

Public Hearing: 2016 Preliminary Budget, 7 p.m.
Public Hearing: Ch. 82 "Flood Damage Prevention", 7:15 p.m.
Public Hearing: Ch. 140-19 "Floodplain District", 7:30 p.m.
Public Hearing: Ch. 121 "Subdivision of Land", 7:35 p.m.
Town Board Meeting
October 22, 2015

Present: Supervisor Susan Zimet, Councilman Jeff Logan, Councilman Kevin Barry, Councilman Marty Irwin, Councilman Dan Torres.

Public Hearing- 2016 Preliminary Budget:

At 7:10 p.m. a motion was made by Councilman Barry to open the Public Hearing the 2016 Preliminary Budget. Seconded by Councilman Logan, all aye votes cast, motion carried.

Ira Margolis commented on a newspaper article regarding shared services, for example the Loop Bus. He feels as though it is not really a shared service and the Town taxpayers should not have to pay for it because they do not benefit from it. He also commented on the police and how the majority of the services come from village activity.

At 7:25 p.m. a motion was made by Councilman Barry to close the Public Hearing on the 2016 Preliminary Budget. Seconded by Councilman Logan, all aye votes cast, motion carried.

Public Hearing- Ch 82 "Flood Damage Prevention":

At 7:25 p.m. a motion was made by Councilman Logan to open the Public Hearing on Ch. 82 "Flood Damage Prevention". Seconded by Councilman Irwin, all aye votes cast, motion carried.

Kitty Brown and Mike Merriman spoke in opposition to the proposed amendments to the three laws.

Jules Traugot, Bob Joseph, Caroline Paulson, Rich Picone, Chad Colarusso, Ray Lunati, Frank Kraat, Bob Gabrielli, Mike Edison, Ed Burke and Judy McGuire spoke in support of the amendments to the laws.

At 8:30 p.m. a motion was made by Councilman Barry to keep the public hearing open in an effort to allow the Ulster County Planning Board and the Town Planning Board to make comments/recommendations, and to continue the public hearing on November 19th at 7 p.m. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Hearing-Ch. 140-19 "Floodplain District":

At 8:31 p.m. a motion was made by Councilman Barry to open the public hearing on Ch. 140-19 "Floodplain District". Seconded by Councilman Irwin, all aye votes cast, motion carried.

Caroline Paulson discussed hope for the future and how she will work to get a grant to help fix the culvert problem on Springtown Road.

At 8:39 p.m. a motion was made by Councilman Logan to keep the public hearing open in an effort to allow the Ulster County Planning Board and Town Planning Board to make comments/recommendations, and to continue the public hearing on November 19th at 7:15 p.m. Seconded by Councilman Barry, all aye votes cast, motion carried.

Pubic Hearing-Ch. 121 "Subdivision of Land":

At 8:40 p.m. a motion was made by Councilman Logan to open the public hearing on Ch. 121 "Subdivision of Land". Seconded by Councilman Barry, all aye votes cast, motion carried.

Ray Lunati indicated that all three laws should be passed in full.

At 8:41 p.m. a motion was made by Supervisor Zimet to keep the public hearing open in an effort to allow the Ulster County Planning Board and Town Planning Board to make comments/recommendations and to continue the public hearing on November 19th at 7:25 p.m. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 8:42 p.m. the Board took a 5-minute break.

Town Board Meeting:

At 8:55 p.m. a motion was made by Councilman Logan to open the Town Board meeting with the pledge. Seconded by Councilman Torres, all aye votes cast, motion carried.

Agenda: +Demo of 87 Motel Security, +Cell Tower Contract, +Child Care Center, +Municipal Center, +Letter to Planning Board and EnCB, +SEQR-Floodplain Laws, -NY Rising DASNY Resolution. A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Public Input:

Kerri McIntyre, Ginger King, Samantha Skillman, Amy Jett, Matthew Agor and John Star spoke in opposition of the selling of the Child Care Center building to the Child Care Center and in favor of extending the lease with the School District.

Dave Lent indicated that he was the Town Supervisor when the Child Care Center was established through a grant. He indicated that the solution should be one of long term and not short term. It's up to the Board and School to decide if the Town wants to remain involved. He also indicated that the agreement with the initial Board was that the School was to be responsible for all the repairs and expenses and no additional support costs from the Town except the original facility.

Ira Margolis spoke about an article in the newspaper about the Police Commission and made some clarifications.

Hiring of Part-Time Police Officers:

A motion was made by Councilman Logan for the Town Board to approve the hiring and swearing in of Aaron Fitzgerald and Evan Redmond as part-time police officers to begin phase 2 of the Police Academy starting November 11, 2015. Seconded by Councilman Torres, all aye votes cast, motion carried.

Child Care Center:

Currently, the Town has a lease with the School District for the property that the Child Care Center is situated on at Duzine School. The Town also has a lease with the Child Care Center for the running of the program. The School district has directly stated in a letter to the Town that it "cannot enter into a lease with any entity other than the owner of the building, the Town of New Paltz", of which no member from the Town Board received. Councilman Barry asked if it was possible for the School to lease the property to the Center if the Child Care Company owned the building. Ms. McIntyre indicated that Superintendent Maria Rice responded that that was not possible, however she did not state why. Councilman Barry determined that the Center needs the Town to be its conduit for which it runs its business. There was a discussion about the upcoming repairs that are needed and basic observations of the inspection that was done in July.

A motion was made by Councilman Torres for the Town to ask the School District for confirmation that they will renew the lease for 20 months. Seconded by Councilman Irwin, all aye votes cast, motion carried.

A motion was made by Councilman Barry to engage the services of Joe Moriello to negotiate with the New Paltz Child Care Center, Inc. for the purposes of developing a contract consistent with tonight's discussion. Seconded by Councilman Logan, all aye votes cast, motion carried.

Town Historian:

Susan Stessin-Cohn, Town Historian indicated that the New Paltz Historical Society will be meeting the first Tuesday of the month at the Community Center starting in December. She also discussed the migration of the Town's records from HHS to our site on Hudson River Valley Heritage and the status of the Exhibit she has been working on with her interns. She indicated that it has been taking more time than she anticipated and requested approval by the Town Board to apply for a \$1,000 mini grant from the Nyquist Foundation.

A motion was made by Supervisor Zimet to authorize Susan Stessin-Cohn, as Town Historian to apply for the Nyquist grant for the Town of New Paltz to facilitate the completion of "Poverty in Early New Paltz, in the amount of \$1,000. Seconded by Councilman Barry, all aye votes cast, motion carried.

Cell Tower Contract:

A motion was made by Councilman Barry to adopt the following resolution:

RESOLUTION AND NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Assignment of Lease to Global Signal Acquisitions IV LLC

Cell Tower Lease - Clearwater Road

WHEREAS, the Town is the owner of that certain real property ("Property") located on Clearwater Road in the Town of New Paltz, Ulster County, New York, consisting of approximately 1,600 square feet and upon which is currently located a wireless communications tower; and

WHEREAS, the Property is subject to a certain existing ground lease ("Ground Lease") currently between the Town and Sprint Spectrum Realty Company, L.P., a Delaware limited partnership; and

WHEREAS, the Town and STC FIVE LLC, a Delaware limited liability company, by and through Global Signal Acquisitions II LLC, a Delaware limited liability company, its Attorney-in-Fact, with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "Crown"), intend to enter into a Grant of Easement ("GOE"), wherein the Town intends to grant an easement to Crown for all or a portion of the Property (hereafter "Easement Area") and to assign to it its interest in the Ground Lease; and

WHEREAS, the Town and Crown recognize that in the future, Crown may enter into customer agreements wherein Crown may sublease, license or grant a similar right of use or occupancy in the Easement Area as it exists on the date of the Easement Agreement and therefore intends, simultaneously with the grant of the easement to enter into a revenue sharing agreement with the Town with respect to future, unaffiliated third-parties not already customers, licensees or subtenants on the Property;

NOW, THEREFORE, be it resolved as follows:

WHEREAS, the Town Board of the Town of New Paltz has compared the proposed action as described in the Environmental Assessment Form Parts One and Two with the list of criteria set forth in 6 NYCRR 617.12 (the "Act") and determined that the assignment of the existing lease and granting of the intended easement proposed is a Type II action and therefore the Town has no further responsibilities under the Act.

Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Barry to adopt the following resolution and authorize Supervisor Zimet to sign all the documents:

RESOLUTION AUTHORIZING ASSIGNMENT OF LEASE TO

GLOBAL SIGNAL ACQUISITIONS IV LLC-

Cell Tower Lease - Clearwater Road

WHEREAS, the Town is the owner of that certain real property ("Property") located on Clearwater Road in the Town of New Paltz, Ulster County, New York, a portion of which consists of approximately 1,600 square feet and upon which is currently located a wireless communications tower (hereinafter referred to alternatively as the "Property" or the "Easement Area"); and

WHEREAS, the Property is subject to a certain existing ground lease ("Ground Lease") currently between the Town and Sprint Spectrum Realty Company, L.P., a Delaware limited partnership; and

WHEREAS, the Town intends to assign such Ground Lease to STC FIVE LLC, a Delaware limited liability company, by and through Global Signal Acquisitions II LLC, a Delaware limited liability company, its Attorney-in-Fact, with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "Crown") and further intends to enter into a Grant of Easement ("GOE") to Crown for the Property (here "Easement Area"); and

WHEREAS, the Town and Crown recognize that in the future, Crown may enter into customer agreements wherein Crown may sublease, license or grant a similar right of use or occupancy in the Easement Area as it exists on the date of the Easement Agreement and therefore intends, simultaneously with the grant of the easement to enter into a revenue sharing agreement with the Town with respect to future, unaffiliated third-parties not already customers, licensees or subtenants on the Property;

NOW, THEREFORE, be it resolved as follows:

RESOLVED that the Town of New Paltz, in and for the consideration of \$425,000.00, assign to STC FIVE LLC, a Delaware limited liability company, by and through Global Signal Acquisitions II LLC, a Delaware limited liability company, its Attorney-in-Fact, with a mailing address of 2000 Corporate Drive, Canonsburg, Pennsylvania 15317 (hereinafter referred to as "Crown"), the aforesaid Ground Lease, dated February 7, 1997 between the Town and Sprint Spectrum Realty Company, L.P. and that it grant to Crown an easement for a term of fifty (50) years for the use by Crown the 1,600 square foot portion of the Town's property located on Clearwater Road (herein referred to as the "tower easement") referred to in such lease,

including ingress and egress to and from the easement area, for the purpose of constructing, maintaining, operating and using communications facilities including tower structures, antenna support structures, cabinets, meter boards, buildings, antennas, cable and related equipment; and it is further

RESOLVED, that the Town Board of the Town of New Paltz hereby authorizes the Supervisor of the Town, or the Deputy Supervisor, as the case may be, to sign such documents as are necessary to assign such lease and to grant such easement on behalf of the town, same to become effective upon the passage of the permissive referendum period required under law, and all other contingencies considered necessary by the attorney for the Town; and it is further

RESOLVED, that this resolution is adopted subject to the provisions for permissive referendum as required pursuant to Section 64 and of Section 90 of the Town Law, and of other requirements, as provided by law.

Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Supervisor Zimet to establish a legal reserve for the purposes of moving the cell tower money in the amount of up to \$425,000 from the A-Fund, to be used specifically for the demo of the old Town Hall and moving forward with the planning of the Municipal Center. Seconded by Councilman Barry, all aye votes cast, motion carried.

Demo of 87 Motel Security:

A motion was made by Councilman Logan to accept security for the performance of work, in the form of cash, in the amount of \$15,000. Seconded by Councilman Barry, all aye votes cast, motion carried.

Ch. 82 “Flood Damage Prevention” SEQR:

A motion was made by Councilman Barry to classify the amendments to the **Floodplain Laws** as discussed tonight, an Unlisted Action for the Environmental SEQR Review. Seconded by Supervisor Zimet, all aye votes cast, motion carried

A motion was made by Councilman Barry to accept the Short Environmental Assessment Form as completed. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Logan that Part 3 Determination of Non-Significance is a Negative Declaration. Seconded by Councilman Barry, all aye votes cast, motion carried.

Ch. 140-19 “Floodplain District” SEQR:

A motion was made by Councilman Barry that the Town adopt the Short Environmental Assessment Form Parts 1 and 2 as described herein. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Logan that the Town Board has determined, based on the information provided, that the proposed action will not result in any significant adverse environmental impacts, and adopt Part 3 Determination of Non-Significance resulting in a Negative Declaration.

Ch. 121 “Subdivision of Land” SEQR:

A motion was made by Councilman Barry to adopt the Short Environmental Assessment Form Parts 1 and 2 as completed. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Logan that the Town Board has determined, based on the information provided, that the proposed action will not result in any significant adverse environmental impacts, and adopt Part 3 Determination of Non-Significance resulting in a Negative Declaration.

Trailways Contract for Traffic Control Services:

A motion was made by Councilman Logan to approve the Trailways Contract for Traffic Control Services with the Police on Thanksgiving. Seconded by Councilman Torres, all aye votes cast, motion carried.

Transportation Implementation Committee:

A motion was made by Councilman Barry for the “Town Board acknowledgement of the New Paltz Transportation Implementation Committee-led application(s) in response to Ulster County

Transportation Council's Unified Planning Program Work Program call for projects. Two main projects under consideration are "Event traffic and parking study" and "plan for enhanced linear park and gateways for Wallkill Valley Rail Trail." Seconded by Councilman Irwin, all aye votes cast, motion carried.

Letter to Planning Board and EnCB:

Councilman Logan read aloud a draft of the letter, which is an attempt to correct misinformation that was in a letter from the EnCB regarding Stormwater Management and how it works.

Councilman Barry asked what the significance of the EnCB letter is? Councilman Logan indicated that the EnCB is a referring agency and their comments/recommendations are weighted in the application process; and the information in their letter is incorrect.

A motion was made by Supervisor Zimet to forward the letter to Engineer Dave Clouser for accuracy, and then it will be forwarded to the Planning Board and EnCB. Seconded by Councilman Barry, all aye votes cast, motion carried.

Municipal Center:

Building Committee Chair Dave Lent indicated that the committee narrowed the selection down to two architects. However, the vote is split 2-2 between S. Dutton and J. Hurwitz. They are referring the final decision to the Town Board.

Councilman Irwin indicated that the Village Mayor requested one more week to determine if the Village Board will be working with the Town on the Municipal Center. Supervisor Zimet indicated that the Village has had at least 3 months to come to a decision, and haven't. At this point, the Town should just move forward anyway and if the Village decides to participate, then it could be worked out later. The Board decided to give the Village the next week to make a decision.

A motion was made by Councilman Logan to schedule a special meeting for Thursday, October 29th at 7:30 p.m. to consider the Village's interest in being a tenant in the Town's proposed Municipal Center and to possibly retain an architect Seconded by Councilman Irwin, all aye votes cast, motion carried.

Supervisor Zimet wanted to set the record straight about some things that were said at the Village Board meeting the night before. She indicated that there as a challenge made by one of the Village Trustees about the fact that they don't believe that the Old Town Hall Building is really contaminated, which she found insulting. She had no reason to do the move into a temporary building other than the fact that the employees were sick and could not work under those conditions. Supervisor Zimet also indicated that the report from Whitaker and Associates has been on the website and describes the health hazards of the building. She read aloud symptoms that the employees described experiencing while working in the old building.

Councilman Torres indicated that his interpretation of what happened at the Village meeting was more about getting a copy of the report.

At 12:34 a.m. a motion was made by Supervisor Zimet to adjourn the meeting. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk