

A regular meeting of the Town Board was held at the Town Hall on Sept. 24, 2007
7:00 PM (T=F)

Presiding: Supervisor Michael Shultis

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

Also present: Assessor Bill Marks and 18 members of the public

RESOLUTION #2007-163:

MOTION TO ACCEPT THE MINUTES

Offered by Supervisor Shultis

Seconded by Councilwoman Hyman

BE IT RESOLVED to accept the August minutes .

ALL VOTED AYE

RESOLUTION #2007-164:

CLAIMS AND VOUCHERS

Offered by Supervisor Shultis

Seconded by Councilwoman Briggs

BE IT RESOLVED THAT the Town Board accept the audited vouchers listed on Warrant #06-09 dated 09/21/2006, in the total amount of \$178, 725.02. Charged as follows:

Total General Fund: \$ 40,924.87 Total Highway Fund: \$23,249.16

Trust & Agency: \$ 4,146.02 Lighting District: \$967.47

3H- (Capital Highway) \$107,057.50 **14H-** (Drainage) \$330.00

18H (Comp Plan) \$ 900.00 **20H** (Recreation) \$1,150.00

ALL VOTED AYE

RESOLUTION #2007-165:

TOWN CLERK'S REPORT

Offered by Supervisor Shultis

Seconded by Councilwoman Briggs

BE IT RESOLVED TO accept the Town Clerk's report dated 8/9/2007

ALL VOTED AYE

RESOLUTION #2007-166:

SUPERVISOR'S REPORT

Offered by Councilwoman Briggs

Seconded by Councilwoman Hyman

BE IT RESOLVED TO accept the Supervisor's report dated 9/24/2007

ALL VOTED AYE

1. OLD TOWN BOARD BUSINESS:

- (A) The start of drainage Project "B" has been delayed by the contractor. According to the contract he is supposed to finish by Oct 15, 2007.
- (B) All easements have been obtained for the Walnut St. drainage project.
- (C) The following groups have submitted their 2008 tentative budgets requests.
Hurley Library = \$73,480: West Hurley Library = \$146,690: Hurley Fire = \$187,487
- (D) Supervisor Shultis suggested the use of plantings along the Rail Trail, to ease the need for mowings. Wally Cook reminded the Board that the land belongs to NYS.

2. NEW TOWN BOARD BUSINESS:

- (A) Hurley Woods Soccer has requested the use of the kitchen at the Hurley Park for their sporting events. Councilwoman Briggs said that the kitchen was for the use of "renters". Councilwoman Zell asked that the Recreation Committee make a recommendation about the issue. Supervisor Shultis said that if grates the Little League would also have to be included. It was decided to sent the request to the Recreation Committee.
- (B) John Masterson has requested the installation of a "NO PARKING" sign on the east side of Millbrook Ave. He also wants a street light on Orchard St. Verna Tichnor responded that the street was not part of the Rolling Meadows Lighting District.

3. RESOLUTIONS:

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**RESOLUTION #2007-167: HURLEY
LIBRARY TRANSFER**

Offered by Supervisor Shultis

Seconded by Councilwoman Briggs

WHEREAS, the Hurley Library Charter was approved by the NYS Legislature to operate as a separate taxing Library District for the Town of Hurley voting districts 2,4,6 and 8 in order that they may collect property taxes to fund the Hurley Library's Annual Budget, and

WHEREAS, since the Hurley Library District's inception, the building and property that houses the library has remained intitle of the Town of Hurley, and

WHEREAS, the keeping title in the name of the Town of Hurley, the entire town, districtcs 1 through 8 have been responsible for maintaining the Hurley Library property, and

WHEREAS, it is the desire, by the Hurley Town Board and the Hurley Library Board of Directors to make the Hurley Library District a whole and true district by transferring title of the town property to the Hurley Library District,

THEREFORE BE IT RESOLVED, that the Town of Hurley Town Board approves the transfer of the town owned Hurley Library property at 44 Main Street, Hurley, NY from the Town of Hurley to the Hurley Library District for the sum of \$1.00 (One Dollar), and

BE IT FURTHER RESOLVD, that should the Hurley Library District ever cease to operate the Hurley Library District at 44 Main Street, Hurley, NY that the same property will revert back to Town of Hurley ownership, and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Hurley Library Board of Directors for inclusion in their minutes, and

BE IT FURTHER RESOLVED, that a copy of this resolution be filed with the deed transfer filed at the Ulster County Clerk's Office.

Discussion: Councilman Gill sais that the property should be declared "surplused", that it may have to go to a public referendum, and that West Hurley had to go to a bond vote for their library. He asked for the Town Attorney to issue a memorandum of opinion.
Motion to table, until was obtain a legal opinion was made by Councilman Gill, seconded by Supervisor Shultis and all voted aye.

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**RESOLUTION #2007-168: AUTHORIZE
SURVEY & APPRAISAL**

Offered by Supervisor Shultis

Seconded by Councilwoman Hyman

BE IT RESOLVED, that the Town of Hurley Town Board authorizes the Town Supervisor to obtain an appraisal and survey for approximately .5 acre of town property on Rt. 28A, West Hurley for the proposed sale of property to Mr. & Mrs. Andrew Kothe subject to them covering all costs associated with such appraisal and survey.

ALL VOTED AYE

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**RESOLUTION #2007-169: WAIVER
REQUESTS FROM LL#1 OF 2007**

Offered by Councilwoman Briggs

Seconded by Supervisor Shultis

BE IT RESOLVED to approve the request for waiver of Section 7 (7) of Local Law #1 of 2007 from Eric & Linda Bergenn, and

BE IT FURTHER RESOLVED to approve the waivers of Section 7 (G) of Local Law #1 of 2007 from Andrew and Cassandra Kothe, Robert and Cynthia Kothe, William E. Mayhon and Erin and Linda Bergenn.

Discussion: Councilwoman Briggs read the smoke stack height requirements of the local law.

Councilman Gill said that the applicants should state their case in person before the Board .

Motion to table the resolution was made by Supervisor Shultis, seconded by Councilwoman Hyman and all voted aye

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**RESOLUTION #2007-170: PUBLIC
HEARING TO AMEND LL#1 OF 2007**

Offered by Supervisor Shultis

Seconded by Councilwoman Briggs

BE IT RESOLVED to set a public hearing on October 15, 2007 at 6:00PM at the Hurley Town Hall for the purpose of hearing proposed amendments to Local Law #1 - OWB.

ALL VOTED AYE

RESOLUTION #2007-171:

ENTER INTO EXECUTIVE SESSION

Offered by Supervisor Shultis

Seconded by Councilwoman Hyman

BE IT RESOLVED to enter into executive session in order to discuss a personnel issue regarding the animal control officer and building department employee.

Supervisor Shultis voted aye, Councilwoman Hyman voted aye, Councilwoman Briggs voted nay, Councilwoman Zell voted nay, Councilman Gill voted nay. The resolution failed 3-2.

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**RESOLUTION #2007-172:
ADMINISTRATIVE LEAVE**

Read by Councilwoman Briggs

Seconded by Supervisor Shultis

WHEREAS, a Letter of Resignation was submitted by Building Inspector/Code Enforcement Officer Paul Economos on Tuesday, September 18, 2007 to Town Clerk, Karin Horner effective October 2, 2007, and

WHEREAS, it is the intent and responsibility of the Town Board to protect the taxpayers safety and interests before all else,

THEREFORE BE IT RESOLVED, to accept the resignation of Building Inspector/Code Enforcement Officer Paul Economos effective October 2, 2007, and

BE IT FURTHER RESOLVED, to immediately place Building Inspector/Code Enforcement Officer Paul Economos on Administrative Leave, with full pay, until the end of business at 4:00PM on Tuesday, October 2, 2007 at which time his employment with the Town of Hurley will terminate.

Supervisor Shultis voted aye, Councilwoman Hyman voted aye, Councilwoman Briggs voted nay, Councilwoman Zell voted nay, Councilman Gill voted nay. The resolution failed 3-2.

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**RESOLUTION #2007-173: BUILDING
DEPARTMENT RESIGNATION**

Motioned by Councilwoman Zell

Seconded by Councilman Gill

WHEREAS, on September 18, 2007 Municipal Code Enforcement Officer/Building Inspector II Paul Economos submitted a letter of resignation to the Town Board and

WHEREAS, this letter requested his resignation be effective October 2, 2007, and

WHEREAS, Paul Economos has served the Town of Hurley for the past 5 years and has performed his job in outstanding capacity

NOW THEREFORE BE IT RESOLVED that to accept, with regret, the resignation of above said Municipal Code Officer/Building Inspector II Paul Economos effective October 2, 2007.

Town Clerk Karin Horner read the section of Town Law that pertains to “resignations” which state that all public officers must resign to the Town Clerk. Since this had already been done, and the resignation had been accepted by the Town Clerk, there was no reason for the Town Board to pass such a resolution.

■ **RESOLUTION #2007-174: MEETING WITH DOG
WARDEN SCHEDULED**

Offered by Councilwoman Briggs

Seconded by Supervisor Shultis

WHEREAS, the Town Board went into executive session on Monday, September 17, 2007 to discuss an employment matter relating to the dog warden, and

WHEREAS the Town Board members were unanimous in their decision that an action must be taken,

THEREFORE BE IT RESOLVED that a certified letter be sent to the dog warden requesting a meeting with the Deputy Supervisor as soon as possible.

ALL VOTED AYE

4. FROM THE FLOOR:

- B. Phil Sinagra asked why the reappointment of Assessor Bill Marks was not on the Agenda, since his term was to expire Sept. 30th. He also question the 2 minute time limit for comments/questions from the floor.
- C. Pat Davis asked who would be responsible for checking stack heights or issue permits under the OWB law.
- D. Assessor William Marks questioned why he was not able to get medical coverage.
- E. Highway Superintendent Cook state that a tractor was destroyed by fire by a wire short in the engine block.
- F. Supervisor Shultis reported on a West Hurley Fire in a one family house that was converted into 4 apartments without a permit.

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

Karin Horner, Town Clerk

