

**DRAFT**  
**A Town Board Meeting was held**  
**April 18, 2023 @ 7:00 PM**  
**at the Town Hall**

**Presiding:** Supervisor McKnight

**Attending:** Councilmen Humphries, Councilmen Boms, Councilwoman Martin, Councilmen Simpson, and members of the public.

Open Public Hearing at 7:00 PM

**1. Continuation Corner Lot Side and Rear Yards**

Motion to open public hearing by Councilman Simpson. Seconded by Councilwoman Martin.

*All in favor*

No comments

Motion to reschedule May 16<sup>th</sup> at 7:05 PM by Councilman Simpson. Seconded by Councilwoman Martin.

*All in favor*

**2. Continuation Alternates Law**

Motion to open public hearing by Councilman Simpson. Seconded by Councilwoman Martin.

*All in favor*

No comments

Motion to reschedule May 16<sup>th</sup> at 7:10 PM by Supervisor McKnight. Seconded by Councilman Humphries

*All in favor*

**3. Moratorium on Zones A2.5 and A4 for 9 months**

Motion to open public hearing by Councilman Simpson. Seconded by Councilwoman Martin.

*All in favor*

Supervisor McKnight read description of moratorium.

Motion to reschedule May 16<sup>th</sup> at 7:15 PM by Supervisor McKnight. Seconded by Councilwoman Martin.

*All in favor*

Motion by Councilman Simpson to enter into Executive Session to confer with town attorney. Seconded by Councilwoman Martin. *All in favor*. No decisions made in Executive Session.

**4. Modify the Definition of a Ground Mount Solar Array**

Motion to open public hearing by Councilwoman Martin. Seconded by Councilman Humphries.

*All in favor*

Speakers: Mitch Cohen, Ralph Cunstad, Dave Gutierrez

Motion to close public comment by Councilman Simpson. Seconded by Councilwoman Martin.

**5. Public Comment Guidelines**

Neither the New York State Open Meetings Law nor any other statute mandates that members of the public be allowed to speak during town government meetings, but because the Hurley Town Board encourages participation by residents, rules and procedures that are reasonable and treat members of the public equally must be followed.

- Public comments will be heard at the start of each Town government meeting, preceded by a verbal reminder by the chair about the comment policy. The policy also will be posted on the town website, and written copies will be available on request.
- Each individual wishing to make a public comment shall have a maximum of two minutes to do so. If more time is needed, written comments may be submitted to the clerk, and they will be entered into the public record.

- Individuals may speak extemporaneously or read prepared comments, though individuals reading comments on behalf of others will still be limited to one two-minute comment.
- Comments must be made in a respectful manner, and without obscenities, insults or threats. Anyone not adhering to this policy will be asked to leave the meeting.
- Public comment is an opportunity for the Town to hear public opinion. The speaker will not attempt to engage the Board in a discussion/dialogue and the speaker should not ask specific questions with the expectation that an immediate answer will be provided, as this is not the intent of the public comment period. Board members will acknowledge the comments but not engage in direct dialogue. Board members may, at their discretion, choose to have a conversation among themselves regarding issues raised during the comment period. The comment period is not the appropriate forum for open-ended conversations, debates or arguments between the public and board members, or members of the public with one another.
- Comments may be submitted in writing, prior to the meeting by any member of the public who is unable to attend in person, and the comments will be entered into the public record.
- If there are no further comments, the Board may end the comment period earlier than the allotted 15 minutes.
- The public will be made aware of other ways to convey concerns, such as contacting the appropriate Town department head(s) or employee(s) during regular business hours.

Public comments made by:

- Tobe Carey – responsibility for FOIL request lies with the Town Clerk
- Jill Albert – follow up request on letters
- Dave Wittick – continued drainage issues, looking for follow up
- Peter McKnight – recognized follow through on drainage issues by current administration

Motion to close public comment by Councilwoman Martin. Seconded by Councilman Simpson.

*All in favor.*

**Resolution # 2023-27**

Offered by Supervisor McKnight

*All in favor*

**Public Comment Policy**

Seconded by Councilman Simpson

**Resolution # 2023-28**

Offered by Supervisor McKnight

*All in favor*

**Justice Court Audit and Control**

Seconded by Councilman Simpson

**Resolution # 2023-29**

Offered by Supervisor McKnight

*All in favor*

**RFP for Rails Trail Sealcoating**

Seconded by Councilwoman Martin

**Invitation for Proposals – Hurley Rail Trail Sealcoating 2023**

The purpose of this RFP is to obtain quotes and/or bids for sealcoating the entire length of the paved segment of the Town of Hurley section of the O&W Rail Trail. The entire 2.2-mile section to be seal coated runs in a N-S direction beside State Route 209.

**Scope of Work**

The selected contractor will be responsible for sealcoating the entire length and width of the paved rail trail in the Town of Hurley, paralleling Route 209 as it passes through Hurley. The sealcoating must be completed by using asphalt-based or a similar latex-based sealant for surface sealing as well as for all crack repairs. The selected contractor must edge and trim grass along sides of black top and blow off debris before applying sealant. Completion of the work must be prior to August 15, 2023 or based on season conditions.

Equipment operators and laborers must wear, at all times, high visibility reflective safety vests and helmets, jackets or shirts while working on the project. Notification of work date must be provided 48 hours in advance to allow for the Town to post the closure of the trail-to-trail users.

**Instructions for Bidders**

All communications regarding this RFP and for obtaining a complete RFP packet of information should be directed to the Town’s website, [www.townofhurley.org](http://www.townofhurley.org), or Supervisor’s Office, 10 Wamsley Place, Hurley, NY 12443 [supervisor@townofhurley.org](mailto:supervisor@townofhurley.org)

To be considered, each contractor/individual must submit a completed proposal bid form, certificate of liability insurance, and any additional information requested in the RFP with their proposal packet. The proposal bid form must be signed. Every effort will be made to adhere to the following schedule:

**Distribute and Post RFP by April 24, 2023**  
**RFP submission deadline: May 12, 2023 by 2:00 PM**  
**Selection: May 16, 2023**

Sealed Proposals will be accepted until 2:00PM on May 12, 2023, and are to be submitted to: Supervisor’s Office, 10 Wamsley Place, Hurley, NY 12443 or [supervisor@townofhurley.org](mailto:supervisor@townofhurley.org). Sealed Envelopes must be clearly marked “**Request for Proposal — Hurley Rail Trail Sealcoating 2023**” on the outside of the envelope.

**Selection Process**

Responses to this RFP will be evaluated based on a selection process consisting of:

- A review by the Town of the contractor/individual’s response to the RFP, to determine if the proposal meets all criteria for consideration.
- Relevant experiences,
- project understanding,
- project requirements,
- strength of the proposal,
- proposed fees.

The contractor should be aware:

1. The Town will take into account such matters it considers appropriate in selecting the successful contractor. The Town reserves the right to contract with one or more vendors for sealing and to reject, for any reason, any and all bids.
2. The proposal should confirm that neither the contractor nor any employee would be in a conflict of interest with respect to the proposal if the contractor were to be selected to perform the services required.
3. All proposals will be property of the Town of Hurley.
4. The lowest proposal will not necessarily be accepted. The Town reserves the right to reject all bids, award the agreement, interview contractors, negotiate specific terms of the agreement, and make other adjustments as required in consultation with the successful contractor.

**Resolution # 2023-30**

Offered by Supervisor McKnight

**Highway 284 Agreement**

Seconded by Councilwoman Martin

Motion to adopt Highway 284 Agreement by Councilman Boms. Seconded by Councilman Simpson on the condition that there is further discussion.

- Councilman Simpson stated that there needs to be clarification on section A1.
- Supervisor McKnight stated that under general repairs for the amount of road is approximately \$200,000 over what other towns in the area of similar size and more road surface area are budgeting.
- Under 1b, item a Ridge Rd was listed under the 284 Agreement passed in 2022. The distance for 2023 did not change but the amount of blacktop needed has increased by almost 100 tons.
- No capital improvements are listed.
- Further clarification is needed.
- Councilman Boms stated that the agreement needed to be passed so that work could be started.
- Supervisor McKnight stated that the 284 Agreement for 2022 was not received until May. The 284 Agreements are typically submitted at the first of the year and then adjusted as needed.
- Councilman Simpson asked if the Board could approve the 284 Agreement but remove 1b-a until the board receives clarification.

Motion to adopt Highway 284 as is. No second

New motion by Councilman Boms accept Resolution but striking section 1b-a on the condition that the Highway Superintendent agrees to it as written. Seconded by Councilman Simpson.

Councilman Boms – Aye  
Councilman Simpson – Aye  
Councilwoman Martin – abstain  
Councilman Humphries – abstain  
Supervisor McKnight – abstain

Resolution fails.

Councilman Humphries moves to table discussion until the Town Board meeting on May 16<sup>th</sup>. Seconded by Councilman Simpson.

*All in favor.*

**Resolution # 2023-31**

Offered by Supervisor McKnight

*All in favor*

**Appoint Debra Kossar to the Planning Board**

Seconded by Councilman Simpson

**Resolution ## 2023-32**

Offered by Supervisor McKnight

*All in favor*

**Appoint Griffi Liewa to the Planning Board**

Seconded by Councilwoman Martin

Motion by supervisor McKnight to table the appointment of Mitchell Cohen as a Planning Board Alternate pending some revisions to the law that need to be enacted before the appointment can be made. Seconded by Councilwoman Martin.

*All in favor*

**6. New Business**

**Resolution # 2023-33**

Offered by Supervisor McKnight

*All in favor*

**Notice of intent to Publish RFQ for Zero Waste**

Seconded by Councilwoman Martin

A motion was made by supervisor McKnight to change the RFP for Zero Waste to an RFQ, Seconded by Councilwoman Martin.

*All in favor.*

An RFQ requires that companies provide proof of qualifications prior to submitting an RFP-(request for proposal).

**Town of Hurley Zero Waste Resolution Draft**

WHEREAS, Ulster County Resolution No. 451 November 19, 2019 Establishing A Policy That Ulster County Shall Be A Zero Waste Communities passed 22 yes 1 no; and

WHEREAS, New York State has established §Title 22 Food Donation and Food Scraps Recycling, §Title 27 Plastic Bag Reduction, Reuse and Recycling and §Title 28 Bag Waste Reduction laws as a means to modify consumer habits and post-consumer disposal methods; and

WHEREAS, The NYS understands that landfilling waste poses a real and increasing threat to our environment, and economy; and costed the people of Ulster County \$16,000,000 in 2022

WHEREAS, The Town of Hurley residents, businesses and government assume the responsibility of being in full compliance with Resolution 451 and established itself as an environmental leader through the adoption of the Climate Smart Pledge; and

WHEREAS, The Town of Hurley can lead by making a commitment to Zero Waste which will contribute substantially to other community objectives and competitively position the Town for funding through New York State Department of the Environment (hereinafter referred to as NYSDEC) Consolidation Funding Applications and other applicable future federal grant opportunities, such as Environmental Protection Agency Waste Reduction and Pollution Prevention which will reduce waste disposal costs while improving operational efficiency of an aging infrastructure and reduce the need for local landfill space; and

WHEREAS, in the Town of Saugerties the Kiwanis Club demonstrated that by partnering with a Zero Waste Company its Garlic Festival of 40,000 people and hundreds of food vendors, crafts and farmers can recover 89% of their waste bringing them in full compliance with Resolution 451 now, therefore be it

RESOLVED, that the Town of Hurley shall issue a Request for Qualification (RFQ) for a company or collaboration of companies for a Public Private Partnership. The goal of this partnership is to: plan, provide technical assistance for grant applications and administer our Zero Waste Goals of recovering 90% of our waste; be it further

RESOLVED, that the Town of Hurley, in conjunction with Climate Smart Committee and Conservation Advisory Committee, shall form selection committee to review qualification submittals and conduct interviews of candidates and make recommendations, be it further

RESOLVED, the Town of Hurley’s selected partner shall be charged with investigating the following and

making recommendations to the Town of Hurley during public meetings

- Reduce Solid Waste Disposal Through Zero Waste Initiatives at the Transfer Station and in the community
- Set Goals, Note Benchmarks, develop a multi stage approach and lead us into action
- Focus on education and training the community in the use of new materials and waste management techniques to promote reuse and/or reduction

**Park Improvements** – Ulster County is issuing Grant Applications for ARPA funds to be used on parks. The Town submitted an application for additional upgrades at the town park. Supervisor McKnight has received the EAF because SEQR is required.

Supervisor McKnight motioned to make a negative declaration on the SEQR and permission from the Board for Supervisor McKnight to review and sign the EAF. Seconded by Councilman Simpson.

*All in favor*

**7. Old Business**

Motion by Supervisor McKnight to accept previous Town Board Minutes. Seconded by Councilwoman Martin.

*All in favor.*

Town Clerk’s Report:	<u>Claims &amp; Vouchers</u>
	General - \$3,533,714.75
	Highway – \$801,861.59
	Trust & Agency - \$14,107.99
	Capital Accounts - \$263,818.63
	Warrant Summary Total - \$5,613,502.96

Motion by supervisor McKnight to accept the Clerk’s Report. Seconded by Councilman Humphries.

*All in favor.*

Motion by councilwoman Martin to accept the Supervisor’s Report. Seconded by Councilman Humphries.

*All in favor.*

Supervisor McKnight noted that the fund balance and everything is \$9,476,832.05

Supervisor McKnight commented that the Comprehensive Plan, while often managed by committee, is the responsibility of the Town Board under NYS Law. The Town Board was in receipt of the first draft of the new Comprehensive Plan at 6:00 on April 17, 2023 and will be released to the public on April 19, 2023 along with all the supporting documents. Issuing the Draft is the start of the Comprehensive Planning process, that is when the public has the opportunity to review, weigh-in, and make changes. The Plan will ultimately be shaped by further comments and workshops.

Highway Garage- social media and prints comments regarding a new highway garage. A contract signed December 28, 2021 by the previous supervisor for a third of a million dollars, however the use of that particular site for a new highway garage is in conflict with NYS law regulating park/recreation land use.

Supervisor McKnight read the following statement into the record:

\*\*\* The Town of Hurley Highway Superintendent, Michael Shultis, has suggested constructing a new Town Highway Garage behind the old garage on Dug Hill Road in West Hurley that was condemned in January. In a recent post on social media, Highway Superintendent Shultis states: “I had proposed the new highway garage be place directly behind the wood chip pile which straddles the line between the two properties”.

For the sake of clarification, the Town of Hurley owns three (3) contiguous parcels on Dug Hill Road totaling 99.1 acres. The Highway Garage, Closed Landfill as well as the Transfer Station and Recycling Center occupy the same parcel of 10.8 acres. The Town Park is officially designated “Recreation” and is located southwest of and adjacent to the Highway Garage parcel.

Mr. Shultis’ proposal is problematic because a significant portion of the site is on the town-owned land designated as “Recreation”. In New York State, use of designated park land for any other purpose is considered “alienation”. According to the Handbook on the Alienation and Conversion of Municipal Parkland, published by the New York State Department of Parks, Recreation & Historic Preservation Office in 2017:

Parkland alienation occurs when a municipality wishes to convey, sell, or lease municipal parkland or discontinue its use as a park. Parkland alienation applies to every municipal park in the State, whether owned by a city, county, town, or village. In order to convey parkland away, or to use parkland for another purpose, a municipality must receive prior authorization from the State in the form of legislation enacted by the New York State Legislature and approved by the Governor. The bill by which the Legislature grants its authorization is commonly referred to as a parkland alienation bill.

Prior to the construction of a new Highway Garage in the location proposed by Superintendent Shultis, the Town of Hurley would need to receive prior authorization from New York State to change the use of the parcel. It is the intention of the Town Board to engage the Town Planning Consultant in May 2023 to conduct a comprehensive feasibility study of all town-owned property located on Dug Hill Road. The purpose of the feasibility study is to determine the most suitable location for the construction of a new Highway Garage. \*\*\*

Drainage on Wildwood Dr. in West Hurley – all easements were drawn up in November 2020 but were never filed as confirmed by Town Engineers Brinner & Larios. The Highway Superintendent is working with the Town Attorney to get the appropriate paperwork filed.

Motion to adjourn by Supervisor McKnight. Seconded by Councilman Simpson  
*All in favor*

Respectfully submitted,

Annie Reed  
Deputy Town Clerk  
April 19, 2023