

A Town Board Meeting was  
held on February 23 @ 7:00 PM  
at the Town Hall

*Presiding:* Supervisor Bellows

*Attending:* Councilman Gill, Councilwoman Briggs, Councilwoman Horner, and 15 member of  
the public.

**Resolution # 2009-52**

Offered by Councilwoman Horner

**Motion to accept the minutes**

Seconded By Councilman Gill

BE IT RESOLVED TO accept the January minutes.

ALL VOTED AYE

**Resolution # 2009-53**

Offered by Supervisor Bellows

**Claims and Vouchers**

Seconded by Councilwoman Horner

BE IT RESOLVED that the Town Board accept the audited voucher listed on Warrant # 09-02  
dated 02/19/09 in the total amount of \$877,412.30

Charged as follows:

General Fund \$ 29,316.17

Lighting: \$ 747,971.70

Capital Projects: H \$37,700.53

Highway Fund: \$ 59,934.79

Trust & Agency: \$2,489.11

ALL VOTED AYE

**Resolution # 2009-54**

Offered by Supervisor Bellows

**Town Clerks Report**

Seconded by Councilman Gill

BE IT RESOLVED to accept the Town Clerks Report.

ALL VOTED AYE

**Resolution # 2009-55**

Offered By Councilwoman Briggs

**Supervisor Report**

Seconded by Councilman Gill

BE IT RESOLVED to accept the Supervisors report.

ALL VOTED AYE

**Town Board Business**

1. We have money coming to us from the CWC. They had an issue going on and their counsel is mailing a complete summary of all monies paid for lawsuits for the Town of Olive and the Town of Hurley. When Supervisor Bellows receives the summary he will give copies to all the town board members and they will discuss it .

2. Alternates Plan/ZBA – We did have some difficulty with members of the planning and zoning board and it was requested that we have alternate members seated. Saugerties has already passed resolutions where their members were actually seated and able to vote. We don't want to turn away people because we don't have a quorum. Hopefully by next month we have that in place.

3. Supervisor Bellows wrote to Paul Rush at the NYC DEP re: Ashokan Field Campus the gate that lets water out of the reservoir . Generally when there's a lot of snow in March then we get rain in April and the Ashokan spills over into Esopus and it affects about 14 families in Hurley. He asked Paul if it would be possible to keep the gate open to let the water out and capture it in the reservoir instead of sending it over the spillway and into people's homes. He wrote back that the gate is open and they will keep it open and if they don't they will call and let us know why. We would like to thank Paul Rush for opening that gate.

4. We got some good news working with Wally Cook and Brinier and Larious. We were able to make the deadline on the rail trail parking lot on new 209 and Russell road. That is a proposed parking lot and we were able to get the dollar figures in and it has been accepted by Ulster

County and it is on their list of projects to be completed. We would like to thank Wally, Rich Ruth and Ulster County Dennis Doyle.

5. We want to let everyone know that the Women's 9<sup>th</sup> annual Health Expo will be on May 2 at Tech City. It's a really great program on women's health.

6. News letter policy. Supervisor Bellows feels our newsletter should be kept for the Town of Hurley and its departments to get news out to our residents. All members agreed.

7. We had a meeting with Brinier and Larious, Rich Ruth and the residents about Hook and Walnut to explain to them that there is going to be paperwork sent out to them to allow the town of Hurley to have a right of way. There were a lot of questions asked; Jack Darwak was here to answer the legal questions. We need everybody to sign on for the easement or it puts a stop on the whole project. As soon as we get everybody signed on we can put it out to bid and are ready to go this spring.

8. Last week Building Permits Chapter 97 was brought up. We had some information that it was built into the local law. Mr. Hoffstatter was able to pull the law and there are a couple of sentences at the very bottom that said that the rates can be changed by resolution so we don't have to have a public hearing.

9. The OWB is being rewritten again based on code enforcement officer Glen Hofstadter's input. We are having a public meeting on March 23, 2009 at 6:00pm.

10. Mr. Craven and Brinier and Larios have gone a field trip up to the newly constructed wet lands by Hunter and the other one is down in Fishkill and evidently now those have been improved by the DEP they are operating and doing a good job. Supervisor Bellows had conversations with Jim and this is certainly something we would like to move ahead on. He thinks it's a good idea to let nature take care of this and save thousands of dollars. We don't have an exact cost but it would be some where between \$250,000 and \$350,000. There is supposedly grant money available. We need to see what funding is available to us.

11. We have money available to us for a drainage project on Bristoll Hill. This money has been available since late fall and what we needed was some sign offs because we wanted to make sure that we were able to go onto certain properties to make this drainage possible. Our attorney Mike Jordon is handling this for us and unfortunately the party that owns that property has never responded to the requests of Mr. Jordon for any discussions or meetings. He is going to go back and talk this over with a couple of lawyers and see what the next move should be because this is a large amount of money coming from the CWC which is going to correct a serious problems near Bristol Hill and I don't want to loose it just because someone is not willing to spend some time to discuss the paperwork to allow us to construct this drainage. Supervisor Bellows will keep the board updated on this. He wants to make it public that this is not the Town of Hurley dragging its feet. Mr. Jordan has tried very hard to get these conversations in motion. Hopefully we'll have an update by the agenda meeting.

#### **Resolution #2009-56**

Offered by Supervisor Bellows

#### **Purchase Snow Blower**

Seconded by Councilman Gill

**Whereas** the Town of Hurley's Town Hall and the sidewalk in the historical district on Main Street in Hurley need to be cleared of snow after each snow storm and

**Whereas** The Town of Hurley's Highway Department will need a snow blower to aid in the snow removal and,

**Whereas** the New York State Office of General Services has Husqvarna 10.5 hp snow blowers for sale at the price of \$999.00 ea. and Herzog Supply Company has Toro 11 hp snow blowers for sale at the price of \$1599.00 ea.

**Therefore:** be it resolved that we purchase 1 Husqvarna 10.5 hp snow blower I from the Office of General Services, and if they do not have any left, purchase 1 Toro 11 hp snow blower from Herzog

Supply Company.

**ALL VOTED AYE**

**Resolution # 2009-57**

Offered by Supervisor Bellows

**Transfer Station Increase**

Seconded by Councilwoman Hyman

WHEREAS, the Town of Hurley Transfer Station and Recycling Center was established to provide waste disposal and recycling services and to operate on a self-sustaining basis and;  
WHEREAS, the costs to recycle has increased, therefore be it  
RESOLVED, that the fee for electronic waste recycling be increased to 15 cents per pound  
**ALL VOTED AYE**

**Resolution 2009-58**

Offered by Supervisor Bellows

**Deferred Compensation Plan**

Seconded by Councilwoman Horner

WHEREAS, the Town of Hurley wishes to adopt the Deferred Compensation Plan for Employees for the State of New York and Other Participating Jurisdictions (the "Plan") for their voluntary participation of all eligible employees; and

WHEREAS, The Town of Hurley is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law and

WHEREAS, The Town of Hurley has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the plan is to encourage employees to make and continue careers with the Town of Hurley by providing eligible employees with a convenient and tax-favored method of saving on a regular and long term basis and thereby provide for their retirement;

NOW, THEREFORE, it is hereby RESOLVED, that the Town of Hurley hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED that the appropriate officials of the Town of Hurley are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Supervisor Bellows voted aye, Councilman Gill voted aye, Councilwoman Horner voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed.

Adopted the 23rd day of February, 2009 at a meeting of the Hurley, NY Town Board.

I hereby certify that the Town of Hurley is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

**Resolution 2009-59**

Offered by Supervisor Bellows

**Tax Cap for State Lands**

Seconded by Councilman Gill

WHEREAS governor David Paterson has proposed a tax cap on State-owned Forest Preserve lands in his budget proposal, and  
WHEREAS said cap would freeze property tax payments on these lands, for the upcoming year and thereafter, and  
WHEREAS the Forest Preserve lands have provided a multitude of environmental, economic and recreational benefits for all New Yorkers, and

WHEREAS, the Town of Hurley maintains many miles of roads that provide access to said State lands and additionally provides protection services to the thousands of people who utilize those lands, and

WHEREAS a tax cap on State-owned Forest Preserve lands would cause great hardship to the citizens of the Town of Hurley, Ulster County, the Onteora school district, and surrounding Catskill Park communities

WHEREAS the cap is not a shared sacrifice but a shifting of the tax burden onto Hurley taxpayers and would shift the burden of maintaining and supporting these crucial resources to residents of our sparsely populated area, and

WHEREAS a tax cap on State-owned Forest Preserve lands would cause detrimental effects to services provided by the Town of Hurley and

WHEREAS the State's legal obligation to pay Forest Preserve property taxes is not arbitrary and capricious, but is the legitimate obligation of the State to compensate local governments for basic services they provide to the Forest Preserve, as well as to compensate for tax receipts foregone by local governments by the State's removing opportunities for developments on Forest Preserve property, and

WHEREAS when the State refuses to uphold its obligation to pay the fair share of property tax, the State should not pursue the acquisition of more acreage for Forest Preserve lands,

NOW THEREFORE BE IT RESOLVED, the Town of Hurley respectfully requests Governor David Paterson and the State Legislators to not impose a tax cap on State-owned Forest Preserve lands and to rescind the proposed amendment to section 544 of the real property tax law, new subdivision 3, which proposes to cap property taxes of State lands and to commit the State of New York to pay full share of property taxes on all New York State Forest Preserve lands.

ALSO BE IT RESOLVED this resolution be sent to Honorable Governor David Paterson, Senator John Bonacic, Assemblyman Kevin Cahill, County Executive Michael Hein, Legislator Richard Parete, Legislator Robert Parete, Legislator Roy Hochberg.

Supervisor Bellows voted aye, Councilman Gill voted aye, Councilwoman Horner voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed.

ALL VOTED AYE

**Resolution 2009-60**

**Lever Election Machines**

Offered by Supervisor Bellows

Seconded by Councilwoman Horner

WHEREAS, for many decades Ulster County has successfully used mechanical lever-style voting machines, with very few problems, and is desirous of continuing to do so, and

WHEREAS, New York State enacted the Election Reform and Modernization Act of 2005 (ERMA) and other laws that require all lever machines to be replaced and prohibit the use of any lever machines in any future elections in New York State, and

WHEREAS, Ulster County believes that the continued use of lever-style voting machines is in the best interest of the public and should be permitted to be used in future elections, and

WHEREAS, New York State now has a transparent, secure, accurate and reliable electoral system using lever-style voting machines, and

WHEREAS, the New York State legislation relating to voting machines far exceeds the federal requirements of Help America Vote Act (HAVA), and

WHEREAS, the State's statutorily required elimination of lever-style voting machines is unnecessary, inappropriate, and costly to Ulster County taxpayers, and in these difficult economic times the cost to implement elections with these new machines will not be paid for by New York State and is an unfunded mandate, now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby requests the New York State Legislature and the New York State Board of Elections to enact laws, rules, and regulations that specifically authorize the continued use of lever-style voting machines, and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor David Paterson, New York State Comptroller's Office,

Senate Majority Leader Dean G. Skelos, Senate Minority Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari,

Assembly Minority Leader James N. Tedisco, New York State Senators John J. Bonacic and William J. Larkin, Jr., New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Prank K. Skartados, the New York State Association of Counties, the Executive Directors of the New York State Bo'ard of Elections Todd Valentine and Stanley Zalen, the New York State Board of Elections Commissioners James Walsh, Douglas Kellner, Evelyn Aquila and Gregory Peterson and members of Congress Maurice Hinchey and United States Senators Charles Schumer and Kirsten Gillibrand,

Supervisor Bellows voted aye, Councilman Gill voted aye, Councilwoman Horner voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed.

**Resolution 2009-61**

Offered by Supervisor Bellows

**OWB Public Hearing**

Seconded By Councilwoman Hyman

BE IT RESOLVED to hold the public hearing for the revised  
OWB law on March 23, 2009 at 6:00 pm.

ALL VOTED AYE

Motion to Adjourn was made by Councilman Gill, seconded by Councilwoman Briggs and all voted aye.

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Judy Mayhon, Town Clerk