

Cont. Public Hearing-Fracking/Workshop Meeting
November 15, 2012
7:15 p.m.

Present: Supervisor Susan Zimet, Councilwoman Jean Gallucci, Councilwoman Kitty Brown, Councilman Jeff Logan, Councilman Kevin Barry.

At 7:15 p.m. a motion was made by Councilman Logan to open the continuation of the Public Hearing on Hydrofracking. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

Public Comment:

Everett Payne asked if any geologists or scientists have said Hydrofracking is bad.

Councilwoman Brown stated that the Ulster County Planning Board's response to the Zoning Statute to prohibit natural gas and/or oil exploration and extraction indicates there is no County impact.

At 7:25 p.m. a motion was made by Councilman Logan to close the Public Hearing. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 7:30 p.m. a motion was made by Councilman Logan to open the Workshop meeting with the pledge. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

Agenda: +Traffic Control Contract with Trailways.

A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Supervisor Zimet made a brief presentation on the 2013 Budget. She indicated that spending was decreased by over \$450,000 and the amount to be raised by taxes decreased by \$379,000 and overall CPM tax rate decreased 6.2%. The Police Department is fully funded for 2013.

Public Comment:

*Al Wegener, Cara Lee, Fred Girdy and John Orfitelli and Dan Winfield all spoke in favor of Mohonk Preserve's Historic Mohonk Gatehouse Trailhead Project, \$50,000 grant. They urged the Town Board to issue a letter of support.

*Chris Ullrich spoke in opposition of the Town's support of the Preserve's plan.

*Butch Dener and Steve Greenfield spoke in support of the Town's Police Department and against disbanding.

Councilman Barry responded to the Police Department issue and explained how the Town outside the Village residents are paying for about 75% of Police expenses when most of the calls come from the Village. He indicated that Town and Village need to come up with a new model of how to pay these expenses because the current one is broken. The community needs to work together and get educated about the facts.

Budget:

The Town Board was waiting for the Village to decide on Moriello Pool and Ambulance agreements. These items were tabled at last night's Village meeting. Supervisor Zimet stated that she gave the Mayor all the supporting documentation he needed prior to the meeting and is incredibly frustrated that he tabled it based on lack of information.

Councilwoman Gallucci stated that not opening the pool is not an option. We need to come up with a way to close the \$60,000 gap. Wait to see what Village does during its' budget process.

Councilman Logan attended the Village meeting and indicated that some of the Trustees feel as though the pool is mismanaged by the Town, and some Trustees want to see a contract.

Councilman Logan also stated that most of the Ambulance calls come from Woodland Ponds (village), SUNY (village) and Mountain View Nursing Home (town).

Councilwoman Brown believes that tax-exempt properties should contribute to emergency services, which was done in the past.

Supervisor Zimet stated that the budget reflects the good faith contribution from the Village for Moriello Pool and the Ambulance. Councilwoman Brown believed that since the Public Hearing is closed, no changes can be made that will increase the budget.

Councilwoman Gallucci indicated that she is not in favor of 100% funding any medical insurance plan and not in favor of not offering a second option for employees to select from.

Councilman Barry indicated that the \$1,836,000 that was budgeted is more than enough to cover medical insurance from 2 providers. He met with the labor attorney and the 2 providers and is confident that \$1,600,000-\$1,625,000 is enough and still have a buffer. He would like to see the Town cut \$200,000 from the budget. The employees would still have the same coverage.

Supervisor Zimet and Councilwoman Gallucci were not in favor of making a cut. If there is a savings, the extra money can cover the loss for Moriello Pool, revenues not realized, or go back into the Fund Balance.

A motion was made by Councilman Barry to reduce the appropriate medical insurance lines by \$200,000 appropriately pro-rated across the A & B Funds. Seconded by Councilwoman Brown to which she offered a friendly amendment to change \$200,000 to \$161,000, accepted by Councilman Barry. Supervisor Zimet stated that the budget was already very lean and does not think anymore should be cut. Councilwoman Gallucci offered a friendly amendment to change the figure to \$125,000 so there is enough to cover the ambulance. Councilwoman Brown stated that the Board could vote on that separately. Councilwoman Gallucci withdrew her amendment. Aye votes cast by Councilmen Barry and Logan, Councilwoman Brown. Nay votes cast by Councilwoman Gallucci and Supervisor Zimet, motion carried.

A motion was made by Councilman Logan to reduce the Supervisor's PS line A1220.1 by \$9,607, amount of the stipend. Seconded by Councilwoman Brown. Nay votes cast by Councilman Barry, Councilwoman Gallucci and Supervisor Zimet. Aye votes cast by Councilman Logan and Councilwoman Brown, motion failed.

A motion was made by Supervisor Zimet to add \$37,500 to B-Fund for attorney on Consolidation, to be funded by B-Fund fund balance. Seconded by Councilman Barry. Councilwoman Brown offered a friendly amendment to the extent that the Town can charge the Citizens Empowerment Grant, accepted by Councilman Barry. All aye votes cast, motion carried.

A motion was made by Supervisor Zimet to increase the ambulance line by \$34,300 to fully fund it. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Supervisor Zimet to adopt the 2013 Budget as amended. Seconded by Councilman Logan. Aye votes cast by Councilwomen Gallucci and Brown, Supervisor Zimet, Councilman Barry. A nay vote was cast by Councilman Logan. Motion carried. Councilwoman Brown and Councilman Logan were both opposed to the Supervisor's stipend.

At 9:35 p.m. there was a 5-minute break.

Mohonk Grant Letter of Support- Historic Mohonk Gatehouse Trailhead Project Grant:

Supervisor Zimet read aloud the letter that was drafted by the Preserve that the Town Board is being asked to support. A motion was made by Councilman Logan to authorize the Supervisor to sign and send this letter. Seconded by Councilwoman Gallucci for discussion. All aye votes cast, motion carried.

Police Vehicle Auction:

The Chief is requesting permission to auction off a 2004 Audi A8 L Quattro, 4-door sedan, 73,000 miles, VIN #WAUML44E54N017162. This was seized 5 years ago and has been used as an administrative vehicle since. The Commission suggests starting the bid at \$11,500 (book value is \$11,243-\$15,793).

A motion was made by Councilman Logan to approve the request to put up for auction and seek sealed bids for the 2004 Audi A8 L Quattro, VIN #WAUML44E54N017162. Seconded by Councilwoman Gallucci for discussion. With a minimum bid of \$11,500 to be received and opened by the Town Clerk on Thursday, January 3, 2013. Viewing of the vehicle will be done by appointment only and the legal notice will run starting next week until December 20th. The bid results will be discussed by the Town Board on the evening of January 3rd. Councilwoman Brown

offered a friendly amendment that the opening will be at noon on January 3, 2013, accepted. All aye votes cast, motion carried. A press release will also be submitted to the newspaper.

Traffic Control Services Contract with Trailways:

Trailways will pay the Town to have an officer help with bus traffic at the intersection of the bus station and Main Street, on Thursday, November 20, 2012.

A motion was made by Councilwoman Brown to authorize the Supervisor to enter into contract with Adirondack Trailways for traffic control services. Seconded by Councilman Barry, all aye votes cast, motion carried.

Shivertown Road Weight Limit-Set Public Hearing:

A motion was made by Councilman Barry to set the Public Hearing on the Shivertown Road Weight Limit for December 20, 2012 at 7:15 p.m. Seconded by Councilman Logan, all aye votes cast, motion carried.

Appointment to Board of Assessment Review:

A motion was made by Councilman Barry to reappoint Margaret (Peg) Taylor to the BAR for a 5-year term to expire 09/30/2017. Seconded by Councilman Logan, all aye votes cast, motion carried.

Appointment and Term Dates of members of CWOSP:

A motion was made by Councilwoman Gallucci to confirm/re-appoint the following members of CWOSP and their term dates:

Brad Barclay (expires 12/14), Lynn Bowdery (expires 12/16), Jim DeLaune (expires 12/13), Marion DuBois (expires 12/14), Jim Hyland (expires 12/16), Doug McBride (expires 12/15), Thomas O'Dowd (12/15), as well as 1 vacancy. Seconded by Councilman Barry, all aye votes cast, motion carried.

Fracking Ban Bills/Local Laws #2,3 and 4:

Councilwoman Brown read aloud questions #1-20 from Part 2 of the EAF, all answered "No". Supervisor Zimet read aloud the following Resolution dated November 15, 2012:

**RESOLUTION AUTHORIZING ADOPTION BY THE TOWN COUNCIL OF THE
TOWN OF NEW PALTZ OF LOCAL LAWS NOS. 2, 3 AND 4 OF 2012**

WHEREAS, the Town Council, on its own motion, has prepared three draft local laws (1) prohibiting natural gas exploration and extraction in the Town, (2) prohibiting the use of Brine on Town roads derived from natural gas exploration and extraction, and (3) prohibiting the disposal of natural gas or oil production wastes into the Town sewer system; and

WHEREAS, pursuant to resolution duly adopted by the Town Board of the Town of New Paltz on August 30, 2012, a duly noticed public hearing on said proposed local laws was held by said Town Board on October 4, 2012, and continued to October 25 and closed on November 15, 2012, at which all interested parties had the opportunity to be heard; and

WHEREAS, on August 30, 2012, the Town Council declared itself to be lead agency for the environmental review of the proposed action as it is the only agency with the authority to approve, find or undertake the proposed action; and

WHEREAS, on August 30, 2012, the Town Council classified the proposed action as a Type 1 action under SEQRA as it involves a change in the allowable uses in a zoning district or districts affecting more than 25 acres;

WHEREAS, on August 30, 2012, the Town Council directed the Town Clerk to refer the proposed local laws and the Environmental Assessment Form to:

- a) the Ulster County Planning Board for their review pursuant to General Municipal Law Section 239-m;
- b) the Town of New Paltz Planning Board for their review and advisory report pursuant to Town Code Section 140-56W;
- c) the Town of New Paltz Environmental Conservation Board and Open Space Preservation

Committee for their review and report;

d) the municipal clerks of the municipalities adjacent to the Town of New Paltz, together with a copy of the notice of public hearing.

WHEREAS, the Ulster County Planning Board has responded that the laws have no County impact, the Town Planning Board has responded with a recommendation of approval, and no other agencies have responded; and

WHEREAS, the Town Board has prepared and reviewed a fill environmental assessment form and considered the criteria in 6 NYCRR § 617.7 and thoroughly analyzed all identified areas of concern; and

WHEREAS, the Town Board of the Town of New Paltz, after due deliberation, finds it in the best interest of the Town to adopt said local laws, in the form attached hereto.

NOW THEREFORE IT IS HEREBY RESOLVED by the Town Council of the Town of New Paltz that:

1. The Town Board hereby adopts the annexed Notice of Determination of Non-Significance, finding that the adoption of proposed Local Laws Nos. 2, 3 and 4 of 2012 will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be prepared.
2. The Town Board hereby adopts Local Laws Nos. 2, 3 and 4 of 2012, entitled "A LOCAL LAW AMENDING CHAPTER 140 OF THE TOWN CODE TO PROHIBIT NATURAL GAS AND/OR OIL EXPLORATION AND EXTRACTION," "A LOCAL LAW TO PROHIBIT THE DISPOSAL OF NATURAL GAS AND/OR OIL PRODUCTION WASTES INTO THE MUNICIPAL SEWER SYSTEM," and "A LOCAL LAW TO PROHIBIT BRINE ON TOWN ROADS," in the form attached hereto and made a part of this resolution; and
3. The Town Clerk is directed to enter said Local Law in the minutes of this meeting and in the Town Code of the Town of New Paltz, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

This Resolution was moved by Supervisor Zimet. Seconded by Councilman Logan.

The question of the adoption of the foregoing resolution was duly put to vote on a roll call, which resulted as follows:

Supervisor Susan Zimet Voting: Aye

Councilwoman Kristin Brown Voting: Aye

Councilman Kevin Barry Voting: Aye

Councilwoman Jeff Logan Voting: Aye

Councilwoman Jean Gallucci Voting: Aye

The foregoing resolution was thereupon declared duly adopted.

Warrant:

All trainings must be preapproved by the Town Board before the person can attend.

A motion was made by Councilman Barry to approve the November 2012 Warrant in the amount of \$1,423,725. Seconded by Councilman Logan, all aye votes cast, motion carried.

Councilman Barry suggested that Supervisor Zimet and Councilwoman Gallucci meet with Bill Wallens and the Insurance brokers to discuss options.

The Town Board scheduled a Special Meeting for Thursday, November 29th at 7 p.m.

A motion was made by Councilman Barry to decrease the amount to be raised by taxes by \$61,503 in the A-Fund and \$65,197 from the \$300,000 Fund Balance. Seconded by Councilman Logan, all aye votes cast, motion carried.

Minutes:

A motion was made by Councilwoman Gallucci to approve the minutes of **August 23, 2012**. Seconded by Councilman Barry, all aye votes cast, motion carried. Councilwoman Brown abstained due to her absence from that meeting.

A motion was made by Councilwoman Gallucci to approve the minutes of **August 30, 2012** with the following corrections:

Public Input- "Dave Lent resigning *from committee...*"

Comptroller's Report- "Lack *of...*"

Sewer 6 Pump request- "Councilwoman *Gallucci* accepted..."

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

A motion was made by Councilwoman Gallucci to approve the minutes of **September 20, 2012** with the following the following corrections:

Wallkill Bridge re-decking- "...*provide*"

Committee Reports- "modification *of their...*", Councilman Barry- "Met with CWOSP *and* saw...",

Supervisor Zimet "...met with Phoenix *Kawamoto...*".

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

A motion was made by Councilwoman Gallucci to approve the minutes of **September 27, 2012** as written. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Supervisor Zimet to approve the minutes of **October 4, 2012** as written. Seconded by Councilwoman Brown, all aye votes cast, motion carried. Councilwoman Gallucci abstained due to her absence from that meeting.

A motion was made by Councilwoman Brown to approve the minutes of **October 18, 2012** with the following corrections:

Purchasing- "...this line *increased* to \$2,975."

Attorney- "...line B1420 *decreased from* \$45,000 to \$26,000."

Engineer- "...line B1440.4 *decreased from* 45,000 to \$26,000."

Seconded by Councilman Barry, all aye votes cast, motion carried. Councilwoman Gallucci abstained due to her absence from that meeting.

A motion was made by Councilwoman Gallucci to approve the minutes of **October 24, 2012** with the following corrections:

Municipal Dues- "...decreased from \$2,810 to \$2,660. The Board agreed to move Scenic Byway and Southern Ulster Alliance to the B-Fund."

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

A motion was made by Councilwoman Gallucci to approve the minutes of **October 25, 2012** as written. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to approve the minutes of **November 1, 2012** with the following corrections:

Ambulance- "Councilman Logan stated that this should not include calls for Mohonk, SUNY and Thruway, because 100% reimbursable through 3rd party insurance."

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

A motion was made by Councilwoman Brown to approve the minutes of **November 7, 2012** with the following corrections:

"Councilwoman Brown said that several years ago she requested a breakdown from Chief Snyder that revealed that 70-80% of Police calls come from the Main Street area of the Village during busy nights."

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

At 11:29 p.m. a motion was made by Supervisor Zimet to adjourn the meeting. Seconded by Councilman Logan, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk