Public Hearing and Town Board Meeting – December 29, 2011

Present: Kitty Brown, Jane Ann Williams, Toni Hokanson

7:21 pm: Supervisor Hokanson made a motion to open the Public Hearing on the Time Warner Contract. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Public Input:

Dave Lent: He's on the Committee: We've been working on this contract 6 or 7 years. The actual present contract with Town of New Paltz expired at the end of 2005. This contract even after it's approved by the Town will have to be approved by the State which will probably take 6 plus months. The difference in this contract is we have increased the amount of insurance that they must carry. They still require a place to return equipment and pay their bills. It is currently Village Hall. The Senior Citizen Exemption which was in the former contract for those Senior Citizens that had paid 12 consecutive months to get a 13th month free. We could not get that in the new contract but they did finally agree that they would continue that exemption for those who already had it and since this contract won't be adopted and approved by the State for at least 6 months if they are a Senior Citizen that qualifies they can still get into the program. In the previous contract the Village residents always had to pay the 3.5 percent franchise fee. The Town residents did not have to pay that it went into a Construction Fund. In the new contract the Construction Fund has been dropped so then the Town residents will have to pay the 3.5 percent franchise fee. However, the Town has an option of changing that from 0 to 5 percent within a 2 year period. There is still one area of contention with the Town and Time Warner and that is the Construction Fund. There is at present $325,000 that they have not used to extend lines in the Town of New Paltz and the fight has been for the last couple years what happens to that money? We still have not gotten it finalized. We thought we did. However their latest document of understanding added some new items and we have questions about that. There is a question of when it will be paid. Why the cost of the line extensions that they want to build in the Town has gone up. They told us about it 3 months ago and there is also the question of what happens to the money that they return to the Town and when they return it. And those things the Committee will continue to work with Time Warner until we get them resolved. Until then we request that you do not approve the Contract even though you are having a Hearing on it today. And you may want to continue to leave the Hearing open. Councilwoman Brown asked to have the phone number that the Senior Citizens need to call flashed on the screen. The phone number is 695 – 9626 and the contact person is Brenda Immel. Councilwoman Brown asked so there was no discussion with Time Warner about Item #3? Some mutually agreed upon Education Technology Project? Mr. Lent said absolutely not. Supervisor Hokanson said there was a conversation with me about it. Brenda called when she was working on this MOU earlier in the month and asked about paying the Town the money but having it be in a reserve for this Education Technology purpose because Time Warner wanted to avoid setting a precedent of paying this kind of money to a Town. And I told her this situation was problematic because this money belongs to Town Residents outside the Village and that any kind of project that this money was going to be used for, for the whole Town would need to be matched by the Village. And that was a whole other level of discussion. And it had nothing to do with our MOU. She said she'd go back to the Executives and when she sent this, I got this today in the note she said that they wanted the Board to still consider it. Councilwoman Brown – I think we can consider it and reject it because Time Warner Cable doesn't have the right to tell the residents of the Town of New Paltz how to spend the money that Time Warner has been holding for the last 6 years. Mr. Lent added in the Letter of Agreement it doesn't have a time frame. It needs to have a time frame.

7:25pm Dave Lewis arrived.

Andrea Russo, Co-chair and Village Member of the Public Access Advisory Committee: The benefits of this new agreement are we're entitled to 3 Public Access Channels. Currently we have one, Channel 23 and SUNY has a leased channel which we will be taking back – We will have 3 channels- one for Public Programming, one for government programming, and one for educational programming which will be generated by SUNY as well as the New Paltz Central School District. Time Warner will also give us 2 additional Modulators – we'll be able to broadcast from 5 sites live – there is a modulator at SUNY, Village Hall, and here in Town Hall, and we'll receive 2 new modulators, one for the Community Center and one for the high school. Plus we'll receive an additional $50,000 in total over the course of 10 years to spend on equipment. And the equipment will be to improve our sound as well as cameras and other recording equipment for the public to use to make public programming. We have some now at the Community Center but we'll have new and better equipment and we'll be able to replace equipment as needed. And it should also cover another programming machine like the Nexus we use now so it will help us to be able to program both channels that we'll be responsible for, the 3rd channel will be at SUNY.

Everett - Cable tv is passé. Tv now is Wifi. And you're renegotiating a contract that is obsolete. It's a con job.

Ira Margolis – In the definition of the Town contract it defines the Community as just the Town, not the Town and the Village whereas in the Village contract they define the community as the Town and Village. Supervisor Hokanson and Andrea Russo said it should be both and thanked him for catching that. Capital Contribution – according to what he read it's going to be exclusively for the production of education and government access, his concern, there is nothing for the public. Supervisor Hokanson – the equipment goes to the Public Access Committee and they'll allow it to be used in whatever way they see fit. Another question: there is a clause that states that Time Warner Cable will respond to a complaint within 24 hours. He doesn't know what that means because their current schedule is 2 ½ weeks for them to come out and fix something. So it should be clear what they mean by that. Franchise fee- will they classify the collection of franchise fees as income? He doesn't want to pay double. It's not clear. Supervisor Hokanson – the answer is no, the franchise fee is not considered income under the PSC guidelines.

? – Equipment – Sound system for Public Address and Conference Sound $2,000 a piece is going to buy us what? Councilwoman Brown – our audio video company doesn't specifically do audio so they've been consulting with a local audio person and that was the figure that was given that would solve our audio problem but we don't know what the exact piece of equipment will be. He responded – it sounds like we're sticking our head in a bag. Otherwise I think little or nothing about every piece of equipment on this list. I have a lot of experience, and seeing what is here will not answer the problems of sound.

Don Kerr, Co-chair of Public Access Advisory Committee - Obsolescence of cable television we did talk about that quite a bit and we are confident that Time Warner Cable as a company will want to continue to exist and they are thinking very hard as cable goes out of vogue. And we do have a clause that this franchise agreement will cover whatever technology comes after cable television. The Committee would also like that the Public Hearing be held open so that the representative from Time Warner Cable and the Representative from the Public Service Commission who were present during the negotiations can come and explain and defend that letter in public. We'd like to invite them to the next Public Hearing. We'd like to have them explain how something that was not a topic of our discussions or negotiations resulted in this letter. I appreciate knowing that they made a phone call and took a shot but it really was not the best faith bargaining I've seen. We'd like to invite them to come and speak to that issue in public.

At 7:45 pm : Motion: Supervisor Hokanson made a motion to continue the Public Hearing on the Time Warner Contract to January 19th at 7pm. Councilwoman Williams seconded. All aye votes cast. Motion carried.

Andrea Russo: She said she would appreciate if the Board would discuss it and perhaps make a decision to what your recommendation would be to the new Administration that's coming in. The Supervisor asked her to get those typos fixed. She said she would.

7:46 pm: Supervisor Hokanson opened the Town Board Meeting with the Pledge.

7:46 pm: Councilman Logan arrived.

Agenda- Motion: Supervisor Hokanson made a motion to amend the Agenda as follows: Remove the Resolution to establish standard day. Add under Old Business – Resolution to approve the Ag and Farmland Protection Plan, Wallkill Valley Rail Trail Feasibility and add under New Business – Repairs to Zodiac Pump Station, Recycling Center Bid for Steel Building, Request to Plant a Tree at Clearwater, and Bid for Pump Repair at the Pool. And to adopt the Agenda as amended. Councilwoman Williams seconded. All aye votes cast. Motion carried.

Public Comment: Cheryl: request a response to the letters and phone calls and meetings we've had regarding the Easement between Rocky Hill Road and Stonehedge Avenue which has been an issue since 2004. She would like them to take some action or at least put it on the Agenda. Councilwoman Brown responded it would have to go on an Agenda for next year. She said we could try to put it on for the first meeting in January but they will have to bring the new Board up to speed on all of your correspondence. She asked if she had to send all the correspondence again. Supervisor Hokanson said no, she has a file and she'll leave it for the new Supervisor. And she suggested that Cheryl call the new Supervisor's Secretary not the first week of January but ask her to keep you up to date. And the Supervisor said she is going to leave the new Supervisor a list of outstanding issues.

Dave Lent: Thanked and recognized the Supervisor and the Board members that are leaving for their service to the Community. Police Commission- it was better than what we had before which was one Commissioner. He said that before the Board takes on that additional assignment they should ask themselves how many times have you been to the Youth Center in the last 6 months, Town Highway garage, and Recycling Center, and the Recreational facilities last summer? You really can't sit in this Town Hall and find out what's going on without going out and seeing and visiting those activities.

Ira Margolis: Thanked Supervisor Hokanson for her years of service. He said she and the Board always helped him, Seniors, and the disabled.

Fred Van Nostraad: Last meeting passed the Wetlands Law even though the people said no. He commented that he requested that Cold War Vets get a tax exemption like the other Vets. Asked Supervisor Hokanson to sign it. She said she'd look into it. Then, new Board said it was too late couldn't do anything. He also commented on the budget. We have to pay higher taxes? He asked why the budget wasn't passed on time. Councilwoman Brown explained what had happened. She said some cuts were made.

Bruce Mikis? Wetlands and Tree more restrictive than the State. Costs us more in taxes. FEMA thing nothing to do on Plutarch Road because didn't do your homework. Pandering to rent in the Village and people who don't pay taxes. Costs us money, lawsuits and stuff, and we're getting less. Cutting trees and we'll get arrested? A misdemeanor?

Lillian Mangelli: Lives on Brockferris Road. She owns 3 homes and a large vacant property on that road. She pays $50,000 in taxes. She wants her street light turned back on. It's too dark and a car was stolen from a mechanic and was dropped off at the end of Brockferris. Councilman Logan – There was a Committee and a long study done, held 3 or 4 Public Hearings, consulted with Police and Fire Departments to determine which

street lights could be turned off. Supervisor Hokanson was opposed to turning off that street light. Councilwoman Brown – it's a six month trial. In six months we'll work with you again.

Community Announcements: Councilman Logan - On January 1st at noon at the Community Center will be the Swearing In Ceremony for new Officers, Board members and County Legislators. Snacks will be served.

Local Law On Tree Conservation: Joe Moriello, lawyer for the Town asked the Board what areas did they want him to address? Councilwoman Brown – misdemeanors- what would have to happen for someone to be convicted of a misdemeanor under this law? He explained that someone charged with a violation of this law – not a misdemeanor – not a crime. There would be no photographs taken, no fingerprints. He explained that the old law – it was just a violation and a $50 fine. It wasn't strong enough. The Board can reduce these types of penalties if it wants. The misdemeanor part is in there so we have the option to bring it to a Superior Court if necessary. If we take out that misdemeanor part than the higher court won't have jurisdiction. He thinks imprisonment would be very rare. Judge would have to find it severe enough to put the person in jail. He used the Attorney General in Huntington as a model. He didn't invent it. He said the Building Inspector wanted the ENCB to review. Supervisor Hokanson said most likely a person would receive a violation and then work out an agreement and replant a tree- might not even get to Court. Mr. Moriello- 130-10 subdivision B- Code Enforcement Officer give a notice of violation an order to remedy – then Building Inspector – include a direction appear before the ENCB to get a plan to remedy and a permit – then if they don't – the Town can pursue it further. The main point is it's not a misdemeanor, no criminal record, no fingerprints, or photographs taken. It's mainly to give jurisdiction to a higher Court. He will leave a copy of the Attorney General's opinion from Huntington and a copy of 268 - the State Law. Supervisor Hokanson – if we make a change in the law do we have to have to have another Public Hearing and start over? In Huntington they have fines only for first and second offense, third offense fines and jail. If make change like that have to do another Public Hearing.

Motions: Supervisor Hokanson made a motion to accept the Short Form SEQR for this action. Councilman Logan seconded. All aye votes cast. Motion carried.

Supervisor Hokanson made a motion to declare NegDec under SEQR. Councilwoman Williams seconded. All aye votes cast. Motion carried.

Supervisor Hokanson made a motion to adopt the Resolution Local Law Tree Cutting. Councilwoman Williams seconded. Councilwoman Brown – she's not ready to pass this law tonight. She wasn't aware could change the penalty section. After discussion decided could always go back and revise the law later. All aye votes cast. Motion carried.

Councilwoman Brown asked about the Wetlands Law letter. Dave Gordon is working on it.

Time Warner Cable Contract : Supervisor Hokanson – what should we do about the MOU? Councilwoman Brown – continue Public Hearing and do both at the same time. How do they calculate to install? Supervisor Hokanson - $ per linear foot. Councilwoman Brown to Russo- S. Putt Corner's Road – Russo- some cable below ground, some above. Councilwoman Brown – need a deadline. She thinks the remaining balance will be more than the $325,000 by the time they get done because they will keep collecting money. Amount to be calculated on the date of signing? Supervisor Hokanson- they can't start charging franchise fee. Russo- process – Supervisor Hokanson – continue to add into new until new... no to number 3 and remaining balance paid out within 30 days of new contract taking affect. Timeline for #1? Councilwoman Brown – one year? Supervisor Hokanson – remaining return to us – 1 year from the date of contract approval 30 days after construction – remaining balance will be paid to the Town. Councilwoman Brown- Joe will write this and this will be our counter proposal to Time Warner. Supervisor Hokanson- can just change the language. If they agree, they sign it, then send it back to

us. PSC approves it 6 months after Town Board approves it. She will fix it and send it back to them send you 2 a copy and the Clerk. She doesn't have a copy of the Build Out Map.

Cold War Veteran Tax Exemption and Motion: Councilwoman Brown apologized to Fred Van Nostraad. She said she doesn't see why they can't add it to the Agenda in January.

Motion: Councilwoman Brown – made a motion - has to be a local law – authorize Joe Moriello to draft- allow Veterans of the Cold War the same type of exemptions as the other Veterans as allowed by New York Tax Law. Councilman Lewis seconded. All aye votes cast. Motion carried.

Resolution to Approve the Town of New Paltz Agricultural and Farmland Protection Plan and Motion: Supervisor Hokanson- approving is different than adopting- she did go back and look at what the Farmland Protection Plan says. It recommends modifying our definition and it gives an example of what another town did. Doesn't give us specific language for modifying. It doesn't say you should adopt any particular definition. It just says we should consider doing it. We're just approving, not adopting and it doesn't make any changes to our zoning. And this will need to be really adopted as part of the Comprehensive Plan Update. The purpose of doing a resolution to approve it is so tomorrow she can finish the paperwork to get the rest of the grant money back.

Motion: Supervisor Hokanson made a motion to pass this Resolution. Councilman Logan seconded. All aye votes cast. Motion carried.

Resolution to accept the Wallkill Valley Rail Trail and Hudson Valley Rail Trail Link Feasibility and Motion: Supervisor Hokanson moved to accept this Resolution. Councilwoman Williams seconded. All aye votes cast. Motion carried.

Repairs to Zodiac Pump Station and Motion: Dave - Zodiac Pump station estimated cost of repairs ranged from $15,000 to $20,000, quote $13, 690, good price, worked with this company before- recommends we accept this bid. Councilman Logan – where do we get the money to pay for it? Supervisor Hokanson – keep borrowing, keep a record of it – we don't have an option. Councilwoman Brown – where would we show this additional $14,000? Supervisor Hokanson – to from a journal entry, charge against Sewer 6 – Zodiac pump – 3 users. Councilman Logan – can we charge it back to those users? Councilwoman Williams – can we do a special assessment? Supervisor Hokanson – can do it special assessment and charge them on their taxes. We need to upgrade Sewer 6 before we can get more users.

Motion: Councilman Logan moved for the Town Board to authorize this. Councilwoman Williams seconded. All aye votes cast. Motion carried.

Recycling Center-Bid for Steel Building and Motion: Councilwoman Brown – is the grant money there? Supervisor Hokanson – yes – Councilwoman Williams- to continue this grant they must have a building. Supervisor Hokanson - $110,000 budgeted, matching $150,000 grant, the low bid was from Kniffen Builders at $132,780 – we have to put money up front and we get reimbursed – 40 x 50 building, overhead door, 4 windows, insulated concrete slab, radiant heat in the slab. There is sufficient funding in the A8189.40 line to cover the expense of construction and supporting operations.

Motion: Supervisor Hokanson made a motion to authorize her to sign the acceptance of bid from Kniffen Builders. Councilman Logan seconded. All aye votes cast. Motion carried. May 15th is the date it has to be completed.

Sports and Recreation Park and Motions: Supervisor Hokanson made a motion that any funds left in line #7150.40 from this year be reserved for the New Paltz Sports and Recreation Park. Councilman Lewis seconded. Councilman Logan thinks it should be tabled over to the next Board. He feels money for the park has already been misspent.
Motions:

Councilman Lewis calling the question vote to stop discussion. Supervisor Hokanson, Councilman Lewis, and Councilwoman Williams voted aye, Councilman Logan and Councilwoman Brown voted no. Discussion stopped.

Supervisor Hokanson moved that the remaining balance in the .4 line be reserved for use for the Sports and Rec Park. Councilman Lewis seconded. Supervisor Hokanson, Councilman Lewis, and Councilwoman Williams voted aye, Councilman Logan, and Councilwoman Brown voted nay. Motion carried. If not spent at the end of the year and the Board doesn't reserve it, the funds go back to the unexpended fund. 7150 460 Parkland Recreation Fund – if still a year later should go back there.

Request to plant a tree along with a commemorative plaque at Clearwater Park in honor of Ralph Clearwater and Motion: Supervisor Hokanson told the Board that Robert Caron wrote her a letter requesting that they plant a tree and put a commemorative plaque on the tree at Clearwater Park in honor of Ralph Clearwater. He said he would pay for it. Clearwater Park is named after his Aunt. Councilman Logan moved to approve this request. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Moriello Pool Pump Bids and Motion: Supervisor Hokanson told the Board received 3 bids - $2,359 the lowest bid, Lincoln Equipment Co. The other bids $3,126 and $2,802. Sent to Village to have them pay half. Councilman Logan out of money in all Moriello – 2012 funds – award bid – Councilman Logan made a motion to sign the agreement to purchase the new pump for Moriello. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Board of Assessment Review Motion: Councilwoman Williams moved to approve the appointment of Ken Davies to the Board of Assessment Review term will end Sept. 30, 2016. Councilwoman Brown seconded. All aye votes cast. Motion carried.

December 29, 2011 Warrant and Motion: Councilwoman Williams made a motion to have the Supervisor sign the December warrant in the amount of $153,669.12 pending audit of the bills by Councilman Lewis. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Prepayment Motions: Supervisor Hokanson made a motion to approve the prepayment of Voucher # 11-96520 in the amount of $1,207.50 made out to David Gordon, Attorney for services rendered regarding the Wetlands Law. The bill came in after the Warrant was prepared. Councilman Lewis seconded. All aye votes cast. Motion carried.

Supervisor Hokanson made a motion to approve the prepayment of Voucher # 11-94792 in the amount of $5,219.11 made out to Ulster County Social Services for the payment of November Social Services. The bill came in after the warrant was prepared. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Councilwoman Williams made a motion to approve payment of Voucher # 11-95056 in the amount of $309.49 for Supervisor Hokanson to reimburse her for 2011 mileage and tolls. Councilwoman Brown seconded. All aye votes cast. Motion carried.

Goodbyes and Thanks : Supervisor Hokanson said it has been a pleasure and an honor to serve the Town of New Paltz. Councilman Lewis said it was a pleasure and honor to serve on the Town Board. Said everyone should experience it. Councilman Logan recognized the Supervisor for the work she has done for the Community and said he appreciated it. Councilwoman Williams said it was an honor to serve and thanked the Board and its lawyers. Councilman Logan mentioned that Mike, the Highway Superintendent made a lot of changes and we're so much further ahead because of him. He said that he was sorry that Marian wasn't here. He acknowledged her 13 years of service. Councilwoman Brown told Supervisor Hokanson that she has a lot to be proud of: the Community Center, Sports and Rec, Recycling Center, Clearing and Grating Law,

Wetlands Law I, Wetlands Law II, 2 million bond, Stony Woods. She said she was very sorry that Marian wasn't here.

At 10:05pm Supervisor Hokanson made a motion to adjourn. Councilman Lewis seconded. All aye votes cast. Motion carried.

Respectfully submitted,

Kathryn Varuzza

Deputy Town Clerk