

A Town Board Meeting was held
Sept. 28, 2010 @ 7:00 PM
at the Town Hall

Presiding: Supervisor Bellows

Attending: Councilwoman Briggs, Councilman Gill, Councilwoman Horner, Councilwoman Zell and 10 members of the public.

Resolution # 2010-113

Offered by Councilwoman Horner

Motion to accept the minutes

Seconded By Councilwoman Zell

BE IT RESOLVED TO accept the August minutes.

All Voted Aye

Resolution # 2010-114

Offered by Councilwoman Horner

Claims and Vouchers

Seconded by Councilwoman Zell

BE IT RESOLVED that the Town Board accept the audited voucher listed on Warrant # 10-09 dated 09/19/2010 in the total amount of \$109,259.49
Charged as follows:

General Fund \$ 37,954.61
Special Districts & Lighting: \$653.77
Trust & Agency: \$3605.35
Capital Projects: \$12,537.27

Highway Fund: \$ 54,508.49

ALL VOTED AYE

Resolution # 2010-115

Offered by Supervisor Bellows

Town Clerks Report

Seconded by Councilman Gill

BE IT RESOLVED to accept the Town Clerks Report.

ALL VOTED AYE

Resolution # 2010-116

Offered By Councilwoman Briggs

Supervisor Report

Seconded by Councilwoman Zell

BE IT RESOLVED to accept the Supervisors report.

ALL VOTED AYE

Town Board Business

1. UCRRA Hazardous Waste Day will be October 16 from 8-2 For more information go to their website at ucrra.org
2. George Beach requested permission to put a sculpture up in memory of Mike Kelly on the Rail Trail. They had met with the rail trail committee and would like to put in up at the beginning of the unpaved portion of the rail trail. If it meets with the town's approval they would need a letter to go to Dave Corrigan for his review. The Town Board agreed.
3. Department of Health sent an e-mail that National Preparedness Month is this month. For more info go to www.ready.gov
4. Route 28 Management Plan Central Catskill Collaborative is waiting to see if they are going to receive funds to continue. Supervisor Bellows would like the board to consider the ideas brought to the board by Melinda McKnight.
5. Supervisor Bellows received an e-mail from Alpha Geoscience. They would like to start the project soon on the West Hurley water study. They are starting to put together data on what will be done.
6. After taking to Brinnier and Larios about the drainage problem on Route 28 on the Heinitz property, it looks like it is going to be a big project. Rich Ruth will be heading this project and will contact Highway Superintendent and Code Enforcement Officer about getting together to look at the situation
7. UC Dept. of Health sent notices about the Flu Clinics. They are posted on the Town Hall Bulletin Board.
8. Dave Yozzo took the kids and adults along the Esopus Creek for Creek Week and showed them what is living in the Esopus. They found many things and had a great time.
9. Sales Tax from the County was \$36,800.03. Last year for the same period was \$33,265.37

10. Councilwoman Briggs talked about the amendment to the Public Hearing for the Ethics Committee. The terms limits should read not to exceed two complete three year terms. Reverend Stickley, Chairman of the committee had concerns about the communication between the Ethics Committee and the Town Board. Supervisor Bellows will appoint a liaison from the board that will communicate with the committee.

10. We are still waiting to see if the Association of Towns will come up with a sample Local Law for the Dog licensing. When this is ready we can have a Public Hearing for the local law.

11. MVP rate are up 21% for family coverage and 16.69% and single coverage

12. Supervisor Bellows asked the board to look over the UC Planning Board Greenway Compact questionnaire and asked for feedback on the long ranged planning so he can set up a meeting with them.

13. Maverick Road petition had 100 signatures from residents requesting the speed limit be reduced to 30MPH. We will submit the appropriate forms to DOT.

14 Dr. Smith from Myer School asked if anyone from the Town wanted to walk with the kids on Oct 6. for Walk to School Week. Supervisor Bellows was hoping someone from the Rail Trail committee would be available.

15. General purpose state aid came in the mail for \$48,134.00. Last year was \$51,231.00.

From the Departments

1. Councilman Gill said the guard rail that was donated from the State was ready to be put in at the parking lot at the rail trail.

2. Councilwoman Briggs reported that the first meeting for 350th anniversary of the town was held and that our historian was looking for any ideas or suggestions for the celebration.

3. Diane Cline talked about the up coming trips. All trips will have pick-up and drop-off at the Kingston Plaza. They are having a Halloween party for the kids at the corn maze. All detailed information is in the town newsletter or on the website.

4. Superintendent Russell said the county came to do painting at the highway garage. Dug Hill paving would probably take 3 to 4 days. Woodstock, Ulster and Marbletown would come into do hauling and keep things moving. Inspection from the DEC is coming up on Oct. 12.

5. Jim Craven said there were calls from residents about the town not having the leaf pick-up this year. Supervisor Bellows said he would call back anyone with concerns. He does not know of any towns still doing leaf pick-up. It is a big savings to the town. Sales at the transfer station were down but the scrape metal program was going well.

Resolution #2010-117

Offered by Supervisor Bellows

Appointment to Rec Committee

Seconded by Councilman Gill

BE IT RESOLVED TO Appoint John Perry to the Youth Recreation Board with a term ending 12/31/2013.

ALL Voted Aye

Resolution #2010-118

Offered By Councilman Gill

Rail Trail Sculpture

Seconded by Councilwoman Horner

WHEREAS Kathy Owitz has approached the Town of Hurley Town Board to get the approval of the placement of a sculpture in the Honor of her brother Mike Kelly placed in the Town of Hurley Rail Trail and

WHEREAS discussion between Dave Corrigan of the NYS DOT and the interested parties as to where this sculpture should be placed and

WHEREAS everyone has decided that the best place is at the Rail Trail and

WHEREAS Mr. Corrigan has requested a letter from the Town Board agreeing to this placement

THEREFORE let the Town of Hurley Supervisor send a letter to Mr. Corrigan at the NYS DOT in favor of the placement of the sculpture at the head of the non paved portion of the Rail Trail

ALL Voted Aye

Resolution #2010-119

Offered by Councilwoman Briggs

**Public Hearing for LL#1-2010 Amend
Ethics Commission Terms**

Seconded by Councilwoman Zell

BE IT RESOLVE to set a Public Hearing to amend LL#2-2006 Section 17-8 B3 to read consecutive service on the Ethics Board shall not exceed two complete 3 year terms.

ALL Voted Aye

Resolution #2010-120

Offered by Supervisor Bellows

Court Renovations

Seconded by Councilwoman Briggs

BE IT RESOLVED to approve the Hurley Town Courts request to go ahead and use the \$8,000. Grant money for court renovations.

ALL Voted Aye

Resolutuion # 2010-121

Offered by Supervisor Bellows

Hacker Murphy represent Town for DEC Lawsuit

Seconded by Councilman Gill

WHEREAS, the Town of Hurley is a party respondent in a contested assessment review proceeding initiated by the City of New York on assessable portions of the Ashokan Reservoir and surrounding lands situate within the Town of Hurley, New York; and

WHEREAS, the City of New York has filed annual judicial assessment challenges encompassing the 2007 through 2010 assessment roll years; and

WHEREAS, the Supreme Court of the State of New York sitting in and for the County of Ulster has directed the parties to the contested tax assessment proceedings to complete and exchange court-ready appraisals setting forth their contentions of the fair assessable value for the City of New York's reservoir property with the Town of Hurley on or before March 1, 2011; and

WHEREAS, the Supreme Court of Ulster County has fixed a trial date for the 2007 through 2010 contested assessment review proceedings of June 8, 2011; and

WHEREAS, the Town of Hurley requires real estate valuation services of a duly qualified forensic appraisal firm and consulting services of duly qualified and experienced engineers to assist it in preparing its position for the Court cases now pending for trial.

NOW, on recommendation of David R. Murphy, Esq., Hacker Murphy, LLP, special trial counsel to the Town, and the Town Board's desire to continue its working relationship with the expert valuation and engineering consultants retained by it in the past in connection with these proceedings; and

BE IT RESOLVED that David R. Murphy, Esq., as trial counsel and attorney-in-fact for the Town of Hurley, New York, is hereby empowered and authorized to engage the services of Empire State Appraisal Consultants, Inc. at the terms and conditions consistent with the fee quote annexed to this Resolution at Exhibit A and commit the Town to timely pay for same; and

BE IT FUTHER RESOLVED that said David R. Murphy, ESP is authorized to retain Kleinschmidt Associates, PA, PC the terms and conditions consistent with the fee quote annexed to this resolution at Exhibit B and commit the Town to timely pay for same; and

BE IT FURTHER RESOLVED that said David R. Murphy, Esq. is authorized to retain Professor Thomas Zimmie at the terms and conditions constant with the fee quote annexed to this Resolution at Exhibit C. and commit the Town to timely pay for same; and

AND BE IT FINALLY RESOLVED that said David R. Murphy is authorized to execute any contracts, memoranda or documents on behalf of the Town consistent with the terms and conditions set forth in Exhibits A, B and C. Services for annual updates by the experts for Town assessment administration purposes will be provided only so long as the Town Board of the Town of Hurley, New York shall so direct.

ALL Voted Aye

From the Floor

The chairman of the Kingston Area Public Access Commission said he was directed by Kate Hope, NYS Public Service Commission to meet with the town board and possibly the town attorney to address Article 16 NY Cable Rules and Regulations. The public access channel is off the air due to the lack of funding. Supervisor Bellows said that he would contact them after the board reviewed the information.

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

Judy Mayhon, Town Clerk