

A Town Board Meeting was held
July 22, 2013 @ 7:00PM
at the Town Hall

Presiding: Supervisor Bellows
Attending: Councilman Dittus, Councilwoman Zell , Councilman Briggs, and 35 members of the public.

Resolution # 2013-88
Offered by Councilwoman Zell
BE IT RESOLVED TO accept the June minutes.

Motion to accept the minutes
Seconded By Councilwoman Briggs

All Voted Aye

Resolution # 2013-89
Offered by Councilwoman Zell

Claims and Vouchers
Seconded by Councilman Dittus

BE IT RESOLVED that the Town Board accept the audited voucher listed on Warrant # 2013-7
Dated 6720/2013 in the total amount of \$83,260.58
Charged as follows:

General Fund \$45,015.77	Highway Fund: \$21,719.52
Trust & Agency-\$1980.39	Lighting and Special Districts-\$694.90
Capital Accounts-\$13,850.00	
	All Voted Aye

Resolution # 2013-90
Offered by Supervisor Bellows

Town Clerks Report
Seconded by Councilwoman Zell

BE IT RESOLVED to accept the Town Clerks Report.

All Voted Aye

Resolution # 2013-91
Offered By Councilwoman Briggs

Supervisor Report
Seconded by Councilwoman Zell

All Board Members have received their financials

BE IT RESOLVED to accept the Supervisors report for June.

All Voted Aye

Town Board Business

1. Supervisor Bellows read the intermunicipal agreement for the used paver to be shared by the three towns.

This agreement, by and between the Town of Ulster, a governmental subdivision with offices at 1 Town Hall Drive, Lake Katrine, N Y 12449, hereinafter known as “Ulster”, The Town of Woodstock, a governmental subdivision with offices at 47 Comeau Drive, Woodstock, N Y 12498, hereinafter known as “ Woodstock” and the Town of Hurley, a governmental subdivision with offices at 10 Wamsley Place, Hurley, N Y 12443, hereinafter known as “Hurley”, and entered into under the provisions of Article 5-G of the General Municipal Law:

Whereas, the Highway Superintendent if the Townships of Hurley, Ulster and Woodstock have consulted on the purchase of a used paver; and

Whereas, the Highway Superintendents agree that the purchase price for a used paver from Hoffman Equipment in the amount of \$52,700. is reasonable; and

Whereas, the Highway Superintendents unanimously recommend to their respective Town Boards that the three Townships enter into an agreement outlining terms for the purchase, use, storage and maintenance of the used paver; and

Whereas, the representative of the three Town Boards and their respective Highway Superintendents, and attorneys have agreed to terms for the purchase, use storage and maintenance of the used paver; and

Whereas, under the provisions of Article 5-G of the General Municipal Law the terms of this intermunicipal agreement are practical because the respective Townships have limited need for a paver, and therefore the agreed upon terms will benefit the taxpayers of the respective Townships by joint ownership of the paver and the sharing of costs to purchase, use, store and maintain the paver;

Therefore, be it agreed as follows:

1. Ulster, Woodstock and Hurley each agree to pay thirty-three and 1/3 percent (33.3%) toward the cost of purchase and maintenance of the paver, and to receive thirty-three and 1/3 percent (33.3%) of any proceeds generated by rental or sale of the paver.
2. The Highway Superintendents in each Town shall govern operation, use and housing of the paver, shall set a schedule for use of the paver, and shall designate the employees to be trained in the use of the paver. Only employees designated by the Highway Superintendents shall operate the paver.
3. The paver shall be housed the Town of Ulster Highway Complex when not in use by the other Townships party to this agreement, in which case the Highway Superintendents shall agree on where the paver will be stored. Existing levels of cooperation with the performance of roadwork among the three Townships may continue.
4. The Town of Ulster shall perform the necessary service on the paver to prepare it for use at the beginning of each paving season, and also to prepare it for winter storage at the end of each paving season.
5. Only qualified mechanics employed by the Townships may repair, service and maintain the paver as directed by each Highway Superintendent. There will be no labor charges billed to other Townships for routine maintenance work on the paver when performed by mechanics employed by Ulster, Woodstock and Hurley. Costs for any and all parts to repair or maintain the paver, however, shall be divided evenly among the three Townships. The Highway Superintendents shall give prior approval for repairs or work not to be performed by the Townships, and after such approval, the costs incurred for labor & parts shall be divided evenly among the three Towns. If the repairs are due to negligence of the personnel of a Township in possession of the paver, that Township shall pay all costs.
6. The Highway Department finished with use of the paver shall clean, grease, and fuel up the paver for its use by the next Highway Department. The Highway Superintendent receiving the paver shall inspect it for defects, and report defects, if any, to the other Highway Superintendents.
7. If other municipalities wish to use the paver, unanimous agreement on terms among the three Highway Superintendents, and the approval of their respective Town Boards shall be required before such use is permitted. In all such instances, employees of the Ulster, Woodstock or Hurley Highway Departments shall operate the paver.
8. The three Townships agree that the cost of the purchase of the paver shall not exceed \$52,700. All three Highway Superintendents agree to submit no later the April 1 of each year to their respective Town Supervisor and Town Board a detailed accounting of the annual costs associated with the maintenance and repairs to the paver, and proceeds, if any, received for rental of the paver to other municipalities. If the total costs and / proceed are

not to be apportioned evenly among all three Towns, such accounting shall indicate the reasons thereof. Payments owed by one Township to another, if any, shall be paid no later than June 15th of each year.

9. The Town of Ulster shall place the paver on its insurance policy and will name the Townships of Woodstock and Town of Hurley as loss payees. The liability exposure shall be borne by each town on their respective General Liability policy.
10. Any disputes concerning use of the paver not resolved by the Highway Superintendents of Ulster, Woodstock or Hurley regarding the paver shall be referred to the respective Town Supervisors for resolution. A majority vote of the Supervisors shall be required to resolve the dispute.
11. Termination of Agreement: Should either the Town of Ulster, Woodstock or Hurley elect to terminate this agreement, written notice to the other municipalities shall be given at least three (3) months prior such termination. Such notice shall be deemed to be that municipality's offer to sell its interest to the other parties. If neither of the other municipalities elects to purchase the interest of the terminating municipality, and there is no transfer of the terminating municipality's ownership to another municipality, or if all parties shall elect to terminate this agreement, then the equipment shall be sold according to the provisions of law regarding the disposition of such equipment. The net proceeds shall be divided on the basis of percent of ownership set forth in Section 1.
12. This agreement is entered into pursuant to the laws of the State of New York, and any changes or amendments to this agreement must be in writing and signed by all the respective Town Supervisors and Highway Superintendents upon authorization of their respective Town Boards

Resolution # 2013-92
Offered by Supervisor Bellows

Inter Municipal Agreement
Seconded by Councilman Briggs

BE IT RESOLVED to allow Highway Superintendent Russell and Supervisor Bellows to enter into this agreement.

All Voted Aye

2. CT Male, an engineer firm inspected the roof at the Town Hall and said the roof was not strong enough to hold the solar panel system. They suggested a ground mount. We still have to get an estimate and fees involved plus find out what rebates are available.
3. Superintendent Russell submitted an amended agreement for the expenditure of highway moneys. Councilwoman Briggs read the agreement as follows.

Agreement for the Expenditure of Highway Moneys
Section 284 of the Highway Law

AGREEMENT between the Town Superintendent of Highways of the Town of Hurley, of Ulster County, State of New York and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, the revenues from equipment rentals, reimbursement for snow and ice removal and other charges for services, the reappropriated funds, and the CHIPS and other State aid for highways, shall be expended as follows:

- 1A. **GENERAL REPAIRS.** The sum of \$350,000.00 shall be set aside to be expended for basic work and general maintenance and repairs upon 52.51 miles of town highways, including sluices, drainage ditches, culverts and bridges having a span of less than five feet, tree and brush removal, board walks, sidewalks that are the responsibility of the Town, emergency activities as such are authorized by the Town Board, and other activities involved with the care, upkeep and maintenance of highways and bridges of the Town.
- 1B. **PERMANENT IMPROVEMENTS — HIGHWAYS.** The sum of \$300,000.00 shall be set aside to be expended for the permanent improvements of Town Highways. The Town Highways that are intended to be improved include:
 - a) On a street known as Brucken Road, commencing at Morgan Hill Rd. going to end of roadway, a distance of 0.5 miles. 900 Tons of Binder. Estimated Cost: \$53,000.00.
 - b) On a street known as Dug Hill Road, commencing at Croft Rd continuing to Norbert Rd., a distance of 0.75 miles. 1,400 Tons Type 6 Blacktop. Estimated Cost: \$99,000.00.

- c) On the street known as Griffin Drive, commencing at Ridgewood Ave and ending at Edgewood Ave, a distance of 0.5 miles. 1100 Tons Type 6 Blacktop. Estimated Cost: \$81,400.00.
- d) On the street known as Hilltop Drive, commencing at Town Line continuing to Rayna Street, a distance of 0.2 miles. 400 Tons Type 6 Blacktop. Estimated Cost: \$29,800.00.
- e) On a street known as North Drive, commencing at State Route 375 and ending at Pine Tree Rd., a distance of 0.2 miles 400 Tons Type Blacktop Estimated cost: \$28,650.00
- f) On a street know as Normandy Court, commencing at State Route 375 continuing to end of roadway, a distance of 0.15 miles Estimated Cost \$45,000.

Resolution #2013-94

Offered by Supervisor Bellows

Agreement of Highway Monies

Seconded by Councilman Dittus

BE IT RESOLVED to allow the Supervisor to execute this document for Highway Superintendent.

All Voted Aye

- 4. Supervisor Bellows hopes Congressman Gibson will be an ally in bringing relief to the Towns affected by the flooding along the Lower Esopus creek.
- 5. The Rail Trail recoating is all finished. The cracks were filled and then a topcoat was put on.
- 6. Mortgage Tax for this quarter is \$74,596.93. This was an increase of \$3,000.
- 7. Sustainable Hurley spokesman Toby Carey gave a presentation to the Town Board to ban hydrofracking. He asked the Board to consider changing the Zoning code to ban fracking.

Resolution #2013-93

Offered by Supervisor Bellows

Surplus Equipment

Seconded by Councilwoman Zell

BE IT RESOLVED TO declare as surplus the following items

1998 Jeep Cherokee

3 computers

1- from Supervisors office

1-from Assessors office

1 -from Building Dept

3-Keyboards

Poweredge 830 Dell Server

Highway copier

All Voted Aye

Resolution #2013-95

Offered by Supervisor Bellows

2nd quarter Court Audit

Seconded by Councilwoman Briggs

WHEREAS the Town of Hurley Justice Court has submitted its Audit and Control records to the State Office of Controller and has certified those records to the Town Supervisor for the past three months for the year 2013 thru the month of June. The Hurley Justice Court has submitted it closed case log for audit to the Hurley Town Board on June 15, 2013. All records are available on regularly scheduled court hours on 24 hour notice to the court, for any Hurley Board Member to review

THEREFORE BE IT resolved to accept the records as presented.

All Voted Aye

From the Departments

- 1. Superintendent Russell the highway would begin paving next week
- 2. Joan Paccione chairman from the CAC said they were looking at a grant for clearing the property on Walton Lane. They are still working on the open space plan.

From the Floor

1. A resident from Jeffrey Lane is trying to find a solution for the noise issue in his neighborhood.
2. Supervisor Quigley from the Town of Ulster wanted to update the Town Board on the Hurley Ave. convenience store that was burned down. There is an action in the NYS Supreme Court.
3. A resident from Hurley brought up that all the waste from fracking would have to be trucked out. Route 28 does not need any more truck traffic.
4. A town resident who lived in Oklahoma for six years said that once these companies come in to do fracking they take over and you have no say on what's being done.
5. Joann Meyers from Marbletown said we should look at the ban on fracking that is in place in Marbletown.
6. Polly Howells from Glenford talked about the climate change that is affected by fracking.
7. Another Marbletown resident talked about the gases that escape fracking process and water that will be contaminated do not respect boundaries.
8. Another resident said that each well uses five million gallons water.
9. Melinda McKnight said the industry is not looking to use fracking as a long term job producing economical benefit.

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

Judy Mayhon, Town Clerk