



**Cont. Public Hearing- Establish Town Board as Decision-Making
Body (County Government Operations Center)
Town Board Meeting
March 2, 2023, 7:00 p.m.
59 N. Putt Corners & Via Videoconference**

Present: Supervisor Neil Bettez, Councilwoman Alex Baer, Councilman Dan Torres.

Absent: Councilwoman Julie Seyfert, Councilwoman Esi Lewis.

At 7:01 p.m. a motion was made by Supervisor Bettez to open the continuation of the Public Hearing Establishing the Town Board as Decision-Making Body Under the Monroe Balancing Public Interest Test Regarding Ulster County's Proposal to Construct a Government Operations Center at Paradies Lane. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Comment: None. The public hearing will be held open until later in the meeting.

At 7:02 p.m. a motion was made Supervisor Bettez to open the Town Board meeting with the pledge. Seconded by Councilman Torres, all aye votes cast, motion carried.

Agenda: A motion was made by Supervisor Bettez to adopt the agenda as written. Seconded by Councilman Torres, all aye votes cast, motion carried.

Presentation-Joe Londa, New Paltz Climate Smart Task Force made a presentation on proposed changes to the Town of New Paltz Code allowing for Battery Energy Storage System install.

At 7:04 p.m. Councilwoman Seyfert arrived. At 7:05 p.m. Councilwoman Lewis arrived.

A motion was made by Councilwoman Seyfert to continue moving forward and send the proposed code changes to Attorney Moriello for review. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Consent Agenda:

A motion was made by Supervisor Bettez to approve and/or authorize the following as part of the consent agenda. Seconded by Councilman Torres, all aye votes cast, motion carried.

- a. Approval of Minutes: February 16, 2023
- b. Establishment of Escrow PB 23-050 98 Prospect Street Wetlands Permit, in the amount of \$2,500.00, with a replenishment of \$625.00
- c. Appoint Joseph Davis to the Public Access TV Committee
- d. Appoint Haley Nechamkin as Police Commission Secretary
- e. Appoint Joe Marianek to the Historic Preservation Committee
- f. Authorization to approve Walden Environmental Engineering, PLLC's Work Order Request Form in the amount of \$3,000.00 for MS4 Annual Compliance, TONP2301 (MS4)
- g. Authorization for the Town to advertise for the newly created position of Transfer Station Attendant at the Recycling Center

Designated Annual Application Period:

A motion was made by Supervisor Bettez to authorize the inclusion of a designated annual application period for landowners to request that their predominately viable agricultural lands be included within a NYS Certified Agricultural District from March 1st through March 30th in Ulster County, per the mandate of NYS Ags & Markets Law Section 303-b. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Auction of surplus vehicle:

A motion was made by Supervisor Bettez to authorize to surplus a 1999 GMC Box van used for storage by the Recycling Department and have it brought down to the Highway Department to auction. Seconded by Councilman Torres, all aye votes cast, motion carried.

Acceptance of resignation:

A motion was made by Supervisor Bettez to accept the resignation of Amanda Snyder from the New Paltz Police Department effective March 2, 2023. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Acceptance of resignation:

A motion was made by Supervisor Bettez to accept the resignation of Andrew Heady from his position as MEO with the Town Highway Department. Seconded by Councilman Torres, all aye votes cast, motion carried.

Review changes to Town Code:

Building Inspector Stacy Delarede reviewed the proposed changes to Chapter 78, Building Construction and Fire Prevention. A motion was made by Supervisor Bettez to send the proposed changed to Attorney Moriello for review. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Review changes to Town Code:

Building Inspector Stacy Delarede reviewed the proposed changes to the Accessory Apartment local law, chapter 140-17.

Review changes to Town Code:

Building Inspector Stacy Delarede reviewed the proposed changes to subdivision regulations as applicable to Cluster Subdivisions, Chapter 121-25.

Approval to hire:

A motion was made by Supervisor Bettez to approve the hiring of Brian Mazzaiello to the Highway Department as MEO at the Union contractual rate. Seconded by Councilman Torres, all aye votes cast, motion carried.

Approval to hire:

A motion was made by Supervisor Bettez to approve of the following "Seasonal Workers" for Moriello Pool Pre-Season: Emily Benkert, Campbell Heiz, Alexandra Hekking, Josie LaPolt, Cole Mumford, Joshua Pappace, Alyssa Puleo, Jed Weires, and Koby Wulfmeyer at \$16.00/hour, with a start date of 3/12/2023 and an end date of 5/20/2023. Seconded by Councilman Torres, all aye votes cast, motion carried.

Modify adopted 2022 budget:

A motion was made by Supervisor Bettez to approve the following modifications to the adopted 2022 budget for cost overruns. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

TO:

| | | | |
|---|----------|---------------------|---------------|
| A | 1110.400 | Justice, CE | 151.00 |
| A | 3510.400 | Control of Dogs, CE | 10.00 |
| A | 8189.400 | Recycling, CE | <u>575.00</u> |
| | | | 736.00 |

FROM:

| | | | |
|---|----------|----------------|--------|
| A | 1220.400 | Supervisor, CE | 736.00 |
|---|----------|----------------|--------|

TO:

| | | | |
|----|----------|-----------------------|-------|
| DB | 5140.400 | Misc, (brush & Weeds) | 90.00 |
|----|----------|-----------------------|-------|

FROM:

| | | | |
|----|----------|---------------------|-------|
| DB | 5110.400 | General Repairs, CE | 90.00 |
|----|----------|---------------------|-------|

Request authorization to **increase** the adopted 2022 budget for the use of reserve funds as follows:

INCREASE:

| | | | |
|---|----------|------------------|------------|
| A | 8189.200 | Recycling, Equip | 104,078.00 |
|---|----------|------------------|------------|

INCREASE:

| | | | |
|---|-----|---------------------------|------------|
| A | 914 | Appropriated Fund Balance | 104,078.00 |
|---|-----|---------------------------|------------|

Budget Modifications:

A motion was made by Supervisor Bettez to modify the adopted 2023 budget for contract settlement as follows. Seconded by Councilman Torres, all aye votes cast, motion carried.

TO:

| | | | |
|---|----------|-------------------------|------------------|
| A | 1620.100 | Buildings & Grounds, PS | 78.00 |
| A | 8189.100 | Recycle, PS | <u>14,168.00</u> |
| | | | 14,246.00 |

FROM:

| | | | |
|---|----------|------------|-----------|
| A | 1990.400 | Contingent | 14,246.00 |
|---|----------|------------|-----------|

TO:

| | | | |
|----|----------|-------------------------|-----------------|
| DB | 5110.100 | General Repairs, PS | 12,797.00 |
| DB | 5130.100 | Machinery, PS | 2,165.00 |
| DB | 5140.100 | Misc (Brush & Weeds) PS | <u>1,595.00</u> |
| | | | 16,557.00 |

TO:

| | | | |
|----|----------|------------|-----------|
| DB | 1990.400 | Contingent | 16,557.00 |
|----|----------|------------|-----------|

Approval to hire:

A motion was made by Supervisor Bettez to approve the hiring of Jason Zawrotniak as a part-time Court Officer at a rate of \$18.00 an hour, starting on March 7, 2023. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Executive Session:

At 8:36 p.m. a motion was made by Supervisor Bettez to go into executive session to discuss contracts. Seconded by Councilwoman Seyfert, all aye votes cast, motion carried.

At 8:48 p.m. a motion was made by Supervisor Bettez to come out of executive session. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to authorize the approval of the MOA with the Town Hall Unit. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to authorize the Supervisor to work with Alta Planning and accept the low bid when received for the tree work on Henry. W. DuBois. Seconded by Councilwoman Baer, all aye votes cast, motion carried.

Public Hearing:

At 8:49 p.m. a motion was made by Supervisor Bettez to close the public hearing on Establishing the Town Board as Decision-Making Body Under the Monroe Balancing Public Interest Test Regarding Ulster County's Proposal to Construct a Government Operations Center at Paradies Lane. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Supervisor Bettez to adopt the following resolution. Seconded by Councilwoman Baer, Councilwoman Lewis abstained from the vote. All aye votes cast, motion carried.

**GRANT OF IMMUNITY FROM THE TOWN CODE TO THE COUNTY FOR ITS
CONSTRUCTION AND OPERATION OF A GOC.**

WHEREAS, Ulster County in the process of acquiring lands located on Paradies Lane in the Town of New Paltz (Tax Map Parcels 86.12-5-12.320 and 86.12-5-310) consisting of approximately 57.3 acres (Paradies Lane Site) to construct and operate a Government Operations Center (GOC); and

WHEREAS, the site includes the zoning districts of Hamlet Gateway, Light Industrial District and a Planned Resort Overlay District, whereby essential services are only allowed in the Light Industrial District subject to site plan approval; and

WHEREAS, To ensure a GOC is an allowed use of the site, and to provide for a more certain path for review of the Project, Ulster County has requested a grant of immunity from certain provisions of Chapter 140 of the Town Code as provided for in the New York Court of Appeals 1988 case of Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702, ("County of Monroe") whereby a Balancing of Interests Test can be utilized when an encroaching government seeks relief from provisions of the host government's land use regulations; and

WHEREAS, the Town Board of the Town of New Paltz has conducted a public hearing on the Project on February 16, 2023 and March 2, 2023 at 7:00pm at the Town of New Paltz Town Board Meeting to ensure intergovernmental participation in the project development process and an opportunity for the public to be heard;

WHEREAS, the Town Board of the Town of New Paltz as the Board responsible for the adoption of the Town Code is the most appropriate body to consider Ulster County's request for a grant of immunity from the Town Code under the Balancing of Public Interest Test articulated in the County of Monroe case; now, therefore be it **RESOLVED**, the Town Board of the Town of New Paltz has considered all of the factors as outlined in the County of Monroe case; including: The nature and scope of the instrumentality seeking immunity; The encroaching government's legislative grant of authority; The kind of function or land use involved; The effect local land use regulation would have upon the enterprise concerned; Alternative locations for the facility in less restrictive zoning areas; The impact upon legitimate local interests; Alternative methods of providing the proposed improvement; The extent of the public interest to be served by the improvements; and Intergovernmental participation in the project development process and an opportunity to be heard; and, be it further **RESOLVED**, the Town Board of the Town of New Paltz grant of immunity from the Town Code to the County for its construction and operation of a GOC at Paradies Lane.

At 8:49 p.m. a motion was made by Supervisor Bettez to adjourn the meeting. Seconded by Councilman Torres, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Rosenkranse
Town Clerk