

## **Minutes**

New Paltz Village Board  
7:30pm, 10/23/13, Village Hall

Present: Village: Mayor Jason West  
Deputy Mayor Rebecca Rotzler, left at 9:30pm  
Trustee Sally Rhoads  
Trustee Ariana Basco  
Trustee Thomas Rocco

Town: Supervisor Susan Zimet  
Councilwoman Brown  
Councilwoman Gallucci,  
Councilman Logan, arrival at pm  
Councilman Kevin Barry

Also Present: Joseph Eriole, Village Attorney  
Kathryn Doyle-Bunker, Village Clerk  
Ellen Rocco, Village of New Paltz Zoning Board  
Chris Marx, Superintendent of the Highway Dept. for the Town of New Paltz

### **Public Hearing**

#### **A Local Law regarding the adoption of the Code Revision regarding the Historic Preservation Committee**

- Local Law regarding the adoption of the Code Revision regarding the Historic Preservation Committee
- Notice of Public Hearing

Part 1-00:00:00-00:04:11

Mayor West called the Public Hearing to order at 7:33pm.

Mayor West moved to keep the Public Hearing open until November 13, 2013 at 7:30pm. Trustee Basco seconded.  
5 Ayes. Motion carried.

### **Joint Village of New Paltz and Town of New Paltz Meeting Agenda**

- **Pledge of Allegiance**
- **Public Comment for the Joint Boards**
- **Approval of the Agenda**

Part 1-00:05:29-14:02

Mayor West at the request of Supervisor Zimet added the discussion of a Joint Meeting for the Rescue Squad to the Joint Agenda.

### **Announcements by the Board**

Part 1-00:14:07-00:21:29

Trustee Rhoads stated that one of the trees planted by the Shade Tree Commission with the assistance of Chris Marx and others was stolen from Moriello Park.

Trustee Rhoads also announced the Shade Tree would be planting three Chestnut Trees at Moriello Park.

Trustee Rhoads announced that the Highway Department and the DPW will have a small, tree storage at the landfill.

Trustee Basco stated that this past Saturday, October 19<sup>th</sup> was Make a Difference Day and the Village had 26 volunteers from the SUNY campus come and help clean up the Village. Trustee Basco stated that the volunteers did a street clean up, they scrapped stickers from signs, they painted the gazebo in Hasbrouck Park.

Trustee Rhoads requested that the minutes note a word of thanks to Trustee Basco for organizing and following thru with Make a Difference Day.

Trustee Basco wanted to thank Superintendent Bleu Terwilliger and his administrative assistant Heather Nielson for their help in organizing and obtaining the supplies needed.

Supervisor Zimet stated that today, October 23, 2013 was the second meeting Governor Cuomo had hosted in Albany regarding New York Rising Program. It was noted that the Town and Village of New Paltz were working very well together in this program.

Deputy Mayor Rotzler announced the Public Workshop-*Does New Paltz Need a New Bus Station* would taking place at the Student Union Building, November 21, 2013 at 7:00pm.

## **1. Executive Session**

**Part1-00:21:31-00:22:43**

Mayor West moved to have the Joint Boards go into Executive Session for the purposes of discussing personnel matters which lead to the termination of a particular individual. Councilman Barry made the same motion on behalf of the Town Board. Trustee Rocco seconded for the Village Board. 4 Ayes. 1 Nay, Trustee Basco. Motion carried for the Village Board. Councilwomen Gallucci seconded on behalf of the Town Board. 5 Ayes. Motion carried for the Town Board.

The Joint Boards went in to Executive Session at 7:54pm.

Trustee Rocco moved for the Village Board moved to come out of Executive Session. Trustee Rhoads seconded. 5 Ayes. Motion carried.

Councilman Barry moved for the Town Board moved to come out of Executive Session. Councilman Logan seconded. 4 Ayes. 1 Nay, Councilwomen Gallucci. Motion carried.

The Joint Boards came out of Executive Session at 8:18pm.

## **2. Discussion on the Comprehensive Plan**

- Hudson River Greenway, Joint Comprehensive Plan Effort Awarded \$15,000.00 from Greenway

## **3. Discussion on a Resolution for Funding for the Joint Comprehensive Planning**

- Resolution drafted by Trustee Thomas Rocco, dated October 17, 2013

**Part2-:00:00:00-00:52:39**

Trustee Rhoads moved to have the Village Board hire Curt Lavalla as the Consultant Planner to implement the Joint Comprehensive Plan agreed to by both Boards at a compensation of \$1,000.00 per week pending a contract is drawn with Mr. Lavalla and that the insurance question is resolved and that this contract is not to exceed 52 weeks.

Mr. Rocco seconded for the purposes of discussion.

Mayor West requested it to be noted that this is not how the Village usually hires its contractors. Mayor West noted that usually contractors are paid 25% to 50% up front and then the remainder is usually paid at the completion of the work and not as a weekly payment. Mayor West also questioned how this would affect the unemployment insurance Mr. Lavalla is currently receiving from the Village.

Trustee Rocco offered a friendly amendment to the motion made by Trustee Rhoads that states:

Therefore be it resolved that the mayor and treasurer are authorized and directed to allocate \$18,000.00 from a combination of "Consolidation Funds" and /or the unused portion of the salary and benefits of the full-time planner and that these funds be distributed to the Town of New Paltz for this purpose as follows:

25% by October 30, 2013.

25% by January 31, 2014 after an interim report of progress has been received by the Village Trustees;

25% by March 31, 2014 after a second interim report of progress has been received;

25% by May 30, 2014 with the understanding that the remaining \$8,000 of the \$26,000.00 will be allocated in the new fiscal year and that both a third interim report will be forthcoming and a serviceable draft comprehensive plan will be provided to the Village and Town Boards by October 30, 2014.

Trustee Rhoads accepted Trustee Rocco's friendly amendment.

Trustee Rhoads amended the motion that the first payment is effective for November 15, 2013.

Trustee Rhoads amended her motion on the advice of Village Council so that the Consultant would be carrying the required insurance and producing the insurance documentation both to the Village and Town Boards and to the satisfaction of the Town and Village Boards.

3 Ayes. 2 Nays, Mayor West and Deputy Mayor Rotzler. Motion carried.

Councilman Barry moved to hire Curt Lavalla on behalf of the Town of New Paltz as a consultant on a non-exclusive basis to provide Planning Services to the Town and Village of New Paltz for a one year period to develop a Joint Master Plan at a cost of \$26,000.00 to the Town of New Paltz and the terms of which will be incorporated into a more formal agreement to be approved by the Town Board. Councilman Logan seconded. 5 Ayes. Motion carried.

Village Attorney, Joseph Eriole clarified for both Boards that there would still be a need for an inter-municipal agreement between the Boards.

Councilman Barry requested on behalf of the Town of New Paltz, would Mr. Eriole please draft the inter-municipal for both the Town and Village boards.

#### **4. Approval by Boards of the September 11, 2013 Meeting and the September 26, 2013 Joint Meeting Minutes and the setting of a Joint Meeting of the Boards for November 6, 2013 at 6:30pm at Town Hall.**

Part 2-00:52:55-00:58:42

Trustee Rhoads moved to approve the minutes of September 11, 2013 and September 26, 2013. Trustee Basco seconded. Regarding the minutes of September 11, 2013 there were 3 Ayes. 1 Nay, Deputy Mayor Rotzler and 1 Abstain, Mayor West because he was absent from the meeting. Motion carried. Regarding the Minutes of September 26, 2013 there were 4 Ayes. 1 abstain, Mayor West because he was absent from the meeting. Motion carried.

Mayor West moved that the Village Board and the Town Board will hold a Joint meeting at 6:30pm on Wednesday, November 6, 2013 at the Town Hall for the purposes of discussing the request from the Rescue Squad. Trustee Rhoads seconded. 5 Ayes. Motion carried. Trustee Rhoads requested that the Joint Boards also discuss the inter-municipal agreement to be drafted by Joseph Eriole as part of the November 6, 2013 meeting.

Councilwoman Brown moved to approve the minutes from the September 11, 2013 meeting. Supervisor Zimet seconded. 4 Ayes. 1 abstain, Councilman Barry, because he was absent from the meeting.

Councilman Barry moved to approve the minutes from September 26, 2013. Councilman Logan seconded. 4 Ayes. 1 abstain, Councilwoman Brown, because she was absent from the meeting.

Mayor West moved to adjourn the Joint Meeting. Deputy Mayor Rotzler seconded. 5 Ayes. Motion carried

Councilman Barry moved to adjourn the Joint Meeting. Councilwoman Brown seconded. 5 Ayes. Motion carried.

The Joint Meeting of the Town and Village of New Paltz was adjourned at 9:16pm on Wednesday, October 23, 2013.

Mayor West requested a 10 minute break for the Board of Trustees.

The Meeting for the Board of Trustees for the Village of New Paltz was opened at 9:34pm.

#### **Administrative Business**

- **Approval of the Agenda**

**Part 3-00:00:00-Part 3-00:05:20**

Clerk Doyle-Bunker requested that a payment request from Brinnier and Larios for Roerhrs Construction in the amount of \$13,391.10 for Contract Number VNP-122 as the Contractor's Payment Estimate No 2-Final be added to the Consent Agenda.

Clerk Doyle-Bunker requested that a payment request from Brinnier and Larios for DN Tanks, Inc in the amount of \$323,356.35 for the Contract Number VNP-123 as the Contractor's Payment Estimate No 1 be added to the Consent Agenda.

Clerk Doyle-Bunker requested the Meeting schedule adjusting the Regular meetings for the Board of Trustees of the Village of New Paltz to be November 13, and 20, 2013 and only one meeting December 11, 2013 be added to the Consent Agenda.

Mayor West reaffirmed Clerk Doyle-Bunker's request to the Consent Agenda and requested that Bills and Claims be removed from the Consent Agenda.

Mayor West moved to approve the Consent Agenda. Trustee Rhoads seconded. 4 Ayes. 1 absent, Deputy Mayor Rotzler.

Trustee Rocco requested that a Resolution to Enter into Contract with the New York City Department of Environmental Protection to Search for a Well Water Source be added to the evening's agenda.

Trustee Rhoads requested that the discussion on a proposed Short Term Rental Law as drafted by Village Attorney, Joseph Eriole be added to the Agenda.

Trustee Rhoads also requested that a contract between the Village of New Paltz and Richard Cusanno, as drafted by the Village Attorney, Joseph Eriole regarding an easement be added to the agenda.

Mayor West requested to add the appointment of the part time Building Inspector 1 and appointment of the part time Planning Board and Zoning Board Secretary be added to the Agenda.

Trustee Rhoads moved to approve the agenda. Mayor West seconded. 4 Ayes. 1 Absent, Deputy Mayor Rotzler. Motion carried.

- **Public Comment and Announcements by the Board**

- **Consent Agenda**

5. Bills and Claims
6. Approval of Event Request from Family of New Paltz for the 2013 Turkey Trot
  - Event Request
7. Endorsement of One Book One New Paltz 2013
  - Proclamation
  - Calendar of events for One Book One New Paltz 2013
8. Approval of Board Policy for the Clerk's Office regarding Reading Public Comment
  - Proposed Board Policy, drafted by Village Attorney Joseph Eriole

- Memo to the Board , drafted by Clerk K. Doyle-Bunker, dated October 15, 2013
- 9. Approval by the Trustees for the Village of New Paltz the minutes from September 20, September 25, October 9, 2013.
- 10. Approval of release of escrow balance to John Souto, Everybody Different Yoga for \$298.00
  - Memo from Village Treasurer, Nancy Branco, dated October 15, 2013
  - Draft Minutes from the 2013-10-15 Meeting of the Village of New Paltz Planning Board
- 11. Approval of a refund to Karen Sylcox
  - Letter of request from Ms. Sylcox, received in the Clerk's Office on October 15, 2013
  - Memo from Deputy Treasurer, Roseann James, October 16, 2013
- 12. Approval of request from VFW Post 8645 to distribute poppies on November 11, 2013, Veteran's Day
  - Letter of request from Karl Conboy, Senior Vice Commander, received in the Clerk's office October 17, 2013
- 13. Denial on Water Meter billing for 160 Main Street
  - Letter from the owner of 160 Main Street
  - Memos from Superintendent, Gene Terwilliger, dated September 24, 2013 and October 7, 2013
  - Memo from Municipal Worker III, Foreman, Robert Coddington, October 18, 2013

Mayor West reaffirmed Clerk Doyle-Bunker's request to the Consent Agenda and requested that Bills and Claims be removed from the Consent Agenda.

Mayor West moved to approve the Consent Agenda. Trustee Basco seconded. 4 Ayes. 1 absent, Deputy Mayor Rotzler.

#### **Legislative Business**

#### **Old Business**

##### **14. Discussion on a Local Law Reforming Rental Property Registration and Inspection**

- Comparison of Rental Registration Local Laws, drafted by Village Attorney, Joseph Eriole, October 18, 2013

**Part 3-01:04:11-01:27:19**

No action was taken by the Board. Mayor West stated that he wanted to redraft the proposed law and bring it back to the Board of Trustees.

##### **15. Discussion on a Local Law reorganizing the Environmental Policy Commission**

- Local Law reorganizing the reorganizing the Environmental Policy Commission

**Part 3-00:38:26-01:04:04**

Mayor West moved to adopt the Local Law reorganizing the Environmental Policy Commission. Trustee Rocco seconded.

Trustee Rocco requested that the minutes show that the Village Board does not expect the very first Environmental Policy Commission to do a year's worth of work in half of a year's time.

Mayor West withdrew his Motion. Trustee Rocco withdrew his second.

Trustee Rhoads tabled this matter until the November 13, 2013 meeting of the Board.

##### **16. Discussion on Section 155 of the Village Code regarding Peddling and Soliciting**

- Section 155, Peddling and Soliciting, Village of New Paltz Code
- Proposed Code Amendment drafted by Joseph Eriole

**Part 3-01:27:33-Part 3-01:34:18**

No action was taken by the Board.

Trustee Rhoads requested that this item appear on the next agenda for the Board, and that time be taken at that meeting to finish deciding what the Village needs.

#### **New Business**

##### **17. Discussion on the Agreement Between the City of New York and the Village of New Paltz**

- Agreement and email presented by Trustee Rocco, October 14, 2013

**Part 3-00:05:28-Part 3-00:08:32**

Trustee Rocco moved to approve the Resolution to enter into a Contract with New York City Department of Environmental Protection to Search for a Well Water Source. Trustee Rhoads seconded. 4 Ayes. 1 Absent, Deputy Mayor Rotzler. Trustee Rhoads stated that she would like to thank Trustee Rocco for his work on this project.

#### **RESOLUTION TO ENTER INTO A CONTRACT WITH NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO SEARCH FOR A WELL WATER SOURCE**

WHEREAS the Village obtains its water primarily from the New York City Catskill Aqueduct; and

WHEREAS, the Village has been advised by the City of New York that because of planned improvements to the aqueduct commencing in the Fall of 2016 that the aqueduct will be shut down for a period of up to ten weeks; and

WHEREAS, the Village, in conjunction with New York City and its Department of Environmental Protection, is seeking alternative water sources for the use of the Village not only for the specific planned shutdown period but also for future backup and emergency sources of water for the use of its citizens as well as all those who obtain their water from the Village; and

WHEREAS, one of the primary possibilities for satisfying the need for backup water sources for the Village is to search for, discover and thereafter develop water wells within an area close to the existing Village water system, and

WHEREAS the New York City Department of Environmental Protection has agreed to fund a search for such water sources to commence immediately and such agreement has been memorialized in a proposed contract which will provide \$600,000 to the Village for that purpose;

NOW THEREFORE BE IT RESOLVED that the Mayor is hereby authorized and directed to sign that contract subject to final approval as to form and content by Special Counsel for the Village.

##### **Discussion on the proposed Short Term Rental Law drafted by Village Attorney, Joseph Eriole.**

**Part 3-00:08:33-00:37:51**

No action was taken by the Board.

Trustee Rhoads requested that the next Village Board agenda include a full discussion of both proposed laws.

##### **Approval of Bills and Claims**

**Part 3-00:37:52-00:37:59**

Mayor West moved to approve Bills and Claims. Trustee Rocco seconded. 4 Ayes. 1 Absent, Deputy Mayor Rotzler.

Motion carried. Clerk Doyle-Bunker confirmed that no invoices were withheld from the Bills and Claims.

##### **Agreement by the Board of Trustees to approve the Contract of Sale with Richard Cusanno**

**Part 3-01:34:23-01:39:23**

Trustee Rhoads moved to approve the contract of sale to Richard Cusanno per the stipulation of the Contract of Sale, the exchange of a triangle as referenced in the contract, and in exchange for access to the Rail Trail over the parcel to be transferred and access to his existing property, and access over the triangle for the bike path. Trustee Rocco seconded. 3 Ayes. 1 abstain, Mayor West due to a conflict. 1 absent, Deputy Mayor Rotzler. Motion Carried.

**The Appointment of the temporary, part time Building Inspector 1 and the Planning Board and Zoning Board Secretary.**

**Part 3-01:41:04**

The Board of Trustees determined that they would hold a special meeting of the Board for the purposes of appointing the temporary, part time Building Inspector 1 and the Planning Board and Zoning Board Secretary.

Trustee Rhoads requested that at the next meeting of the Board could they please discuss if they still wanted to fill the position of Planner.

**Adjournment**

Trustee Rhoads moved to adjourn. Mayor West seconded. 4 Ayes. 1 Absent, Deputy Mayor Rotzler. Motion Carried.

The October 23, 2013 meeting of the Board of Trustees was adjourned at 11:18pm on Wednesday, October 23, 2013.

Respectfully submitted by,

Kathryn Doyle-Bunker  
Clerk for the Village of New Paltz