woodstock has very specific farm stand standards as part of its supplementary regulations for agricultural operations, which are designed to keep such operations small (150 square feet). Woodstock allows farm stands in three of its six residential districts and one of its three commercial districts.

Town of Kingston in Comparison to Similar Towns

The zoning statutes for Olive, Shandaken, Woodstock and Ulster do not differentiate between crop growing and livestock agriculture. This has the potential to create land use conflicts with neighbors - especially when dealing with livestock - in residential areas with small minimum lot size i.e. one acre or smaller. The Town of Kingston, a town very similar to Olive, Shandaken and Woodstock in its rural residential character and mountainous terrain, does not allow agricultural activity in a particular residential area, save for farm stands. This part of town takes up very little land area and is distinguishable from the rest of town by its

concentration of single-family homes. Everywhere else in the Town of Kingston, agricultural operations are allowed.

Hurley, Marbletown and Town of Saugerties

Other towns in Agricultural District #4 also look to minimize land use conflicts through separation of certain agricultural operations and residential uses through zoning. In particular, towns look to limit where livestock and poultry operations can locate. Hurley, Marbletown and the Town of Saugerties do this by classifying crops from livestock separately in their zoning statutes, whereas they all allow crop growing in every district. Marbletown in its supplementary regulations for agriculture allows for livestock in any zoning district provided the farm is in a state certified agricultural district and certain standards are followed. Hurley has much of its active farmland centered around Route 209 and the Esopus Creek. Farmland in Marbletown and Saugerties is more geographically dispersed.

In general, though, Hurley, Marbletown and Saugerties restrict livestock agriculture to areas that require larger minimum lot sizes, and as a result, not as densely developed. This makes it less likely for activities on one property to be a nuisance to an adjacent one. Marbletown restricts livestock agriculture to the more rural areas in less dense zoning districts, as do Hurley and Saugerties. These zoning districts, with their larger lot sizes, encompass large portions of the three towns with the districts that prohibit livestock agriculture being small in comparison.

Other than its integration of state certified agricultural districts into local zoning, Marbletown's supplementary regulations are similar to Shandaken's and Woodstock's. Marbletown's supplementary regulations address setbacks for buildings and odor producing substances, too. Marbletown's supplementary regulations are unique in its policy for granting variances to agricultural operations. Marbletown allows more latitude in an agricultural operation's request for a variance even if it is not within an agricultural district. This is opposed to granting the minimum variance necessary as customary by zoning board of appeals.

Both Marbletown and Hurley limit where farm stands can locate in the same manner as livestock agriculture. Farm stands have their own supplementary regulations in Saugerties. The supplementary regulations for farm stands focus largely on vehicular traffic i.e. parking and access to and from a site. In Saugerties, the supplementary regulations for agricultural operations in general are similar to ones found elsewhere in the District with their emphasis on setbacks for buildings and for odor-producing substances.

Saugerties also has one land use category for *soil preparation crop, farm labor management and landscape and horticultural services* and another for *farm equipment rental, sales and repair*. Both land-use categories are allowed in most zoning districts by site plan review and

sometimes even permitted by right. Saugerties treats horticulture as its own distinct land use allowing it in every zoning district, but with site plan review. Kennels, categorized as agricultural and allowed by special permit, are not allowed in the two zoning districts with the most compact residential development, but are allowed everywhere else. Unlike in many other zoning statutes, kennels are considered businesses for both “boarding and breeding”, not just boarding. Veterinary hospitals, also categorized as agricultural, are regulated the same way as kennels. Kennels and veterinary hospitals are normally not considered agricultural uses by jurisdictions with zoning authority.

Finally, Saugerties has a local right-to-farm law. It employs a set of standards about agricultural practices to guide decision making. Under Saugerties’ Law, this entails determining what is reasonably necessary to conduct the business of agriculture. Agricultural practices conducted on farmland shall not be found to be a public or private nuisance if such agricultural practices are:

- (1) Reasonable and necessary to the particular farm or farm operation;
- (2) Conducted in a manner which is not negligent or reckless;
- (3) Conducted in conformity with generally accepted and sound agricultural practices;
- (4) Conducted in conformity with all local, state and federal laws and regulations;
- (5) Conducted in a manner which does not constitute a threat to public health and safety or cause injury to health or safety of any person; and
- (6) Conducted in a manner which does not unreasonably obstruct the free passage or use of navigable waters or public roadways.

Operations on farmland, as defined by New York State law, meeting these criteria aren’t considered public or private nuisances and won’t have a zoning enforcement action brought against them by the Town. It also provides for a quasi-judicial body to resolve nuisance disputes between those operating a farm and neighbors claiming a nuisance if the parties want to mediate a dispute.

City of Kingston

Prior agricultural district reviews didn’t examine the City of Kingston because it didn’t have any tax parcels in the state certified agricultural district program. There were tax parcels along the Esopus Creek bordering Interstate 87 or Interstate 587 that were used to grow crops around the time of the last review. The parcel along I-587 fell out of agricultural production and is vacant land now. The parcel along I-87 was bought by the Farm Hub, included into an agricultural district several years ago, and is now its Native American Seed Sanctuary.

In Kingston, farms are allowed in the in the R-1, R-2, R-3, R-4, R-5 zoning districts if they 5 acres or larger. This was put into the zoning statute long ago, and reflects the city’s need for wholesale update of its statute, which it has begun undertaking. In 2021, the city amended Chapter 151 (Animals) of its General Legislation, specifically §151-22 (Suitable enclosure

required). It stipulates that “farm buildings devoted to or intended for the housing of livestock, horses, rabbits, hares, guinea pigs, ducks, geese, live poultry or fowls of any kind shall be erected at least 200 feet from any street or property line.” This essentially excludes such buildings in most of the City of Kingston, and as such, the rearing of livestock, poultry, and other animals in this urban area.

Zoning Laws and Farming in Agricultural District #4

Saugerties and Marbletown have the most sophisticated land use regulations related to agriculture. This level of sophistication goes along with both towns having agricultural lands geographically dispersed across their jurisdictions and both having a range of agricultural operations. Whatever the level of sophistication, the towns in Agricultural District #4 look to accommodate crop and livestock agriculture in their zoning. As for the one city – Kingston – that now has a parcel in the agricultural district, it has begun modifying its laws to better accommodate growing crops in its urban environment. As discussed in the section on comprehensive planning, the city is looking to promote farming in areas along the Esopus Creek, which even have a recent history of agricultural activity. Kingston will promote community gardens in the rest of the city, which should be reflected in its zoning over time.

5. Recommendation to continue, modify or terminate such district

The AFPB recommends continuation of the District with modifications to its boundaries. Agricultural District #4 continues to play an important role in northern Ulster County’s farming communities. The AFPB’s decisions for modification were based on the following examination of tax parcels:

A digital map of Agricultural District #4’s tax parcels was examined for this review. Tax assessor information and an aerial map of Ulster County were used in conjunction with this examination. These two items supplied information on land uses found in the tax parcels.

Generally, for this review, viable agricultural lands are ones with real property class codes in the 100 (agriculture) or 300 (vacant lands) range and 241 (single-family residence with agriculture) or 555 (riding stables). In other words, land that tax assessors designated as agriculture or vacant. Agricultural property class codes obviously mean an operational farm. Vacant land already in an agricultural district is given the benefit of the doubt. Meaning such land was deemed viable at one point for agriculture and is presumed to be so now. Economic factors may come into play that have them host commercial farms one day.

Every part of Agricultural District #4 was examined. However, because the Ulster County Planning Department monitors subdivision activity throughout the County, certain areas of the District came under more scrutiny. These are residential subdivisions with small lot sizes i.e. less than 5 acres. In particular, the review looked for residential neighborhoods that had

housing built on them, or neighborhoods of vacant properties where water and sewer/septic systems were installed. Such tax parcels were identified by the Ulster County Planning Department going into the Agricultural and Farmland Protection Board meeting in September 2022.

Certain residential properties were not identified for removal. Residential properties connected to a farm, for example. These properties can share ownership and even parts of the same farm field, too. In other cases, connections aren't apparent but are very possible. One or two residential properties directly border a farm operation. They are isolated from other residential properties and no special effort has been made to separate these residential properties from the neighboring farmland through fencing or landscaped vegetation. Lastly, large properties that would have been connected to a farm in the past, but still have considerable amount of open space, are recommended to remain in the District; these properties could see commercial agriculture again.

Here are other examples of properties included a state certified agricultural district and identified to remain:

- A camping park near the Thruway has a lot of undeveloped land and neighbors a farm in the agricultural district.
- A manufacturing property in Saugerties has a lot of undeveloped land and is adjacent to property in the agricultural district with farms.
- Property in the town of Ulster has a fabrication facility, and active farmland two other portions of the property. It's bisected by Sawkill Rd and the Thruway, creating a natural subdivision.
- Properties included into the agricultural district program during the current inclusion process begun in 2004. These properties often have the same ownership and haven't changed in ways that would have precluded them from being included the first place.

By and large, this review looked to keep intact land area included in the state certified agricultural district program. The goal being to protect existing farming operations and viable land that may not be hosting a farm but have conditions to support commercial agriculture.

Recommendation

The AFPB held its meeting concerning the review of Agricultural District #4 on September 26, 2022. The AFPB reviewed the parcels highlighted for removal by the Ulster County Planning Department staff. The AFPB, after review of the parcels highlighted by Planning Department staff, recommends that **2 parcels totaling 4.9 acres be removed from Agricultural District #4. The list of recommended parcels for removal are attached in Appendix 4. A parcel location map is included in Appendix 5. An aerial photograph of the parcels is in Appendix 6.**

**Ulster County
Agricultural District No. 4
8-Year Review 3/13/2023**

	Size of District September 2022		Examined for Removal		After AFPB Meeting	
	Parcels	Acreage	Parcels	Acreage	Parcels	Acreage
Hurley	37	1,122.14			37	1,222.14
Kingston (city)	1	19.03			1	19.03
Kingston (town)	1	8.48			1	8.48
Marbletown	92	3,390.74			92	3,390.74
Olive	16	325.78			16	325.78
Saugerties	160	4,079.83	2	4.90	158	4,074.83
Shandaken	20	560.90			20	560.90
Ulster	52	1,473.30			52	1,473.30
Woodstock	20	355.40			20	355.40
Total	399	11,335.60			397	11,330.70

List of Tables, Figures, and Appendices

Figure 1: Photograph of logo for farm located on the Hurley Flats in Marbletown (Kingston, NY mailing address)

Appendix 1: Hillshade Map of Ulster County and USDA CropScape Data for Northern Ulster County

Appendix 2: Selected Geographic Features in Agricultural District #4 (2022)

Appendix 3a: 2012 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors

Appendix 3b: 2015 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors

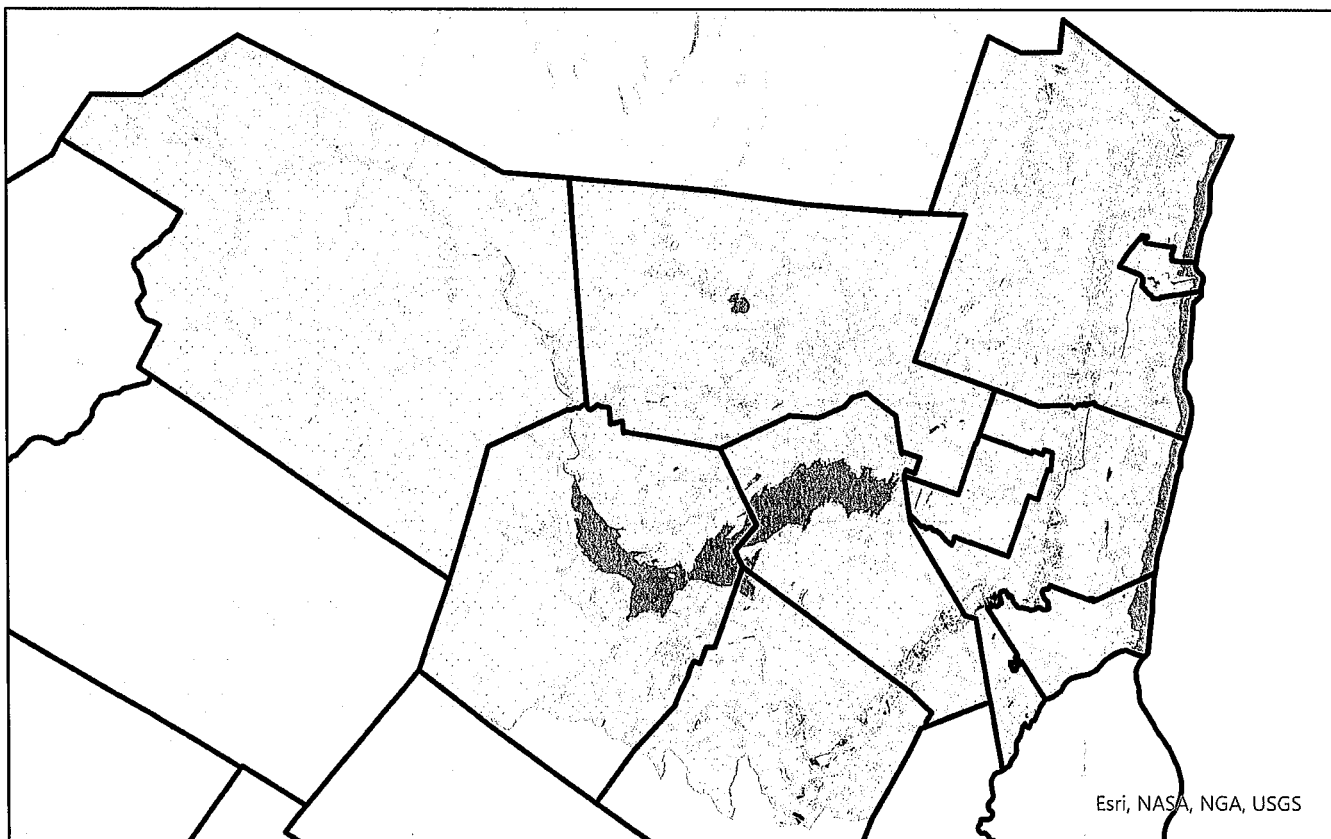
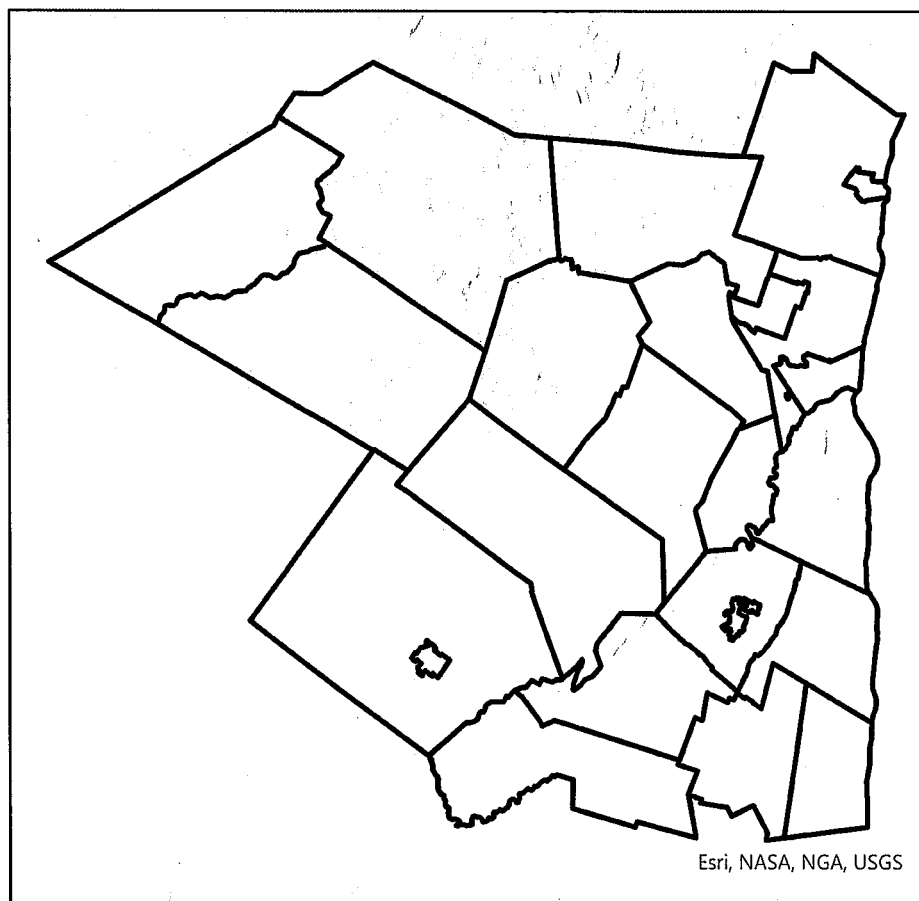
Appendix 3c: 2021 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors

Appendix 4: List of Parcels in Agricultural District #4 recommended for Removal by the Agricultural and Farmland Protection Board at its 9/26/2022 Meeting

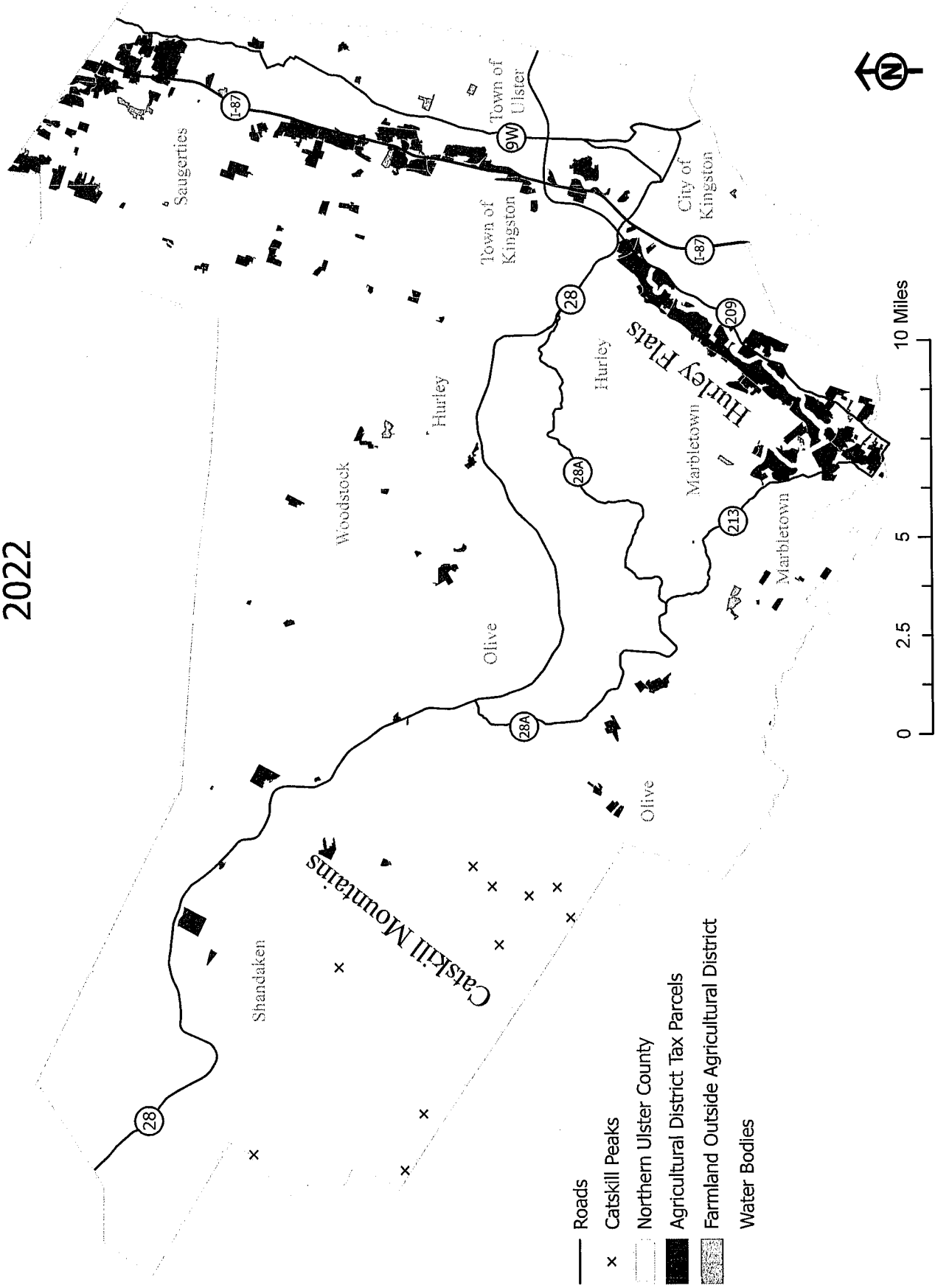
Appendix 5: Location of Parcels Considered for Removal from Agricultural District #4

Appendix 6: Aerial Photograph of Tax Parcels on Bill Parr Dr

Appendix 1: Hillshade Map of Ulster County and USDA CropScape Data for Northern Ulster County

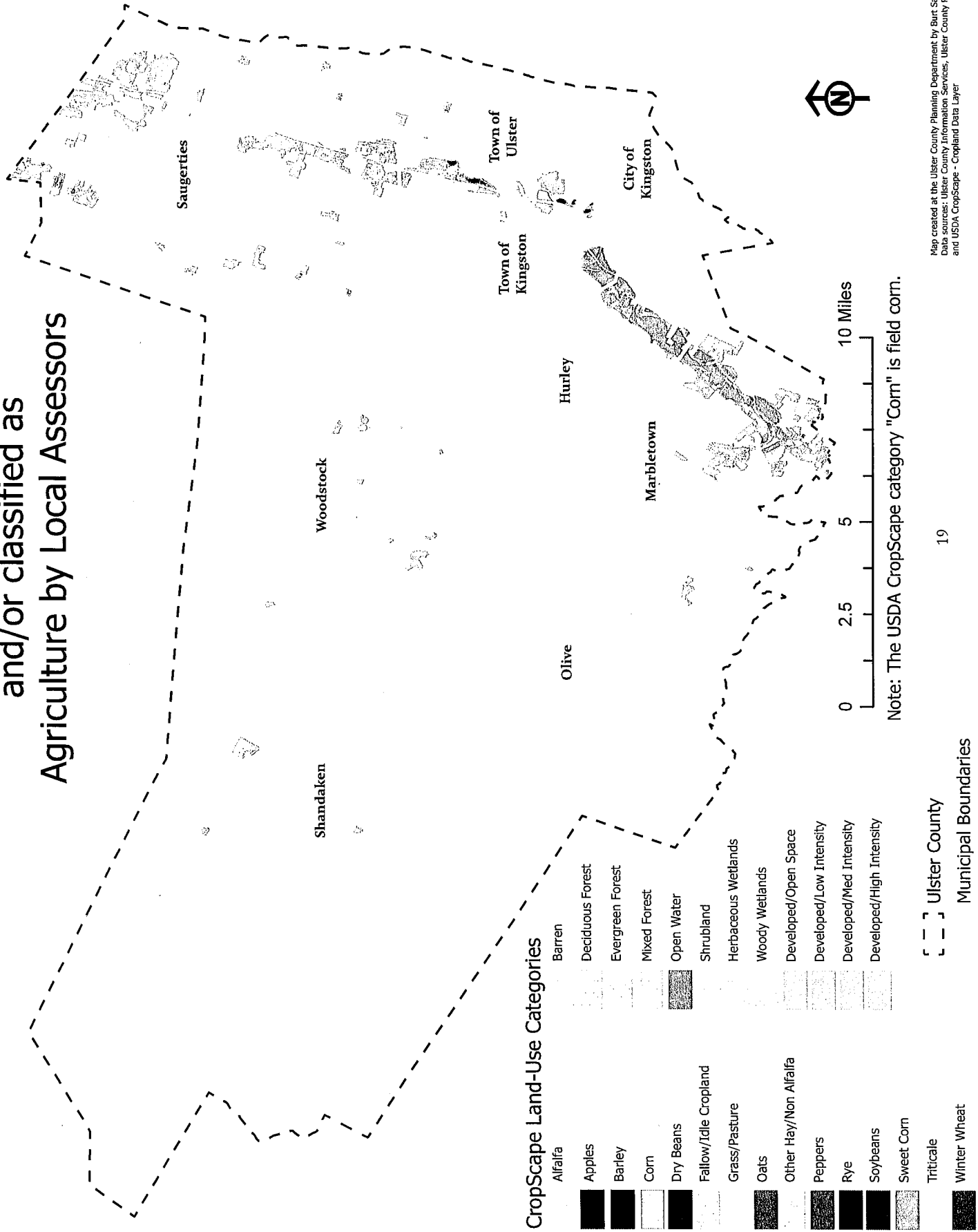


Appendix 2: Selected Geographic Features in Agricultural District #4 2022



Note: Farmland Outside Agricultural District are tax parcels with property class codes signifying agriculture.

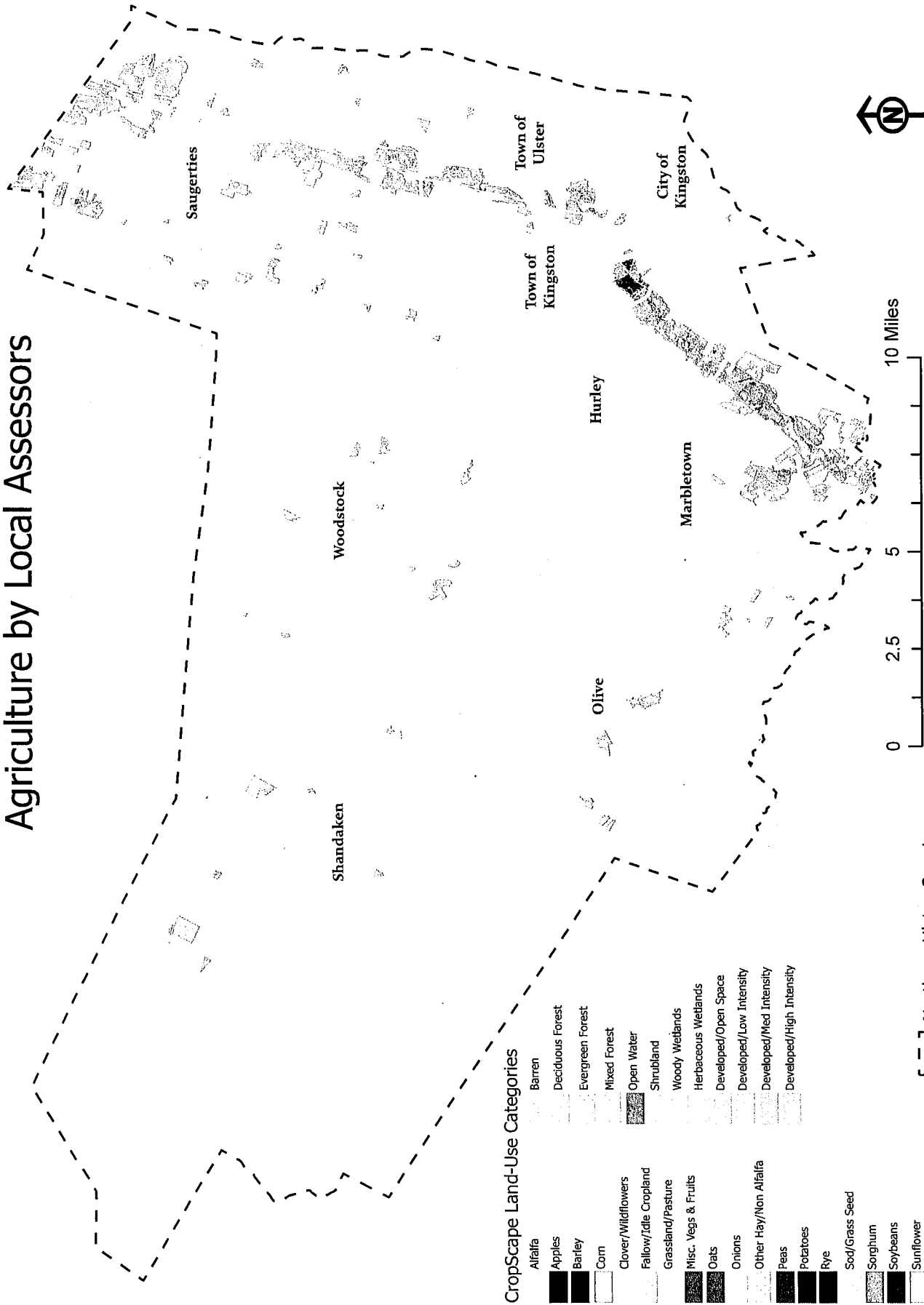
Appendix 3a: 2012 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors



Appendix 3b: 2015 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors



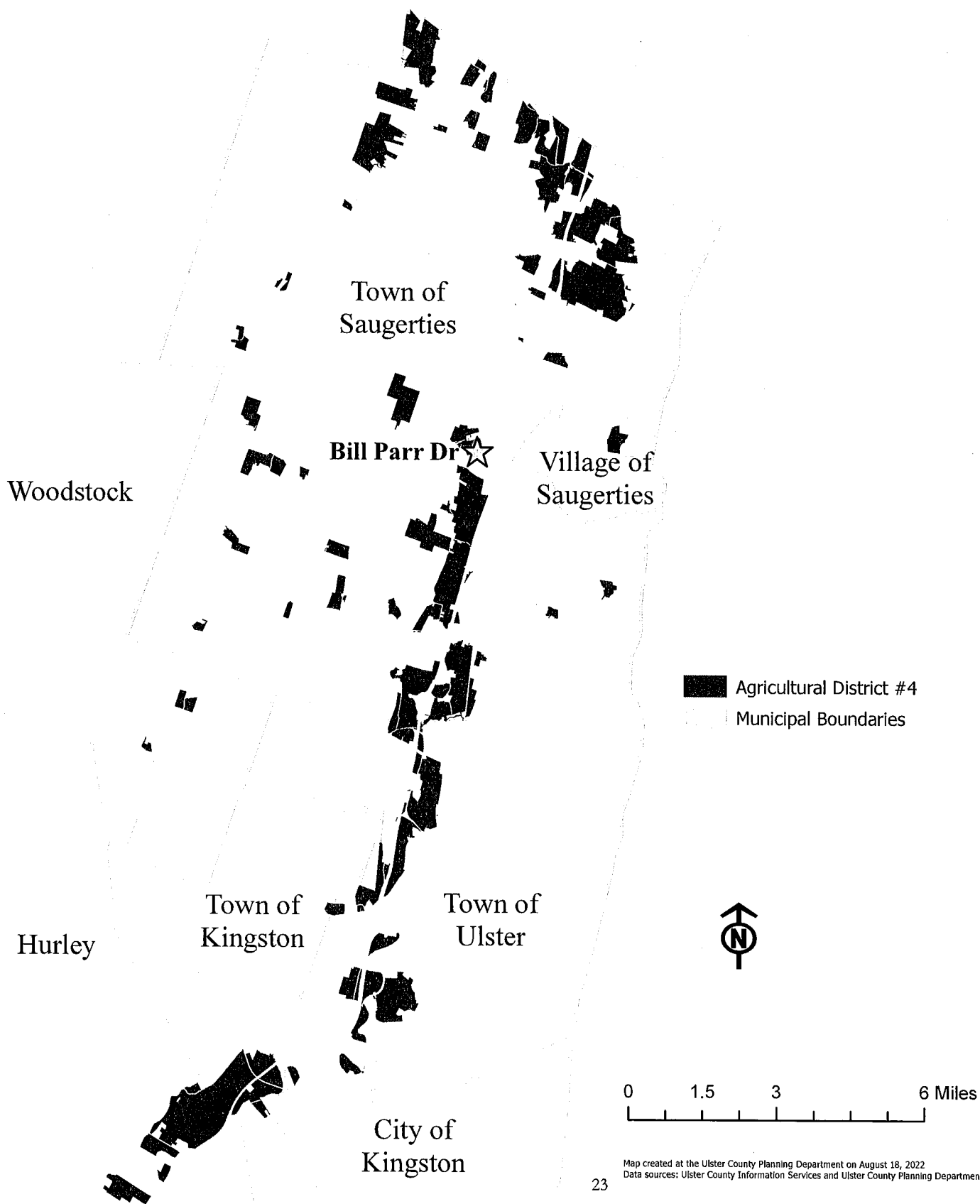
Appendix 3c: 2021 Land Uses for Tax Parcels included in Agricultural District and/or classified as Agriculture by Local Assessors



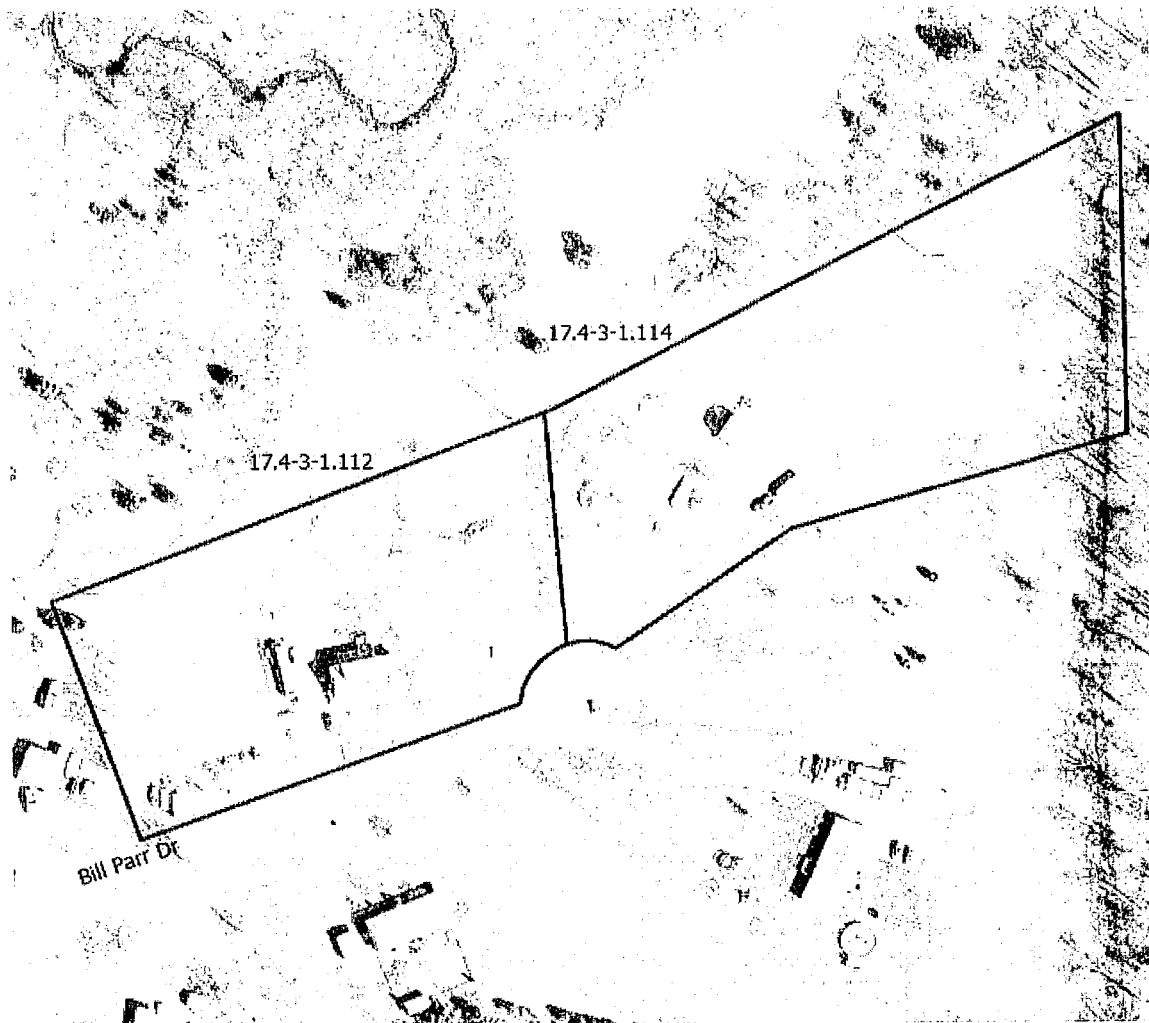
Appendix 4 – List of Parcels in Agricultural District #4
recommended for Removal by the Agricultural and Farmland
Protection Board at its September 26, 2022 Meeting

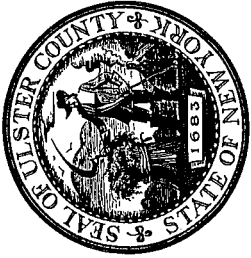
SBL	Town	Parcel Address	Acreage
17.4-3-1.112	Saugerties	23 Bill Parr Dr	2.1
17.4-3-1.114	Saugerties	33 Bill Parr Dr	2.8

Appendix 5: Location of Parcels Considered for Removal from Agricultural District #4



Appendix 6: Bill Parr Dr in Saugerties





ULSTER COUNTY LEGISLATURE

PUBLIC HEARING: PURSUANT TO SECTION 201 OF THE EMINENT DOMAIN
PROCEDURE LAW

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
1.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
2.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
3. 3.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
4.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
5.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
6.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO



ULSTER COUNTY LEGISLATURE

PUBLIC HEARING: ON PROPOSED LOCAL LAW 10 OF 2022 - A LOCAL LAW AMENDING THE CODE OF THE COUNTY OF ULSTER IN RELATION TO CONSTRUCTION APPRENTICESHIPS

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
✓ 1. Valerie Dwyer/ Arnold Construction Inc.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
✓ 2. Joe Hogan/ ACCL	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
✓ 3. Penny Hazer/ Merit Alliance	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
✓ 4. Dave La Spada/ not here A. Colarusso & Sons, Inc.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
✓ 5. Tanner Schmidt ABC empire state	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
✓ 6. Charles LAMENDOCA W.M. SCHULTZ Construction Co., Inc.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
✓ Rich Whitney	TOWN WHERE YOU RESIDE: New Paltz EMAIL: Rich.Whitney13@Yahoo.com	☒ YES ☐ NO
8. Robert H. H. H.	TOWN WHERE YOU RESIDE: EMAIL:	☒ YES ☐ NO
✓ 9. Dean Tamburri	TOWN WHERE YOU RESIDE: Newburgh EMAIL: Dean@Luna17.Com	☒ YES ☐ NO
10. Mike Ham	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
11.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
12.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
13.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
14.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO

Proposed Local Law Number 10 Of 2022

County of Ulster

A Local Law Amending The Code Of The County Of Ulster In Relation To Construction Apprenticeships

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

SECTION 1. INTENT.

The Ulster County Legislature adopted a policy to promote apprenticeship training as authorized by § 816-b of the New York Labor Law by establishing apprenticeship training requirements for certain bridge construction contracts in excess of \$350,000. The County of Ulster hereby intends to revise and expand its promotion of apprenticeship training by strengthening graduation requirements.

SECTION 2. Article III. Construction Apprenticeships, of the Code of the County of Ulster, § 26-9 Requirements and exceptions (A) shall be amended as follows:

- A.** The County of Ulster hereby requires any contractor, prior to entering into a construction contract with the County of Ulster, or any subcontractor entering into a contract with a contractor who has a construction contract with the County of Ulster, to have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State Commissioner of Labor in accordance with Article 23 of the New York State Labor Law. Such apprenticeship program must have a graduation rate of at least 30% **over the last five years** as determined by the New York State Department of Labor. **In addition, each apprenticeship program must provide documentation verifying a minimum of three (3) trade-specific graduates per calendar year for the last five years.**

SECTION 3. APPLICABILITY.

This Local Law shall apply to construction contracts advertised for bids on or after the effective date.

Proposed Local Law Number 10 Of 2022

County of Ulster

**A Local Law Amending The Code Of The County Of Ulster In
Relation To Construction Apprenticeships**

SECTION 4. SEVERABILITY.

In the event that any portion of this local law is found to be invalid, such finding will not have any effect on either the remaining portions or applications of this local law or any provisions of the Code of the County of Ulster, which shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE.

This Local Law shall become effective 90 days after its filing with the Office of the Secretary of State of the State of New York.



Ulster County Legislature
County Office Building, 6th Floor
244 Fair Street
Kingston, NY 12401

October 17, 2022

Re.: Proposed Local Law Number 10 Of 2022, County of Ulster, A Local Law Amending The Code Of The County Of Ulster In Relation To Construction Apprenticeships”

Dear Honorable Legislators,

We applaud Ulster County’s commitment to promote NYSDOL registered programs on its construction projects. Apprenticeship training is a proven method to develop skilled workers and promote diversity in the workforce. The County’s policy aligns with our mission to develop sustainable careers in construction through apprenticeship training.

We believe, however, that “Proposed Local Law Number 10 Of 2022, County of Ulster, A Local Law Amending The Code Of The County Of Ulster In Relation To Construction Apprenticeships” will exclude small apprenticeship program sponsors, limit competition, decrease opportunities for workers, and increase costs to the county.

The expansion of Ulster County law such that each “apprenticeship program must have a graduation rate of at least 30% over the last five years as determined by the New York State Department of Labor. In addition, each apprenticeship program must provide documentation verifying a minimum of three (3) trade-specific graduates per calendar year for the last five years” **is an unreasonable standard.**

It is commonly accepted that most individual employer or small multi-employer apprenticeship programs are not affiliated with a union organization. The proposed law would exclude small individual or multi-employer sponsors who enroll one or two apprentices, as they would not be able to “verify a minimum of three (3) trade-specific graduates per calendar year for the last five years.” Construction apprenticeship programs are “time based” and require no less than 2 years and, often, as much as 4 years to complete (depending on trade).

Additionally, demanding that a sponsor effectively enroll 3 apprentices each year, would also require that the sponsor, under the NYS Ratio requirements, to employ multiple journey workers. For example, under the trade of Carpenter/Heavy Highway, with a ratio of 1:1, 1:4, the first apprentice would require 1 journey worker; the second apprentice requires an additional 4 carpenter journey workers; and the third apprentice would require an additional 4 carpenter journey workers. The result is that a small sponsor, in any one year, would need employ 9 carpenter journey workers employed for each year for 5 years, forcing the contractor to employ 57 carpenter journey workers in the 5 years period. It is not reasonable for a small sponsor to be required to comply with the proposed legislation in order to comply with the graduation requirements.

Interestingly, the International Union of Operating Engineers, Local 825 (New Hampton, New York), (NYSDOL documents “Completes Only, per the NYSDOL ATR 1003” dated April 8, 2022) has graduated only 7 apprentices since 2015, with a graduation rate of 27%. Based on that data, union contractors who rely on IOEU Local 825 for apprenticeship compliance would not meet Ulster County’s requirements.

MERIT APPRENTICESHIP ALLIANCE, INC. ~ MERIT ALLIANCE CONSTRUCTION TRAINING INSTITUTE, INC. ~ MERIT TRAINING TRUST

WWW.MERITALLIANCE.ORG



U.S. DEPARTMENT OF LABOR INITIATIVE

2022



We believe that the quality of an apprenticeship program is best reflected by its ability engage quality firms regardless of labor affiliation, graduate apprentices and comply with NYS apprenticeship guidelines.

The Merit Apprenticeship Alliance (Alliance) established in 2007, is a NYSDOL approved Carpentry, Operating Engineer (heavy equipment), Skilled Construction Craft Laborer, Cement Finisher and Ironworker apprenticeship multi-employer, non-joint apprenticeship program sponsor.

The Alliance adheres to strict quality criteria and only those contractors who meet our standards for excellence are approved as signatory contractors. Our signatory contractors are evaluated based on specific standards:

- Financial stability – we require firms to submit 3 years of audited or reviewed financial statements.
- Safety performance is critical. Our firms must:
 - maintain a three-year average Experience Modification Rating (a workers compensation calculation that impacts workers compensation premium rates) of less than 1.0.
 - submit evidence that safety losses correlate to the EMR documentation and the current workers compensation audit.
 - present documentation of an effective company safety program.
- Employee management. Our firms submit documentation of the firm’s commitment to manage employees respectfully, provide valuable benefits and ensure a harassment free work environment.
- Capacity. Alliance firms provide us with a company history, description of facilities and equipment and geographic territory of work, including
 - documentation of previous, current and anticipated projects detailing manhours, trades and contract value.
 - employee data detailing number of journey workers by trade
 - letters of recommendation from owners, architects and engineers.

Alliance contractors are committed to excellence in safety, performance, regulatory compliance, employee management and community involvement. We believe that our contractors are among the “best of the best” and are an asset to owners.

We are proud of our contractors and apprentices. The Alliance graduation (completion) rates for the Carpenter, Skilled Craft Laborer and Operating Engineer apprenticeship programs are as follows:

- Skilled Construction Craft Laborer - the graduation/completion rate is 63%.
- Carpenter - the graduation/completion rate is 100%.
- Operating Engineer (Heavy Equipment) the graduation/completion rate is 50%.



The Alliance was recently recognized by the NYSDOL as an Apprenticeship Ambassador; one of only 207 in the United States. We urge Ulster County to rely on non-partisan quality standards to ensure that Ulster County projects are completed by firms who demonstrate a commitment to excellence and promoting sustainable careers in construction through registered apprenticeship training.

On behalf of the Merit Alliance, its signatory firms and apprentices, we respectfully request that Ulster County reject Proposed Local Law Number 10 Of 2022, County of Ulster, A Local Law Amending the Code Of The County Of Ulster In Relation To Construction Apprenticeships."

Sincerely,

A handwritten signature in black ink, appearing to read 'Penelope M. Hazer', with a long horizontal flourish extending to the right.

Penelope M. Hazer

President

Tanner Schmidt
Public Affairs Manager
Associated Builders & Contractors, Empire State Chapter
Email: tschmidt@abcnys.org
Cell: (585) 730-1814



Thank you for the opportunity to address you tonight. My name is Tanner Schmidt, and I am the Public Affairs Manager for the Empire State Chapter of Associated Builders & Contractors. We represent over 400 contractors across the state, which over 100 members who live and work in Ulster County.

I am here to discuss Local Law Number 10 "A Local Law Amending the Code of The County of Ulster in Relation to Construction Apprenticeships" which will have a negative impact on Ulster County.

We support the use of apprenticeship programs to build our future construction leaders. ABC even has the largest multiple employer apprenticeship program ever approved by the state. However, this proposed law will be the strictest apprenticeship mandate in the state and potentially the country. Though that may not concern to any of you, it should. It will impact the very contractors the county has worked hard to build up, MWBE firms.

Let me first start with the graduation requirements

Getting an apprenticeship program approved is not easy. Getting apprentices to graduate is often just as difficult and outside of the contractor's control.

DOL requires merit shop contractors to run and manage their own apprenticeship program. That is vastly different for union contractors who simply call the local hall and apprentices are sent to them. As a result, many merit shop firms train and educate their workforce but do not do it under an approved apprenticeship program because it is cost prohibitive.

The cost for a merit shop contractor to have one apprentice on payroll can range from \$45,000-\$80,000 annually. The cost for a union contractor is \$0 as the labor hall does all the training and can float apprentices from one job to another to meet the on-the-job training requirement.

It can take up to 18-36 months for NYSDOL to approve an apprenticeship application. It can take up to an additional 2-5 years for a contractor to graduate an apprentice

The most complicated and troublesome piece of this proposal is that contractors must have graduated three apprentices a year for the past five years. That is an almost impossible standard to meet unless you are signatory to a collective bargaining agreement.

Let me explain why these smaller contractors, whom are most of your MWBE firms cannot comply:

DOL regulates that companies with programs must follow a ratio of apprentices to journeymen. Depending on the type of work you perform, the ratio can be as little as three journeymen for each apprentice to as much as seven or eight to one.

That creates an incredible problem for small businesses, especially M/WBE firms who typically have less journeymen than most contractors. Typically, because the ratio of apprentices is so high, these businesses may have only 1-2 apprentices enrolled at any one time. And should one of those apprentices leave, the contractor must start over.

Type & Scope of Work

The situation is further complicated when you add the term "type and scope of work." A contractor that has an approved Laborers program can bid general construction work as well as any specific work they feel qualified to perform. But that will change, going forward, if this law is passed.

Heavy-Highway contractors with a Laborer program can bid a new section of a bridge that requires framing, concrete/masonry work and site work. Her/his Journeyman are cross trained to do each of the tasks and the Laborer Apprentice is there to help and learn. But under the proposed legislation, that contractor can now only bid the Laborer portion of the job as that is the only program they have approved.

If passed, Local Law 10 will ensure that union contractors will do all work. That extreme lack of competition will undoubtedly lead to a dramatic spike in construction labor costs that will be unaffordable to Ulster County taxpayers.

In closing, I want to repeat that ABC supports apprenticeship training as an excellent way to professionally train construction workers. However, it is not the only path and does not work for smaller firms which are usually the MWBE firms. I urge you to at least leave your current apprenticeship requirements as they are or even go back and look at your current program and lessen how restrictive it is to allow these smaller and MWBE contractors the ability to benefit from Ulster County projects.

HELLO, MY NAME IS CHARLES LAMENDOLA AND I AM HERE ON BEHALF OF MY EMPLOYER W M SCHULTZ CONSTRUCTION, MYSELF, CONTRACTORS WORKING ULSTER COUNTY AND IN THE GREATER NEW YORK AREA.

IT IS OUR UNDERSTANDING THAT PROPOSED LOCAL LAW #10 OF 2022:

- 1. WOULD INDISCRIMINATELY BURDEN SMALL AND/OR DISADVANTAGED BUSINESSES WHO DO NOT HAVE MEANS TO SUPPORT 'LARGE APPRENTICE PROGRAMS'**
- 2. WOULD ALSO NEGATIVELY IMPACT COMPETITIVE BIDDING BY UNFAIRLY DISQUALIFY BIDDERS THUS DRIVING UP COST OF CONSTRUCTION TO TAXPAYERS**
- 3. AND WOULD SET FORTH POOR AND UNCONSIDERED PRECEDENT IN PERFORMANCE QUALIFICATION**

W M SCHULTZ:

IS A PROUD MEMBER OF THE MERIT ALLIANCE

WE HAVE SPEARHEADED SEVERAL OF OUR OWN APPRENTICESHIP TRAINING PROGRAMS

WE HAVE EMPLOYEES WHO LIVE IN ULSTER COUNTY

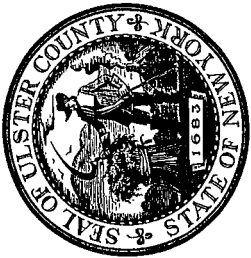
WE CURRENTLY PERFORM WORK IN ULSTER COUNTY

WE CONTRIBUTE TO THE ECONOMY OF ULSTER COUNTY VIA FOOD, ACCOMMODATIONS, MATERIALS, EQUIPMENT, AND SERVICES

AND WE WORK TIRELESSLY TO FOSTER OUR APPRENTICES AND ALL CRAFT/TRADE WORKERS

PLEASE DO NOT CHOOSE TO DISQUALIFY MY COMPANY BY SETTING THE NUMBER OF APPRENTICESHIP GRADUATES TO AN UNATTAINABLE NUMBER.

DO NOT PASS PROPOSED LOCAL LAW #10 OF 2022



ULSTER COUNTY LEGISLATURE

PUBLIC COMMENT (ON SUBJECTS CURRENTLY BEFORE THE LEGISLATURE)

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
Not here 1. Lisa Royer 461/498	TOWN WHERE YOU RESIDE: Kingston EMAIL: Ms. Lisa Royer @ gmail.com	☒ YES NO
2. Rashida Tyler	TOWN WHERE YOU RESIDE: Kingston EMAIL: Rashida.Tyler@gmail.com	☒ YES NO
3. Justin Graham Call In Studio	TOWN WHERE YOU RESIDE: Kingston	YES NO Eviction Res. 461, 498
4. Branan Ranga Call In Studio	TOWN WHERE YOU RESIDE: EMAIL:	YES NO Eviction - Res 498
5. Anna Michaels Nine Michaels	TOWN WHERE YOU RESIDE: EMAIL:	YES NO Housing
6. Steve Gaul	TOWN WHERE YOU RESIDE: EMAIL:	YES NO Housing - 461, 498

- Anna Ings
(works @ DDS)
461, 498

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
7. Nina Nichols	TOWN WHERE YOU RESIDE: Connelly EMAIL: dearnivan.nichols@gmail.com	☒ YES ☐ NO 461, 428
8. Lee Gouger	TOWN WHERE YOU RESIDE: Connelly EMAIL: mahicanituckwaterprotection@gmail.com	☒ YES ☐ NO 461, 428
9. Anne Ames	TOWN WHERE YOU RESIDE: Kingston EMAIL:	☒ YES ☐ NO 461, 428
10.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
11.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
12.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
13.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO
14.	TOWN WHERE YOU RESIDE: EMAIL:	☐ YES ☐ NO



Jim Sofranko, Supervisor
PO Box 180, West Shokan, NY 12494
845-657-8118 x 4
olivesupervisor@gmail.com

October 17, 2022

Dear Legislative Chair Bartels and Legislators,

I would like to thank Dennis Doyle, Ulster County Director of Planning, and Steve Peterson, Director of the Department of Emergency Services for their recent presentation to the Olive Town Board on the Public Safety Radio upgrades planned for the Tonche Mountain radio tower in Shokan. The radio tower on Tonche Mountain is long overdue for this vital upgrade necessary to improve the communication systems for our emergency first responders. The implementation of a functional simulcast radio communication system with backup redundancies will be greatly welcomed by the public safety personnel in the region where the lack of communication has been a serious safety issue for many years.

It was revealed during the presentation that the Government Operation Center (GOC) continues to be discussed by the County Legislature with no site location or construction plan on the table as of yet. This is greatly disappointing as our first responders have been working for years with the promise of this upgrade to improve the county public safety communication system. The GOC has been in the discussion and planning stage by the county for well over a decade! Disappointingly, the communication upgrades to the Tonche Mountain tower will not be functional until the GOC is up and running.

In the Catskills, we have seen a great influx of newcomers and visitors enjoying the many outdoor activities our area has to offer since the pandemic. This has greatly increased the demand on our first responders, especially the volunteer Olive Fire Department who had a total of 231 calls in 2019 and have now responded to 289 calls as of October 17 this year. Without an upgrade to communications, our public safety personnel continue to respond to calls in mountainous areas where radio and cellular communication simply does not exist. Our first responders deserve better especially when we consider the many dangers they face on a daily basis while serving the public.

I humbly ask the legislature to respond to this situation not as a matter of urgency but as a matter of crisis. Our first responders deserve this respect and greater consideration.

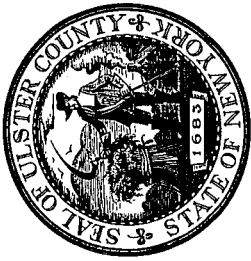
Best regards,

Jim Sofranko
Town of Olive Supervisor

RECEIVED

OCT 18 2022

ULSTER COUNTY LEGISLATURE



ULSTER COUNTY LEGISLATURE

PUBLIC COMMENT (ON SUBJECTS *NOT* CURRENTLY BEFORE THE LEGISLATURE)

TUESDAY, OCTOBER 18, 2022

NAME (PLEASE PRINT)	CONTACT	DO YOU WISH TO SPEAK DURING PUBLIC COMMENT (CIRCLE ONE)
1. Molly Holm	TOWN WHERE YOU RESIDE: Mount Tremper EMAIL:	<i>Rail Explorers - noise of wheels running in tracks</i> YES NO <i>Rail Bikes</i>
2.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
3.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
4.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
5.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO
6.	TOWN WHERE YOU RESIDE: EMAIL:	YES NO

Good evening,

October/18/2022

I am here on behalf of seven property owners from Mount Tremper to once again reach out to the county to request help. We have been trying for months to get the county to respond to our concerns about Rail Explorers and the extreme negative impact they have had on our properties and neighborhoods. Unlike most Rail Bike Companies in the U.S. this one use metal wheels instead of the synthetic ones. This results in a horrible and very loud sound of metal on metal, combining that with their summer schedule of 7 days a week . 8:30 am to 8:30 pm and their 6 month long season we are given no ability to enjoy our properties we work hard at maintaining and paying taxes for. Rail Explorers has boasted they had 30,000 riders last year and close to that this year. Can you imagine that going by your own property? We live in a residential neighborhood and Rail Bikes are a commercial company renting the use of the tracks at the Counties discretion while also frankly paying Ulster County a good sum. Where do we stand in any of this considering the impacts on us. At what point does and should the county come to us and say "what can we do to help you"? For the last 3 years no one from Ulster County has reached out to us despite our numerous efforts. We have solutions to offer, and we are leaving you with a packet explaining what they are. We also have the name and addresses of our other neighbors who could not be here tonight. Rail Explorers contract is almost over and we are very worried a new one will be handed to them without any changes or recognition of the problems. We need your help, we need someone here in this room to look in to this for us because we are the community you care for. We can bring all the tourism in the world here to Ulster County but if our neighbors are hiding indoors with the windows closed or selling their properties to get away from the impacts of what is created here....who will be left?

Molly Holm

38 Andrew Lane Rd. Mount Tremper, NY 12457

845-688-5444

Susan Wayman / Randy Harwood
40 Andrew Lane
Mount Tremper , N.Y. 12457

Oct. 3 , 2022

Ulster County Planning Board
Attn. Dennis Doyle

Concern - Rail Explorers upcoming contract renewal

On May 1, 2022 , I sent emails to the Ulster County Planning Board , Shandaken Supervisor , and Rail Explorers. On May 22 , 2022 I also sent the same email to Dennis Doyle. This was to bring attention to the issue of the endless noise by the railcars operated by the Rail Explorers which run through the residential neighborhood of tax paying land owners. This goes on 7 days a week from 8:30 a.m. to 8:30 p.m. , 10 - 12 minutes every hour.

Upon getting no response from any of the parties , I attended the June 2022 board meeting in Shandaken to voice my opinion and concerns over the distress of the constant noise pollution for the past 6 years. I feel that myself and my neighbors should be able to enjoy our properties without the disturbance and noise from the railcars throughout the day and into the evenings.

The town board then agreed to reach out and request a meeting between Ulster County , Rail Explorers , and concerned land owners who reside along Andrew Lane and Mt.Pleasant Rd. , which the railcars run through on a daily basis.

To date no one has responded or recognised the request to the best of my knowledge. It seems as though as tax paying landowners we do not matter !

I would like to express this is not a criticism of local officials here in Shandaken , but more to point out the facts so far , and to go on record , with still no response from the Ulster County representatives or the Rail explorers.

This has become quite a disturbing issue for us day after day after day , especially on weekends when we would like to enjoy our backyards and neighborhood peacefully . It is also disturbing to local wildlife and family pets.

I would like to add some things I have found while investigating railcar operations in other areas.

Most every location I have seen online does not run through residential neighborhoods , and are located on or along vast tracts of uninhabited lands. Also they use synthetic wheels which basically make NO NOISE at all .

I know Rail Explorers stated at a planning meeting I attended in Shandaken they can not use these , or that they were waiting for them from overseas. This seems like nothing but excuses for the last 6 years.

There are manufactures of synthetic wheels right here in the USA , one example is known as "Railriders.net" , which have a website available to view. I have also included print outs of examples of their product. They state their wheels are used worldwide in all sorts of railcar applications and can be made to order , starting at \$225 each.

While Rail Explorers state they have had 30,000 riders in 2021 and on track to match that in 2022 , which equates to apx. 1.35 million dollars coming in. It would seem this is a change within reasonable reach. We do realize that there are expenses as with any business and they do bring income into the area , but we are tired of the excuses , back peddling , and lack of any action to mitigate our complaints. If they were not making a profit or running things their way with no issues, I am sure they would be long gone by now , just as they did previously when operating in the Adirondacks and things became unfriendly for the operation there. This was noted as such in an article found in the Adirondack Daily Enterprise dated Oct. 6 , 2016 titled "Rail Explorers to End Adirondack Operations" . With a statement " The business climate is just not friendly enough to operate here".

We are not looking for friends here , just a responsible accountable business that takes into consideration the impact they have on the area that they operate in.

Just like any business , a purchase of materials, such as wheels . would be a write off in the end game. It's about time Rail Explorers steps up and commits to making the changes needed to mitigate the noise issue.

In conclusion , if the Rail Explorers choose not to recognize the residents requests and make the changes necessary to mitigate the situation , including synthetic wheels and noise reduction fencing as needed maybe the county should put the contract up for bid and reward it to an entity that is willing to use , or already has the quieter railcars in use. Someone who has the community in mind more than profits !

Please see the attached sheet stating changes we are requesting be made in the new contract , (if approved) , for the Rail Explorers to operate for another 5 years in our neighborhood.

There is money to be made here , and we understand the investment Rail Explorers has made and the money the County receives on leasing the rails. Let's work together on this and find an amicable solution so tourists may continue to enjoy the Catskills and we may enjoy our backyards !

There are many videos available online to view , and see that synthetic wheels are the answer ! We have viewed many of these videos on Youtube , and on individual posts by riders enjoying the experience all over the country using synthetic wheels. They provide a quieter ride for them and an acceptable noise level I would think , for neighborhood areas. Please take the time to view them and you will see for yourselves.

Thank you ,

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17 inch polyurethane railroad wheel

from \$225.00

Color:

Select Color 

Quantity:

1

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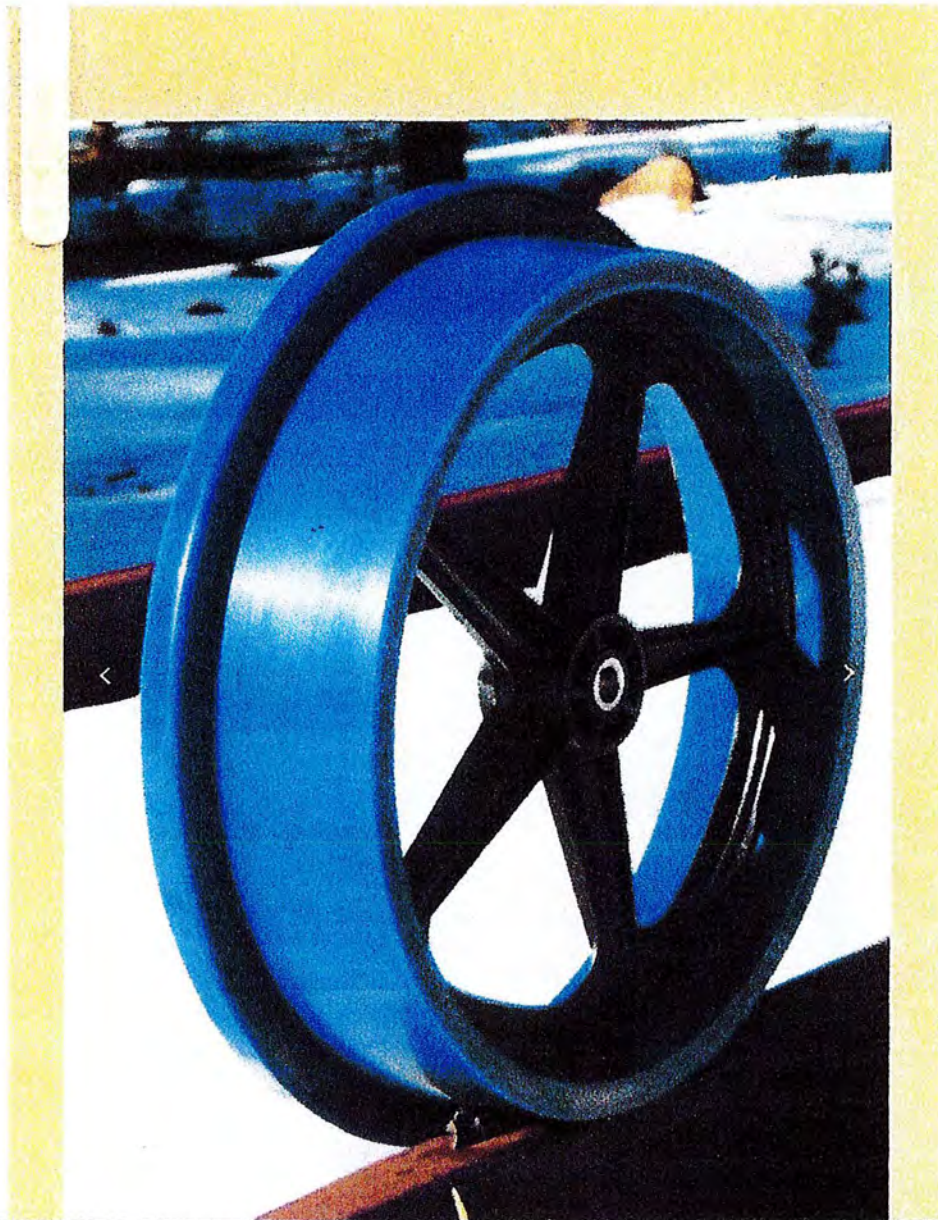
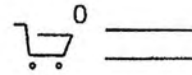
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Following 3 pages are copies of emails sent out in May as stated in our letter dated Oct. 3 , 2022 to the parties listed.

Thank you for your attention to this matter.

Susan Wayman / Randy Harwood

845-389-6656 / 518- 610-0719

To : ddoy@co.ulster.ny.us

Subject - "Rail Explorers"

At this time with the presentation of your new yearly schedule and addition of the REX EXPRESS , I am requesting that the privacy fence you provided for my next door neighbor on Andrew Lane be extended along my property line as well. It is effective as such , and I feel it is within reasonable cost to mitigate an ongoing problem with noise and disruption of our property from the running of the Rail Explorers through the residential area of Mount Tremper.

You also proposed in your new project for 2022 the desire of placing landscaping and trees at the depot site to provide privacy and buffers from the sound of Rt. 28 for the riders.

I would think prior to starting a new project you would have consideration in providing privacy for the residents that have endured the constant noise and disruption for the past 5 years. The taxpayers that live here should be able to enjoy our properties during the warmer months.

I would appreciate hearing from you on this matter.

Respectfully,

Susan Wayman
Randy Harwood
40 Andrew Lane
Mt. Tremper NY 12457

TO : planning@co.ulster.ny.us

Subject - Rail Explorers

At this time with the presentation of your new yearly schedule and addition of the " REX EXPRESS" , I am requesting that the privacy fence you provided for my next door neighbor on Andrew Lane in Mt.Tremper be extended along my property line as well. It is effective as such , and I feel it is within reasonable cost to mitigate an ongoing problem With noise and disruption of our property from the running of the Rail Explorers through the residential area of Mount Tremper.

You also proposed in your new project for 2022 the desire of placing landscaping and trees at the depot site to provide privacy and noise buffers from traffic on Rt.28 for the riders.

I would think prior to starting a new project you would have the consideration in providing privacy for the residents who have endured the constant noise for the past 5 years. The taxpayers that live here should be able to enjoy our properties during the warm months as well.

I would appreciate hearing from you on this matter.

Respectfully ,

Susan Wayman
Randy Harwood
40 Andrew Lane
Mount Tremper NY 12457

TO: Rail Explorers
ATTN : Mary Joy Lu CEO

At this time with the presentation of your new yearly schedule and addition of the "REX EXPRESS" within your proposal , I would like to make a request.

I would like to have the privacy fencing you provided for my next door neighbor on Andrew Lane in Mount Tremper extended along my property line. It is effective as such , and I feel it is within reasonable cost to mitigate an ongoing problem with noise and disruption of our property from the running of the Rail Explorers through the residential area of Mount Tremper.

I do understand the great economic advantages this business has brought along the way, and to other businesses in the area , and the impact on tourism. I also note your desire to do landscaping and new trees at the depot site to " provide privacy and buffers from sound from the road" , and would think along this line you might be considerate in providing privacy for the ones who request it , and are in their homes and backyards on a daily basis and not there for just a tour stop spot for 40 minutes.

Thank you respectfully ,

Susan Wayman / Randy Harwood
40 Andrew Lane
Mount Tremper N.Y.

I am a long-time resident of both Woodstock and Mount Tremper, having lived in the same house on 38 Andrew Lane Rd for the last 41 years.

I wanted to share the e-mail exchanges my mother and I had with Rail Explorers and the County, through Chris White in 2019. Unfortunately, when he stopped working for Ulster County and the Planning Department maybe 3 years ago, that was the last time anyone from the county has reached out to us or shown us any care in relation to the effects Rail Explorers has had on our properties.

We have reached out through phone calls, e-mails, through speaking up at our local town and planning board meetings and even this summer at the Ulster County Legislative monthly meeting.

The people we believe who are in charge of the contract and oversee the lease is the Ulster County Planning Department under Dennis Doyle. Apart from that, we have no idea who else is involved with renewing their contract and in general, overseeing their activities. It has not been easy for us to get any information about their lease or how it is renegotiated.

I think it's important to see those early exchanges we had with this company because it set the tone for the last three years of essentially silence about our concerns. It also shows that in the beginning the County did show care and respect for us and the impacts these rail bikes would have on our neighborhoods. We don't know why that all stopped from the Counties side of things. We really hope if their contract is going to be renewed for another 5 years, we are part of that conversation and our concerns addressed and dealt with and put into their new contract. We are the best observers of the impacts this tourist company has had on our residential neighborhoods, and we are frankly devastated by them. We believe there are multiple ways to improve this situation, but we have to have the support of Ulster County on this.

Thank you for taking the time to consider our situation.

I am including a page with the names and addresses of other neighbors here also negatively impacted. They would welcome anyone from the county reaching out to them as well. We do feel there is a lot of support from the community of Shandaken, and our local government here for us and we all hope for some mitigations to be done. We all want to enjoy the place we live, and find a balance between bringing in tourist dollars and also supporting homeowners rights.

Please feel free to call me with any questions.

Molly Holm

38 Andrew Lane Rd.

Mount Tremper, NY 12457

845-688-5444

FW: Andrews Lane Fence alternative

From: Christopher White (cwhi@co.ulster.ny.us)

To: mollyholmipn@yahoo.com

Date: Thursday, May 16, 2019 at 04:27 PM EDT

FYI

From: Christopher White

Sent: Thursday, May 16, 2019 4:00 PM

To: Mary Joy Lu <mary@railexplorers.net>

Cc: Alex Catchpoole <alex@railexplorers.net>; Michelle Davis

<michelle@railexplorers.net>; JR Davis <jr@railexplorers.net>; Rachel Pereira

<rachel@railexplorers.net>; Mark Stenning <mstenning@railexplorers.net>

Subject: RE: Andrews Lane Fence alternative

Mary Joy,

The fence that was promised was a solid fence as the purpose was to create a noise and visual barrier, which a fence with slots does not do as effectively. The solid stockade fence was what Molly and Diane were promised so please redesign the fence consistent with that commitment. Please note that Molly and Diane are quite upset that a fence that was promised to be in last year is still be argued over, and they were very upset by the last minute attempt to change what we thought was finalized last week.

I understand that you don't like this solution. Please remember that the County has gone to great lengths to accommodate your needs, including retroactively reimbursing you \$5,000 for capital project items that were not pre-approved as required in the permit (and ~~therefore, could have been denied.~~) Our ~~residents are now quite upset,~~ so I think the wisest course of action is to tone down our respective frustrations and install a solid fence as soon as possible.

Once you have the design completed, please let me know, and I can work with our Safety Office to line up the necessary permit.

Thanks,
Chris

From: Mary Joy Lu [mailto:mary@railexplorers.net]

Sent: Thursday, May 16, 2019 3:30 PM

To: Christopher White <cwhi@co.ulster.ny.us<mailto:cwhi@co.ulster.ny.us>>

Cc: Alex Catchpoole <alex@railexplorers.net<mailto:alex@railexplorers.net>>

; Michelle Davis <michelle@railexplorers.net<mailto:michelle@railexplorers.net>>

; JR Davis

<jr@railexplorers.net<<mailto:jr@railexplorers.net>>>; Rachel Pereira
<rachel@railexplorers.net<<mailto:rachel@railexplorers.net>>>; Mark Stenning
<mstenning@railexplorers.net<<mailto:mstenning@railexplorers.net>>>
Subject: Re: Andrews Lane Fence alternative

Hi Chris,

Alex is out in the field at present - we understand that this is an unusual and very upsetting situation for all of us to have had to deal with none of use are happy with the outcome. We are frustrated beyond belief as we never like compromising on what we consider bad design solutions.
We will move forward as quickly as possible.

Rail Explorers does not feel this is a good long term solution and will not recommend a fence being built on the rail ROW in the future. Any future complaints will be dealt with courteously with our neighbors and we would like you to forward all complaints to us. I hope you will support us with this going forward - building fences is not a solution.

Thanks,
Mary Joy

OBJECT: Privacy fence to discourage Rail Explorer riders waving and having any interaction with the Holm Family, Mt Tremper
(This will not stop noise)

Proposal to build fence 96 foot fence = 12 x 8' wide x 6' TALL fence
Style: Stockade Fence with 1.5 inch spacing of panels to allow airflow, small animals, better wind resistance, flood resistance with water flow.
Material : white cedar or pine /cyprus
Posts: galvanized steel uprights they have to be dug in the ground 2 feet to anchor strong construction.
Location: Western edge of railroad track along Andrews Lane approx 4-5 feet from edge of track.
Requested and Authorised by: Ulster County.

Details:
We are looking at ordering 6' white cedar fence stockade style with 1.5 " spacing of pickets to allow for movement and airflow.
Natural finish.

Schedule:
From date of permit approval from Ulster County: allow 7-9 days for delivery.
Installation TBD based on time order is received and paid 50% deposit.
Installation time: 3-5 days depending on condition of soil.

Possible Timeline Schedule:
Monday May 20: Approval of County Permit
Tuesday May 21: Pay for order

* order processed and made allow two weeks*

June 4: Fence arrives

June 5: Installation starts (tbd based on waitlist with construction company)

Week of June 10: Completed (Pending no unforeseen construction issues on location and weather permitting)

TBD Budget \$5000 - \$6000

[cid:image001.png@01D50C00.6EA5A360][cid:image002.png@01D50C00.6EA5A360]
[cid:image003.png@01D50C00.6EA5A360]

Mary Joy Lu

CEO

mary@railexplorers.net<<mailto:mary@railexplorers.net>>

www.RailExplorers.net<<http://www.RailExplorers.net>>

office (877) 833 8588

cell (917) 922 3934

[cid:image004.jpg@01D50C00.6EA5A360]

On May 16, 2019, at 12:12 PM, Christopher White

<cwhi@co.ulster.ny.us<<mailto:cwhi@co.ulster.ny.us>>> wrote:

Hi Alex,

I spoke at length this morning to Molly and Diane, and they have requested that the fence be installed as previously discussed. The proposed tunnel with plantings does not address the shorter and medium term need for privacy and noise abatement, but might be something that could work in the longer term with the fence. The County supports Molly and Diane's decision, which is reasonable and consistent with promises made last year. As I noted previously, the County would consider the expense of the fence a capital improvement eligible for the \$5,000 annual capital deduction from your annual use fee.

I understand that the fence is not something that adds to the railbike experience. However, if you want to install the tunnel after the fence or start plantings along the fence that could be parleyed into a tunnel in the future (and which could beautiful the fence greatly) as they mature, the County would certainly consider approving the tunnel in the future.

For now, I think it's important for Rail Explorers to move forward quickly on installing the fence as finalized with Michele last week in the field. The County will need a simple plan to approve so we can issue the necessary building permit.

Good luck with your opening this weekend and please let me know how you'd like to proceed.

Residents of Andrew Lane and Mt.Pleasant Rd. Oct. 3 , 2022
Rail Explorers corridor

Ulster County Planning Board
Attn. Dennis Doyle

Before a new contract can be approved for Rail Explorers

- 1] - Synthetic wheels on all rail cars
- 2] - Sound proof fencing for those requesting it
- 3] - Reduction in property owners taxes
- 4] - Contractual less runs per day
- 5] - Limit on number of cars in a run
- 6] - Proof of environmental study
- 7] - Extensive training for employees
- 8] - Age restriction on employees responsible for the well being of riders.

Residents of Andrew Lane and Mt.Pleasant Rd. Oct .3 , 2022
Rail Explorers corridor
Mt. Tremper , N.Y.

Ulster County Planning Board
Attn. Dennis Doyle

Reasons to end the Rail Explorers contract

- 1] - Noise pollution
- 2] - Decrease of property values
- 3] - Disruption of wildlife and environment
- 4] - Runs through a residential neighborhood
- 5] - Not showing respect and concern for residence -
 - a) Not being a good neighbor
 - b) No response to emails or an attempt at resolution
 - c) Not entertaining mitigation to resolve complaints.
- 6]- Preserve the natural beauty of the Catskill Mountains
- 7] - Dangerous passage across Rt.28 and other roadways
- 8] - Lack of sufficient training of employees
- 9] - Lack of safety and care of the railcar passengers

Molly Holm

38 Andrew Lane Rd.

Mount Tremper, NY 12457

845-688-5444

Susan Muller Wayman and Randy Harwood

40 Andrew Lane Rd.

Mount Tremper, NY 12457

845-688-389-6656- Susan

518-610-0719

Keith Langton and Cathy Wildermuth

190 Mount Pleasant Road

Mount Tremper, NY 12457

845-688-3203

Mike Miranda

62 Andrew Lane Rd.

Mount Tremper, NY 12457

Tom and Kate Toal

180 Mount Pleasant Road

Mount Tremper, NY 12457

845-688-5440

Karen Gustavson and Carol McCausland

172 Mount Pleasant Road

Mount Tremper, NY 12457

845-688-5498

Phoenicia with the inactivity of the train line, which Jameson said had brought in 6000 riders last year.

"Everybody has lost," said board member John Horn. "The county has lost the rental of the tracks, and we have lost visitors and business and sales tax."

Rail Explorers plans cancelled for this year

Alex Catchpoole of Rail Explorers confirmed that his company is delaying its plans to conduct rail bike tours along the tracks between Phoenicia and Boiceville. Originally scheduled to begin operations this summer, Rail Explorers hit a snag when the last leg of the tour, parallel to Cold Brook Road in Boiceville, became problematic due to neighbors' fears about possible noise from passing bikes and environmental concerns.

A further obstacle came from Ulster County's receipt of higher than expected bids on repair of three washouts along the same section of track. Chris White, Deputy Director of the Ulster County Planning Department, said the county is asking FEMA, which is funding repair of the largest of the washouts, to re-scope the project and accept a new estimate, although the timetable will no longer permit completion by August, as formerly projected.

"If we can get a decision by the end of May, we can get in and do the work," said White. "Since Rail Explorers isn't starting this year, it won't interfere with their operations." The county engineers estimated \$300,000 to \$600,000 would be needed for the repairs, but the lowest bid came in at \$973,189.71. The difference, said White, was due to the difficulty of access to the site.

"We are going to delay our opening day until the spring of 2018," said Catchpoole. "The delay in track repairs has pushed our schedule past the summer, too late to start our operation this year. Due to opposition from Cold Brook Road residents, we're trying to build a tour that will still be a great experience and accessible to everybody. It will take extra time, but we're still excited about opening in the Catskills, hopefully in April or May."

Rail Explorers formerly operated in the Adirondacks and has recently launched a tour in Rhode Island, where Catchpoole said, "We've had an amazing response from the state



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Shandaken planners again delay decision on Catskill Mountain Railroad train storage

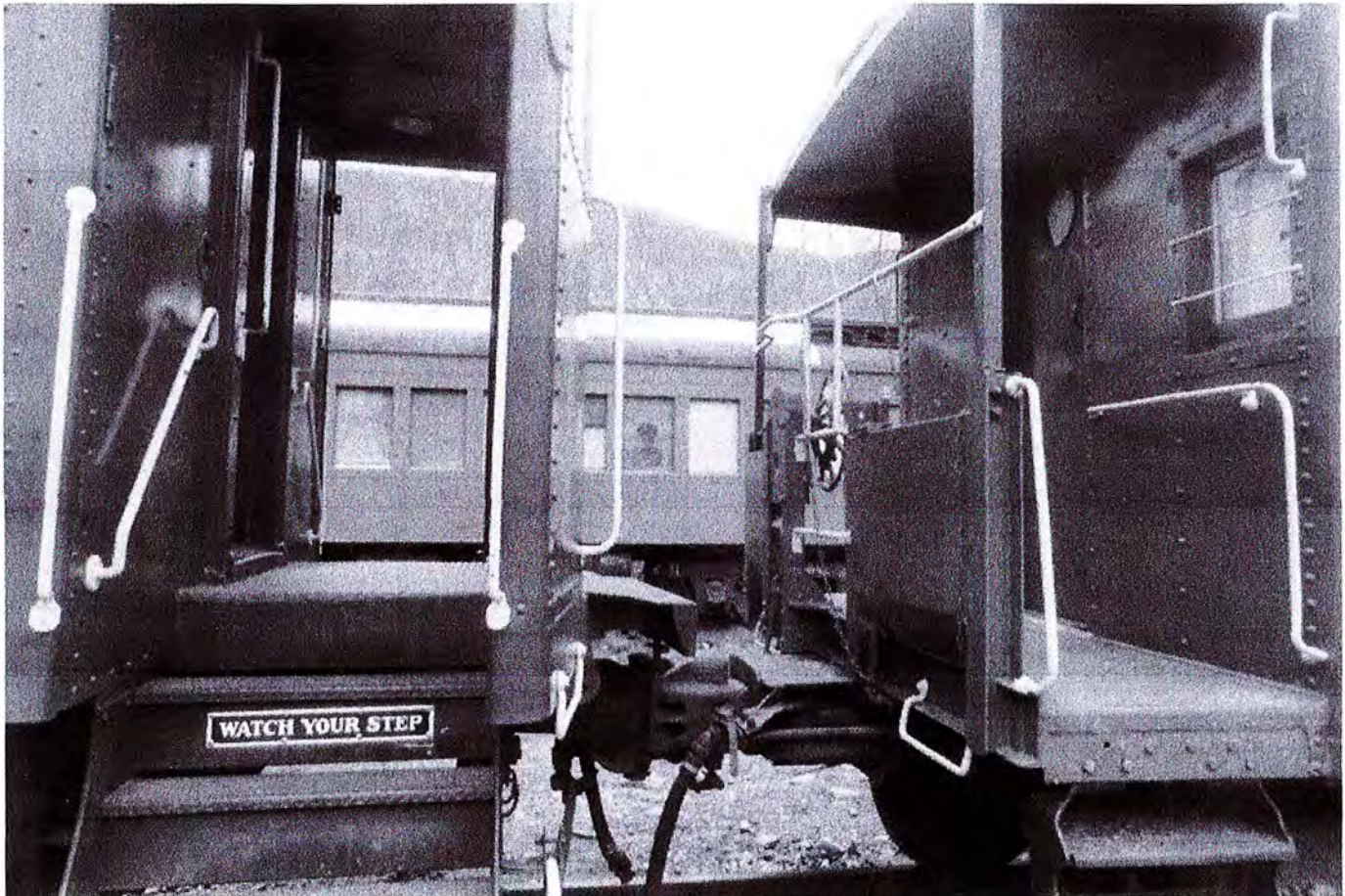
by Violet Snow — November 5, 2017 in Politics & Government

5





(Photo by Dion Ogust)



(Photo by Dion Ogust)

On May 10, the Shandaken planning board considered the long-awaited letter from town attorney Richard J. Olson regarding granting of a permit to Catskill Mountain Railroad (CMRR) for storage of trains on its Phoenicia property. Board members questioned aspects of the letter's content, which asserts that no action can be taken by the board at the present, and said they would ask Olson to attend the next planning board workshop meeting on Wednesday, May 31, at 7 p.m.

CMRR chairman Harry Jameson echoed the board's reservations, stating that Olson did not have the most recent documentation on the railroad's status. He asked the board to approve CMRR's special permit request, despite a threat by the Phoenicia Neighbors

group to respond with an Article 78 proceeding contesting the approval, and warned that the railroad would launch its own Article 78 if the permit is not granted. The board voted unanimously to discuss the issue in person with Olson before making a decision.

Olson's letter pointed out that the board cannot legally approve a permit if an unresolved violation is present. The railroad, facing a deadline from the county, moved its trains from the county tracks to CMRR property in January, without a floodplain permit. Town zoning officer Warren Tutt served a notice of violation, requiring the railroad to hire an engineer to determine whether the presence of the train cars would cause an elevation of flood waters by more than one foot during a 100-year flood. At the May 10 meeting, Tutt stated, "CMRR responded and had a survey done. It was reviewed by their engineer and myself, and we determined that storage of units on the property does not indicate a negative environmental impact on the property. So the violation has been resolved."

Olson further observed that town code forbids granting a special permit for light industrial use in a residential zone, the only possibly applicable exception being for "public utility or transportation use." CMRR has been arguing that it qualifies as a public transportation facility, although a 1983 document from the New York State Department of Transportation (DOT) states that the tourist excursion line "does not need to be treated as a railroad by DOT." According to the document, as a public railroad, CMRR would be required to "comply with the usual track standards, maintain and inspect their equipment according to federal and state standards, and only purchase rolling stock which would be operable on conventional railroads."

Jameson said that Olson may have seen this document, but he had probably not been supplied with a more recent letter from DOT Region 8 Rail Coordinator Greg Hart, stating that CMRR is a public transportation entity. On March 29, the CMRR also submitted a letter from its lawyer, Walter E. Zullig Jr., whom Jameson called an expert in railroad law and the best personal injury attorney in Fort Lauderdale, also confirming that the CMRR was a public transportation business.

Rod Futerfas, attorney for the Phoenicia neighbors who are trying to have the trains ejected from the CMRR yard, has claimed that the railroad would need be approved as a public utility by the state's Public Service Commission or would have to be a common carrier. "All that jurisdiction was moved to DOT in 1971," said Jameson, who also said that

as neither Olson nor Futerfas has expertise in railroad law, accepting their judgment would be “like asking a plumber how to fix your roof.”

“Mr. Olson has to come to a meeting,” declared planning board chair Don Brewer. “We’re clearly not getting anywhere.” The railroad’s application for a permit to store trains has been under discussion for almost six months.

Jameson noted, “The process has been stalled primarily by Shandaken’s professional obstructionist who is the former Chairperson of the Ulster County Trail Committee, who is working in concert with the Ulster County Executive’s office to destroy the Catskill Mountain Railroad Company so the tracks can be ripped up to construct a hiking trail. As well, she has used a neighbor located on Lower High Street who cannot physically see the proposed project area from her house as a tool to maintain opposition.”

He was referring to the former trail committee chair Kathy Nolan, now regional director for Catskill Mountainkeeper, who was at the meeting, along with Phoenicia resident Anique Taylor, who has led the opposition to the storage of trains in the neighborhood.

Everybody loses?

After the meeting, the Phoenicia Neighbors issued a statement agreeing with “the written opinions of both Mr. Olson and Larry Wolinsky, the lawyer for the Shandaken Zoning Board of Appeals, that the Shandaken Zoning Code does not permit the creation of a rail yard, with or without a storage building, in a residential zone. The CMRR’s claims to special status as a railroad are unfounded and are irrelevant to the basic requirements of Shandaken’s Zoning Code.

“The Neighbors call upon the Zoning Enforcement Officer to set a timeline to initiate the imposition of fines...The presence in Phoenicia of what amounts to a junkyard created by the CMRR is a problem not only for the neighbors but also for new businesses trying to come into Phoenicia, such as Rail Explorers.”

Now that rail bike company Rail Explorers has delayed the launch of its local business (see sidebar), planning board members expressed regret about the loss of tourists from

Phoenicia with the inactivity of the train line, which Jameson said had brought in 6000 riders last year.

"Everybody has lost," said board member John Horn. "The county has lost the rental of the tracks, and we have lost visitors and business and sales tax."

Rail Explorers plans cancelled for this year

Alex Catchpoole of Rail Explorers confirmed that his company is delaying its plans to conduct rail bike tours along the tracks between Phoenicia and Boiceville. Originally scheduled to begin operations this summer, Rail Explorers hit a snag when the last leg of the tour, parallel to Cold Brook Road in Boiceville, became problematic due to neighbors' fears about possible noise from passing bikes and environmental concerns.

A further obstacle came from Ulster County's receipt of higher than expected bids on repair of three washouts along the same section of track. Chris White, Deputy Director of the Ulster County Planning Department, said the county is asking FEMA, which is funding repair of the largest of the washouts, to re-scope the project and accept a new estimate, although the timetable will no longer permit completion by August, as formerly projected.

"If we can get a decision by the end of May, we can get in and do the work," said White. "Since Rail Explorers isn't starting this year, it won't interfere with their operations." The county engineers estimated \$300,000 to \$600,000 would be needed for the repairs, but the lowest bid came in at \$973,189.71. The difference, said White, was due to the difficulty of access to the site.

"We are going to delay our opening day until the spring of 2018," said Catchpoole. "The delay in track repairs has pushed our schedule past the summer, too late to start our operation this year. Due to opposition from Cold Brook Road residents, we're trying to build a tour that will still be a great experience and accessible to everybody. It will take extra time, but we're still excited about opening in the Catskills, hopefully in April or May."

Rail Explorers formerly operated in the Adirondacks and has recently launched a tour in Rhode Island, where Catchpoole said, "We've had an amazing response from the state

and the local community. Tickets are already being sold to visitors who are attracted from far and wide. The locals are embracing the tours as a great use for the track and an exciting new attraction.”++

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- Geddy Sveikauskas, Publisher



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Violet Snow

Violet Snow wrote regularly for the Woodstock Times for 17 years and continues to contribute to Hudson Valley One. She has been published in the New York Times “Disunion” blog, Civil War Times, American Ancestors, Jewish Currents, and many other periodicals. An excerpt from her historical novel, To March or to Marry, has appeared in the feminist journal Minerva Rising. She lives in Phoenicia and is currently working with horses, living out her childhood dream.

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