

**Joint Town & Village Meeting**  
**April 1, 2013**  
**6:30 p.m.**

**Present:** Supervisor Susan Zimet, Councilwoman Kitty Brown, Councilman Kevin Barry.

**Absent:** Councilwoman Jean Gallucci, Councilman Jeff Logan.

**Present:** Trustee Sally Rhoads, Trustee Stewart Glenn, Trustee Ariana Basco.

**Absent:** Mayor Jason West, Trustee Brian Kimbiz.

At 6:34 p.m. a motion was made by Councilman Barry to open the meeting with the pledge. Seconded by Trustee Rhoads, all aye votes cast, motion carried.

**Center for Government Research-CGR, represented by Kent Gardner and Linda Kingsley:**

Mr. Gardner briefly introduced himself and Ms. Kingsley. He indicated that they may have misspecified and underestimated the complexity of this project. They see it as a process by which they are articulating what has to happen to get the Town and Village to a referendum. There needs to be an Intermunicipal Agreement which determines all the factors that affect the relative balance of the burden of the Town and Village going forward. This wasn't specified as an implementation plan. This articulates how you divide the responsibilities and costs in a way that allocates the cost of governments to the taxpayers. Believe they have twice as much experience with mergers, consolidations and shared services than anyone in the state and possibly anyone in the nation. Most of the studies done on consolidation do not result in a merger. It is important to determine if the merger is consistent with well-established law. Home Rule Legislation may be necessary for a coterminous government, which dictates the process by which the Legislature agrees you have properly created a coterminous Town-wide Village; in an effort to guarantee more democracy, not less. The financial analysis is also an important factor. Cost savings are generally modest. Must ask if savings are enough to justify this. Finances are not going to drive this decision. It is also important to determine what the vision for this community is with an engagement process. What goes into the agreement is a government management question.

Trustee Rhoads asked if their proposal takes into account the need to come down and be here during the process.

Mr. Gardner indicated that they would be more than willing to be active with civic engagement. However, the proposal fee only includes the one required public hearing before the referendum. Any additional sessions would be an extra fee.

Trustee Rhoads inquired about the concepts of elected vs. appointed Clerk and Highway Superintendent and how much flexibility there is to choose.

Mr. Gardner indicated that he believes the Boards have a lot of discretion. Ms. Kingsley indicated that Legislation would be needed so there won't be problems later. Article 17A does not specifically address Coterminous, which usually requires annexation or the creation of a new Town or Village. Special Legislation allows the members to allow this coterminous Town/Village to operate a little differently than the general provisions of law.

Councilwoman Brown indicated it was very unsettling to hear that a piece of legislation is needed. The committee chose a coterminous form of government because it was assured that it was an acceptable method and form of merger.

Trustee Rhoads asked about their willingness to work with an accounting firm.

Mr. Gardner indicated that they did not feel it was necessary to have one, but they would be willing to work with them.

Trustee Rhoads asked how their firm would include the Joint Boards and respective attorneys during the steps to referendum.

Mr. Gardner indicated that this is something that needs to be worked out and discussed.

**Squire Sanders, represented by Matthew Neuringer and Jeff Pole:**

Mr. Neuringer started by indicating that the Town and Village have both worked with Squire Sanders as Bond Counsel. He also indicated that Ken Bond as well as Mr. Pole and himself are easily accessible to come to New Paltz, as often as needed, which is included in proposed fee. Squire Sanders has many different types of attorneys with a wide range of experience that can

address almost any question that arises. Mr. Pole discussed his broad based experience in local government. The fundamental issues to be addressed are the fiscal implications of the consolidation, which are short and long term. Although you may not see the immediate savings, you do need to know what they are. It's important to have community outreach and determine how the citizens will be served and what goals must be reached. Article 17A is very straightforward but it leaves a lot of issues unresolved, which calls for the need for experienced lawyers.

At 7:15 p.m. Mayor West arrived.

Mr. Neuringer indicated that he and Ken Bond have been participated in a number of phone calls and informal meetings relative to consolidation and the process. They made recommendations on how to create Business Improvement Districts. They have also been involved with the drafting of joint consolidation resolutions and proposed consolidation schedules. He also indicated that they have been bond counsel and consolidation consultants to both boards, and therefore could continue with the process without taking additional time to familiarize themselves with dynamics of this transaction because they have already been so involved.

Councilwoman Brown asked if there will be a need for Home Rule Legislation relative to Article 17A.

Mr. Pole indicated that he was not prepared to answer that definitively. However, there are issues that need to be worked through. If it is determined that there is a need, they will draft a Bill to present to the Legislature.

Trustee Rhoads asked how they would include the joint boards and their attorneys in the process.

Mr. Neuringer indicated that it is important to work together hand in hand. Anticipate a close and symbiotic relationship. Can serve as checks and balances.

Mayor West asked if they thought consolidation was necessary or even a good idea. Are the risks and costs worth it?

Mr. Pole indicated that there are a number of drivers, one of which is to determine what is to be achieved. That is not something the consultants can answer. They will try to help the Town and Village understand what can and cannot be done legally based on the goals.

At 7:30 p.m. Councilwoman Gallucci arrived.

**Tarshis, Catania, Liberth, Mahon & Milligram, represented by Joe McKay and Michelle Rider:**

Mr. McKay indicated that this is a joint effort by the Town and Village to reach an agreement to bring to the voters. He sees his firm's role as providing the legal guidance to reach that goal, without taking sides. Ms. Rider indicated that it is important to determine how much outside financial help will be needed.

Trustee Rhoads asked if their firm could provide a flat fee for accounting and legal services rather than an hourly rate.

Ms. Rider indicated that occasionally they charge a flat fee, but they can also do a blended fee based on certain expectations. They would need to think about the sophistication of the work.

Mr. McKay indicated that clients that are better prepared and more aggressive on their own behalf, always have better results. He also indicated that they would be willing to work with the Boards on a monetary fee for services.

Councilwoman Brown asked if the drafting of Home Rule Legislation relative to Article 17A would provide the opportunity to pick characteristics of a Town and Village. Supervisor Zimet asked if the initial drafting of Home Rule Legislation was necessary to move forward.

Mr. McKay indicated that Home Rule Legislation would be needed to create a form of government not specified under Article 17A.

Trustee Rhoads asked how they would include the joint boards in the development process.

Mr. McKay indicated that we should all work together, as closely as needed and as often as necessary, to set a timeframe.

**Jacobowitz & Gubits, represented by Gerald Jacobowitz, Howard Protter and Ben Gailey:**

Mr. Protter indicated that although the firm hasn't has experience with this particular statute, it has done everything else that that kind of agreement and process requires. The agreement that is part of the referendum has to cover all aspects of future relationships. A consensus has to be reached between the two boards before the referendum. Mr. Protter also indicated that they would be in favor of hiring an accounting firm.

Councilwoman Brown asked about their working relationships with the Governor's Office, The Comptroller, Attorney General and the Department of State. Mr. Protter indicated that their involvement with the State regulatory authorities go back a long time.

Councilwoman Brown also asked about their willingness to include the joint boards and respective attorneys in the steps to referendum. Mr. Protter indicated that they would have a number of well-organized work sessions with a goal of feeling comfortable with the choices made and the ramifications of those choices. Mr. Jacobowitz referred to the Fairweather Report and indicated that if all the issues were identified, those issues should be prioritized and grouped by relationship of subject matter. This should be done at the beginning and use them to determine the topics of the work sessions.

Mr. Protter will come up with a "not to exceed" flat fee.

**O'Connor Davies (Accounting), represented by Chris Kopf and Thomas Kennedy:**

Mr. Kennedy indicated that a third of the firm's practice is dedicated to Municipal Audit and Tax and consulting work. As the auditor for the Village, Mr. Kennedy will not be heading the team on this project because he has not had the opportunity to work with the Town. He did not want anyone to feel as though they were favoring the Village over the Town. He has assigned Mr. Kopf to lead the team.

As the auditors for Scarsdale, which operates as a Coterminous Town/Village, they have experience with where New Paltz is looking to go.

Mr. Kopf indicated that they have relationships with the State Comptroller's Office due to their work with the City of Yonkers.

Trustee Rhoads confirmed that the work proposed relative to the parameters defined by the Boards could still be done by mid-July. Mr. Kopf agreed.

At 9:05 p.m. there was a 10-minute break. Mayor West left the meeting.

At motion was made by Trustee Rhoads to add a discussion for Parades/Events and Moriello Pool to the agenda for the purposes of moving it to committee. Seconded by Trustee Basco, all aye votes cast, motion carried.

Trustee Basco indicated that the Public Hearing for the Village budget is coming up and Moriello Pool is on their list of discussion items.

A motion was made by Trustee Rhoads that the Moriello Pool issue of a subsidized loss be put into the committee that was formed last year to discuss possible solutions. The committee consisted of Councilmen Barry and Logan, and Trustees Glenn and Basco. The motion also includes the Village getting an opinion from the State Comptroller regarding the Village's contribution to the Pool's operating costs because it is an A-Fund expenditure, which she will pursue. Seconded by Councilwoman Gallucci.

Councilwoman Gallucci felt as though getting an opinion was a good idea.

Trustee Glenn suggested that this request be looked at by the Town and Village attorneys for comments on format, after being drafted by Trustee Rhoads.

Trustee Rhoads suggested forming a committee to work on practical policy relative to parades, which consists of two Town Board members, two Village Board members, a member of the Police Commission and the Chief of Police. Both Boards agreed.

Trustee Basco indicated she was in favor of the Village paying the \$1000 for Police Protection for the 3 upcoming parades (Little League, Pride, Regatta). In the interim, the committee will work on coming up with a policy.

Trustee Rhoads withdrew her previous motion on the basis that the Boards agree to seek an opinion from the Comptroller with comments from the Town and Village attorneys on format.

It was decided that Trustee Rhoads will send the request from the Village to the State Comptroller, and that Supervisor Zimet will contact Jerry Pakowski, the Town's auditor for his opinion.

Trustees Basco and Rhoads indicated that the Village Board has not seen parade requests for Little League, Regatta and Pride. Trustee Basco suggested discussing them at the next Village Board meeting.

At 10:05 p.m. a motion was made by Trustee Rhoads to go into Executive Session for the purposes of discussing contracts with lawyers on consolidation. Seconded by Supervisor Zimet, all aye votes cast, motion carried.

Councilwoman Gallucci did not go into Executive Session due to her absence from the interviews of the first two firms.

At 12 a.m. a motion was made by Councilman Barry to come out of Executive Session. Seconded by Trustee Basco, all aye votes cast, motion carried.

A motion was made by Councilman Barry to continue the meeting on Monday, April 8<sup>th</sup> at 5:30 p.m. Seconded by Councilwoman Brown, all aye votes cast, motion carried,

At 12: 05 a.m. a motion was made by Councilman Barry to adjourn the joint meeting. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari  
Town Clerk