

A Town Board Meeting was held  
February 22, 2022 @ 7:00PM  
at the Town Hall

Presiding: Supervisor McKnight

Attending: Councilman Humphries , Councilman Boms, Councilwoman Martin, Councilman Simpson

Public Comment

1. Bob Biamote went over the work that was done on the Local Law for the multifamily dwelling and requested it be brought forward.
2. Joan Paccione said we should review the 2006 Comprehensive Plan.

Councilwoman McKnight closed the Public Comment and Councilman Humphries second it.

**Resolution # 2022-18**

Offered by Councilwoman Martin

**Sharing agreement with UC**

Seconded by Councilman Boms

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 through 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.
- Except as expressly provided otherwise in this Agreement, all notices given to any of the Parties pursuant to or in connection with this Agreement will be in writing, will be delivered by hand, by certified or registered mail, return receipt requested, or by Federal Express, Express Mail, or other nationally recognized overnight carrier. Except where otherwise specifically defined within this Agreement, notices will be effective when received. Notice addresses are as follows:

Municipality:

Town of Hurley

Attention:  
Melinda J. McKnight  
Supervisor  
10 Wamsley Place  
  
Hurley, New York 12443\_

County:  
  
Ulster County Department of Finance  
Attention: Commissioner  
Post Office Box 1800  
Kingston, New York 12402

Any communication or notice regarding indemnification, termination, litigation, or proposed changes to the terms and conditions of this Agreement will be deemed to have been duly made upon receipt by both the County’s Department of Finance and the Ulster County Attorney’s Office at the addresses set forth herein, or such other addresses as may have been specified in writing by the County:

Mailing Address:  
  
County of Ulster  
  
Attention: County Attorney  
Attorney  
  
Post Office Box 1800  
  
Kingston, New York 12402

Physical Address:  
  
County of Ulster  
  
Attention: County  
  
244 Fair Street, 5<sup>th</sup> Floor  
  
Kingston, New York

12401Either Party may, by written notice to the other Party given in accordance with the foregoing, change its address for notices.

- This Agreement is governed by the laws of the State of New York except where the Federal Supremacy Clause requires otherwise.

**IN WITNESS WHEREOF**, the Parties hereto have caused their duly authorized representatives to enter into this Agreement as of the dates set forth below.

**COUNTY OF ULSTER**

By: \_\_\_\_\_  
NAME:  
  
TITLE:  
  
DATE: \_\_\_\_\_

**TOWN OF HURLEY**

By: \_\_\_\_\_  
NAME: Melinda J McKnight  
  
TITLE: Supervisor  
  
DATE: \_\_\_\_\_

All Voted Aye

**Resolution # 2022-19**

Offered by Councilwoman Martin

**Approve STR Information Sharing with UC**

Seconded by Councilman Simpson

WHEREAS, an Agreement has been proposed by Ulster County, which has a Master Agreement with Granicus, to share information on Short-Term Rentals advertised in the Town of Hurley; and

WHEREAS, under the Agreement the County would provide at no cost to the Town, in an electronic format, information on the short-term rentals being advertised in the Town’s jurisdiction that the County has obtained by virtue of the Master Agreement, and

WHEREAS, after the initial information is provided, upon the Town’s request the County would provide updated information on the short-term rentals being advertised in the Town’s jurisdiction that the County has obtained by virtue of the Master Agreement on a quarterly basis, and

WHEREAS, the Agreement requires the Town to include in its local law and permit 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 Town, and

WHEREAS, this Agreement is an administrative matter exempt from the State Environmental Quality Review Act and its implementing regulations under NYCRR 617.5(c)(24) and (26);

NOW, THEREFORE, THE TOWN BOARD HEREBY RESOLVES that the proposed short-term rental agreement with Ulster County is hereby approved and the Supervisor is authorized and directed to execute such Agreement, subject to review and advice of counsel.

All Voted Aye

**Resolution # 2022-20**  
**Offered by Councilwoman Martin**

**Amend STR Local Law**  
**Seconded by Councilman Boms**

WHEREAS, a draft local law has been presented to the Town Board by the Zoning Task Force to amend Subsection 210-33(B)(4) of the Code of the Town of Hurley to provide that a proposed Short-Term Rental (STR) must be registered with the Ulster County Commissioner of Finance and have received a Certificate of Authority empowering the Owner to collect the County tax; and

WHEREAS, the proposed local law is needed to comply with the requirements of the Short-Term Rental information sharing Agreement with Ulster County; and

WHEREAS, the proposed local law is exempt from review under the State Environmental Quality Review Act and its implementing regulations under NYCRR 617.5(c)(26)

NOW, THEREFORE, THE TOWN BOARD HEREBY RESOLVES that

- The Town Clerk is directed to circulate the draft local law and a copy of this resolution, to the Town Building Department, the Town Conservation Advisory Council, the Town Planning Board and the Ulster County Planning Board, for report and recommendation to the Town Board within thirty days.
- A public hearing on the proposed local law is hereby scheduled for 7:05 pm, March 22, 2022, and the Town Clerk is directed to post public notice of the same.

All Voted Aye

**Resolution # 2022-20**  
**Offered by Councilwoman Martin**

**Cyber Insurance**  
**Seconded by Councilman Simpson**

WHEREAS, the Town received a recommendation in 2021 from NYMIR, its current insurance carrier, to provide cyber-security insurance to cover privacy, data and network exposures; and

WHEREAS, the Town currently does not have any insurance in place to cover privacy, data and network exposure ; and

WHEREAS, coverage is being offered with the following limits and premiums: Limit: \$250K Premium: \$1,300; Limit: \$500K Premium: \$1,551; Limit: \$750K Premium: \$1,861; and Limit: \$1MIL Premium: \$2,233; and

WHEREAS, the Town Board has been advised that a coverage limit of \$1,000,000.00 is the best option for the Town and adequate to cover any contemplated losses;

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Town Board hereby approves the purchase of cyber insurance from NYMIR with a limit of \$1,000,000.00 coverage currently \$2,233.00 annually.

All Voted Aye

**Resolution # 2022-21**  
**Offered by Councilwoman Martin**

**RFP Audio visual Consultant**  
**Seconded by Councilman Simpson**

WHEREAS, the Town Board and the other boards, committees and task forces of the Town have been required to conduct their meetings remotely to be protective of health and safety during the pandemic; and

WHEREAS, the Town Board desires to hold monthly Workshop meetings in the West Hurley Firehouse, which at this time has no facilities for remote meetings; and

WHEREAS, the Town Board wishes to improve access by the residents of Hurley to the meetings of the Town Board and other boards, committees and task forces of the Town with the hope it will encourage a greater level of participation,

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; and

BE IT FURTHER RESOLVED that the Town Board hereby thanks the volunteer members of the Communications Committee for their excellent work in developing this RFP.

All Voted Aye

**Resolution # 2022-22**

**Code Enforcement Increase**

Offered by Supervisor McKnight

Seconded by Councilwoman Martin

BE IT RESOLVED, to replace the Code Enforcement Officer’s annual stipend of \$1500.00 with a wage increase of \$1500.00

All Voted Aye

**Resolution # 2022-23**

**Hire Special Prosecutor**

Offered by Supervisor McKnight

Seconded by Councilman Boms

WHEREAS, the Town of Hurley is in need of a Special Prosecutor to prosecute Building Code Violations, enforce Town Laws and, at times, prosecute Traffic tickets; now

THEREFORE, BE IT RESOLVED to retain Matthew Jankowski as Special Prosecutor for the Town of Hurley at a rate of \$450.00 per judicial court session or \$130.00 per hour, whichever is less.

All Voted Aye

**Resolution # 2022-24**

**Hire Assessor Clerk**

Offered by Supervisor McKnight

Seconded by Councilwoman Martin

BE IT RESOLVED TO hire Patricia Smith as assessor clerk for \$15.00 per hour.

All Voted Aye

**Resolution # 2022-25**

**Hire Planning Board Attorney**

Offered by Supervisor McKnight

Seconded by Councilman Humphries

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- WHEREAS, the Town of Hurley has engaged David Gordon, Esq as the Town Attorney as well as the Attorney for Zoning and Planning Boards; and
- WHEREAS, from time to time there may arise a need to engage another land Use Attorney; now
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- THEREFORE, BE IT RESOLVED to engage Victoria Polidoro, Esq. of Rodenhausen, Chale LLP to

-assist the Planning Board, Zoning Board of Appeals and Town Board with Land Use matters as needed

- Councilman Boms opposed and All Voted Aye

**Resolution # 2022-26**

Offered by Supervisor McKnight

**Upgrade E-Mail Service**

Seconded by Councilwoman Martin

WHEREAS, the Town of Hurley is in need of an upgrade to a secure email system; and

WHEREAS, the Town of Hurley employees were polled by the Supervisor; and

WHEREAS, there is unanimous agreement that G-Suite will provide the best solution; and

WHEREAS, acting before March 1, 2022 will save the Town \$800.00 per year; now

THEREFORE, BE IT RESOLVED to contract with G-Suite as the Town of Hurley email provider at an additional cost of \$1,000 per month above the current contract.

All Voted Aye

**Resolution # 2022-26**

Offered by Supervisor McKnight

**Comprehensive Plan**

Seconded by Councilwoman Martin

WHEREAS, the Town Board established the Comprehensive Review Committee (CRC) in December 2019 by resolution 2019-183 to update the 2006 Comprehensive Plan for the Town of Hurley and to review and recommend changes to the multiple dwelling complex and multifamily provisions of the Town Zoning Law; and

WHEREAS, the Town Board subsequently engaged Nelson Pope Voorhis (NPV) in January 2020 to assist the Town Board and the CRC in completing both of these tasks; and

WHEREAS, due to time pressure put on the CRC because of a pending moratorium on development applications previously adopted by the Town Board, the update of the 2006 Comprehensive Plan was put on hold and priority given to the multiple dwelling and multifamily issue; and

WHEREAS, the CRC's recommendation for a local law amending the zoning law regarding both multiple dwelling complexes multifamily units was sent by the CRC to the Town Board in June 2020, which was adopted by the Town Board in November 2020 and has been stalled in litigation ever since; and

WHEREAS, the Town Board established the Zoning Task Force in Feb \_\_\_\_\_, 2021 by resolution 2021#64\_\_\_\_\_ to correct inconsistencies and inaccuracies in the Town Code and recommend amendments to the Zoning Law that would not conflict with the work of the CRC; and

WHEREAS, because zoning amendments must be consistent with the Town's Comprehensive Plan, the Zoning Task Force has reached the point where it cannot proceed with amendments to the Zoning Law until the update of the 2006 Comprehensive Plan is completed; and

WHEREAS, the original budget of approximately \$60,000 for NPV only has approximately 20K left in it and we are far less than 2/3 done, with much work left to be done by NPV; and

WHEREAS, at the request of the Supervisor, on February 3, 2021, NPV provided its assessment of the current status of the 2006 Comprehensive Plan Update and offered options to the Town Board of ways to hasten the completion of the Update, some of which the Town Board desires to adopt,

NOW THEREFORE IT IS HEREBY RESOLVED, by the Town Board as follows:

- The Town Board conveys their deepest appreciation to all the volunteers who are now serving or have served on the CRC for the many hours they have dedicated to this task and for the work they have completed, particularly the recommendation regarding multiple dwelling complexes and multifamily buildings.
- As recommended by NPV, the CRC is asked to hold two more meetings in the next two months. The first meeting will be to develop a summary of the issues that confront the Town in the next 10-20 years, and to prioritize which issues need to be addressed in the short- versus long-term. The second meeting is to produce an outline of the goals and objectives for the Comprehensive Plan. Upon the completion of the second meeting and the transfer of the reports of the two meetings to the Town Board, the CRC will be considered dissolved as of that date.
- The Town Board will manage the public participation and public hearing process, review the public survey and revise it as necessary, and administer the survey. The Town Board will take all the work of the CRC completed to date and the documents produced by the CRC at the above two meetings as well as the results of the survey and have NPV prepare the draft Comprehensive Plan Update for the Town Board.
- The Zoning Task Force (ZTF) will be consulted on possible zoning changes that would be generated by the vision and policies set forth in the draft Comprehensive Plan Update, and upon completion of the Update the ZTF will be tasked with recommending zoning amendments that necessarily flow from the Update.

**Councilman Boms opposed and All Voted Aye**

**Resolution # 2021-27**

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 # 2021-02 -22 Dated 02/22/2022 in the total amount of \$1,662,509.78

Charged as follows:

General Fund \$23,714.41

Escrow-\$2992.08

Capital Account-\$67929.08

Highway Fund:\$26,867.92

Lighting and Special Districts-\$1,541,006.29

All Voted Aye

**Resolution # 2022-28**

Offered by Councilwoman Martin

**Town Clerks Report**

Seconded by Councilman Simpson

BE IT RESOLVED to accept the Town Clerks report for January.

**All Voted Aye**

**Resolution # 2022-29**

Offered by Councilwoman Martin

**Supervisor Report**

Seconded by Councilman Simpson

All board members have received the Supervisor report.

BE IT RESOLVED to accept this report for January.

All Voted Aye

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

Town Clerk