

A Town Board Meeting was held  
March 21, 2022 @ 7:00PM  
at the Town Hall

Presiding: Supervisor McKnight  
Attending: Councilman Humphries , Councilman Boms, Councilwoman Martin,Councilman Simpson

Open Public Comment at 7:00

- 1. Lynne Bailey

Councilwoman McKnight closed the Public Comment and Councilwoman Martin seconded

<b>Resolution # 2022-30</b>	<b>Appointment to ZBA</b>
Offered by Councilman Humphries	Seconded by Councilwoman Martin

BE IT RESOLVED, to appoint Kara Snyder to the Zoning Board of Appeals.

All Voted Aye

THIS INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION RELATING TO SHORT TERM RENTAL PROPERTIES (the “Agreement”), is entered into by and between the COUNTY OF ULSTER, a municipal corporation with principal offices at 244 Fair Street, Kingston New York 12401 (the “County”), and the TOWN OF HURLEY, having its principal office at Town Hall, 10 Wamsley Place, Hurley, New York 12443 (the “Municipality”) (each referred to as a “Party;” together, the “Parties”).

WITNESSETH

**WHEREAS**, a growing industry of online service providers have turned short term rentals into a rapidly growing sector of the vacation rental market putting these largely unregulated rooms in competition with local traditional lodging providers, such as hotels and Bed and Breakfast facilities; and

**WHEREAS**, the addition of short term rentals, that primarily market though online hosting platforms, create a situation where all lodging providers are not compliant with local zoning, health and safety rules, and state and local tax requirements; and

**WHEREAS**, in order to ensure collection and enforcement of the County’s hotel and motel tax from individuals renting residential properties on a short-term basis, the County has entered into a software services agreement with a private vendor to monitor marketplace operators for advertisements of short-term rentals of properties in the County and provide to the County a list of the short-term rental properties, parcel information on those properties, physical property information, the addresses and contact information for the properties’ owners, and information on the nightly rates (the “Master Agreement”); and

**WHEREAS**, the growth of the short term rental marketplace has left local municipalities

scrambling to understand the scope and size of this marketplace within their jurisdiction, while attempting to address health and safety concerns and quality of life issues determined through local zoning and code enforcement; and

**WHEREAS**, in an effort to assist local municipalities, the County has offered to provide, at local option, an inventory of all properties within the respective municipal jurisdiction that have been identified by the County's vendor as advertising short term rentals; and

**WHEREAS**, the County and the municipality now desire to enter into an agreement for the sharing of the information provided through the County's software services agreement; and

**WHEREAS**, the County and the Municipality have reached an agreement as to the terms and conditions and by this Agreement memorialize their understandings, expectations, and representations as to their agreement; and

**WHEREAS**, the respective governing bodies of the County and the municipality have approved the actions set forth in this Agreement and have approved the execution thereof by their appropriate representatives;

**NOW, THEREFORE**, in consideration of the premises and the covenants hereinafter set forth, the County and the Municipality agree as follows:

- The County shall provide the Municipality, in an electronic format, information on the short-term rentals being advertised in the Municipality's jurisdiction that the County has obtained by virtue of the Master Agreement.
- After the initial information is provided, upon the Municipality's request the County shall provide updated information on the short-term rentals being advertised in the Municipality's jurisdiction that the County has obtained by virtue of the Master Agreement on a quarterly basis.
- The information shall be provided to the Municipality "as is" and the County makes no representations or warranties as to the accuracy of the data from the County's software services vendor.
- In the event that the municipality passes regulations or ordinances applicable to short-term rentals, the municipality shall include in such regulations or ordinances a requirement that the property owners register with the County's Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County, and provide documentation relating thereto to the Municipality.
- In the event that the municipality creates a permit system for short-term rental properties, the municipality shall require the property owners to register with the County's Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County and provide documentation relating thereto to the Municipality in order to be eligible for any such permit. Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party (i) for the Party's convenience, or (ii) upon the failure of the other Party to comply with any of the terms or conditions of this Agreement.
- No changes, amendments, or modifications of any of the terms and/or conditions of this Agreement shall be valid unless reduced to writing and signed by the Parties to this Agreement.

**Resolution # 2022-31****Appointment of Planning Board Member**

Offered by Councilwoman Martin

Seconded by Councilman Simpson

BE IT RESOLVED, to appoint Kathryn Kiewel to the Planning Board to complete the term vacated by the resignation of Mitchell Cohen.

**All Voted Aye**

**Resolution # 2022-32****Appointment Planning Board Chairman**

Offered by Supervisor McKnight

Seconded by Councilman Boms

BE IT RESOLVED, to appoint Raymond Palmer Planning Board Chairman to complete the term vacated by the resignation of Mitchell Cohen.

**All Voted Aye**

**Resolution # 2022-33****Secenic ByWay**

Offered by Councilwoman Martin

Seconded by Councilman Humphries

BE IT RESOLVED, to appoint James Herdman to the Scenic Byway Committee.

**All Voted Aye**

**Resolution # 2022-34****Systematic Review**

Offered by Supervisor McKnight

Seconded by Councilman Humphries

WHEREAS, due the rise of property sales in Ulster County the majority of municipalities are seeing their equalization rates decrease this year indicating that the gap between the assessed value and market value is getting larger, and

WHEREAS, previously the state had recommended the Town of Hurley wait a year to conduct a sales ratio trend analysis which would require an increase to all properties by a percentage, and

WHEREAS, due to the high volume of sales we have seen over the past few years and due to the sale prices being considerably higher than the assessed value, the state no longer recommends of waiting, because the required increase is already large and would grow larger, and

WHEREAS, the Town of Hurley Town Board wants to keep any increases that may result from the aforementioned circumstances to a minimum, and

WHEREAS, the Assessor of Real Property recommends retaining Mr. Laurence Farbstein, owner of Industrial & Utility Valuations Consultants, Inc who is familiar with the town from his prior work and who is widely sought after for his expertise,

THEREFORE, NOW BE IT RESOLVED, to retain Mr. Laurence Farbstein, owner of Industrial & Utility Consultants, Inc to perform a systematic analysis to ensure that all property owners are assessed fairly, and

BE IT FURTHER RESOLVED, that the analysis include all vacant, commercial and residential properties in the Town of Hurley to recalibrate the current taxable assessments by conforming to recent trends, and

BE IT FURTHER RESOLVED, to authorize the Supervisor to sign the Contract to retain Mr. Farbstein, owner of Industrial & Utility Consultants, Inc to perform the aforesaid systematic analysis beginning in September 2022 and concluding in May 2023 in time for the final assessment roll filing for the sum of

\$28.50 per parcel to be paid in equal payments of \$12,500 beginning October 1, 2022 totaling \$100,000.00, and funds to cover these costs will come out of the American Rescue Plan, or a Reserve Fund if it exists.

All Voted Aye

**Resolution # 2022-35**

**RFP mowing**

Offered by Councilwoman Martin

Seconded by Councilman Martin

WHEREAS, the Town Board wishes to ensure that town properties are maintained for the benefit of town residents and the public,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board hereby approves the draft Request for Proposals (RFP) and directs the Supervisor to publish the RFP and to report back to the Town Board on the response to the RFP at the appropriate time

All Voted Aye

**Resolution # 2022-36**

**RFP Energy Audit**

Offered by Supervisor McKnight

Seconded by Councilman Simpson

WHEREAS, the Town of Hurley's Climate Smart Task Force has been tasked with reducing the energy usage of town facilities in order to reduce the cost and greenhouse gas emissions resulting from heating and cooling town facilities, and

WHEREAS, the Climate Smart Task Force recommends performing an ASHRAE Level 1 study of the buildings to:

- ✎ • Collect and analyze historical energy use
- ✎ • Study the building and its operation characteristics
- ✎ • Identify potential modifications that will reduce the energy use and/or cost
- ✎ • Create a rank-ordered list of appropriate modifications, and
- ✎ • Prepare a report to document the analysis process and results, and

WHEREAS, the Climate Smart Task Force has secured a grant to cover the cost of the studies, and

WHEREAS, the Town Board wishes to ensure that town facilities function efficiently and provide a quality work environment,

NOW, THEREFOR, BE IT HEREBY RESOLVED that the Town Board hereby approves the draft Request for Proposals (RFP) and directs the Supervisor to publish the RFP and to report back to the Town Board on the response to the RFP at the appropriate time; and

BE IT FURTHER RESOLVED that the Town Board hereby thanks the volunteer members of the Climate Smart Task Force for their excellent work in developing this RFP.

All Voted Aye

**Resolution # 2022-37**

**Purchase Air Purifier**

Offered by Supervisor McKnight

Seconded by Councilman Simpson

WHEREAS, the Town Board wishes to ensure that the Town Hall, the site where most public meetings are conducted, provides indoor air that is free from the COVID-19 virus and any other pathogens that may present a future health risk, and

WHEREAS, air purifiers that include ActivePure technology – which is used by NASA – has been tested by independent labs and is shown to effectively kill the SARS-COV-2 virus in the air and on surfaces,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board hereby directs the Supervisor to purchase a number of units sufficient to purify the air in the Town Hall in an amount not to exceed \$8700.00 and to be paid for with American Rescue Plan funds.

All Voted Aye

**Resolution # 2022-38**

Offered by Councilwoman Martin

**Purchase New Computer**

Seconded by Councilman Simpson

WHEREAS, the Secretary of Planning & Zoning is in need of a new desktop computer and monitor to perform the duties associated with employment, and

WHEREAS, the Building Department already uses the software MUNICIPALITY, and

WHEREAS, the use of MUNICIPALITY by the Planning & Zoning Boards would streamline the process for employees, applicants and town residents,

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board hereby directs the

Supervisor to purchase a new desktop, computer monitor and software MUNICIPALITY in an amount not to exceed \$8500.00 and to be paid for with American Rescue Plan funds.

All Voted Aye

**Resolution # 2022-39**

Offered by Supervisor McKnight

**Hire Fire Inspector**

Seconded by Councilwoman Martin

WHEREAS, the Building Department is in need of a Fire Inspector, and Tom Tyron has submitted a resume ,and

WHEREAS he has the necessary training and certification for this position,

THEREFORE, BE IT RESOLVED, to appoint Tom Tyron as Fire Inspector for

\$30.00 per hour and work between 8 and 10 hours per week..

All Voted Aye

**Resolution # 2021-40**

Offered by Supervisor McKnight

**Claims and Vouchers**

Seconded by Councilwoman Martin

BE IT RESOLVED that the Town Board accept the audited voucher listed on Warrant # 2022-02 -22 Dated 03/22/2022 n the total amount of \$209,156.33

Charged as follows:

General Fund \$87,514.04

Escrow-\$715.00

Capital Account-\$9,590.78

Highway Fund:\$110,357.22

Lighting and Special Districts-\$979.29

All Voted Aye

**Resolution # 2022-41**

Offered by Councilwoman Martin

**Town Clerks Report**

Seconded by Councilman Simpson

BE IT RESOLVED to accept the Town Clerks report for February

All Voted Aye

**Resolution # 2022-29**

Offered by Councilwoman Martin

**Supervisor Report**

Seconded by Councilman Simpson

All board member have received the Supervisor report.

BE IT RESOLVED to accept this report for February.

All Voted Aye

Motion to adjourn was made Supervisor McKnight and seconded by Councilman Simpson

Town Clerk