

Special Town Board Meeting
January 12, 2016
7:30 p.m.

Present: Supervisor Neil Bettez, Councilman Dan Torres, Councilman Marty Irwin, Councilman Jeff Logan, Councilwoman Julie Seyfert-Lillis.

At 7:34 p.m. a motion was made by Councilman Irwin to open the meeting with the pledge. Seconded by Councilman Torres, all aye votes cast, motion carried.

Public Comment:

Miriam Strauss and Iris Bloom, Climate Action Coalition, indicated that they hope the Town Board will take action against the Pilgrim Pipeline.

Dave Lent requested that any documents that are set to be voted on on the 21st, become public so the community has a chance to review and comment on them.

Agenda: +Planning Board member recusal, +Prepay.

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

Executive Session:

At 7:45 p.m. a motion was made by Councilman Torres to go into executive session to interview an intern for the Recycling program, and invite Laura Petit to join them. Seconded by Councilman Logan, all aye votes cast, motion carried.

At 8 p.m. a motion was made by Councilman Logan to come out of executive session. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Intern for Recycling Program:

A motion was made by Councilman Logan to accept Amy Bloomfield as the part-time seasonal intern, for 1-day a week until June 30, 2016. Seconded by Councilman Torres, all aye votes cast, motion carried.

Set date for fireworks:

A motion was made by Councilman Irwin to set the date for the 2016 fireworks for July 2nd. Josh Honig commented from the audience, that that would be the most expensive weekend and suggested doing it another day. This item was tabled for a later date.

Budget Modification:

A motion was made by Councilman Logan to approve the following 2016 budget modification:

Increase: A960	Appropriations	\$42.00
Increase: A1620.1	B&G P.S.	\$42.00
Decrease: A960	Appropriations	\$42.00
Decrease: A1990.4	Contingency	\$42.00

Reason: To correct a mathematical error in hourly rate for an employee from the B&G Dept. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Authorized Monthly Purchase Orders Approved at Re-Org Meeting on 1/4/2016:

A motion was made by Councilman Logan to make the following changes to the list of monthly purchase orders. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Robert J. Zaccheo, Esq.	\$2,200.00	AAA-522-1110-420
Kevin Bryant, Esq.	\$1,550.00	AAA-522-1110-420
Change to Kevin Barry, Esq.	\$3,750.00	AAA-522-1110-420
Kimlin Propane	\$400/200	AAA-522-7150-458
Change to Porco Gas		400. NOV-MAR/200. APR-MAY
Central Hudson	\$1,700.00	AAA-522-1620-400
Change to Central Hudson	\$700.00	AAA-522-1620-400
Central Hudson	\$700.00	AAA-522-1620-400
Central Hudson	\$300.00	AAA-522-1620-400

Time Warner Cable	\$155.00	AAA-522-1650-400
Change to	\$45.00	

Kathy Puglisi	\$600.00	AAA-522-6772-400
Change to	\$500.00	

Eliminate from Monthly List

Eliminate College Diner	\$300.00	DBB-522-5142-400
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Change from Annual List

Eliminate NYSDEC	\$100.00	AAA-522-7150-441
Eliminate Marshall & Sterling	\$77,484.00	AAA-522-1910-400
	\$2,560.00	BBB-522-1910-400
	\$23,041.00	DBB-522-1910-400
Add U.C. Self Insurance	\$1,369.00	GCP-522-9040-800
Add Edmunds & Assoc.	\$12,035.00	AAA-522-1680-400

Acceptance of Minutes:

A motion was made by Councilman Logan to accept the Police Commission minutes of ***December 17, 2015***. Seconded by Councilman Torres, all aye votes cast, Supervisor Bettez abstained. Motion carried.

A motion was made by Councilman Logan to accept the Town Board minutes of ***December 17, 2015***. Seconded by Councilman Torres, all aye votes cast, Supervisor Bettez abstained. Motion carried.

A motion was made by Supervisor Bettez to accept the Re-Org minutes of ***January 4, 2016***. Seconded by Councilman Logan, all aye votes cast, motion carried.

Resolution-Pilgrim Pipeline Letter:

Councilwoman Seyfert-Lillis and Councilman Torres read aloud the following letter, addressed to the Acting Commissioner of the NYSDEC:

Dear Commissioner Seggos:

The Town of New Paltz, consistent with its previous response of November 19, 2015 opposing SEQR Lead Agency by the NYS Thruway Authority (NYSTA), states that we are also opposed to the Thruway Authority having co-lead agency status and do not offer our consent. We believe that the NYS Department of Environmental Conservation (DEC), and not the NYS Thruway Authority (NYSTA), is the only appropriate agency to serve as lead in the environmental review of the proposed Pilgrim Pipeline project.

It has been the policy of the DEC to discourage co-lead agency of SEQR processes, and the Town does not see how this case merits an exception. The NYS DEC website states that, “the purpose of having a lead agency is to coordinate the SEQR process so that when an action is to be carried out, funded or approved by two or more agencies, a single integrated environmental review is conducted. This lead agency is responsible for making key SEQR determinations during the review process”—a task made potentially much more difficult when two different agencies are granted joint discretionary authority. The DEC has the appropriate mission, jurisdiction, resources, and expertise to exercise a proper and thorough environmental review of this proposed project.

It is the opinion of the New Paltz Town Board that the criteria for a lead agency determination strongly favors the DEC. This criteria, in order of importance, includes: 1) whether the impacts are of local, regional, or state-wide significance; 2) which agency has the broadest powers of investigation of the environmental impacts; and 3) which agency has the best capacity to provide a thorough environmental assessment.

With regard to the first and second criteria, the proposed Pilgrim Pipeline project involves numerous potential impacts to resources of local, regional, and state-wide concern, many of which are within DEC’s regulatory jurisdiction. These include the Hudson River and such important tributaries as the Rondout, Esopus, and Catskill Creeks and Wallkill River, the Ramapo River Watershed, State-regulated wetlands, the Karst Aquifer Region (a priority project designated in the NYS Open Space Conservation Plan), Harriman State Park, and other resources that the DEC is responsible for protecting, including possibly endangered species (the Karst Aquifer Region, for example, provides critical habitat to the federally-listed Indiana Bat).

In addition, a proposed project to construct the first crude oil pipeline in New York must be evaluated within the context of the State's broader climate goals and the New York State Energy Plan. Governor Cuomo has expressed his intention for New York to serve as a national leader in addressing climate change, and the DEC has statewide responsibility for climate change mitigation. The Commissioner's Policy mandates that DEC must consider climate change in all its actions, including permitting.

In his letter of December 21, 2015, declaring NYSTA as co-lead agency, NYSTA Executive Director Robert Megna argues that the common regional jurisdictions of the two involved agencies is a basis for co-lead agency. We strongly disagree. NYSTA's jurisdiction, while crossing numerous municipal boundaries, is confined narrowly to use and occupancy of its own property. NYSTA has no jurisdiction over the many environmental and community resources that are potentially put at risk by this project in the event of a spill or other major project impact. The potential impacts of even a relatively small spill could have serious consequences for a community or communities through which the Thruway runs, if it contaminates an aquifer or water body.

By contrast, the NYS DEC's governmental powers of investigation in review of this project are broad, as illustrated by Acting Deputy Commissioner and General Counsel Thomas Berkman in his letter of Dec. 21, 2015, to NYSTA Executive Director Robert Megna:

A preliminary review of the application indicates there is the potential for significant adverse environmental impacts associated with the construction and operation of the pipeline, including but not limited to, impacts to hundreds of acres of forest, regulated waterbodies and wetlands. The Project, as proposed, would implicate the Department's permitting authority pursuant to the Environmental Conservation Law and the federal Clean Water Act.

Both the first and second criteria for determination of lead agency strongly favor the DEC.

With regard to the third criteria—the relative expertise of involved agencies—the DEC clearly has the greater breadth and depth of expertise needed for this review. NYSTA's knowledge of highway use and regulation and traffic impacts, while important, is highly limited within the context of a complex environmental review covering surface and groundwater, soils, bedrock and geology, stormwater, air quality, habitat, and climate, among other areas of specialized knowledge and expertise. In past lead agency disputes on energy projects, the DEC Commissioner has pointed to the Department's large staff of professionals with unique expertise in the many areas of potential environmental impact as favoring DEC lead agency. The same holds true for this project.

The rationales for NYSTA lead agency status and for co-lead agency are not compelling, and could undermine confidence in the SEQR review process. Twenty-seven of 29 municipalities that are considered "potential involved agencies" have already expressed their opposition to NYSTA serving as lead agency and their strong support for DEC serving in this capacity instead. We urge the Commissioner to reconsider the co-lead agency decision.

A motion was made by Councilman Torres to send the letter to the NYSDEC. Seconded by Councilman Logan, all aye votes cast, motion carried.

Liquor License Renewal:

A motion was made by Supervisor Bettez to waive the 30-day hold on the Liquor License Renewal application from Garvan's Rock & Rye, LLC. Seconded by Councilman Torres, all aye votes cast, motion carried.

PrePay:

A motion was made by Supervisor Bettez to approve the prepayment of \$794 for meals and travel for Comptroller Jean Gallucci and Bookkeeper Arlene Weber to attend the Association of Towns annual meeting in NYC, to come out of line A1340.4. Seconded by Councilman Logan, all aye votes cast, motion carried.

Demolition of former Town Hall Update:

Councilman Irwin indicated that the remediation on the building is almost complete. The Town has engaged Whitaker & Associates to make recommendations, go out to bid and to perform air

quality and sample testing. Old electronics will be taken to Kingston for disposal, and unnecessary documents will be shredded.

Planning Board member recusal:

Councilman Logan indicated that Planning Board attorney George Lithco and attorney Joe Moriello had been notified by the attorney for TransHudson (CVS Project), regarding new Planning Board member Michael Zierler's recusal from discussions involving this project. Councilman Logan also indicated that there could be possible litigation and an Ethics violation regarding this issue. A motion was made by Councilman Logan for the Town Board to send a formal letter to Mr. Zierler requesting that he considers recusing himself. Seconded by Councilman Irwin for discussion. Councilman Torres indicated that he feels that this is not for the Town Board to decide, and that it is Mr. Zierler's decision. Supervisor Bettez indicated that before Mr. Zierler was appointed, he was asked if he could be impartial, to which he indicated yes. Four nay votes cast, one aye vote cast by Councilman Logan. Motion failed.

Executive Session:

At 8:43 p.m. a motion was made by Councilman Torres to go into executive session for the purposes of discussing the employment of a particular individual. Seconded by Councilman Logan, all aye votes cast, motion carried.

At 9:06 p.m. a motion was made by Councilman Logan to come out of executive session. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Torres to dismiss Kevin Barry from the position of Special prosecutor. Seconded by Supervisor Bettez for discussion. Councilman Logan discussed various reasons why some members of the Board are making this decision. Councilman Irwin indicated that he cannot vote on this because the Town has not heard back from counsel yet. Supervisor Bettez indicated that the position of Special Prosecutor is an "at will" position, so the Town Board can take any action it chooses.

Aye votes were cast by Supervisor Bettez, Councilman Torres and Councilwoman Seyfert-Lillis. A no vote was cast by Councilman Logan, and Councilman Irwin abstained. Motion carried.

A motion was made by Supervisor Bettez to reappoint Kevin Bryant and Rob Zaccheo to the positions of Special Prosecutors. Seconded by Councilman Torres. Aye votes were cast by Supervisor Bettez, Councilman Torres and Councilwoman Seyfert-Lillis, Councilman Logan voted no, and Councilman Irwin abstained. Motion carried.

At 9:16 p.m. a motion was made by Supervisor Bettez to adjourn the meeting. Seconded by Councilman Irwin, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk