

**Draft Minutes**  
New Paltz Village Board  
7:30pm, 12/11/13, Village Hall

Present: Village:

Mayor Jason West  
Deputy Mayor Rebecca Rotzler  
Trustee Sally Rhoads  
Trustee Thomas Rocco  
Trustee Ariana Basco

Also Present:

Kathryn Doyle-Bunker, Village Clerk  
Ellen Rocco, Village of New Paltz Zoning Board  
Michael Zierler, Village of New Paltz Planning Board  
Rich Steffens, Village of New Paltz Planning Board

**Public Hearing**

**A Local Law regarding the Short Term Rental in the Historic District**

- Local Law regarding the Short Term Rentals in the Historic District
- Notice of Public Hearing

**00:00:00-0018:53**

Mayor West opened the Public Hearing at 7:38pm

Craig Shankle inquired as to how the new law would relate if he wanted to do a house swap with someone else. The response was that it would not affect a house swap because there is no profit to be gained.

Mike Henry addressed the Board and stated that he thought the law was short sighted and Mr. Henry stated he felt that the Historic District was the most natural place to promote tourism.

Former Mayor Nyquist spoke as a member of the Huguenot Historic Society and also as the head of the Nyquist Foundation. Former Mayor Nyquist stated that he supported the general intent of the law.

Michael Zierler addressed the Village Board and stated that he was not speaking as a member of the Historic Society Advisory Board or the Village of New Paltz Planning Board. Mr. Zierler stated that he was in support of the law.

Rebecca Mackey, Interim Executive Director for Historic Huguenot Street, addressed the Board by stating she concurred with Former Mayor Nyquist and Mr. Zierler. She felt that the owners of a short term rental might not understand the sensitivity about the National Historic Landmark district. Ms. Mackey stated that Historic Huguenot Street is in full support of this law.

Sue Wynn addressed the Village Board and stated this was not a personal matter but rather about protecting a national treasure.

Ann Quinn addressed the Village Board and stated that the short term transit guests next to her have been very selfish and their presence has caused a significant disturbance in the life of the residents.

Leonard Loza inquired as to houses on Main Street and inquired as to if they are covered under this law.

Mayor West moved to close the Public Hearing. Trustee Rhoads seconded. 5 Ayes. Motion carried.

Trustee Rhoads requested that this item be added to the December 11, 2013

**Joint Meeting with the Town of New Paltz**

## **Ratification of the Consulting Agreement between the Town of New Paltz and the Village of New Paltz**

- Consulting agreement drafted by Tom Rocco and Jeff Logan

01:02:51-01:28:10

Mayor West invited the Council members for the Town of New Paltz to join the Village Board Members at the table.

Supervisor Zimet moved to open the meeting with the Village of New Paltz. Councilman Logan seconded. 5 Ayes. Motion carried.

Councilwoman Brown requested that a letter to the IDA regarding the Park Point Pilot be added to the Joint Agenda.

Councilman Logan requested that the agenda include a discussion on the Boards recommending members to the IDA Board.

Mayor West moved to approve the agenda for the Joint Meeting. Trustee Basco seconded. 5 Ayes. Motion carried.

Councilman Logan moved to approve the agenda for the Joint Meeting. Councilman Barry

### **CONSULTING AGREEMENT (Town-Village Comprehensive Plan)**

THIS AGREEMENT, made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between the TOWN OF NEW PALTZ, a governmental subdivision, with offices located at 1 Veterans Drive, P.O. Box 550, New Paltz, New York 12561 and the VILLAGE OF NEW PALTZ, a municipal corporation, with office located at 25 Plattekill Avenue, New Paltz, New York 12561 (hereinafter referred to collectively as "Town and Village"); and CURT LAVALLA, AICP, Post Office Box \_\_\_\_, New Paltz, New York 12561 (hereinafter referred to as "Consultant").

#### **WITNESSETH:**

WHEREAS, the Master Plan Review Task Force, commissioned in 2011 by the Board of Trustees of the Village of New Paltz, has recommended evaluation and update of the existing Village Plan; and

WHEREAS, the Town has in recent years undertaken planning activity toward evaluation and update the existing Town Plan; and

WHEREAS, at a meeting conducted on August 15, 2013, the Village Board of Trustees and the Town Board received a presentation on a joint planning effort to develop a Joint Town-Village Comprehensive Plan (hereinafter referred to as the "Plan"), and resolved to execute an Inter-Municipal Agreement for the purposes of cooperative comprehensive planning; and

WHEREAS, the Town and Village desire to retain an independent Consultant to work together with Town Board and Village Board of Trustees, the Town Planning Board, Village Planning Board and/or any other special board(s) that may be appointed to preside over the preparation of the Plan; and

WHEREAS, Consultant shall engage the public to promote participation in the Plan process, as required by New York State laws authorizing municipal comprehensive planning; and

WHEREAS, Curt Lavalla is willing to perform professional planning services, more particularly itemized herein below, and in accordance with §§272-a and 284 of the Town Law, and §§7-722 and 7-741 of the Village Law; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter expressed and pursuant to the authority contained in the General Municipal Law, the Village Law and the Town Law of the State of New York with respect to municipal cooperation for comprehensive planning and land use regulation, it is hereby agreed by and between the parties hereto as follows

1. **Joint Comprehensive Master Plan:** The Town and Village hereby enter into a non-exclusive agreement with Curt Lavalla (the Consultant) to consult with the Town and Village in preparation of a draft Plan, to include deliverables, *as set forth in the attached scope of work.*
2. **Compensation:** The Town and Village shall compensate the Consultant for professional services performed an amount not to exceed, in the aggregate, the sum of FIFTY TWO THOUSAND DOLLARS (\$52,000.00) for fifteen (15) months. If the draft Plan is completed and accepted by the Boards prior to the expiration of the *term contemplated herein*, then Consultant shall be entitled to full payment of the fee at

the time of acceptance by both Boards. If the draft Plan is not completed by the end of the term contemplated herein, there shall be no further payment beyond compensation provided for herein above.

**3. Payment: Consultant shall be paid as follows:**

- a) First payment of \$10,000.00 shall be paid upon execution of the Agreement.
- b) Subsequent payments shall be invoiced monthly to the Town by the Consultant in the amount of \$2,909.09 each, from February 2014 through December 2014.
- c) A final payment of \$10,000.00 shall be withheld no more than fifteen (15) days from the date the draft Plan is submitted and found to be complete by the Town and Village under the terms of the Agreement.

**4. Interim Reporting and Plan Deliverables:** Consultant shall *submit an* itemize Plan activity report along with each monthly invoice and provide deliverables as specified by the Scope of Work included as part of the Agreement.

**5. Term and early termination:** This Agreement shall expire on March 31, 2015, unless terminated earlier as provided herein. The Agreement may be extended only by affirmative majority vote of both Boards. The parties to the Agreement may terminate the Agreement in the event that another party commits a breach of its material obligations hereunder, upon thirty (30) days advance written notice and where the Town and Village or the Consultant do not cure the alleged breach within a reasonable time following written notice thereof. If one municipality, but not the other, terminates this Agreement, then (i) the terminating municipality shall remain liable for payment for work performed by the Consultant through the *end of the second month from the* date of expiration of the notice of termination, and (ii) the non-terminating municipality may continue to retain the Consultant at its expense.

**6. Independent contractor status:** The Consultant, in accordance with his status as an independent contractor, agrees that he will conduct himself consistently with such status. Consultant will not hold out as, nor claim to be, an officer or employee of the municipality by reason hereof nor make any claim, demand or application to or for any right or privilege applicable to any officer or employee of the municipality, including, but not limited to, Workers' Compensation coverage, unemployment insurance benefits, social security coverage, retirement membership or credit or other benefit. Consultant understands and agrees that the Town and Village will make no deduction from payments hereunder on account of federal or state income tax, social security, disability or unemployment insurance or the like. Neither party nor any of their respective officers, employees or independent contractors is authorized or empowered to act as agent for the other for any purpose and shall not, on behalf of the other, enter into any contract, warranty or representation as to any matter.

**7. Insurance:** It shall be a material term of this Agreement and a condition precedent to the obligations of the Town and Village herein that the Consultant maintains \$1,000,000 of professional liability insurance coverage for Errors & Omissions. Proof of such insurance shall be provided no later than two (2) weeks from execution of this Agreement.

**8. No assignment:** The parties represent that the Consultant has been retained based, in part, upon his representation of personal skill and qualification to perform the work required. Consultant shall not assign his rights or obligations hereunder without the prior written consent of the municipality nor shall he subcontract, either directly or indirectly, any of his responsibilities hereunder without the prior written consent of the municipality.

**9. General provisions:**

a) Consultant shall conduct two required public hearings, and at least three (3) community planning workshops for the presentation of draft Plan elements to the public to facilitate community input during Plan development. Consultant will coordinate with the Town and Village in order to promote awareness of scheduled community workshops and encourage participation.

b) Consultant shall further organize and conduct such meetings with community stakeholders, municipal officials, and others, as necessary, in furtherance of development of the draft Plan.

c) The Consultant shall not be responsible for the following, under the Agreement:

- i) Inclusion of Geographic Information Systems (GIS) mapping, other than GIS mapping made available to the Consultant, on behalf of the Town and Village.
- ii) Production costs for hard-copy draft Plan.
- iii) Documentation required prior to adoption of the Plan toward compliance with the New York State Environmental Quality Review Act (SEQRA) and its Implementing Regulations (Part 617 of the New York State Environmental Conservation Law). However, nothing herein shall preclude the Town and Village from utilizing the draft Plan as a Generic Environmental Impact Statement (GEIS) in furtherance of SEQRA compliance.
- iv) Establishment and/or maintenance of a Plan website, or design of other social media that may be utilized to facilitate community participation.
- v) Specialized studies including, but not limited to, real estate analyses and economic studies, or “build-out” studies, unless readily available to the Town and Village, shall not be generated under the Agreement.
- vi) Postage for any purpose including, but not limited to, Community Survey distribution, notice in advance of and/or public meetings or workshops.
- vii) Securing meeting space for public hearings, workshops, stakeholder meetings or similar events.

d) The failure by either party to enforce any provision of this Agreement or to timely insist on performance shall not constitute or be construed as a waiver of any right to strictly enforce a contractual provision.

e) Any notice provided for in this Agreement shall be in writing and deemed to have been received if sent by regular or certified mail, postage pre-paid, and received at the address for each of the respective parties set forth above.

f) The provisions of this Agreement shall be governed by the laws of the State of New York, and the parties agree that the exclusive forum for any dispute concerning this Agreement shall be in a court of competent jurisdiction within the State of New York, County of Ulster.

g) This Agreement constitutes the entire understanding between the parties regarding this matter and merges any and all prior discussions, representations, promises and warranties within its scope. There are no representations, warranties or promises not expressly set forth in this Agreement. Except as expressly set forth herein, this Agreement may not be modified, renewed or extended, except in writing, signed by both parties. This Agreement shall be executed in triplicate. One fully executed original shall be held by the Consultant, and one original each shall be permanently filed, after execution thereof, in the office of the Town Clerk of the Town of New Paltz, and the Village Clerk of the Village of New Paltz.

IN WITNESS WHEREOF, the Consultant, the Town of New Paltz, and the Village of New Paltz, have each caused their respective seals to be affixed hereto, and this Agreement is signed by the Supervisor of the Town of New Paltz and by the Mayor of the Village of New Paltz, both duly authorized to do so.

Trustee Rhoads moved to approve the Consulting agreement on behalf of the Village of New Paltz. Trustee Rocco seconded. 4 Ayes. 1 Nay, Mayor West. Motion carried.

Trustee Rhoads moved to direct and authorize Mayor West to execute the consulting agreement. Trustee Basco seconded. 5 Ayes. Motion carried.

Councilman Logan moved to approve the Consulting Agreement as amended. Councilman Barry made the friendly amendment to authorize the Supervisor to execute the agreement on behalf of the Town of New Paltz. Councilman Logan accepted the friendly amendment from Councilman Barry. Councilman Barry seconded the motion. 5 Ayes. Motion carried.

#### **Discussion on a letter to the IDA regarding the Park Point Pilot**

01:28:32-01:45:14

Trustee Rhoads moved to accept the letter to the IDA with regards to the Park Point Pilot and to send it as a representation of the Joint Board with the Town. Trustee Basco seconded. 3 Ayes. 2 Nay, Mayor West and trustee Rocco. Motion carried. It was noted that unanimous will now need to be changed to majority. Trustee Basco moved

as a friendly amendment the letter will be amended to state the granting of the currently projected Pilot agreement. Deputy Mayor Rotzler seconded the friendly agreement. 4 Ayes. 1 Nay, Mayor West Motion carried.

Councilman Logan moved on behalf of the Town of New Paltz Board to approve the letter to the IDA. Councilman Barry seconded. 5 Ayes. Motion carried. Councilwoman Gallucci moved as a friendly amendment the letter will be amended to state the granting of the currently projected Pilot agreement. Councilman Logan accepted the friendly agreement. Supervisor Zimet seconded. 5 Ayes. Motion carried.

#### **Approval of the Joint Minutes of November 6, 2013**

- Joint Minutes of November 6, 2013

01:28:12-01:28:31

Trustee Rhoads moved to approve the Joint Minutes for November 6, 2013 on behalf of the Village Board. Trustee Rocco seconded. 5 Ayes. Motion carried.

The Town Board agreed that they would approve the minutes for the November 6, 2013 meeting at their next regularly scheduled Town Board Meeting.

#### **Discussion on the Boards recommending members to the IDA Board**

01:45:15-01:48:25

It was determined in conversation that Mayor West and Councilman Logan will work together to bring additional information back to the boards in the near future.

#### **Adjournment of the Joint Portion of the Village and Town Meeting**

01:48:28-01:48:33

Councilman Logan moved to adjourn the Town portion of the Joint Meeting. Councilwoman Gallucci seconded. 5 Ayes. Motion carried.

The Joint Meeting adjourned at 9:26pm on Wednesday, December 11, 2013.

The Village Board held a five minutes recess.

#### **Administrative Business**

##### **Pledge of Allegiance**

00:19:41-00:20:00

##### **Approval of the Agenda**

00:20:33-22:03

Trustee Basco requested that a discussion on streetlights on Plattekill Avenue be added to the agenda.

Clerk Doyle-Bunker requested on behalf of Village Treasurer, Nancy Branco that a resolution authorizing the transfer of funds to pay for the Board approved sidewalk project be added to the Consent Agenda.

Clerk Doyle-Bunker requested that the refund of the application fee for 105 Huguenot Street as recommended by the Village of New Paltz Zoning Board of Appeals be added to the Consent Agenda.

Clerk Doyle-Bunker requested that the interview of Nicholas Martin for consideration of an appointment to the Shade Tree Commission be added to the Agenda.

Trustee Rhoads requested that Item #5. Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to DEL -407: Phase II Exploration and item # 6. Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to the purchase of a Dump Truck. Be removed from the Consent Agenda so they can voted upon as a roll call vote.

Trustee Rhoads moved to approve the agenda. Mayor West seconded. 5 Ayes. Motion carried.

### **A Local Law regarding the Short Term Rental in the Historic District**

**00:22:06-00:22:34**

Trustee Rhoads moved to adopt the Local Law regarding Short Term Rentals in the Historic District. Trustee Basco seconded. 5 Ayes. Motion carried.

### **Consent Agenda**

**02: 04:21**

1. Bills and Claims
2. Approve Minutes from November 20, 2013
3. Approval of Payment Estimate #2 from Brinnier and Larios for DN Tanks, VNP-123 in the amount of \$723,361.73
4. Approval of Payment Estimate #2-Final from Brinnier and Larios for Roehrs Construction, Inc., VNP-133 in the amount of \$19,342.00.
5. Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to DEL -407: Phase II Exploration
6. Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to the purchase of a Dump Truck.
7. Approval of reimbursement to Village of New Paltz Building Inspector 1, Rich Travis for CEC Training in the amount of \$345.00
8. Approval for Municipal Code Officer, Holly Esposito to attend NYS Department of State Code Enforcement Basic Training.
9. Approval for Brinnier and Larios to survey property owned by the Village of New Paltz on West Center Street.

### **Resolution to Transfer Funds from the Sidewalk Reserve Fund**

Memo from Nancy Branco, Village Treasurer to the Board of Trustees, dated December 10, 2013

*Please authorize the Treasurer to transfer in \$6,400.00 from the Sidewalk Reserve Fund for the work that was completed by Leo Boice & Sons, Inc. for curb cuts on Henry W. DuBois Drive, this was previously board approved on October 9, 2013 but there was no authorization to transfer the funds in from the Sidewalk Reserve Fund.*

Mayor West moved to adopt the Consent Agenda with the addition Resolution requested by Nancy Branco authorizing the transfer of funds for the Board approved sidewalk project and the addition the refund of \$200.00 to the owner of 105 Huguenot Street for their application before the Zoning Board. Item #5 on the Consent Agenda, the approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to DEL -407: Phase II Exploration had been requested to be removed so that it could be voted upon as a separate matter. Item #6 from the Consent Agenda had been removed to be voted upon separately. The Former sixth item on the Consent Agenda was the approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to the purchase of a Dump Truck. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

**Abstract:**

Abstract #14 (FY 2013-2014)

Ck#105, 35711 to 35778	
A	\$ 200,966.06
F	\$ 23,879.61
G	\$ 360,546.29
CK#1015	
CDBG	\$ 323,356.35
Ck#2166 to 2168	\$ 749,263.73
H	
Ck #16806	\$ 12,295.00
TA	
Total	\$1,670,307.04

***Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to the purchase of a Dump Truck.***

**02:04:43-02:05:02**

***EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NEW PALTZ, NEW YORK***

***(\$55,000 – Equipment or Apparatus)***

*A regular meeting of the Board of Trustees of the Village of New Paltz, located in the County of Ulster, New York, was held at Village Hall, in New Paltz, New York, on December 11, 2013 at 7:30 o'clock, P M., at which meeting a quorum was at all times present and acting. There were:*

***PRESENT:*** Mayor Jason West  
Deputy Mayor Rebecca Rotzler  
Trustee Sally Rhoads  
Trustee Ariana Basco  
Trustee Thomas Rocco

***ABSENT:*** None

***ALSO PRESENT:*** Kathryn Doyle-Bunker, Village Clerk

*Mayor Jason West moved the adoption of the following resolution. The motion was seconded by Deputy Mayor Rotzler. The Board of Trustees was polled. The motion was adopted by a vote of 5 affirmative votes (being at least two thirds of the voting strength of the Board of Trustees) and zero negative votes and zero absent votes.*

***BOND RESOLUTION, DATED DECEMBER 11, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$55,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF NEW PALTZ, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION OF***

*MACHINERY OR APPARATUS TO BE USED FOR CONSTRUCTION, REPAIRS OR MAINTENANCE, IN AND FOR THE VILLAGE.*

*WHEREAS, the Board of Trustees of the Village of New Paltz (the "Village"), located in Ulster County, in the State of New York (the "State") hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition of machinery or apparatus to be used for construction, repairs or maintenance, in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto at a total cost not to exceed \$55,000, all in accordance with the Local Finance Law;*

*NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of New Paltz, as follows:*

*Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$55,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of machinery or apparatus to be used for construction, repairs or maintenance, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").*

*Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project are not to exceed \$55,000; (b) no additional money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes authorized herein; and (d) the maximum maturity of such serial bonds authorized herein shall not be in excess of fifteen (15) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took "official action" for federal income tax purposes to authorize the capital financing of such expenditure.*

*Section 3. It is hereby determined that the Project referred to in Section 2 hereof is a specific object or purpose described in subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of such Project is fifteen (15) years. The serial bonds in the principal amount of up to \$55,000 authorized herein shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first bond anticipation notes issued in anticipation of the issuance of such serial bonds.*

*Section 4. Subject to the terms and conditions of this bond resolution and pursuant to the provisions of Sections 21.00, 30.00, 50.00, 56.00 to 60.00, inclusive, of the Local Finance Law, the power to authorize serial bonds and bond anticipation notes in anticipation of the issuance of such serial bonds and the renewal of such bond anticipation notes and the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes authorized by this bond resolution, and the power to issue, sell and deliver such serial bonds and bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village to all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.*

*Section 5. The faith and credit of the Village is hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.*

*Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in the Kingston Freeman, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized by this bond resolution and of bond anticipation notes issued in anticipation of the sale of such serial bonds may be contested only if such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or the provisions of law which should be complied with as of the date of the publication of this bond resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State.*

*Section 7. The Village hereby declares its intention to issue the obligations authorized herein to finance the costs of the Project. The Village covenants for the benefit of the holders of the obligations authorized herein that it*



*will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the facilities financed with the proceeds of such obligations which would cause the interest on such obligations to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or any facilities financed thereby if such action or omission would cause the interest on such obligations to become subject to Federal income taxation under the Code (except for the alternative minimum tax imposed on corporations by section 55 of the Code) or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made for such object or purpose on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Village.*

*Section 8. Prior to the issuance of obligations authorized to be issued by this bond resolution, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of obligations authorized to be issued herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.*

*Section 9. For the benefit of the holders and beneficial owners from time to time of the bonds and bond anticipation notes authorized pursuant to this bond resolution (the "obligations"), the Village agrees, in accordance with and as an obligated person with respect to the obligations, under Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively, by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village. The Village Treasurer acting in the name and on behalf of the Village, shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.*

*Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.*

***Approval of a Resolution to authorize the Village Treasurer, Nancy Branco to borrow funds as related to  
DEL -407: Phase II Exploration***

***02:05:03-05:05:11***

*EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF NEW PALTZ, NEW YORK*

*(\$250,000 – Plans, Specifications & Estimates)*

*A special meeting of the Board of Trustees of the Village of New Paltz, New York, in the County of Ulster, New York, was held on December 11, 2013, at 7:30 P.M (Prevailing Time), at the Village Hall in New Paltz, New York, at which meeting a quorum was at all times present and acting.*

*PRESENT: Mayor Jason West  
Deputy Mayor Rebecca Rotzler  
Trustee Sally Rhoads  
Trustee Ariana Basco  
Trustee Tom Rocco*

*ABSENT: None*

*ALSO PRESENT: Kathryn Doyle-Bunker*

*Mayor West submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee Sally Rhoads. The Board of Trustees was polled. The motion was adopted by a vote of 5 affirmative votes (being at least two thirds of the voting strength of the Board of Trustees) with zero negative votes and zero votes absent.*

*BOND RESOLUTION, DATED December 11, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF NEW PALTZ, COUNTY OF ULSTER, NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COST OF THE PREPARATION OF SURVEYS, PRELIMINARY AND DETAILED PLANS, SPECIFICATIONS AND ESTIMATES FOR WATER SYSTEMS, IN AND FOR THE VILLAGE.*

*WHEREAS, the Board of Trustees of the Village of New Paltz (the "Village"), a municipal corporation of the State of New York, located in the County of Ulster, hereby determines that it is in the public interest of the Village to authorize the financing of the cost of the preparation of surveys, preliminary and detailed plans, specifications and estimates for water systems, in and for the Village, including the acquisition of any equipment, machinery and apparatus necessary therefor and any preliminary and incidental costs related thereto, at a total cost not to exceed \$250,000;*

*NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of New Paltz, County of Ulster, and State of New York as follows:*

*Section 1. There is hereby authorized to be issued serial bonds, and bond anticipation notes issued in anticipation of such serial bonds, of the Village, in the aggregate principal amount of up to \$250,000, pursuant to the Local Finance Law, in order to finance the cost of the preparation of surveys, preliminary and detailed plans, specifications and estimates for water systems, in and for the Village, including the acquisition of any equipment, machinery and apparatus necessary therefor and any preliminary and incidental costs related thereto (the "Project").*

*Section 2. It is hereby determined that the Project is a specific object or purpose, or of a class of object or purpose, described in subdivision 62(a) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is five (5) years. The serial bonds authorized herein shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds authorized herein or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.*

*Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$438,100, (b) the Board of Trustees of the Village plans to finance the*

*Project with the proceeds of the serial bonds authorized herein and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, together with a grant from the New York City State Department of Environmental Protection, and (c) in the event that a capital improvement is financed in whole or in part as a result of the Project's findings, then the period of probable usefulness, subject to a permissive referendum, may be increased so that it shall be equal to the period of probable usefulness of such capital project, less the period of time which elapsed from the date of issuance of the first obligation or obligations, pursuant to subdivision 62(b) of paragraph a of Section 11.00 of the Local Finance Law.*

*Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize the serial bonds authorized herein and bond anticipation notes in anticipation of the issuance of such serial bonds, including renewals thereof, power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute, by manual or facsimile signature, on behalf of the Village, all serial bonds authorized herein and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to affix the seal of the Village (or to have imprinted a facsimile thereof) to or on all such serial bonds and all such bond anticipation notes, and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.*

*Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.*

*Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same to be published together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law in Kingston Freeman, a newspaper having a general circulation in the Village. The validity of such serial bonds authorized herein and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of the publication of this bond resolution, were not substantially been complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are authorized in violation of the provisions of the Constitution of the State of New York.*

*Section 7. The Village hereby declares its intention to issue the obligations authorized herein to finance the cost of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations, or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of such serial bonds or any other provisions hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the obligations authorized herein may be applied to reimburse expenditures or commitments made with respect to the Project on or after a date which is not more than sixty (60) days prior to the adoption date of this bond resolution by the Village.*

*Section 8. Prior to the issuance of the obligations authorized herein, the Board of Trustees of the Village shall comply with all relevant provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the DEP, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the "environmental compliance proceedings"). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village covenants that it will re-adopt, amend or modify this bond resolution prior to the issuance of such obligations upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have significant impact or effect on the environment.*

*Section 9 For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein and bond anticipation notes issued in anticipation of such serial bonds, the Village agrees, in accordance with, and as an obligated person with respect to such obligations under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer, on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel to the Village in determining as to whether a filing should be made.*

*Section 10. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.*

## **Legislative Business**

### **Interview**

#### **Interview of Dr. Patricia Kobelt for the Historic Preservation Commission of the Village of New Paltz**

- Letter of interest from Dr. Kobelt, October 30, 2013.

Letter of support from Thomas Olsen, Chair of the Historic Preservation Commission, November 20, 2013

00:22:39-00:29:00

Executive Session

Mayor West moved to go to Executive Session for the purposes of interviewing Dr. Cobelt for the Historic Preservation Commission. Trustee Basco seconded. 5 Ayes. Motion Carried.

The Board went into Executive Session at 8:00pm

The Board returned from Executive Session at 8:08pm

Mayor West moved to exit Executive Session. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried

Mayor West moved to appoint Dr. Cobelt to the Historic Preservation Commission. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

#### **Interview of Nicholas Martin for the Shade Tree Commission**

00:29:01-00:29:52

Trustee Rhoads moved to appoint Mr. Martin to the Shade Tree Commission. Trustee Basco seconded. 5 Ayes. Motion carried.

### **Public Comment**

00:30:00-0036:31

Leonard Loza addressed the Village Board regarding the construction on SUNY New Paltz.

Ira Margolis addressed the Board to inquire about the Ethics Committee.

#### **Presentation**

##### **Presentation by Guy Kempe, Chair of the Village of New Paltz Housing Board regarding Affordable Housing**

00:36:57-01:02:50

Guy Kempe, Chair of the Village of New Paltz Housing Board made a presentation to the Board on Affordable Housing.

#### **Old Business**

##### **Discussion on a Local Law Reforming Rental Property Registration and Inspection**

- Local Law Amending Chapter 129; Housing Standards, Article I: General provisions, drafted by Mayor Jason West, November 19, 2013, red line version.

No action was taken. This matter will appear on the January 8, 2013 agenda.

##### **Discussion on a Village Wide Short Term Rental Law, drafted by Village Attorney, Joseph Eriole**

- Short Term Rental Law, drafted by Village Attorney, Joseph Eriole

02:08:33-02:27:09

No action was taken on this matter. It was requested by the Board that this matter appear on the January 8, 2014 agenda.

##### **Discussion on possible Rezoning for three properties currently in the Flood District and neighboring the Gateway District**

- Memo from the Village of New Paltz Planning Board Attorney, George Rodenhausen, dated December 3, 2013
- Memo from the Village of New Paltz Attorney, Joseph Eriole, dated December 5, 2013

02:27:19-02:34:35

After discussion between the Board member it was determined that the Building Department would be asked to draft a recommendation to answer question #3 and question #4 from Mr. Rodenhausen's memo. It was determined that question #5 from Mr. Rodenhausen's memo would be posed to the Village Treasurer, Nancy Branco. The questions from Mr. Rodenhausen's memo have been added to the official record as follow:

3) *Review the history of the current Flood Zone designation. Was it done to comply with FEMA requirements to enable the owners to secure flood insurance? What was the basis of the current boundaries?*

4) *Review the revised FEMA maps issued this year to determine if there has been any change in the flood levels which served as the basis for the Flood District. Determine how each of the properties is situated on the FEMA maps.*

5) *Determine in consultation with DEC whether the change of the zoning district would disqualify the district and perhaps the Village from participation in the National Flood Insurance Program.*

Trustee Rhoads requested that this matter be on the January 8, 2014 agenda.

##### **Praise for Village Treasurer, Nancy Branco regarding the Phase II Exploration**

02:35:35-02:37:12

Trustee Rocco wanted to recognize Village Treasurer, Nancy Branco for her hard work and efficiency in this matter.

**Discussion on terminating the 2006 Master Planning Services Agreement between the Village of New Paltz and Behan Planning, LLC**

- 2006 Service Agreement

02:37:13-03:39:17

Trustee Rhoads moved to cancel the contract previously held with Behan Planning, LLC. Trustee Basco seconded. 5 Ayes. Motion carried.

**Discussion on the proposed Local Law to create a disabled person parking place on Prospect Street.**

- Proposed local law, drafted by Village Attorney, Joseph Eriole, dated

02:39:18-02:40:52

Mayor West moved to hold a public Hearing for this law at 7:30pm on Wednesday January 8, 2013 with the law as it has been amended. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

**New Business**

**Discussion on the Proposed Local Law requested by the Shade Tree Commission**

- Proposed Code Amendments, drafted by Joseph Eriole, dated December 5, 2013
- Email from Trustee Rhoads, dated November 25, 2013

02:40:56-02:44:23

Trustee Rhoads requested that breast height be changed to 51/2 feet. Trustee Rhoads moved to set a Public Hearing for the proposed Local law as requested by the shade tree and amended by the Board of Trustees on January 8, 2013 immediately following the first Public Hearing which begins at 7:30pm. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

**Discussion on a policy for the Village of New Paltz regarding placement of Political Signs**

- Draft Policy for the placement of Political Signs, drafted by Village Attorney, Joseph Eriole, dated December 5, 2013
- Email from Trustee Rhoads, dated November 25, 2013

02:44:27-02:44:50

No action was taken by Board. Trustee Rhoads suggested holding this matter over until January 8, 2013.

**Discussion on invoices submitted by the Town of New Paltz for work on Moriello Pool**

- Memo from Village of New Paltz Deputy Treasurer, Roseann James, dated December 6, 2013
- Town of New Paltz Invoice #224 for \$394.50
- Town of New Paltz Invoice #228 for \$146.46

02:44:51-02:46:35

Trustee Rhoads stated that the items they were invoiced for are routine maintenance and therefore are not capital improvements.

Trustee Rhoads moved to direct the treasurer not to pay Invoice #224 for \$394.50 and Invoice #228 for \$146.46. Mayor West seconded. 5 Ayes. Motion carried.

**Discussion on a Local Law regarding the installation of no parking signs on the South side of North Front Street adjacent to the Rail Trail**

- Proposed Law, drafted by Trustee Basco, dated December 5, 2013

02:46:37-02:51:27

Trustee Rhoads moved to hold a Public Hearing for the Local Law regarding the installation of no parking signs on the South Side of North Front Street adjacent to the Rail Trail immediately following the second Public Hearing which immediately follow the first Public Hearing that begins at 7:30pm on January 8, 2013. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

**Update on the Streetlights on Plattekill Avenue**

02:51:38-02:55:38

Trustee Rhoads moved to approve the recommendation by Trustee Basco to install 5 lights on Plattekill Avenue for the purposes of Public Safety. Trustee Basco seconded. 5 Ayes. Motion carried.

#### **Executive Session**

#### **Discussion regarding ongoing Union Contract Negotiation**

Mayor West moved to go into Executive Session for the purposes of discussing ongoing union contract negotiations. Trustee Rhoads seconded. 5 Ayes. Motion carried.

The Board of Trustees went into Executive Session at 10:32pm.

The Videographer was dismissed for the evening.

Mayor West moved to exit Executive Session. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

The Board exited Executive Session at 11:17pm.

#### **Resolution to Appoint Village Treasurer, Nancy Branco as the temporary supervision to the Village Clerk's and Village Treasurer's office**

Mayor West moved to approve a resolution to appoint the Village Treasurer, Nancy Branco as the temporary supervision to the Village Clerk's and Village Treasurer's offices. Trustee Rhoads seconded. 5 Ayes. Motion carried.

#### *RESOLUTION*

*Providing a ten thousand dollar stipend to the Village Treasurer in order to act as Office Manager to provide oversight and temporary supervision of both the Village Clerk's and Village Treasurer's Offices.*

*The Treasurer shall take such actions, and make such recommendations as she sees fit in order to ensure the administrative staff are working as efficiently as possible.*

*Such stipend and duties shall expire at the end of the 2013-2014 fiscal year.*

*A month progress report will be submitted to the Board.*

*The stipend shall be provided by budget modifications drawing on the following budget lines:*

<i>A1680.1 \$ 9,880.00</i>	<i>yet-to-be-filled IT position</i>
<i>A1620.1 \$10,992.00</i>	<i>June-August Municipal Worker II position</i>
<i>A5142.1 \$ 5,388.00</i>	<i>MWI not yet certified to MWII</i>
<i>STATE AID \$ 5,434.00</i>	<i>unforeseen state aid for Hurricane Irene</i>

#### **Resolution to Appoint Superintendent of Public Works, Gene Terwilliger as the temporary supervision to the Building Department and the Department of Public Works**

Mayor West moved to approve a resolution to appoint Superintendent of Public Works, Gene Terwilliger as the temporary supervision to the Building Department and the Department of Public Works. Trustee Rhoads seconded. 5 Ayes. Motion carried.

#### *RESOLUTION*

*Providing a ten thousand dollar stipend to the Superintendent of Public Works in order to act as supervisor and to provide oversight and temporary supervision of both the Building Department and Department of Public Works.*

*The Superintendent shall take such actions, and make such recommendations as he sees fit in order to ensure the staff are working as efficiently as possible.*

*Such stipend and duties shall expire at the end of the 2013-2014 fiscal year.*

*A month progress report will be submitted to the Board.*

*The stipend shall be provided by budget modifications drawing on the following budget lines:*

<i>A1680.1 \$ 9,880.00</i>	<i>yet-to-be-filled IT position</i>
<i>A1620.1 \$10,992.00</i>	<i>June-August Municipal Worker II position</i>
<i>A5142.1 \$ 5,388.00</i>	<i>MWI not yet certified to MWII</i>
<i>STATE AID \$ 5,434.00</i>	<i>unforeseen state aid for Hurricane Irene</i>

### **Adjournment**

Mayor West moved to adjourn the meeting. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried.

The December 11, 2013 meeting of the Village of New Paltz Board of Trustees was adjourned at 11:22pm on Wednesday, December 11, 2013.

Respectfully submitted by,

Kathryn Doyle-Bunker  
Clerk for the Village of New Paltz