

Special Town Board Meeting
July 9, 2015
7 p.m.

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

At 7:12 p.m. a motion was made by Councilman Logan to open the meeting with the pledge. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Agenda: +DEP Water Proposal, +Resolution for Grant approval-Recycling
A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilman Logan, all aye votes cast, motion carried.

Public Comment:

Kitty Brown read aloud a statement regarding the Flood Plain Law and her opinion that Councilman Barry's involvement would constitute a conflict of interest based on the fact that he lives and owns property in the area that is being discussed.

DEP Water Proposal:

Councilman Logan indicated that he met with Town Attorney Joe Moriello, the owner of 101 Plains Road, and the owner of the Plesser Property.

A motion was made by Councilman Logan for approval for the Town to get an appraisal of the property at 101 Plains Road (Roehrs), up to \$4,000, funds are 100% reimbursable from DEP. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Logan authorizing the Town Engineer Dave Clouser to write the RFP for the appraisal for an amount not to exceed \$1,000, funds are 100% reimbursable from DEP. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Logan to allow the Town Attorney and Town Engineer to discuss the Plesser well fields for an amount not to exceed \$5,000. Seconded by Supervisor Zimet for discussion. Councilman Irwin asked about the scope of their discussions. Councilman Logan indicated that they will focus on the changing of ownership and easements in and out of the property. All aye votes cast, motion carried.

A motion was made by Councilman Logan to authorize the Supervisor to forward a letter to DEP requesting \$125,000 for the Operation and Maintenance of proposed Water District #5 for a period of up to 6 years and any unexpended funds after the 6 years will be returned to the district. It would be a one-time payment from DEP. The residents of that district will not pay anything during that time. Seconded by Supervisor Zimet, all aye votes cast, motion carried.

Councilman Logan distributed memorandum to the Board going as far back as 2005 to the present. He indicated that there has been information circulating that is not correct. Both boards have agreed to move forward with the 101 Plains Road property and the Plesser property.

Flood Plain Law:

Supervisor Zimet allowed Councilman Barry to determine how to address the issue raised by Kitty Brown during public comment. Councilman Barry indicated that he has filled out and filed his Disclosure Statement every year as a Town Board member, indicating that he has an interest in his home and a couple of other pieces of property. He actually spoke in front of the Town Board when this law was originally proposed and made some of the same comments that he will be making tonight. He does not feel as though there is an appearance of impropriety. His role is to educate, not to garner a benefit for himself. He was approached by the residents and community members several month ago, he did not approach them; because they had some questions about the law. He met informally with a group of them, at their request, because the Board instructed him to interface with the public, which is what he is doing. He is all about open government and full disclosure, but he is also about representing the interest of people in the community as a whole. If he sees some inequality or inequity in the law, he wants to point it out to the community so they understand what their rights are and so they can make an informed

decision. At this point in time he does not feel as though he has any conflict. No members of the Town Board objected to Councilman Barry's involvement in the discussion.

Councilman Barry explained that from time to time this community experiences flooding events, and because of that, the Town elected to pass a Flood Plain Law which would make the Town eligible for not only receiving the benefits of Flood Insurance, but also for the benefits of FEMA Programs in the event that the properties suffer damage. This works in two parts, one is putting in a Flood Plain Law, and two is putting in a mitigation plan. When the original law was passed, it was passed without the second piece for mitigation. Because of that, when there was a recent flooding event and a property on Dug Road was substantially damaged, the people had to move out because without the Flood Mitigation Plan, the benefits of the FEMA money were not available to them. That issue was eventually resolved as a result of working with the County.

The purpose of a Flood Plain Law is to stop reoccurring property loss and personal injury or loss of life. It is designed to encourage people to avoid future property loss and loss of life by taking certain preventative measures, which involve constructing or reconstructing their property to the elevations that will prevent it from suffering that repeated loss every flood event. When the Town of New Paltz passed its Flood Plain Law, it was passed with certain provisions that have had unintended consequences. One part of the law that appears to be onerous is the provision that says, if any portion of the public roadway leading to a home, or any portion of the driveway is below 1.5 feet below the 100 Year Flood Level, a person is not allowed to rebuild their home without permission from the Town's Zoning Board, which could be denied. The impact of this law if it is literally interpreted and construed in a manner that is most restrictive, would mean that a pre-existing home (on Springtown Road) that is grandfathered in, that suffers damage, would have to be re-built to FEMA standards. But because a portion of Springtown Road is well below the 1.5-foot flood level, that home *cannot* be re-built. The homeowner has the option of going before the Zoning Board with the hopes of getting permission to rebuild.

The law itself has a good purpose with only certain provisions that need to be omitted or revised, which are not significant changes, but the impact of the changes are substantial on the members of the community that live in the flood area. The changes have to go through the appropriate process to make sure people don't lose their ability to get Flood Insurance and FEMA benefits.

Councilman Barry explained that the law appears in three sections of the Town Code. The main components are in Chapter 82-Flood Damage Prevention law that was passed by the Board in 2010. As well as in Chapter 140-Zoning, Flood Plain District. Councilman Barry took the Board through the sections of the law that should be considered for omission or revision. They include, Section 82-16 "Residential structures" subsections C and D, Section 82-17 "Nonresidential structures" subsection F, and Section 82-21 "Conditions for variances", Section 140-19 "Floodplain District" subsections G-2, G-4, G-6, H-2, H-3, H-6.

Councilman Barry indicated that the next step would be to run these changes before the DEC and FEMA for their input. If they indicate that the changes meet the minimum standards, then the Town Board should have a further discussion to determine if the changes are to be made. At that point the Board would authorize the Town Attorney to prepare a draft amendment and follow all the mechanisms and procedures that are required to pass this amendment and put it into effect.

Resolution-Grant Approval for Recycling Project:

A motion was made by Councilman Torres to adopt the following Resolution Authorizing the Filing of an Application for a State Assistance Grant for a Municipal Waste Reduction and/or Recycling Project and Signing of the Master Grant Contract, Under the Appropriate Laws of New York State:

WHEREAS, the State of New York provides financial aid for municipal waste reduction and municipal recycling projects; and

WHEREAS, the Town of New Paltz herein called "the MUNICIPALITY", has examined and duly considered the applicable laws of the State of New York and the MUNICIPALITY deems it to be in the public interest and benefit to file an application under these laws; and

WHEREAS, it is necessary that a Master Grant Contract by and between THE PEOPLE OF THE STATE OF NEW YORK, herein called the STATE, and the MUNICIPALITY be executed for such STATE Assistance Grant;

NOW, THEREFORE, BE IT RESOLVED BY the Town of New Paltz Town Board:

1. That the filing of an application in the form required by the State of New York in conformity with the applicable laws of the State of New York including all understanding and assurances contained in said application is hereby authorized.
2. That the Town of New Paltz Town Supervisor is directed and authorized as the official representative of the MUNICIPALITY to act in connection with the application and to provide such additional information as may be required and to sign the resulting contract if said application is approved by the STATE;
3. That the MUNICIPALITY agrees that it will fund its portion of the cost of said Municipal Waste Reduction and Recycling Project.
4. That this resolution shall take effect immediately.

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

Town Hall Update:

The Town Board previously authorized Architect Joe Hurwitz to do an assessment of the old Town Hall property. He was asked to determine if this site can accommodate the Town Hall, the Police Station, Justice Court, and possibly the Village Offices. The limiting factor of the existing site by itself, is parking. If additional land from Moriello Park is acquired for additional parking, the site would be able to house everything, which would include a 3-story building totaling 25,000 square feet. The Board agreed to continue to move forward.

Comptroller Position:

The Town Board wants a position that has to be tested and is protected by Civil Service.

A motion was made by Councilman Logan to create the position of Comptroller with the appropriate revisions as discussed. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 10:26 p.m. a motion was made by Councilman Logan to adjourn the meeting. Seconded by Councilman Barry, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk