

Town Board Workshop Meeting
April 16, 2015
7:30 p.m.

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

At 7:47 p.m. a motion was made by Councilman Barry to open the meeting with the pledge. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

Agenda: +New York Rising Resolutions, + Resolution to move funds from Bank of America to Empire Bank, + Resolution to move 4th of July Fireworks to July 2nd/Raindate Sunday the 5th, + Requests from Highway Superintendent, + Microgrid Institute Status. A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Input:

Steve Greenfield commented that a FOIL request had turned up two checks and two travel vouchers for the same person on the same date. He asked if Supervisor Zimet would respond as to how this happened.

Wilmorite Lawsuit/ Category 5 PILOT Policy:

Supervisor Zimet read aloud the following statement:

“The Town’s lawsuit challenging the Category 5 PILOT policy adopted by the Ulster County IDA has been dismissed by the court. The good news is that it was dismissed because the judge found that his decision upholding the Planning Board’s denial of the Park Point project made it unnecessary for him to decide our lawsuit. The not so good news is that by doing so, the court avoided the bigger issue: our challenge to the Category 5 PILOT program itself.

That is particularly unfortunate because the court agreed with our Planning Board that the Category 5 PILOT which the IDA gave Wilmorite would significantly impact the Town of New Paltz.

We brought this lawsuit to address the bigger issues with the Category 5 PILOT program.

Those issues start with the way that it was adopted, without any meaningful effort by the IDA to reach out and involve the Town of New Paltz, the municipality that would be clearly affected by a Category 5 dormitory project PILOT, in any aspect of this PILOT program.

Even though the Park Point project had been under review by the Town Planning Board for more than a year at the point the IDA says it began formulating its Category 5 PILOT policy, the IDA never provided a meaningful opportunity for the Town to understand the logic of creating this PILOT. Category 5 not only provided extraordinary relief for the developer, but marked a complete departure from the job creation rationale of the IDA’s existing PILOT incentives.

As the court has recognized, the extraordinary property tax relief that a Category 5 PILOT provides the developer of student housing simply shifts the costs of such projects onto the backs of every other taxpayer in the Town and the Village of New Paltz.

The Town Board has told the IDA throughout this process that any incentive that burdens the taxpayers without a clear public benefit to our community and our taxpayers is simply unacceptable, and even more so when there is no reason to believe that without the incentive, a developer would not seek to build market rate student housing next to SUNY New Paltz.

Unfortunately, the court avoided deciding whether an IDA has any authority at all to create an incentive for housing development. The Legislature gave industrial development agencies the powers necessary to live up to their name, by creating incentives for “industrial, manufacturing, warehousing, commercial, research and recreation facilities” - nowhere did the Legislature mention housing. Large-scale housing development has a much more significant impact on community resources and services than the facilities specifically authorized by state law. That makes the use of a PILOT for housing problematic, because in the absence of adequate mitigation, towns must rely on property taxes to provide the increased community services that

new housing requires. That challenge is only made worse by the tax cap legislation.

We brought this lawsuit to defend the Town and its taxpayers against the impact of the Category 5 PILOT policy, not just the Park Point PILOT. The IDA policy is not only a blunt instrument that fails to ensure the Town will be made whole for the increased costs of projects like Park Point, but it has no standards to limit its use. As one member of the IDA said last April, anyone who proposes to develop housing “designed for occupancy by students attending institutions of higher education” can apply for a Category 5 PILOT. The developer reaps the generous property tax relief that Category 5 offers, and the taxpayers shoulder the costs for twenty-five years. Upholding the Planning Board’s denial of the Park Point project does not prevent the next developer from seeking those benefits.

Until an appellate court rules otherwise, we are left to our own resources. On April 23rd, the Town Board will consider adopting a moratorium on the review or approval of dormitory projects until we have the opportunity to develop zoning measures that can protect the Town and its taxpayers from the impacts of the Category 5 program. As we proceed with that work, the Town will encourage representatives of SUNY, the IDA and the development community to join us and work collaboratively to address the College’s need for student housing in a manner that avoids those adverse impacts.

We have worked cooperatively with SUNY New Paltz to address issues of common concern, such as the New Paltz Tavern Owners Agreement, which I helped to create as a collaborative effort among the College and the campus community, local tavern owners and Town officials to encourage students to consume alcohol responsibly and lawfully and behave in a civil, appropriate manner. We are confident the Town can do so on this issue as well, and if we are shown that incentives for student housing projects are truly necessary, we will work to identify and incorporate appropriate mitigation for the impacts.

Our goal is to ensure that the Town is able to continue providing the services that have made New Paltz the attractive community that it is, with good schools, a responsive Town police that has the resources it needs to keep our community safe and protect our residents, and fire protection and emergency medical services that have the resources to protect life and property.

That goal will never be moot.”

We have to wait and see what Wilmorite does next, Zimet said. She stated that legislation has been introduced that will require local taxing jurisdictions to approve any PILOT. Attorney George Lithco will be sending all lawsuit information to Assemblyman Mangarelli, who is drafting the legislation that will require IDAs to be more responsible. Councilman Torres asked how long Wilmorite has to appeal the dismissal. Supervisor Zimet responded that she believes it is two weeks.

Update on Carmine Liberta Bridge:

Deputy Supervisor Logan provided an update from the April 8th committee meeting on the Carmine Liberta Bridge Project. He said that while there should be a temporary bridge up by next year, there is still a need for further discussion involving several factors for the final design. Noting that much of this material is available on the website, Logan said the choice must be made between “Girder Span” and “Truss Span” designs.

Ongoing discussion continues about a pedestrian bridge. Bike/Ped Committee is considering the option of a pedestrian/bike only bridge. Councilman Torres asked if group had a consensus in favor of a pedestrian only bridge. Councilman Logan indicated that although the group was initially in favor of a second bridge, it’s now rethinking the options. The egress from the eastern shore is several feet from the new bridge, which brings up safety concerns when getting on to the bridge. Deputy Supervisor Logan called for community input, encouraging people to look at both the existing bridge itself and the information available on the website. He added that if we don’t go with the second bridge, the County would be willing to help us build a small pocket park.

Microgrid Project:

Supervisor Zimet announced that the Town, Village, the School Board, the Police, Rescue Squad, and the Fire Department as well as SUNY are sought to participate in an analysis and study with the Microgrid Institute, an organization that focuses on key issues affecting microgrids and distributed energy assets. The collaborative effort will provide insight, analysis and advisory services to develop a best practice in the comprehensive and optimum management and

development of the New Paltz Community's utility grid. A motion was made by Councilman Barry to authorize the Supervisor to sign the Memorandum of Approval to authorize and support the Institute's efforts to develop detailed plan for a New Paltz Microgrid feasibility study, and to pursue NYSEDA Prize support for the development of the project. Seconded by Councilman Torres, all aye votes cast, motion carried.

Appointment to BAR:

A motion was made by Councilman Barry to appoint Leonard Loza as a representative on the Board of Assessment Review, contingent upon the filing of a Financial Disclosure and Oath of Office within 30 days of appointment, otherwise the appointment becomes null and void. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried. He will be filling the unexpired term left by Ken Davies that expires on September 30, 2016.

New Paltz Chamber of Commerce Half Marathon and 5K/Parade:

A motion was made by Councilman Barry to approve the New Paltz Chamber's event to take place on June 21, 2015. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

Pavilion Rates:

Deputy Supervisor Logan conducted rate comparisons charged by Saugerties and Gardiner for pavilion usage. A motion was made by Councilman Barry to approve rental rates at \$100/5 hours, and a dollar per hour per person-increase based on the number of people over 100 with a maximum of \$150 per hour for the Pavilion, located on Libertyville Road and subject to a formal written contract with the Town with a hold harmless provision filed with the Town prior to use. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried. Pavilion use is for all ages and rentals must adhere to the Town's bans against smoking and alcohol on the premises.

NY Rising/Upgrades to Springtown Road Bridge Resolutions:

Supervisor Zimet announced that the committee comprised of community residents working on the project had reached a decision to move forward on the project.

A motion was made by Councilman Barry to adopt the Resolution adopting the Procedures and Policies for the Town of New Paltz for the procurement of goods and services necessary for the implementation of projects funded by the Governor's Office of Storm Recovery of the New York State Housing Trust Fund Corporation. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

A motion was made by Councilman Barry to adopt a Citizen Participation Plan as required under the New York State Community Development Block Grant-Disaster Recovery Program. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

A motion was made by Deputy Supervisor Logan to adopt the Resolution approving C&S Companies as Engineers for the Town of New Paltz New York Rising Reconstruction Program Community Development Block Grant-Disaster Recovery "Springtown Road Rail Trail Approach Reconstruction Project" Seconded by Councilman Torres, all aye votes cast, motion carried.

The statement of Residential Anti-Displacement and Relocation Assistance Certification will be signed by Supervisor Zimet and mailed to New York State Housing Trust Fund Corporation.

Supervisor Zimet stated that there is still an MOU to work out with the Village.

Review of Status of Town/Village Sewer Consolidation:

Supervisor Zimet read aloud the following statement:

"At a joint Town/Village meeting, the Village agreed to accommodate the sewer capacity of the South Putt Corners future potential build out.

A follow up meeting was held with Martin Brand, the Regional Director for the New York State Department of Environmental Conservation's Region 3 office, headquartered in New Paltz, NY. Along with Mayor Jason West, Village Engineer Dennis Larios, Town Engineer Dave Clouser, Deputy Supervisor Jeff Logan and Town Supervisor Susan Zimet.

At the meeting, we discussed the problems with the Village sewer and the plans for rehabilitation as well as identifying the sewer needs beyond South Putt Corner that would satisfy future Town needs.

Martin Brand, the DEC Regional Director, was supportive of the Town and Village attempting to meet the community’s sewer needs by working together to upgrade the Village sewer plant.

Mayor West correctly noted that the Village Board only approved capacity for South Putt Corners Road and he would need to take the information back to the Village Board for discussion and or approval/denial for the other capacity.

At the present time, Dennis Larios is working on the costs for the sewer upgrades and will be reporting back to the Village Board upon completion.”

The New Paltz Town Board respectfully asks the Village Board to review the needs of the Town and let us know what and how much capacity the Village will allow into its System so the Town will have the parameters to review the options of the Town as it plans for the sewer needs of the Town outside the Village.

The following chart calculates the potential sewer needs for the Town.

Town of New Paltz Current Sewer Needs

(April 16, 2015)

Wastewater Source	Wastewater Design Flowrate, in gallons per day	Notes
South Putt Corners Development Area	250,000	Estimated required for future build out of the South Putt Corners Corridor Development Area
Plesser Property (Wildberry Lodge development)	60,000	Presently in the environmental review with the Owner’s goal of construction completion in the Summer of 2017
Town Sewer District No. 6 (Ohioville Sewer District)	15,000	Services 45 customers and the Treatment Plant needs rehabilitated. Present flows average 10,000 to 12,000 gallons per day.
Hidden Ridge (Workforce Housing proposed on the 87 Motel property)	15,000	Project includes 90 units of Workforce Housing – studio, 1 and 2 bedroom apartments.
College Diner	3,000	To be included in the Sewer District
SUBTOTAL	343,000	
Remainder of the prior South Putt Sewer Allocation of 50,000 gallons per day	- 41,000	Hampton Inn @ 8,500 per day plus Beer Distributorship @ 500 gallons per day = 9,000 gallons per day used
TOTAL WASTEWATER TREATMENT CAPACITY REQUIRED	302,000 gallons per day required to meet Town’s current sewer needs	

The board agreed that the matter will be discussed further at the following week’s meeting, with a Special Town Board meeting to be arranged as soon as possible.

Crossing Guard:

Supervisor Zimet read the following prepared statement regarding the issue of oversight pertaining to the issue of the Middle School Crossing Guard Position:
“The safety of our Middle School children is of extreme importance. The need for a crossing guard at the Middle School was an issue that the Town took on to assure that the safety of the kids was provided for.

The current structure is that the Police Chief vets the employee and oversees finger printing, the Town pays the Crossing Guard on a 1099 and the School District reimburses the Town.

Recently, a very upsetting and confusing situation occurred in the firing of one of our existing crossing guards.

The School district called the Chief and wanted the Crossing Guard relieved of her duties. The Chief, thinking that the School District had the final say, let the Crossing Guard go.

However, it was the responsibility of the Town Board to take action, not the school, nor the Chief of Police.

Since that occurrence, other issues relative to the legality of the Town paying for these services has come to light.

It is important that a Crossing Guard be legally hired, fired and legally accounted for within a municipal budget.

State law legislates that if a school is located within a Village's geographical boundaries, it is the legal obligation of the Village to pay for those services.

The Town is prepared to continue the cost for the crossing guard until the end of the school year.

However, we are requesting that the Village include in their upcoming budget the cost to provide for the needed crossing guard as per state law."

A motion was made by Deputy Supervisor Logan to request that the Village assumes the cost and responsibility of hiring/firing of the Crossing Guard, with the Chief of Police overseeing the position. Seconded by Councilman Torres, all aye votes cast, motion carried.

DEP/Town Water Discussion:

Deputy Supervisor Logan provided an update, affirming that the situation is being taken very seriously. He noted that all the documents were available on the website, with updates as applicable. Logan reported that there are risks to the 101 Plains Water/ Plessner Property /DEP Water project to repair the aqueduct that will involve an initial ten week shutdown and subsequent, multiple shutdowns over the next several years. The recent meeting of the Board with residents and concerned parties revealed many questions and concerns. The Board has been working on answers to those questions, which are provided on the site. The Board has been meeting with the DEP engineers and attorneys. Supervisor Zimet has met with Joe Moriello and another attorney on his staff, as well as the DEP. Supervisor Zimet, Councilman Barry and himself have also met with the DEP. The study to use 101 Plains Road and the Plessner Property to provide residents with adequate water was approved by the DEP, DEC, both Town and Village Boards.

Deputy Supervisor Logan indicated that the study clearly shows that the time frame scheduled for the shutdown would be sufficient and that there would be ample reserves to cover the shutdown. In the co-creation of the water district, the Board uncovered that the Town will be "working at risk" which means that we will be working on our own until we are reimbursed by the DEP. This comes with a certification through the New York City Comptroller's Office. The registration process could take up to three to four months. After discussion among Attorney Joe Moriello, Councilman Barry and the Board, the Board feels that the risk is too high to proceed without a reimbursement guarantee. The estimate is currently at about a half million dollars.

Supervisor Zimet stated that the DEP understands the Town's concerns, and they are working very closely with the Town to make sure they can accommodate the shutdown in a way that works for everybody. There has never been a community that has not been reimbursed by the DEP, but it is just too much money to take a chance. Supervisor Zimet indicated that the DEP is under no obligation to pay for, nor provide water during a shutdown. She explained that the Town is in negotiations with the DEP to work out the details of the IGA.

Deputy Supervisor Logan went on to explain that the Wallkill River is not a viable source for water during the shutdown. He additionally noted that the outcome of the upcoming Mayoral race could affect things, since some of the candidates were seeking other sources of water that have not been identified in the plan and therefore would not be covered by the DEP. The DEP is completely behind the Town and understands the need to wait for registration with the NYC Comptroller's Office. He also indicated that the Town is continuing to work with the attorneys to work out the IGA with the DEC, which will probably take more time than the IMA with the Village.

Deputy Supervisor Logan and Supervisor Zimet indicated that the Board will be seeking a Joint Town/Village meeting sometime during the next few weeks to work out the IMA between the Town and the Village, which is the priority right now. The IMA will include the water sources, how long it would take, cost of water and number of shutdowns.

Supervisor Zimet explained that it is a somewhat delicate issue. By DEP agreeing to hold off until we receive certification, it does undermine the timeline somewhat. They do understand the Town's reluctance to take on a \$500,000 bill without a guarantee of being paid back. She stressed that there has never been a town that did not get registered with the NYC Comptroller, and there has never been a community that did not then get reimbursed by the DEP.

Councilman Torres asked what the impact on that project would be if that water district were to be voted down. Deputy Supervisor Logan indicated that there would be no project in that case. Councilman Torres suggested that due to community concerns, the next time the Board had a forum, the community should be included. Supervisor Zimet indicated that the DEP would not be involved if they thought that the water district was not likely to pass.

Councilman Barry noted that once the agreement was registered, even if the water district failed, the Town would get reimbursed.

Millbrook Preserve Update:

Deputy Supervisor Logan provided an update on the Millbrook Preserve Project. He met with Mayor West, Deputy Mayor Rotzler and community residents to discuss the project. Formerly known as "Stoneleigh Woods Project", the Millbrook Preserve encompasses the area from Duzine School to North Putt Corners Road. The tract of land is available for this project for the price of \$400,000. The Town Board was in favor of the proposed purchase of the land with a Town/Village split of the purchase price. The money would have been bonded by the Village and the Town's portion would have been paid back to the Village in yearly installments. However, the proposal was rejected, but that a counter offer was on the table where the Village was willing to split an interest payment only with the Town.

Deputy Supervisor Logan further explained that there was some confusion about the Open Space Bond approved in 2006. At the same time it was passed in New Paltz for \$2,000,000, it was passed in both Marbletown and Gardiner for \$1,000,000 each. New Paltz has spent \$600,000 of that so far. Gardiner and Marbletown have both spent \$0. Gardiner recently spent about \$700,000 for the Hess farm. Things have become difficult for communities because of the more recent tax cap, which makes it difficult to bond money. The Town of New Paltz has spent about \$5,000,000 over time to protect Open Space. This includes the Mohonk Preserve, the Open Space Institute and the area west of the Wallkill to Butternut Road. The Town of New Paltz has done an incredible job in protecting open space, with incredible partners. The last piece for the Millbrook Preserve is in the Village, and it is an important piece. However, the Town does not have the fiscal ability to bond for that money and stay within the cap. Recreation fees would generate \$3,500 from each of the 40- to 50 units that are planned there. The Village would benefit from that income which would offset the cost of the bond.

Supervisor Zimet stressed that the Town has extraordinary expenses that the Village does not have to contend with. Including the upcoming issue of a new Town Hall, Union contracts, Police retirement, and other major expenses, the Town's financial burden prevents it from buying the land unless the Village split the cost completely. The Police retirement increase alone was \$260,000, already exceeding what we were allowed to spend under the budget cap. She also indicated that the Town's budget cannot afford it and that the Town needed to stop acting like "the piggy bank" for the Village. She said that the Village could afford the Millbrook Preserve.

Councilman Torres asked if the Town could have a Joint Meeting with the Village for further discussion. Deputy Supervisor Logan replied that it had been discussed with the Mayor, who agreed that it would be a good idea, but after Mayor West took it back to the Village Board, but they declined.

Fire District:

Councilman Torres gave an update about the Village Board presentation that included community members, the Fire Department and others. Trustee Rhoads indicated that the Village would pass the Resolution and is seeking a joint conversation with the Town relatively soon.

Supervisor Zimet reported that The Town and Village Boards could vote to create a Fire District without having to go to a Referendum. She indicated that the Town Board should discuss the Board's position in the issue prior to a Joint meeting, and provided board members with copies of research guidance entitled "How to Consolidate Fire Protection in Fire Districts, Fire Protection Districts and Villages". She indicated that we currently have a Fire Protection District. The Town Board can choose to dissolve the Fire Protection District, and agree to create a Fire District.

Deputy Supervisor Logan referenced a 2010 Presentation where the vast majority of the audience was not in favor of creating a Fire District. As a result, it was never put up for consideration before the Board. He added that past supervisors have spoken out against it. He indicated that for Over 100 years, the Village Board has done a very good job of running the Fire District. The Village Board provided the Budget for it, including retirement. He holds the position that we do not need another form of government in our community.

Councilman Torres stated that his understanding is that it will depoliticize firefighting because it is not a budget created by political entities. The Fire Commissioners are generally firefighters themselves, therefore they have an understanding of firefighting needs. He indicated that at the end of the day, if this was something the Town chooses to do via a Resolution with the Village Board, the community would get to decide.

Councilman Barry stated that Town Board initially appoints the Commission. After that, they are autonomous. If we go to a paid Fire Department with medical benefits and retirement, with so many properties off the tax roll, this is a luxury that we cannot afford because we can't spread the cost over a broader range. Councilman Barry indicated that there are a lot of pros and cons, and he suggested the Fire Department to come before the Town Board to make a presentation.

After further discussion about the differences between Village and Town Budget obligations, and the tax- free status of SUNY New Paltz, the Board agreed to postpone further discussion until next week.

Banking Resolution:

A motion was made by Councilman Torres to authorize the Supervisor to open a bank account at Empire Bank as an additional Depository for the use of Town Funds. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

4th of July Fireworks:

A motion was made by Councilman Barry to hold the annual 4th of July Fireworks Event at the Ulster County Fairgrounds on Thursday July 2nd, 2015, with a rain date of Sunday the 5th, and to sign the contract with American Fireworks for \$6,000. Seconded by Councilman Torres, all aye votes cast, motion carried.

PrePays/Budget Modifications:

A motion was made by Councilman Barry to approve the prepayment of voucher #15-00933 in the amount of \$75.00 to the Commissioner of Labor for a New York State boiler inspection for the Justice Court, so as to not incur another late fee. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

A motion was made by Councilman Torres made to approve the payment of requisition #R5-00727 to Tony's Power Equipment in the amount of \$499.95 for equipment for the Highway Department that will be needed at the beginning of May. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Barry to approve the prepayment of voucher #15-00861 to Mod Space in the amount of \$ 3,375.02 for monthly Town Hall modular rent so that payments can be kept on the regular monthly schedule. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

A motion was made by Councilman Barry to approve the following Budget Mod for 2015:

Increase: A522-3120.4	Police Contractual	\$3,000
Increase: A980-2680.0	Insurance Recovery	\$3,000

Reason: An insurance check was made out and sent to the Town for \$3,000 to transfer equipment to the new 345 vehicle from the old totaled vehicle. Requesting money to be put into the Police CE budget so payment can be made to TCD for the transfer of equipment. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Torres to approve the following Budget Mod for 2015:

Increase: A980-2680.0 Insurance Recovery \$31,190

Increase: A522-3120.4 Police Contractual \$31,190

Reason: To allocate recovered insurance revenue for replacement of newly leased vehicle. Funds recovered and expended in 2015. Any additional funds will be used toward computer repairs and service. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

Supervisor Zimet announced that the Town Supervisor’s monthly breakfast is expected to include a discussion about the Resource Recovery Agency and possibly taking some potential action going to the Legislature. The RRA is looking to close the Town Transfer Stations in an effort to continue Flow Control and collect more money and make it more difficult for the Towns. Supervisor Zimet and Laura Petite described a recent incident over a site inspection where the RRA showed up at the transfer station unannounced with no notice. Within a half hour a nasty note was sent to Carl Chipman of the UC Supervisor’s Association regarding the Town’s attitude and professionalism.

Warrant:

A motion was made by Deputy Supervisor Logan to approve the April Warrant in the amount of \$315,632.63. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 9:35 p.m., a motion was made by Councilman Torres to go in to Executive Session for the purposes of discussing personnel relative to a Highway Department employee. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

At 9:44 p.m. a motion was made by Councilman Barry to come out of Executive Session with no action taken. Seconded by Deputy Supervisor Logan, all aye votes cast, motion carried.

At 9:45 p.m. a motion was made by Councilman Torres to adjourn the meeting. Seconded by Deputy Supervisor Logan, all aye votes were cast, motion carried.

Respectfully submitted,

Diann Lee
Deputy Town Clerk