

Final Minutes

New Paltz Village Board and the Board for the Town of New Paltz
7:00pm, 11/18/15, Village Hall

Present: Village: Mayor Tim Rogers
Deputy Mayor Rebecca Rotzler, arrival at 7:41pm
Trustee Thomas Rocco
Trustee Don Kerr

Absent Village Trustee Dennis Young

Town: Supervisor Susan Zimet, arrival at 7:07pm
Deputy Supervisor Jeff Logan
Councilman Dan Torres
Councilman Kevin Barry
Councilman Marty Irwin

Also Present: Kathryn Doyle-Bunker, Village Clerk
Ken Bond of Squires, Patton, Bogg LLC
Will Frank of Blustein, Shapiro, Rich & Barone, Village Attorney

Mayor Rogers called the meeting to order at 7:00pm on Wednesday, November 11, 2015.

Pledge of Allegiance

Deputy Supervisor Logan motioned to open the meeting on behalf of the Board for the Town of New Paltz. Councilman Barry seconded. 4 Ayes. 1 Absent, Supervisor Zimet. Motion carried.

Administrative Business

Approval of the Agenda

00:03:55-00:05:42

Mayor Rogers noted that the presentation by the auditors, O'Connor Davies, regarding the financials and audit for the fiscal year 2015 will be postponed until December 9, 2015 as the firm was unable to be in attendance due to an emergency.

Trustee Kerr requested that the resolution appointing Nancy Branco as Office Manager for the offices of the Village Clerk and Treasurer from December 1, 2015 through May 31, 2016 be moved to Executive Session.

Councilman Torres requested that the Joint Boards consider a request from the T.I.C. to establish a Town/Village email.

Mayor Rogers moved to adopt the agenda as amended. Trustee Rocco seconded. 3 Ayes. 2 Absent, Deputy Mayor Rotzler and Trustee Young. Motion carried.

Deputy Supervisor Logan moved to adopt the agenda for the Board of the Town of New Paltz. Councilman Barry seconded. 4 Ayes. 1 Absent, Supervisor Zimet. Motion carried.

Public Comment

00:05:48-00:12:34

Josh Honig addressed the Joint Boards and stated that he had been on the Building Committee for long time and he stated that it is the opinion of himself, Dave Lent and Carol Roper that it is reckless and irresponsible to sign

contracts with a professional who will be involved with this project without having all of our ducks in a row. Mr. Honig went on to say that it should be established if the Town is partners with or landlords to the Village. Mr. Honig stated that everyone wanted to move the project forward, but the actions need to be transparent to protect the taxpayers from any problems that arise from the hastiness to move forward. Mr. Honig stated that the three members he represents do not feel that transparency has always been obtained and that there will be problems with moving forward without answering and clarifying responsibilities.

Mr. Honig stated that himself, Mr. Lent and Mrs. Roper were under the impression that the Village would be renting space from the Town, and they learned at the last Joint Meeting that the Village was considering being partners with the Town for a space they would likely only occupy less than 25% of the building.

Mr. Honig stated that the group felt the cleanest way to go about the project was for the Town to go forward with the project and for the Village to rent space if they were still interested in participating.

Mr. Honig noted that the Town already owns the land that the project is set to be built on, and the Town will need to demolish and clean up the remains of the old building. Mr. Honig inquired as to if Village planned to help with the cost of cleaning up the site.

Mr. Honig stated that as per an email from Mr. Bonds if the Village were to dissolve while the LDC bonds were still outstanding the Village's obligations under the IMA would be assumed by the Town. Mr. Honig concluded that the municipal center should be Town project that rents to the Village.

Mr. Lent addressed the Joint Boards and said that he has all of the concerns that were brought forth by Mr. Honig.

Mr. Lent stated that he had been sending emails for the last few months about all of the possible contentions that could arise in this situation. Mr. Lent stated that the best and simplest arrangement was for the Village to rent space.

Presentations

Presentation to the Joint Boards by Ken Bond of Squires, Patton, Boggs LLC

Discussion – to own or rent in a combined municipal center with the Town

00:12:345-03:00:08

Trustee Kerr stated that he had been at several recent meetings and he had not heard anything that would leave him to believe that the Village might dissolve in the next 10 years.

Mayor Rogers stated that he too had not heard anything that would leave him to believe that the Village might dissolve in the next 10 years.

Ken Bond of Squires, Patton, Boggs LLC addressed the Joint Boards and introduced himself as the Bond Counsel for the Village and Town of New Paltz.

Mr. Bond stated that a simple and direct way to handle the situation would be for the Town to construct the building and for the Village to rent space from the Town.

Mr. Bond stated that another option would be for the Town and the Village to issue bonds in some proportion and the two entities would have an inter-municipal agreement as to how to use the space. Mr. Bond noted that this is a more complicated way to handle the situation.

Mr. Bond explained that there was a third way to approach the situation and that would be to finance the project through a LDC-Local Development Corporation. Mr. Bond stated that the LDC is a vehicle for avoiding the WICK's Law. Mr. Bond stated an additional benefit to the LDC is that there will be a Board of Directors who are tasked with the running and maintenance of the facility.

Deputy Mayor Rotzler arrived at 7:41pm.

Deputy Mayor Rotzler stated that she would like to see suggestions for the fifth member of the Executive Committee be brought forth for the next meeting of the Boards. Deputy Mayor Rotzler stated that she did not disagree with the concept of a seven member Board but rather she felt the Joint Boards were not at that point yet.

Councilman Barry stated that in terms of moving ahead he agreed in concept to a seven member Executive Committee.

Mayor Rogers moved to discuss the possibility of the Village having a minority stake in the ownership structure at this point in the meeting ahead of its placement on the agenda. Trustee Rocco seconded the motion for purposes of discussion. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

Trustee Kerr stated to date there had not been a public information meeting regarding the municipal center.

Mayor Rogers asked Deputy Mayor Rotzler if she felt that it was necessary for the Village to be a 50/50 partner or would the Deputy Mayor consider a minority share in the municipal center.

Deputy Mayor Rotzler stated that she would like to see the Joint Board pursue the form of funding that they will be using. Deputy Mayor Rotzler went on to say that she would like to have an overarching corporation, and to have each municipality rent from the corporation. Deputy Mayor Rotzler stated that she did not feel very strongly about the 50/50 partnership or the minority stake agreement.

Mayor Rogers stated that he was trying to achieve a joint project with a 50/50 membership say in major decision making, but in terms of using Village taxpayer funds a minority participation in the debt service. Mayor Rogers stated that he did not want to have an over weighted equity stake in the building.

Trustee Kerr moved that the Executive Committee which is comprised of himself, Mayor Rogers, Councilman Irwin, and Councilman Torres come back to the Joint Boards with a recommendation on the percentage within 30 days, and a public information session be set for at least the Village of New Paltz before the end of 2015. Mayor Rogers seconded. Mayor Rogers offered the friendly amendment to have the Executive Committee offer a recommendation in 5 days rather than 30 days. Trustee Kerr stated that 5 days was "rushed process". Mayor Rogers stated that the meetings held the Board of Trustees are the ultimate in public information sessions as they are public meetings. Deputy Mayor Rotzler stated that she did not agree with Mayor Rogers on his thoughts about public information session as part of the public meeting process. Mayor Rogers stated that as a Board there is only one key issue to work out and that key issue is will the Village have only a minority stake of the debt service. Trustee Kerr stated that the public information session is not on this topic alone but rather on the entire project.

Councilman Torres stated he believe that the Boards should hold an information session, but that he believe the Executive Committee has adequately updated the Town and Village Board on the progress of the Executive Committee. Councilman Torres suggested that the members of the Executive Committee meet soon and report back to the Joint Boards on December 1, 2015.

Mayor Rogers inquired as to if the Joint Boards wanted to add as an agenda item a formal presentation to the public of the municipal center for December 1, 2015. Trustee Kerr stated that he would be agreeable to that amendment. Mayor Rogers amended his amendment that the Executive Committee would meet and bring information back to the Joint Boards for the December 1, 2015 meeting.

Trustee Kerr clarified his motion by stating that Executive Committee meet and return a recommendation to the Joint Boards and then a public information session be held before the end of 2015.

Trustee Rocco called the vote on the motion. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

Mayor Roger moved to identify the fifth person on the Executive Committee.

Supervisor Zimet clarified that the fifth person is the fifth person for the Executive Committee of the Building Committee. Mayor Rogers stated that he wanted to recommend George Sifre as a 5th person to the Executive

Committee of the Building Committee. Trustee Kerr stated that he was not prepared to vote on the request to add Mr. Sifre to the Executive Committee. Mr. Kerr noted his fondness for Mr. Sifre, but noted he was unprepared to consider the request.

Deputy Mayor Rotzler moved that she would like the Executive Committee to consider a recommendation of the fifth member and then report back to the Boards, which would come to in the Board packet as a Resolution in time for all Board members to consider for adoption. Trustee Rocco seconded.

Mayor Rogers stated for clarification that the Executive Committee is going to come back the joint Boards on December 1, 2015 with a recommendation of a potential minority stake for the Village as well as potential 5th person to fulfill the at large position.

4 Ayes. 1 Absent, Trustee Young. Motion carried.

Councilman Torres moved to amend and earlier motion of the Board for the Town of New Paltz by stating that he moved that the Town meet with the Board of Trustees for the Village of New Paltz on Tuesday December 1, 2015 at 7:30pm at Village Hall. Councilman Irwin seconded. 5 Ayes. Motion carried.

Councilman Torres stated that the T.I.C. has requested a joint email be set up to take concerns from residents regarding potential safety issues. The account will be set up under the Town email and no one from either Board objected.

Adjournment of the Joint Meeting

03:00:08-03:00:17

Councilman Barry moved to adjourn. Deputy Supervisor Logan seconded. 5 Ayes. Motion carried. The Town adjourned their portion of the meeting at 10:02pm.

Consent Agenda

1. **Approval of Payment estimate #3, Contract No, VNP-151, Sanitary Sewer Construction, Merritt Construction in the amount of \$100,067.00**
2. **Approval of Payment Estimate #6-Final Contract No. VNP-141, Sanitary Sewer Construction-Millrock Road, North Oakwood Terrace and Grove Street in the amount of \$41,885.23 for Merritt Construction as put forth by Brinnier and Larios**
3. **Approval of a temporary partial street closure on December 6, 2015 as put forth by the Mountain Laurel Waldorf School**
4. **Approval to set a Public Hearing on December 9, 2015 at 7:00pm for the Plattekill Avenue OCR Performance Hearing**
5. **Approval-a request for reimbursement of \$60.00 to Mayor Rogers for his attendance of the 2015 Land Conservation & Stewardship Conference, hosted by Mohonk Consultations on November 9, 2015.**

03:01:06-03:02:16

Deputy Mayor Rotzler requested that the approval to set a Public Hearing on December 9, 2015 at 7:00pm for the Plattekill Avenue OCR Performance Hearing be removed from the Consent Agenda and be added to the Business Agenda. Trustee Kerr moved to move the setting of the Public Hearing on December 9, 2005 to the Business portion of the Agenda. Mayor Rogers seconded. 4 Ayes, 1 Absent, Trustee Young. Motion carried.

Trustee Kerr moved to adopt the Consent Agenda with the removal of the Public Hearing. Deputy Mayor Rotzler seconded. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

Business
Resolution - Approve Bills and Claims
03:02:26-03:02:49

THE VILLAGE OF NEW PALTZ VILLAGE BOARD

The following was presented

By Mayor Rogers

Sec'd by Deputy Mayor Rotzler

Date of Adoption: November 18, 2015

ROLL CALL VOTE

Names	Ayes	Noes	Abstain	Absent
Mayor Mr. Rogers	Aye			
Trustee Ms. Rotzler	Aye			
Trustee Mr. Rocco	Aye			
Trustee Mr. Kerr	Aye			
Trustee Mr. Young				Absent
TOTAL	4 Ayes	Zero Noes	Zero Abstain	1 Absent

**RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF NEW PALTZ AUTHORIZING THE
AUDITING AND PAYMENT OF CLAIMS**

WHEREAS, the Village of New Paltz has been presented with certain bills and claims for payment in the ordinary course of business of the Village; and

WHEREAS, the Village Treasurer has presented an abstract of the aforesaid bills and claims organized by budgetary fund from which each such bill and claim will be paid; and

WHEREAS, in accordance with Village Law §4-412, it is the responsibility of the Village Board to audit and authorize payment of all bills and claims appropriately presented to the Village for payment,

NOW THEREFORE, IT IS HEREBY RESOLVED, that the following abstract of bills and claims are approved for payment

Date	Abstract #	Voucher #(s)	Amount Fund
2015-11-18	Abstract #12 (2015-2016)	A	\$207,734.76
		F	\$ 40,834.82
		G	\$198,036.53
Check#38244 to 38245, 38249 to 38318		H	\$650,540.00
Check #22685 to 2269			
Total			\$1,097,146.11

and it is further

RESOLVED, that the Village Treasurer, or her designee, is hereby directed to take all steps necessary to effectuate the intent of this Resolution and pay said bills and claims forthwith.

Resolution - Allow for 10 Permitted Parking Spaces behind 15 Plattekill Avenue at the cost of \$10.00 per month and a raise in the cost of the municipal lot behind Village Hall to \$12.00 per month starting January 1, 2016

03:03:05-03:05:46

Attorney Will Frank stated that he and the Mayor will be reviewing this situation and will let the Board know if there is a need to amend the Code.

Approval- For the Town and Village to authorize the *Right of Entry* agreement for the NY Rising project involving improved inflow and infiltration of storm water along with hardening and upgrades of the Huguenot Street sewer treatment plant

03:05:52-03:06:55

Mayor Rogers announced that the Village Attorney has reviewed the *Right of Entry* and is not opposed to the motion made by the Board of Trustees on November 10, 2015 to authorize Mayor Rogers to sign the *Right of Entry*.

Resolution appointing Nancy Branco as Office Manager for the offices of the Village Clerk and Treasurer from December 1, 2015 through May 31, 2016

03:06:56

Trustee Kerr requested supporting information in the packet on this topic for the next meeting of the Board of Trustees.

Deputy Mayor Rotzler requested that this item be discussed in Executive Session prior to any action being taken.

Membership for the Bike/Ped Committee

Trustee Rocco stated that the Bike/Ped Committee would like to have a full complement of members and will be making recommendation to the Village Board shortly for possible appointments.

A word of congratulations to Nancy Branco for the results of the annual auditing report.

Trustee Rocco stated that he had reviewed the materials that were provided by the auditing firm for the Village of New Paltz and he stated that he would like to congratulate Village Treasurer, Nancy Branco, on a job well done.

Trustee Rocco stated that he would like to put the recommendations of the auditing firm on a future agenda.

Public Hearing on December 9, 2015 at 7:00pm for the Plattekill Avenue OCR Performance Hearing

03:09:32

Deputy Mayor Rotzler moved to set a Public Hearing on December 9, 2015 at 7:00pm for the Plattekill Avenue OCR Performance Hearing. Trustee Kerr seconded. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

Executive Session

Mayor Rogers moved to go into Executive Session for the purposes of discussing the price of real estate that is owned by the Village of New Paltz. Village Attorney, Will Frank was invited into the Executive Session. Deputy Mayor Rotzler seconded. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

The Board agreed that they would not be making a motion after coming out of Executive Session, and that the videography and broadcasting could be stopped.

The Board went into Executive Session at 10:11pm.

Trustee Rocco moved to exit Executive Session. Trustee Kerr seconded. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

The Board exited Executive Session at 10:29pm

Adjournment

Trustee Kerr moved to adjourn. Deputy Mayor Rotzler seconded. 4 Ayes. 1 Absent, Trustee Young. Motion carried.

The Board of Trustees for the Village of New Paltz adjourned their November 18, 2015 meeting at 10:30pm.

Respectfully submitted by,

Kathryn Doyle-Bunker
Clerk for the Village of New Paltz