

Joint Town & Village/Town Board Meeting
April 30, 2013
7:30 p.m.

Present: Supervisor Susan Zimet, Councilwoman Kitty Brown, Councilman Jeff Logan.

Absent: Councilwoman Jean Gallucci, Councilman Kevin Barry.

Present: Trustee Sally Rhoads, Trustee Stewart Glenn, Trustee Brian Kimbiz.

Absent: Mayor Jason West, Trustee Ariana Basco.

A motion was made by Trustee Kimbiz to appoint Trustee Rhoads as the presiding Trustee this evening. Seconded by Trustee Glenn, all aye votes cast, motion carried.

At 7:44 p.m. a motion was made by Councilman Logan to open the joint meeting with the pledge. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

A motion was made by Trustee Rhoads to authorize Supervisor Zimet to sign the contracts with CGR and attorney Linda Kingsley on behalf of both boards. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

Update with Legal Counsel on Coterminous Government:

Attorney Linda Kingsley from CGR was present to update the Boards on her findings and understanding of Article 17A relative to Consolidation. She indicated that 17A is a relatively new article of General Municipal Law to assist municipalities in consolidating. It allows for two options: (1) the dissolution of all but one of the communities involved in the process, or (2) involves the consolidation of communities, but still only one standing at the end. It does not allow for the creation of a Coterminous Town/Village.

Article 17 of Village Law applies to how those coterminous communities will function but only those that occur through the creation of a *new* Town and/or Village. This does not apply to the consolidation of two existing municipalities. Chapter 435 of the Laws of 2012 that applies to the Citizens Empowerment Tax Credit specifies that a town and village that both existed before 07/01/2012 but became coterminous after that date would be eligible. However, the language specifies that, "A Town shall be deemed the surviving municipality". A2051/S2787 of 2013, if passed would establish eligibility for the tax credit for a coterminous town/village, and allow the possibility of running as a town or village. However, neither authorizes a means to become coterminous other than through annexation.

According to the Legal Opinion of the Office of Counsel of NYS Department of State, the means to become coterminous are:

1. Creation of a new Village with the same boundaries as the existing town (not applicable to New Paltz)
2. Special act of the Legislature
3. Annexation
4. Divide existing town into two towns-one new town coterminous with existing village and the other town wholly outside of village.

DOS Counsel has confirmed that as currently written, Article 17A of the GML cannot be used as a means to consolidate and create a coterminous community.

Ms. Kingsley discussed the following options:

1. **Seek Special Legislation/Bill-** Creating the coterminous Town/Village of New Paltz outside of the 17A process subject to local referendum. We have support from the Governor's Office, Senator Bonacic and Assemblyman Cahill.

2. **Annexation-**The vote to annex is held only for those in the Town outside the Village. Once that happened, *everyone* would vote to function as a Town or Village.

3. **Creating a new Town with the same boundaries as the existing Village-** A new Town could be created which is coterminous with the Village of New Paltz and it could operate as a coterminous Town/Village. The current Town outside the Village would then be separate town not containing a village.

4. **Dissolve the Village of New Paltz-** If dissolved, the entire area would operate exclusively as a Town. At some point in the future, a new village could be established with boundaries identical to the Town becoming a coterminous Town/Village. There is a lockout period of a couple years.

5. **Do not consolidate but evaluate a more significant sharing of services-** A more detailed examination of functions and opportunities might lead to a determination that there can be significant benefits and cost savings by the sharing of services without full consolidation. The tax credit is not available in this case.

6. **Create the new “ideal” government-** This is not impossible, but would require years of lobbying and negotiating with the State Legislature to recreate local government. This is not easily or quickly done.

Ms. Kingsley indicated that the Boards need to decide if they want to move forward with the new bill, option 1. If the special legislation goes through, both boards and the whole community will have the ability to vote.

Attorney Joe Moriello wanted to clarify that by assuming that the State Legislature adopted Bill A2051/S2787, that removed the obligation to run as a Town and was done by annexation, it would still qualify for the tax credit. Ms. Kingsley indicated that it would and that we would only need the extra bill if we didn't want to do it by annexation.

There was a discussion on the process of annexation and who gets to vote.

A motion was made by Trustee Rhoads on behalf of the Village, to proceed to go with seeking Special Home Rule Legislation for the formation of coterminous government with the proviso offered by Trustee Glenn that if either Board does not agree to present a referendum, then 20% of the voters can force that Board to act. Seconded by Trustee Glenn for discussion. Ms. Kingsley would like to wait to see if the Governor's office would support this component. A vote on this is not necessary.

It was decided that if and when Ms. Kingsley comes down to meet with any official, both clerks would be notified. They will in turn notify the respective Boards.

Moriello Pool Bid-Emergency Repairs:

Trustee Rhoads is unclear whether the Village Board can authorize funds for the bid prior to the 2013-2014 budget year.

A motion was made by Trustee Rhoads to award the bid to Norberto Construction with the understanding that ½ of the \$63,300 will be paid by the Village out of the 2013-2014 budget. Seconded by Trustee Glenn who indicated that this is contingent upon the Village Treasurer approving the procedure. All aye votes cast, motion carried.

Acceptance of Minutes:

A motion was made by Trustee Rhoads to accept the joint minutes of ***February 28, 2013*** and ***March 18, 2013*** as corrected. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

A motion was made by Supervisor Zimet to accept the joint minutes of ***February 28, 2013*** with the following corrections:

“change” should be “chance” and “Comptroller” should be “Ulster County Comptroller”.

Seconded by Councilwoman Brown with the following corrections:

“to submit to” and additions to the “Mid-Hudson Sustainability” discussion.

All aye votes cast, motion carried.

A motion was made by Trustee Glenn to rescind the motion relative to the pool bid. Seconded by Trustee Rhoads, all aye votes cast, motion carried.

A motion was made by Trustee Glenn to award the bid to Norberto Construction with the understanding that ½ of the \$63,300 in an amount not to exceed \$30,000, will be paid by the Village out of the 2013-2014 budget; contingent upon the Village Treasurer approving the procedure. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

A motion was made by Trustee Rhoads to accept the joint minutes of ***April 1, 2013*** and ***April 8, 2013*** as corrected. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

At 10:14 p.m. a motion was made by Trustee Rhoads to adjourn the Village portion of the joint meeting. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

Town Business

Wildcat Epic:

A motion was made by Councilwoman Brown to approve the Application for the Wildcat Epic event to be held May 11th immediately, as soon as we receive a check for \$500 from them. Seconded by Councilman Logan for discussion. Councilman Logan will contact Gunter and go through the files for last year's paperwork. The Board does not remember approving this last year. All aye votes cast, motion carried.

July 4th:

There is some confusion relative to who should actually be signing the contract. A motion was made by Councilman Logan to approve the July 4th Fairgrounds contract to be held on July 6th to be signed by the Supervisor in an amount not to exceed \$1,000. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Highway Superintendent Chris Marx informed the Board that the work on the Old Route 299 Bridge has been completed with the help of the Town of Lloyd and Engineer Dave Clouser. The project came in \$34,000 under budget.

At 10:25 p.m. a motion was made by Councilman Logan to adjourn the meeting. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk