

A regular meeting of the Town Board was held at the Town Hall on May 29, 2007, 7:00 PM (T-2)

Presiding: Supervisor Michael Shultis

Attending: Councilwoman Barbara Zell, Councilman John Gill, Councilwoman Kate Hyman.

Also present: Highway Superintendent Linda Cook, Solid Waste Coordinator James Craven, Recreation Chairwoman Diana Cline, Atty R. Ragues and 20 members of the Public.

OLD BUSINESS:

- 1. RESOLUTION #2007-102:**
Offered by Supervisor Shultis

CLAIMS AND VOUCHERS

Seconded by Councilwoman Zell

BE IT RESOLVED THAT the Town Board accept the audited vouchers listed on Warrant #07-05 dated 05/23/2007 in the total amount of \$108, 662.52. charged as follows:

Total General Fund: \$ 49,288.41 *Total Highway Fund:* \$ 54,072.00

Capital Projects; 14H \$ 1,385.00 *Trust & Agency:* \$ **3,411.38** *Lighting :* \$ 505.73

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Hyman voted aye. The resolution passed 4-0.

- 2. RESOLUTION #2007-103:**
Offered by Councilwoman Hyman

TOWN CLERK'S MINUTES

Seconded by Councilwoman Zell

BE IT RESOLVED TO accept the Town Clerk's report for May 10th and May 21st. Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Hyman voted aye. The resolution passed 4-0.

- 3. RESOLUTION #2007-104:**
Offered by Councilwoman Hyman

SUPERVISOR'S REPORT

Seconded by Councilwoman Zell

BE IT RESOLVED TO accept the Supervisor's report. Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Hyman voted aye. The resolution passed 4-0.

2. TOWN BOARD BUSINESS:

(A) The Guardian Dental Plan Co. has informed the town that this years renewal rates are the same as last year.

- (B) The Town will host a Lower Esopus Stream Management meeting at the Holiday Inn on June 14TH from 2-4 PM. The purpose of the meeting is to determine short and long term goals for the Esopus and will include speakers, farmers and the Corp of Engineers
- (C) Supervisor Shultis attended a NYC meeting with the Environmental Protection Agency. He submitted a letter from Hurley and Olive regarding the Assessment lawsuit brought by DEP every year.
- (D) The Supervisor thanked the parade committee for the wonderful Memorial Day parade.

3. NEW BUSINESS:

- (a) In an attempt to free up storage space, the town is researching “Lazar Fiche”, a new system that permits searchable document storage.
- (b) There are grants available through the Youth Incentive program. The town may apply for a junior or senior high school grant .
- (c) Twin Lakes LLC has informed the Board that they are reapplying for their Liquor license
- (d) Wally Cook asked the Board to establish a “no through truck traffic” pattern for Main Street .

4. RESOLUTIONS:

RESOLUTION #2007-105: HIRE MYLES PUTNAM CONSULTING FOR Z R

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Offered by Councilwoman Hyman

Seconded by Supervisor Shultis

BE IT RESOLVED TO, hire Myles Putman Consulting to act as consultant to the Zoning Revision Committee for the comprehensive rewrite of the Town of Hurley Zoning Code at a contract cost not to exceed \$5000 (Five Thousand Dollars).

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Hyman voted aye. The resolution passed 4-0.

RESOLUTION #2007-106: AUTHORIZE SHINGEBISS CONTRACT

Offered by Councilwoman Hyman

Seconded by Councilman Gill

WHEREAS, the Town of Hurley is in the planning stage for major improvements to the Hurley Park on Dug Hill Road, and

WHEREAS, the NYS Office of Parks, Recreation and Historic Preservation has announced the 2007 round of grant funding availability with applications due by June 29, 2007, and

WHEREAS, the Town has set aside monies for park improvements and can use these funds to match funds being applied for through the current round of the NYS OPRHP grant funding for the building or improvement of parks as described in the grant application,

NOW THEREFORE BE IT RESOLVED TO, authorize the Supervisor to sign an agreement with Shingebiss Associates Inc., of New Paltz, NY for the writing of a grant proposal application for the Town of Hurley in the amount of \$350,000 (Three Hundred Fifty Thousand Dollars) at a cost not to exceed \$5000, and

BE IT FURTHER RESOLVED TO, authorize the Supervisor to sign the grant proposal application and submit to NYS OPRHP before the deadline of June 29, 2007.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilman Gill voted aye, Councilwoman Hyman voted aye. The resolution passed 4-0.

RESOLUTION #2007-107: SUPPORT COMMUNITY PRESERVATION ACT

Offered by Supervisor Shultis

Seconded by Councilwoman Zell

In support of the Community Preservation Act, proposed statewide legislation authorizing municipalities to establish Community Preservation Funds

WHEREAS, the Town of Hurley recognizes the value of maintaining the qualities that make our Town unique and beautiful, including public spaces, natural land, and special places; and

WHEREAS, the Community Preservation Act will provide an optional tool for maintaining open land to provide parks and recreational opportunities, protect

water quality, preserve wildlife habitat, and protect natural views; and

WHEREAS, the Community Preservation Act will help the Town enter into voluntary conservation agreements with farmers to keep agriculture alive in our community, preserve valuable farmland, and provide a local source of healthy food; and

WHEREAS, the Community Preservation Act can help the Town preserve historic landmarks in our community so as to educate future generations about our community's past; and

WHEREAS, the Community Preservation Act would allow municipalities, at their option, to plan for the future and provide the resources needed to purchase land for walking or biking trails, parks, and open space; and

WHEREAS, the Community Preservation Act is proposed legislation that would amend the tax law to authorize towns to impose a real estate transfer fee of up to 2 percent, with revenues to be deposited in a dedicated Community Preservation Fund; and

WHEREAS, the Town of Hurley wishes to have the opportunity to create a Community Preservation Plan and offer a referendum to the voters to create a Community Preservation Fund to implement said Plan; and

WHEREAS, the Community Preservation Act would require the Town, if it chose to pursue this option, to complete a local Community Preservation Plan, pass local legislation and hold a local voter referendum; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Hurley fully supports the Community Preservation Act (S.3836/A.7333); and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to Governor Eliot Spitzer, State Senator Joseph Bruno, State Senator John Bonacic, State Assembly Speaker Sheldon Silver, and State Assembly member Kevin Cahill, as well as Senators Schumer and Clinton and Congress member Maurice Hinchey.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilwoman Hyman voted aye, Councilman Gill voted aye . The resolution passed 4-0.

#	RESOLUTION #2006-108A:	SALVAGEABLE	METALS
	Offered by Councilwoman Zell		Seconded by Councilman Gill

WHEREAS, Salvageable non-ferrous scrap metal is discarded at the town transfer station, and

WHEREAS, the salvage revenue can benefit the town, and

WHEREAS, the transfer station employees can divert these metals, and

WHEREAS, an approved method of handling salvageable scrap and reducing the towns liability is needed, and

WHEREAS, an incentive to reclaim a maximum amount of scrap metal is needed,

NOW, THEREFORE, BE IT RESOLVED, that a transfer station employee be identified as responsible for diverting, collecting, sorting and storing non-ferrous scrap, and

BE IT FURTHER RESOLVED, that the employee coordinate and prepare the scrap for transport with the Town Highway Department, and

BE IT FURTHER RESOLVED, that the employee or highway employee transport and sell the scrap and that the transporting employee secure a check to the town for the proceeds of the sale and a receipt providing type of materials, weight and revenues received, and

BE IT FURTHER RESOLVED, that the transfer station employee submit to the town clerk the check received for the scrap metal and a voucher, payable to the employee, for one-half of the scrap sale proceeds.

Discussion: Wally Cook asked who would get the proceeds check - the highway dept. or the highway dept. employee? Supervisor Shultis answered that the transporting employee would receive ½ of the sale proceeds. Bruce Fiore asked why the employees were paid a second (additional) wage for scrap metal work. Bill Donahue suggested that Millens Steel furnish a metal dumpster. Solid Waste Manager James Craven said that the additional cash incentive encourages the workers to sort the non-ferrous metal pile. *Vote: The board did not accept the resolution “as is”. Instead they reworded the second to last paragraph to read “highway department”.*

RESOLUTION #2006-108B: SALVAGEABLE METALS AMENDED

Offered by Councilwoman Zell

Seconded by Councilman Gill

Be it resolved to accept the above resolution with one change. One word in the second to last paragraph will be changed. The word “employee” will be replaced by “department”.

Supervisor Shultis voted aye, Councilwoman Zell voted aye, Councilwoman Hyman voted aye, Councilman Gill voted aye . The resolution passed 4-0.

RESOLUTION #2007-109: UCAT BUS SHELTER

Offered by Councilwoman Zell

Seconded by Councilwoman Hyman

WHEREAS, the Town of Hurley has received a contract for the installation of a bus stop shelter from Ulster County Area Transit, and

WHEREAS, it will be the responsibility for the town to install and maintain the bus shelter,

NOW THEREFORE BE IT RESOLVED, to authorize the Supervisor to sign a contract with UCAT.

Discussion: Wally Cook recommended that the Board not sign the contract pending the establishment of a “Park & Ride” area at the bus stop.

Vote: The motion was tabled.

RESOLUTION #2007-110: ESOPUS CREEK INCLUDED IN INLAND WATERWAYS

Offered by Supervisor Shultis
Hyman

Seconded by Councilwoman

BE IT RESOLVED TO, authorize the Supervisor to sign and send letters of request to Sen. Bonacic and Assemblyman Cahill for legislation adding the Esopus Creek to the definition of Inland Waterways for the purpose of community access to waterfront revitalization funds under the Environmental Protection Fund.

ALL VOTED AYE

RESOLUTION #2007-111: MOVE FEMA REIMBURSEMENT MONEY

WHEREAS, The State and Federal Emergency Management Organization has reimbursed claims from previous storm damage in the Town of Hurley and,

WHEREAS, the Highway Department Is using current budget fund lines to accomplish the required tasks of responding to storm damage in areas of debris clean up and,

WHEREAS, the urgent nature of repairing damage on Town Roads due to the April 14 – 16, 2007 storms and specifically a washout on Thielpape Road will cost approximately \$25,000.00; guide rail installation is still needed at approximately \$1,200 with other costs to be determined and,

WHEREAS, this current FEMA reimbursement payment can be applied to pending FEMA projects, which will also be reimbursed in the future, so,

THEREFORE, Now let it be resolved that the Town of Hurley Town Board re-adjust the current budget to reflect the addition of unanticipated revenue from FEMA reimbursement to Highway Repair Fund Line D5110.4 in the amount of \$73,622.67.

Discussion: The motion on this resolution was tabled until the FEMA money was received.

RESOLUTION # 2007-112: TAPE RECORDING OF EXECUTIVE SESSIONS

Offered by Supervisor Shultis

Seconded by Councilman Gill

BE IT RESOLVED, no tape recording of an Executive Session may take place without the prior approval of a majority of the Town Board.

ALL VOTED AYE

RESOLUTION # 2007-113: TWIN LAKES LIQUOR LICENSE RENEWAL

Offered by Supervisor Shultis

Seconded by Councilwoman Zell

BE IT RESOLVED TO AUTHORIZE THE Town Clerk to file a copy of waiver with the Director of Licensing, NYS Liquor, 80 South Swan Street, Suite 900, Albany, N Y 12210 for the renewal of a liquor license for Twin Lakes LLC, 198 Walton Lane, Hurley, N Y 12443.

ALL VOTED AYE

RESOLUTION # 2007-114:
Offered by Supervisor Shultis

YOUTH PROGRAM FUNDING

Seconded by Councilwoman Hyman

WHEREAS, the Ulster County Youth Bureau has a youth program in place that will enable the Town of Hurley to receive an additional \$1200 (Twelve Hundred Dollars) for a 2 week camp for middle school and high school students, and

WHEREAS, this funding will help pay for Camp Counselors and group activities, and

WHEREAS, the Town of Hurley has a need for coordinated activities for middle school and high school students to help educate them and give them planned activities during the summer months, and

WHEREAS, this program requires a town match of \$1200 (Twelve Hundred Dollars),

THEREFORE BE IT RESOLVED TO, authorize the town supervisor to file the required paperwork for the Ulster County Youth Bureau funding, and

BE IT FURTHER RESOLVED, that the town board authorizes the expenditure of \$1200 (Twelve Hundred Dollars) for the towns matching portion of the program.

ALL VOTED AYE

RESOLUTION # 2007-115 A: ENTER INTO EXECUTIVE SESSION

Motioned by Councilwoman Hyman

Seconded by Councilwoman Zell

BE IT RESOLVED TO enter into executive session in order to discuss a building department employee issue.

ALL VOTED AYE

RESOLUTION # 2007-115 B:

EXIT THE EXECUTIVE SESSION

Offered by

Seconded by

BE IT RESOLVED TO exit the executive session.

ALL VOTED AYE

RESOLUTION #2007-116: EMPLOYEE COMPLAINT FILED
Offered by Councilwoman Zell Seconded by Councilwoman Hyman

WHEREAS, a complaint has been filed by a town employee against his immediate supervisor;

AND WHEREAS, a “comprehensive complaint procedure has been developed to address any complaints received”,

AND WHEREAS, the Town employee handbook states an investigation into such allegations must be made,

AND WHEREAS, the Town Board will appoint an investigator to look into such a claim;

THEREFORE BE IT RESOLVED, that the Town Board appoint investigator Allan DeMarco to investigate the claim within 2 weeks or a reasonable amount of time to be determined by the Town Board.

Supervisor Shultis abstained from the vote, Councilwoman Briggs was absent, Councilwoman Zell voted aye, Councilwoman Hyman voted aye, Councilman Gill voted aye. The resolution passed 3-1-0.

5. FROM THE FLOOR:

- < Solid Waste Manager Craven reported that mulch was available of the Transfer Station.
- < Wally Cook said that Kingston Rail Train extension needs about \$60,000 start up money.
- < The Ethics Committee will meet on June 4th to pick a final membership roster..

Motion to adjourn was made by Supervisor Shultis, seconded by Councilman Gill and all voted aye.

Karin Horner, Town Clerk

