



Town of Hurley

TOWN BOARD MEETING
10 Wamsley Place, Hurley

January 17, 2023

7:00 pm

Agenda

Call to Order

Public Comments:

Public Comment – Comments from the public shall pertain to items on this agenda. Comments shall be no more than two minutes. This is a time for the public to ask questions and to comment on pending legislation, proposed projects or general concerns about town business. Questions and comments shall be respectful. Personal attacks are not permitted.

Public Hearings:

Resolutions

- Circulate Draft of Local Law regarding Planning Board Organization and to set public hearing
- Appoint Bruce Ginsburg to the Ethics Committee
- Justice Court Audit
- Resolution to Adjust Budget Lines
- Resolution to Undertake a Government Operations Climate Action Plan
- Resolution to Grant Stipend to John Wiacek

New Business

Old Business

- Continuation Corner Lot Side and Rear Yards Public Hearing
- Review & Approve Minutes
- Town Clerk's Report

Adjourn

RESOLUTION TO CIRCULATE DRAFT LOCAL LAW
REGARDING PLANNING BOARD ORGANIZATION
AND TO SET PUBLIC HEARING

Resolution No. _____
Date: January 17, 2023

Moved By _____
Seconded By _____

WHEREAS the Town Board has been asked by the Planning Board to authorize the appointment of alternate members; and

WHEREAS the Town Board wishes to take this occasion to propose a chapter in the Town Code to recognize the existence of the Planning Board and provide for its organization, including the appointment of alternate members; and

WHEREAS the proposed local law is an administrative restructuring reflecting the desire of the Planning Board to more efficiently consider applications brought before it; and

WHEREAS the Town Board declares itself the lead agency under the State Environmental Quality Review Act and its implementing regulations (SEQRA) and declares that the proposed action is exempt from SEQRA pursuant to 6 NYCRR 617.5(c)(26) and (33) as a routine administrative action which has no impact on the environment;

NOW, THEREFORE, THE TOWN BOARD HEREBY RESOLVES that the Town Clerk shall circulate the draft local law annexed hereto, together with a copy of this resolution, to the Town of Hurley Zoning Enforcement Officer, Conservation Advisory Committee, Climate Smart Task Force and Planning Board and to the Ulster County Planning Board, for report and recommendation to the Town Board within thirty days.

BE IT FURTHER RESOLVED that the Town Board sets the date of _____, 7 pm, for a public hearing on said draft Local Law.

	AYE	NAE
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Councilperson	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____

TOWN OF HURLEY
LOCAL LAW NO. __ OF THE YEAR 2023

A LOCAL LAW AMENDING THE TOWN OF HURLEY CODE
TO ADD CHAPTER 45 REGARDING THE ORGANIZATION
OF THE TOWN PLANNING BOARD

BE IT ENACTED by the Town Board of the Town of Hurley as follows

SECTION 1. ENACTMENT OF CHAPTER 45

Chapter 45 is hereby added to the Town Code as follows:

CHAPTER 45 Planning Board

§ 45-1 Establishment; composition; terms; training; removal.

- A. There shall be a Town Planning Board appointed by the Town Board, which shall consist of seven members to serve for successive years with their terms to commence and to end as set forth by the Town Board at the time of the appointment of such members.
- B. Members of the Planning Board shall be required to regularly attend regular and workshop Planning Board meetings and to attend, in their first year after appointment to the Planning Board, the annual school of the New York State Planning Federation or an equivalent training program as approved by the Planning Board Chairperson.
- C. The Town Board shall not remove a member of the Planning Board except for cause and only after public hearing before the Board. Failure to attend more than five regular and/or workshop meetings of the Planning Board in one calendar year or to comply with minimum requirements related to training for members of the Planning Board as set forth in Subsection B of this section shall constitute cause for removal. Nothing herein shall limit any other cause which may be grounds for removal.
- D. The provisions of this section are determined to be consistent with the Town Law. In the event that any provision hereof is held to be inconsistent by any court of competent jurisdiction, this chapter shall supersede such provision of the Town Law, including but not limited to § 271, Subdivision 9 of the Town Law.

§ 45-2 Election of officers.

Upon failure of the Town Board to appoint a Chairman, the members of the Planning Board are to elect a Chairman.

§ 45-3 Employment of staff and experts.

The Planning Board shall have the power and authority to employ experts and a staff and to pay for their services and such other expenses as may be necessary and proper, not exceeding the appropriations that may be made for such Board.

§ 45-4 Adoption of procedural regulations.

The Planning Board may adopt rules and regulations in respect to procedures before it and in respect to any subject matter over which it has jurisdiction under this chapter or any statute after public hearing by such Board and subject to the approval of the Town Board.

§ 45-5 Powers and duties.

A. The Planning Board shall have and exercise the following powers and duties:

- (1) To prepare and change a land use map for the development of the entire area of the Town of Hurley subject to Town Board approval and only after public hearing, and to make investigations and reports relative to the planning of the Town and its future growth and affording adequate facilities for the housing, transportation, distribution, comfort, convenience, safety, health and welfare of its population.
- (2) To approve all plats showing any streets or highways within the Town of Hurley.
- (3) To approve or disapprove changes in the lines of existing streets, highways or public areas shown on subdivision plats or maps filed in the County Clerk's office, subject to Town Board approval and only after public hearing.
- (4) To approve or disapprove the laying out of, closing off or abandonment of such streets, highways or public areas under and subject to the provisions of the Town and highway laws, subject to Town Board approval and only after public hearing.

B. The Planning Board shall also exercise all other powers conferred upon it by the provisions of the Town Law and shall pass upon all matters which may be referred to it from time to time by resolution of the Town Board. It shall conduct hearings and perform its duties in accordance with such procedure as provided in §§ 272 through 281, inclusive, of the Town Law and acts amendatory thereof.

§ 45-6 Filing of certificate with County Clerk.

The Town Clerk of the Town of Hurley shall file with the Clerk of the County of Ulster a certificate, certifying that the Planning Board of the Town of Hurley has been authorized to approve plats showing new streets or highways in accordance with the provisions of § 276, as amended, of the Town Law.

§ 45-7 Approval of plats within Town outside limits of incorporated city or village.

The Town Planning Board of the Town of Hurley is hereby authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, within the Town, and the Town Clerk is hereby instructed to immediately file a certificate of the passage of this chapter with the Clerk of the County of Ulster, New York.

§ 45-8 Alternate members.

- A. Alternate members of the Planning Board may be appointed by the Town Board and designated by the Chairman of the Planning Board in accordance with the provisions of this section when a regular member of the Planning Board is unable to participate on an application or matter before the respective board as set forth herein.
- B. The Town Board shall appoint two alternate members to the Planning Board whose terms shall end on alternating years. They shall normally serve for a term of two years unless their terms end the same year, in which case the Town Board shall appoint one of them for a one-year term. One alternate member shall be designated as the "first alternate Planning Board member," and the other alternate member shall be designated as the "second alternate Planning Board member." No more than two alternate members may serve at any time on the Planning Board. The term of any alternate member shall cease on December 31 in the year after the appointment of that member regardless of whether he or she has served a full 24 months except when they are appointed for a one-year term, in which case their term shall cease on December 31 in the year of the appointment.

- C. The Chairperson of the Planning Board may designate one of the alternate Planning Board members to substitute for a member of the Planning Board when such member is unable to participate on an application or matter before the Board due to conflict of interest, illness or absence. The Chairman shall rotate between the first and second alternate members unless one of them is unable or unwilling to act, in which case the Chairperson shall designate the remaining alternate member to act. When designated, the alternate member shall possess all the powers and responsibilities of such regular member of the Board. Such designation shall be entered into the minutes of the Planning Board meeting at which the substitution is made. Alternate members shall attend every meeting since they may be a needed at a moment's notice.
- D. All provisions of state and local laws relating to Planning Board eligibility, vacancy in office, removal, compatibility of office and service on other boards, as well as any provisions of New York State Town Law or a local law or ordinance relating to training, continuing education, compensation and attendance shall apply to alternate members.

SECTION 2. SUPERSESION OF NEW YORK STATE TOWN LAW

This local law is adopted pursuant to the provisions of §10 of the New York State Municipal Home Rule Law and §10 of the New York State Statute of Local Governments. It is the intent of the Town Board, pursuant to §10 of the New York State Municipal Home Rule Law, to supersede any inconsistent provisions of §271 of the New York State Town Law relating to the appointment of members and alternate members to town planning boards.

SECTION 3. SEVERABILITY

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional or invalid, shall remain in full force and effect.

SECTION 4. CONFLICT WITH OTHER LAWS

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is pre-empted or prohibited by the County, State or federal government, the more restrictive or protective of the Town and the public shall apply.

SECTION 5. AUTHORITY

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local law shall supersede the provisions of the Town Law to the extent it is inconsistent with same, and the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

SECTION 6. EFFECTIVE DATE

This Law shall become effective upon filing with the New York State Secretary of State.

Adopted: _____, 2023

RESOLUTION TO APPOINT BRUCE GINSBERG TO ETHICS COMMITTEE

Resolution No. _____

Moved By _____

Date: January 17, 2023

Seconded By _____

WHEREAS Glenn Decker has stepped down from the Ethics Committee; and

WHEREAS Bruce Ginsberg has expressed interest in serving;

THEREFORE, BE IT RESOLVED, to appoint Bruce Ginsberg to a complete the remainder of Glenn Decker's term, ending on 12/31/2026.

Motioned by: _____

Seconded by: _____

AYE

NAE

Melinda McKnight, Supervisor

Peter Humphries, Councilperson

Michael Boms, Councilperson

Jana Martin, Councilperson

Gregory Simpson, Councilperson



Town of Hurley Court

10 Wamsley Place

P.O. Box 325

Hurley, New York 12443

Tel. 845-331-9229

Fax 845-340-4523

RESOLUTION: 2023 -

JUSTICE COURT AUDIT

WHEREAS, the Town of Hurley Justice Court has submitted its Cash Books, Bank Statements, year End Report of closed cases and balanced Check Books from Town of Hurley Justice Roy Hochberg and Town of Hurley Justice John E. Parker for Audit to the Hurley Town board on December 27th, 2022.

THEREFORE LET IT BE RESOLVED, to accept records as presented.

Report of closed cases submitted for Audit Meeting to the Hurley Town board.
Cashbook, Bank Statements and Balanced Checkbooks.

All audit records are available to the Supervisor or any Hurley Town Board Member on regularly scheduled court hours on 24 hour notice to the Court for review.

RESOLUTION TO ADJUST GENERAL BUDGET LINES

BE IT RESOLVED, as there were some bill payments that were made on December 31st for the 2022 calendar year and the previous resolution were, based on estimated payroll and not actual, that a final budget amendment be made to cover overages for the 2022 calendar year.

To Increase the following General Fund revenues lines:

A3005 State Aid/Mtg Tax \$ 3,508.58

To Increase the following General Fund appropriations lines:

A1220.1	\$ 23.75
A1220.4	\$ 964.01
A1355.2	\$ 189.00
A1910.4	\$ 319.11
A5010.1	\$ 16.38
A9030.8	\$ 1,173.14
A9050.8	\$ 381.93
A9060.8	\$ <u>441.26</u>
	\$ 3,508.58

Motion: _____
Second: _____

	AYE	NAY
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Councilperson	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____

RESOLUTION TO ADJUST HIGHWAY BUDGET LINES

BE IT RESOLVED, , as there were some bill payments that were made on December 31st for the 2022 calendar year and the previous resolution were, based on estimated payroll and not actual, that a final budget amendment be made to cover overages for the 2022 calendar year.

To Decrease the following Highway Fund revenue lines:

DA5142.1 \$ 2,934.61

To Increase the following Highway Fund appropriations lines:

DA5130.1 \$ 328.42

DA9010.8 \$ 1.36

DA9060.8 \$ 2,604.83

\$ 2,934.61

Motion: _____

Second: _____

AYE

NAY

Melinda McKnight, Supervisor
Peter Humphries, Councilperson
Michael Boms, Councilperson
Jana Martin, Councilperson
Gregory Simpson, Councilperson

RESOLUTION TO ADJUST FOR ARPA EXPENDITURES

BE IT RESOLVED to increase the budget for revenue and expenditures funded by unexpended ARPA monies as follows for some lingering charges paid 12/31/2022.

Increase revenue budget line A4089 Federal Aid, Other (ARPA) \$ 4,975.00

Increase appropriation budget lines:

A1620.41 \$ 4,975.00

BE IT FURTHER RESOLVED to transfer the amount expended above from A688 Unexpended ARPA Liability account to A4089 Federal Aid, Other (ARPA) equal to \$4,975.00

Motion: _____

Second: _____

	AYE	NAY
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Councilperson	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____

RESOLUTION TO UNDERTAKE A
GOVERNMENT OPERATIONS CLIMATE ACTION PLAN

WHEREAS, the Town of Hurley pledged to take part in the NYS DEC Climate Smart Communities Certification Program that includes the preparation of a Government Operations Climate Action Plan; and

WHEREAS, a Government Operations Climate Action Plan is a strategy document that sets goals and outlines a set of initiatives that reduce greenhouse gas emissions and provides a framework for achieving those targets; and

WHEREAS, free technical assistance is available to support the development of the inventory and plan from the Hudson Valley Regional Council (HVRC) through a NYS DEC Climate Smart Communities Coordinator Services contract; and

WHEREAS, a completed climate action plan counts toward Climate Smart Communities certification, specifically;

- 1) PE2 Action: Government Operations Climate Action Plan; and

WHEREAS, the Climate Smart Task Force, comprised of municipal officials and environmental volunteer community leaders, will collaborate with HVRC in the development of these publications, reviewed drafts, and provide valuable feedback on iterations that result in the final draft; and

WHEREAS, the task force will provide an opportunity for public input and comment on the draft report; and

WHEREAS, the task force will present a summary of the draft government operations climate action plan to the Town of Hurley Board for consideration of adoption;

NOW, THEREFORE, THE HURLEY TOWN BOARD HEREBY RESOLVES hereby to undertake a Government Operations Climate Action Plan; and

BE IT FURTHER RESOLVED that the Municipal Board authorizes submission of these documents to the NYS DEC Office for Climate Change for consideration of points toward Climate Smart Communities certification for the Town of Hurley.

	AYE	NAE
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Councilperson	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____

RESOLUTION TO GRANT YEARLY STIPEND TO JOHN WIACEK

Resolution No. _____
Date: January 17, 2023

Moved By _____
Seconded By _____

WHEREAS the Deputy Highway Superintendent receives a yearly stipend; and

WHEREAS John Wiacek is the Deputy Highway Superintendent; and

WHEREAS the Highway Superintendent has increased the yearly stipend to \$2,500

THEREFORE, BE IT RESOLVED, to grant a yearly stipend of \$2,500 to Deputy Highway Superintendent John Wiacek.

Motioned by: _____

Seconded by: _____

	AYE	NAE
Melinda McKnight, Supervisor	_____	_____
Peter Humphries, Councilperson	_____	_____
Michael Boms, Councilperson	_____	_____
Jana Martin, Councilperson	_____	_____
Gregory Simpson, Councilperson	_____	_____