

A regular meeting of the Town
Board was held at the Town Hall on
March 26, 2007, 7:00 PM (T-12)

Presiding: Supervisor Michael Shultis

Attending: Councilwoman Barbara Zell, Councilman John Gill, Councilwoman Kate Hyman,
Councilwoman Janet Briggs

Also present: Highway Superintendent Linda Cook, Solid Waste Coordinator James Craven,
Recreation Chairwoman Diana Cline, Code Enforcement Officer Paul Economos and 19
members of the public & press.

GENERAL BUSINESS:

1. RESOLUTION #2007-74: CLAIMS AND VOUCHERS

Offered by Councilwoman Briggs Seconded by Councilwoman Hyman

BE IT RESOLVED THAT the Town Board accept the audited vouchers listed on Warrant #07-03 dated 03/22/2007 in the total amount of \$101,711.74. charged as follows:

Total General Fund: \$ 62,132.27 Total Highway Fund: \$ 29,823.84

Capital Projects; 14H \$ 6,191.50 18H \$104.00 Trust & Agency: \$ 2,967.20

Lighting \$492.93

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye,
Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0

2. RESOLUTION #2007-75: TOWN CLERK'S REPORT

Offered by Councilwoman Briggs Seconded by Councilwoman Zell

BE IT RESOLVED TO accept the Town Clerk's report dated 3/07/07.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye,
Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0.

3. RESOLUTION #2007-76: SUPERVISOR'S REPORT

Offered by Councilwoman Zell Seconded by Councilwoman Hyman

BE IT RESOLVED TO accept the Supervisor's report dated 3/26/07

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye,
Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0.

1. OLD BUSINESS

(A) The Town Board will hold a workshop session to discuss outdoor wood boilers at 5:30PM on March 28th.

(B) A public hearing for the Comprehensive Plan was held on March 16th at the Town hall. Supervisor Shultis motioned and Councilwoman Briggs seconded to hold **2 additional public hearings for the Comprehensive Plan**, the first to be held at the West Hurley Firehouse on Saturday, April 14th at 10:00AM and the second to be held at the Town Hall on April 16th, 6:00PM.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0.

(C) The Zoning Revision Committee has held their first meeting and will meet again on April 19th @ 7:00PM.

(D) The West Hurley Fire Dept. has received a \$91,200 grant for the purchase of air packs.

(E) Crawford & Associates has asked for proposals for water analysis testing for the Town of Hurley, unknown by the Town of Hurley. Supervisor Shultis said that he will inquire about these RFP's especially since we do not have a written contract with Crawford & Associates. Crawford did receive 4 bids back.

(F) The Board is investigating the installation of a Photovoltaic System for the Town Hall. These solar panels create electricity. There is a company that has volunteered to do a free survey for Hurley.

(G) The town is investigating the purchase of a laser fiche document storage machine.

2. RESOLUTIONS :

(A) A resolution proposed by the Ashokan Papacton Watershed chapter of Trout Unlimited was tabled until next months Agenda meeting in order for them to come and present their case.

(B) RESOLUTION #2007-77: CARE OF RECREATION ROADWAY

Offered by Councilman Gill Seconded by Councilwoman Hyman

WHEREAS, the Town of Hurley has entered into an agreement with the Hurley Recreation Association for the use of the ice skating rink by the Town's Recreation Department, and

WHEREAS, this year, as in past years of this agreement, the Recreation Department has asked the Highway Department to plow beyond the gate, which is past the public use portion of "Rec road" through the parking lot and up into the driveway that accesses the ice rink, and,

WHEREAS, in the past, some plow damage has needed repair in the Spring, which was then questioned as to the legitimacy of town monies being used to perform such repairs, and

WHEREAS there may be the need this Spring to repair any damage that may have occurred due to plowing, so

THEREFORE, now let it be resolved to affirm that the Town Board has approved the Highway Department to maintain access to the ice rink at the Hurley Recreation Association facility for the winter season - 2006-2007 and that the Town Board approves any needed repairs this spring for the "Rec Road" and parking lot that may have occurred due to snow plowing.

Discussion:

Supervisor Shultis said that he is unsure if this resolution is legal since there is no written agreement for this private road. Also, there is no opinion from our town attorney as to whether we should maintain this road. Rich Ruth was asked to research a written contract with the Rec. Association. *The resolution was tabled pending further study.*

(C) RESOLUTION #2007-78: PURCHASE OF HIGHWAY TRUCK

Offered by Councilman Gill Seconded by Councilwoman Briggs

WHEREAS, the Town of Hurley has maintained the policy of upgrading the Highway Fleet; and

WHEREAS, several of our highway vehicles are 10+ years old and have been experiencing numerous breakdowns resulting in costly repairs, and

WHEREAS, the Town of Hurley Highway Superintendent has identified the need for one new vehicle described as follows:

Item #1: New 4X4 Heavy Duty Dump Truck Cab and Chassis

Item #2: Stainless Steel body and snow fighting equipment (plow & sander)

WHEREAS, the Highway Superintendent will be purchasing Item #1, the cab & chassis from the NYS.OGS list of awarded contracts for 2007; expediency is imperative due to price adjustment expected April 1, 2007, and

WHEREAS, we will request bids for item #2, the stainless steel body and snow fighting equipment and,

WHEREAS, we will retire our 1989 International 4X4 Truck, and

WHEREAS, the Town of Hurley has established a capital project fund specifically for the purchase of new Highway Department Equipment; so

THEREFORE, now let it be resolved that the Town of Hurley Town Board approve the Town Highway Superintendent to purchase the above mentioned cab and chassis, body and snow fighting equipment from the capital equipment fund in the amount not to exceed \$200,000.00.

Motioned by Councilman John Gill, seconded by Councilwoman Janet Briggs.

DISCUSSION: Highway Superintendent Cook said that this purchase will replace Truck #10.

The town of Stockport has written to express interest in purchasing our old truck for \$8,500. The Capital Highway fund has already spent \$619,000 since 2004 on vehicles, with \$300,000. now

left in the account. Councilwoman Briggs recommended that we bid out the old truck

Councilman Gill voted aye, Councilwoman Zell voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye, Supervisor Shultis voted nay. The resolution passed 4-1.

(D) The Town has received 2 proposals for the grinding of the log pile. Rothe Lumber bid \$7,500 for 2 days of grinding, Stump & Wood Recycling bid \$5,000 for 2 days of grinding. The UCRRA did not bid.

RESOLUTION #2007-79: WOOD GRINDING BID

Offered by Councilwoman Briggs Seconded by Councilwoman Hyman

Be it resolved to accept the low bidder, Stump & Wood Recycling for 2 days of grinding for \$5,000. ALL VOTED AYE

(E) RESOLUTION #2007-80: TRAINING CLASS FOR PLANNING & ZONING

Offered by Councilwoman Hyman Seconded by Councilwoman Briggs

ESTABLISHING QUALIFYING TRAINING ACTIVITIES FOR THE MUNICIPAL PLANNING BOARD AND ZONING BOARD OF APPEALS MEMBERS AS REQUIRED BY NEW YORK STATE LAW, CHAPTER 662 OF THE LAWS OF 2006

WHEREAS, the Town of Hurley has primary responsibility to regulate private land use through citizen planning boards and zoning boards and their actions have a profound impact on state and local land use policies and individual land owners, and

WHEREAS effective January 1, 2007, New York State Law, Chapter 662 of the Laws of 2006, Mandatory Training for Planning Board and Zoning Board of Appeals Members, requires a minimum of four hours of training be received by municipal planning and zoning board members and their alternates each year, and

WHEREAS, New York State Law, Chapter 662 of the Laws of 2006, provides that a planning and zoning board of appeals members and their alternates shall not be eligible for reappointment to such board if they have not completed the required training; and

WHEREAS, *training received by planning and zoning board member in excess of four hours in any one year may be carried over by the member into succeeding years; and (removed from amended resolution)*

WHEREAS, Town Law Sections 267 and 271, Village Law Sections 7-712 and 7-718, and General City Law Sections 27 and 81 provides that the legislative body of the town, village and city specifies which activities qualify as training to satisfy the state requirements;

RESOLVED, that the following list of agencies, commissions, associations, universities, other organizations and private firms or individuals are approved to provide training to meet the requirements of New York State Law, Chapter 662 of the Laws of 2006 when the training they provide pertains to municipal planning, zoning, community design, environmental issues,

economic development, and local or county government functions and practices:

- 1. **State Agencies** including: the NYS Department of State; Department of Agriculture and Markets; Office of the State Comptroller; Department of Health; Department of Transportation; Department of Environmental Conservation; Office of Parks, Recreation, and Historic Preservation; Hudson River Valley Greenway, and other state agencies; and
- 2. **Associations and Professional Organizations**: as offered by the NYS Association of Towns, the NY Conference of Mayors, the NYS Association of Counties, the NY Planning Federation, the American Planning Association, the Upstate New York Chapter of the American Planning Association and the Metro New York Chapter of the American Planning Association, Association of State Wetland Managers, Urban Land Institute, NYS Bar Association; and
- 3. **New York State Regional Planning Commissions and Boards** including: the Capital District Regional Planning Commission, Central New York Regional Planning and Development Board, Herkimer-Oneida Counties Comprehensive Planning Program, Lake Champlain-Lake George Regional Planning Board, Long Island Regional Planning Board, Southern Tier Central Regional Planning and Development Board, Southern Tier East Regional Planning Development Board, Southern Tier West Regional Planning and Development Board, Genesee-Finger Lakes Regional Planning Council, Hudson Valley Regional Council, Tug Hill Commission, and Adirondack Park Agency; and
- 4. **County Planning Boards and Federations** including: any county planning board, regional council, or county planning federation established pursuant to Article 12 of New York State General Municipal Law; and
- 5. **Universities and Colleges**: the Albany Law School Governmental Law Center, Pace Law School, Cornell University and its cooperative extension, SUNY ESF and other universities and colleges with a degree program in land use law or planning; and
- 6. **Approved Local Municipal Training**: any training that has been approved by resolution for planning board members by a legislative body of a municipality in Ulster County
- 7. **Private Firms and Individuals**: where such training is sponsored by any of the above
- 8. **On-Line Planning and Zoning Training Programs**: as offered by the New York Municipal Insurance Reciprocal, Pace University and Land Use Law Center, and the Lincoln Institute of Land Use Policy; and
- 9. **Other Approved Training**: as offered by a NYS Soil and Water Conservation District and that portion of any meeting of the local planning and zoning board designed to provide training on issues consistent with the above including updates on land use laws, environmental statutes and programs, and case law as documented in minutes and agenda of the Board.

BE IT FURTHER RESOLVED, that except where the Town of Hurley itself provides the training, it is the responsibility of the planning and zoning board of appeals members to submit written confirmation of training attended to the Town Clerk to receive credit.

BE IT FURTHER RESOLVED, that any new planning board or zoning board of appeals member appointed to fill the last three months of a term shall not be required to have attended training to be reappointed to a first full term, but must thereafter comply with the municipal training policy as provided elsewhere herein; and

BE IT FURTHER RESOLVED, that the Town of Hurley Clerk shall create and maintain a system of tracking the training individual members complete annually. Such information shall be reported to the Town Board on an annual basis and an individual's training records shall be presented to the Town Board prior to considering a member for reappointment; and

BE IT FURTHER RESOLVED, that any Planning Board or Zoning Board of Appeals member that is not in attendance at (2) consecutive meetings or any (3) meetings in a given calendar year, without an excuse, shall be replaced on said board and that quarterly attendance records shall be given to the Town Clerk by the respective secretaries of each board.

DISCUSSION: Councilwoman Hyman asked that the 4 hours of training required in paragraph 2 be increased to 6 hours, that the Town Board also be required to attend the classes, and that paragraph 4 be stricken.

AMENDED RESOLUTION: RESOLUTION 2007-78 IS AMENDED AS FOLLOWS:

Paragraph #2 remains as written at 4 hours of training.

Paragraph #4 is removed from the resolution.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0

(F) RESOLUTION #2007-81: APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

Offered by Councilwoman Briggs Seconded by Councilwoman Zell

BE IT RESOLVED to appoint Michael DiBattista to the Board of Assessment Review for a term to expire 12/31/2010 and Peter Weider to the Board of Assessment Review for a term to expire 12/31/2011.

ALL VOTED AYE

(G) RESOLUTION #2007-82: APPOINTMENT TO THE YOUTH RECREATION COMMITTEE

Offered by Supervisor Shultis Seconded by Councilwoman Zell

BE IT RESOLVED to appoint Laura MacGregor to the Youth Recreation Committee for a term to expire 12/31/2011 and Shirley Paley for a term to expire on 12/31/2013.

DISCUSSION: Councilwoman Briggs asked that Shirley Paley be excluded from the resolution until the Recreation Committee has had time to meet and interview her. Supervisor Shultis said

that the Rec. Committee has had vacancies for 2 years and that it is the Town Boards function to appoint committee members.

AMENDED RESOLUTION: RESOLUTION # 2007-80 IS AMENDED AS FOLLOWS

Shirley Paley will be appointed until 12/31/2013

Laura MacGregor will be interviewed by the TOWN BOARD at the Workshop Mtg. April 4th, 5:30PM.

ALL VOTED AYE

(H) RESOLUTION #2007-83: SIDEWALK MAINTENANCE

Offered by Councilwoman Hyman Seconded by Councilwoman Gill

In 2005 the Town of Hurley received a Revolutionary War Heritage Trail Grant in the amount of \$68,000 for a Sidewalk Improvement Project along Main Street in Old Hurley. The Sidewalk Improvement Project was completed in 2005 and 10% of the grant money was withheld until the Town of Hurley agreed to maintain the improved sidewalk for 15 years. To comply with this final request the following resolution is offered.

WHEREAS, the Town of Hurley, having completed the Sidewalk Improvement Project along Main Street funded by a Revolutionary War Heritage Trail Grant in the amount of \$68,000, and

WHEREAS, 10% of the grant was with held until the Town of Hurley agreed to maintain/repair the Sidewalk Improvement Project area that was rehabilitated for a period of 15 years, and

WHEREAS, the Town of Hurley Highway Department has saved certain stones that match the existing structure of the sidewalk for such maintenance/repair, and

WHEREAS, for clarification, to maintain/repair includes the replacement of broken or displaced stones making up the structure of the sidewalk, but does not include the removal of snow, ice, etc,

THEREFORE BE IT RESOLVED, that the Town of Hurley Highway Department will maintain/repair the Sidewalk Improvement District for a period of 15 years which commenced on January 1 ,2006

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Briggs voted aye, Councilwoman Hyman voted aye. The resolution passed 5-0

•3. FUTURE RESOLUTIONS:

- Reform Condominium Assessments
- Preserve Local Cable Franchising Authority, Franchise Fees and Public Rights-of-Way Management

•4. FROM THE FLOOR:

- Wally Cook displayed 2 new Rail Trail signs. The Hudson Valley Greenway gave a \$2,000 matching grant for 7 signs. One graphic was of Winslow Homer, the other was of the O&W railroad. There are 7 interpretive signs that need to be mounted and placed on the trail. There will be a "doggy pot station" on the rail trail and it is hoped that the public will dispose of their dogs waste in the receptacle rather than leaving it on the grass. The Hillside Acres Garden Club is interested in doing a planting - possibly near Depot Street.
- Ulster County is doing a pedestrian and non-motorized vehicle traffic plan. A unified plan will be available by September.
- The Supervisor, in order to save money, is researching the purchase of bookkeeping software because we presently spend \$3,425/month for our bookkeepers. If we had our own software we could hire a 15 hour a week person and save \$14,000 in the first year.
- Michael Hoehing asked why the Town Board was now attempting to regulate outdoor wood boilers when he already complied with all of Hurleys requirements for its installation. The Board did not go into the issue stating that they have schedules a OWB workshop for Wed. April 4th.
- Solid Waste Manager James Craven informed the public that effective April 2nd the Transfer Station would remain open on Tuesdays until 6:00PM during the summer hours. He is also reconsidering opening the Transfer Station on Mondays.

RESOLUTION #2007-84A: ENTER INTO EXECUTIVE SESSION

Offered by Supervisor Shultis Seconded by Councilwoman Briggs

BE IT RESOLVED to enter into executive session in order to discuss union negotiations.

ALL VOTED AYE

RESOLUTION #2007-82B: EXIT THE EXECUTIVE SESSION

Offered by Councilwoman Hyman Seconded by Supervisor Shultis

BE IT RESOLVED TO exit the executive session.

ALL VOTED AYE

Motion to adjourn was made by Supervisor Shultis, seconded by Councilwoman Zell and all voted aye.
