

Joint Town & Village/Town Board Meeting
February 21, 2013
7:30 p.m.

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

Absent: Councilman Kevin Barry

Present: Mayor Jason West, Trustee Ariana Basco, Trustee Brian Kimbiz, Trustee Stewart Glenn.

Absent: Trustee Sally Rhoads

At 7:38 p.m. a motion was made by Councilwoman Brown to open the Town Board meeting with the Pledge. Seconded by Councilwoman Gallucci, all aye vote cast, motion carried.

Supervisor Zimet indicated that the Town is currently in negotiations with a mediator over an ADA Lawsuit regarding the ability to hear the meetings in person and on T.V.

Agenda: -URGENT Contract, -Ulster County DWI Bill, +Hearing Room Rental for DMV, +Moriello Pool, +Prepays, +Warrants, +Discussion on Town website.

A motion was made by Councilman Logan to accept the agenda as amended. Seconded by Councilwoman Gallucci, all aye vote cast, motion carried.

Announcements:

March 3rd-Commemoration ceremony at the New Paltz African American Slave Burial Ground.

The Town Board meeting was left open and continued after the joint meeting.

At 7:45 p.m. a motion was made by Trustee Kimbiz to open the Joint meeting. Seconded by Trustee Basco, all aye votes cast, motion carried.

Public Comment:

KT Tobin wrote a letter to the newspaper relative to the system of taxation and how the burden has shifted from the State to the local taxpayer. Asked Town and Village elected Officials to petition the State for restoration back to the 2008 level when State aid was almost \$900,000 for the Town and \$376,000 for the Village. Figures for more recent years are much lower.

Don Kerr indicated that USAI Video has a link to all the meetings online on YouTube. He stated that questions regarding consolidation still have not been answered which causes a problem of trust and credibility.

Steve Greenfield read aloud a statement relative to non-partisan elections.

Dr. Gerry Benjamin spoke about the Historical Background of the One Community concept. States created Towns for rural governance. The Village is a municipal corporation created to do things that Towns couldn't do. Over time, the Towns and Villages got to do a lot of the same things. Some people question if we need both entities. Villages were historically rooted in the 17th century, and consolidation has been a concern for many years. The Research Center at SUNY was asked by the Town and Village to help apply for funds to revisit this issue. Ultimately Fairweather Consulting was chosen to do the study. One criticism of the final report was that the community was not sufficiently engaged during the study. The goal of advocates is to be able to say this is a neutral solution.

Presentation:

Peter Fairweather made a brief presentation of the Final Project Summary: The New Paltz Government Efficiency & Effectiveness Project. The main points highlighted were the recommendations of a Coterminous Town/Village, the change in Board structure, and the change in positions for the Clerk, Highway & DPW Superintendents, Fiscal management, Fire protection, Water & Sewer, "urban amenities" and IMAs. Mr. Fairweather briefly discussed the best and worst-case scenarios relative to the estimated tax impact on properties in the Village and Town outside the Village.

Councilwoman Gallucci asked if the recommendation for a coterminous Town/Village is the same as a Town-wide Village? Dr. Benjamin responded yes.

Councilwoman Brown requested clarification that the current zoning stays in effect for 2 years after the new community is formed. Are transitional costs provided by the State?

Dr. Benjamin and Mr. Fairweather indicated that the State has a formula to determine what funds are available and that there is grant money for transition costs. However, State funds may be unreliable. There is an appropriated fund for the Citizen Empowerment money for the \$1 million.

Councilman Logan recalled a session from the Association of Towns conference that indicated state funding is not guaranteed and that Towns should not count on it.

Mr. Fairweather believes that at this point, the question is, "What do we want to be?" This is a political discussion.

Trustee Glenn asked if the voters could vote on more than one thing at a time in terms of the referendum? Dr. Benjamin indicated he would find out.

Supervisor Zimet asked Dr. Benjamin for his opinion on wards vs. at-large. He indicated that the advantage to at-large elections is that the community interest is served by all, everyone is elected by the whole community. Classic progressive reform. With wards, particular people are elected by people in their neighborhood.

Mayor West asked Mr. Fairweather if he supported the methodology behind the proposed \$1.6 million in savings. Mr. Fairweather indicated that he has not looked at the Finance report. He believes it's important to look at other factors like the Citizen Empowerment money and the processes proposed to make government more efficient. He also indicated that the worst-case scenario is that we will be fiscally neutral.

At 9:36 p.m. there was a 5-minute break.

The Boards thanked Dr. Benjamin and Mr. Fairweather for attending the meeting.

Trustee Basco addressed the comment that was made about the public's questions not being answered. She indicated that she was working with Trustee Glenn to compile the questions based on the joint minutes of January 15th that she only received on February 11th, and answers will be forthcoming. She also indicated that the \$1.6 million was an example of a baseline of potential savings in 2011, not a projection of what we are going to save. She doesn't feel as though the general public fully understands this point.

Councilwoman Brown asked where the questions and answers would be posted.

Trustee Kimbiz indicated that since adopting Google Drive, the Village could now post large documents. The Town can do the same thing, but until then there will be a link on the Town's website directing people to the Village website.

The Boards decided to discuss the previously mentioned 8 points of governance at next week's joint meeting when Ken Bond from Squire Sanders will be present.

Approval of Joint Minutes:

A motion was made by Councilwoman Brown to accept the minutes of **November 1, 2012** with the following corrections requested by Supervisor Zimet:

Page 8- *"Supervisor Zimet apologized for being late...The Village website said the meeting was at 7:30 p.m."* Supervisor Zimet also indicated there were some spelling and grammatical errors including her name that needed to be corrected.

Seconded by Councilwoman Gallucci, all aye votes cast, motion carried. Trustee Basco abstained due to her absence from the meeting.

A motion was made by Councilman Logan to accept the minutes of **December 6, 2012** with the following corrections requested by Supervisor Zimet:

Page 2- *"There is a certain timeline the Board need to follow in order to meet that date of March 19, 2013", and "...trying to get the answers, and make the deadline to qualify for the \$1 million..."*

Seconded by Councilwoman Brown, all aye votes cast, motion carried. Councilwoman Gallucci abstained due to her absence from the meeting.

A motion was made by Trustee Glenn to accept the minutes of **December 17, 2012** as written. Seconded by Trustee Kimbiz, all aye votes cast, motion carried. Councilwoman Gallucci abstained due to her absence from the meeting.

Public Comment:

Ira Margolis indicated that he does not agree with Mayor West that the Finance Committee is trying to hide methodology. The committee is having very productive and open meetings. He also indicated that he believes in the ward system.

Mike Russo indicated that the dialogue at the Finance Committee info meetings has been good. Should have happened all along. We don't have to agree but we are now sharing info and ideas.

Don Kerr appreciates what the Finance Committee is doing with the meetings, but he still wants the arithmetic. He also indicated he does not want to see a disruption of services relative to the police.

KT Tobin asked if tonight's meeting was properly noticed. She was happy to hear that people are distancing themselves from the Finance Committees report. She also indicated that she as worried about taxation without representation.

Supervisor Zimet responded that tonight's meeting was announced at the last joint meeting on January 30th and that the Town Clerk properly notified the newspapers. She also indicated that she was not distancing herself from the Finance report. Everyone worked very hard and they are standing by the numbers except for the \$300,000 in Police savings, as a reflection of their values.

Councilwoman Brown indicated that if the Consolidation referendum fails, the Town and Village should look at Shared Services.

Councilwoman Gallucci pointed out that the Finance Committee did not include the Citizen Empowerment money in their budget calculations.

At 10:59 a motion was made by Mayor West to adjourn the joint meeting. There was no second. A motion was made by Trustee Glenn to continue the joint meeting next week, February 28th at 7:30 p.m. Mayor West left the meeting. Seconded by Trustee Kimbiz, all aye votes cast, motion carried.

Continuation of Town Board meeting:

Public Comment:

Ira Margolis indicated that the Town and Village are not currently in compliance with the ADA requirements of a ramp and other accessories at the pool. He brought this up in August and it was supposed to be completed by January 2013, but hasn't. He hopes the Town Board will look into this.

Discussion of Town Website:

Trustee Kimbiz indicated that he has formed an Ad-Hoc committee to look into tech and website support. He asked if the Town would be interested in having 1 or 2 part time people work on the website and IT support. In the meantime, the Town should adopt Google Drive to post documents.

Councilman Logan is not in favor of making someone an employee because it raises the cost. It should be a consultant. He will give Trustee Kimbiz copies of bills for the Town's current IT support to see if the Town is paying too much.

A motion was made by Councilwoman Brown to authorize the creation of a Google account for the Supervisor's Assistant and authorize up to \$5.00/month for 50 GB of Google Drive. Seconded by Councilman Logan, all aye votes cast, motion carried.

Trustee Kimbiz also suggested that the Town and Village Boards create sub-committees made up of 2 members from each Board to meet and discuss IMAs. There would be a rotating schedule that maintains continuity from month to month. He will write up a proposal.

Moriello Pool:

The Town Highway/B&G/Water/Sewer personnel only have the first level of confined space training, which is not enough to properly administer the daily maintenance of the pumps. The next level of training is very expensive and does not include the cost of the required breathing apparatus. Superintendent Chris Marx has reached out to Streamline Aquatics who has agreed to come and determine if the equipment can be moved to ground level. The Town Board agreed to let Chris get a price proposal from Streamline Aquatics. This will be discussed at a later date.

Lent Farm Letter:

A motion was made by Councilwoman Gallucci to put the following letters, dated January 28, 2013 and October 31, 2012 respectively and addressed to the Town Board from Susan Blickstein into the minutes. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

As you all know, the Lent Farm/Old Mill neighborhood has significant safety concerns regarding through traffic use of the road connecting Lent Farm to Woodland Pond. Setting aside the manner in which the Village Planning Board approved the road (as a last minute, SEQR Addendum, without any substantive analysis of safety impacts on our neighborhood and without any improvements designed to mitigate such impacts¹) for secondary access², there is an important point I want to make for the Town Board regarding its authority over local, public streets.

In my previous letter of 10/31/12 (attached herein), I discuss the unintended consequences of the Woodland Pond development. Regardless of the process followed to approve any private development project, including approvals previously granted by a neighboring government entity to a private party (such as the case of Woodland Pond), adjoining local governing bodies (the Town, in this case) absolutely retain authority over their local **public** streets, including the ability to regulate speed limits, design standards, and access. After all, local governments can always (and sometimes must be compelled to) act to promote the health, safety, and general welfare of their residents, whether through zoning, regulation of public streets, and other regulatory means.

Simply put, the Town of New Paltz is not strictly bound by any approvals entered into between the Village of New Paltz and Woodland Pond, whether regarding a temporary gate on Town property or regarding a permanent solution for well-designed emergency and pedestrian/bicycle connectivity on a Town street. Should decisions by the Town now, based on actual conditions and safety/welfare concerns, run counter to assumptions made during the approval process between the Village Planning Board and Woodland Pond, but are deemed necessary to promote the health, safety and welfare of its residents, the Town has the authority to act and make decisions regarding the design and use of its public streets.

1 Note: For example, much of the traffic actually uses Waring/Old Mill and not Lent Farm to Henry W. Dubois. This connecting involves several sharp turns on narrow streets well used by pedestrians, cyclists, joggers, dog walkers, and children. Additionally, Old Mill has a fairly shallow water line underneath it in places that was not designed to accommodate routine and/or heavy traffic.

2 It is not clear exactly what secondary access means in Village law or the Findings Statement.

While the emphasis on discussions to date with the Town and Village have focused narrowly on prior approval process, I urge you all to consider the real, unintended consequences of development and to focus on all of us working together to craft a safe, well-designed access scheme that works well for emergency service providers, pedestrians and cyclists alike.

For those of you that believe connectivity must be applied in a generic manner, I urge you to consider the fact that W. Pond streets are **private**, that the Lent Farm subdivision has access to Henry W. Dubois not only via Lent Farm Road, but also via Waring/Old Mill. Furthermore, connectivity is not generally used to justify a back door for commercial traffic (W. Pond deliveries, 24/7 employee shift traffic, large mulch trucks, etc.) onto local residential streets; in fact, this application of connectivity actually runs counter to promoting livability and to ensuring that local streets do not suffer from undue wear and tear. I urge the Town to develop some criteria for connectivity so that what seems like a simple planning concept can be better understood and applied considering land use/density compatibility, public ownership and control of streets, inclusion of traffic calming where warranted, and other relevant factors.

Finally, there is a simple equity issue here as well -- those of us on the Town/border Village are not well served by the land use approval process. Yet, our neighborhood has seen two residential subdivisions, one group home, and Woodland Pond constructed within the past 8 years with virtually no neighborhood opposition. We are not anti-development; we simply want to see our neighborhood's safety, livability and quality of life considered in the equation, and, in this case, in the aftermath of unintended consequences.

Let's focus on working on an access and design solution that addresses our real concerns. I would be more than happy to share my ideas as a sustainable community/transportation planner with over 20 years of experience with the Town.

Letter #2:

As you all likely know, our neighborhood has been affected by the proposed roadway configurations of Lent Farm and Woodland Pond, specifically the plan to allow a full access connection for all W. Pond traffic to use our local streets. As you weigh options for dealing with this unintended impact of prior development approvals, please keep the following in mind:

1- Connectivity as a planning goal. While connectivity is often a desirable planning goal, it cannot be considered in a vacuum. Neighborhood context matters and the benefits and impacts of connectivity should be understood and carefully weighed. For instance, in situations where land uses and densities are more or less compatible, full connectivity of public streets is desirable. However, this is not the situation in our neighborhood. Commercial (Woodland Pond's traffic characteristics are not simply residential -- they are commercial/medical in nature with shift cycles on a 24 hour basis, deliveries, large vehicles, etc.) traffic is being routed through a residential neighborhood to essentially avoid a single intersection at Henry W. Dubois/North Putt. This solution was posed as a mitigation measure in the latter part of the W. Pond approval process for the convenience of future W. Pond residents without any rigorous analysis of the safety or quality of life impacts on our neighborhood and local streets. Indeed, Old Mill Road did not seem to be analyzed at all and yet much of the cut through traffic headed toward the Village (all staff have a break and most take an extra trip for food during that break, not to mention deliveries and other commercial traffic using this route) uses Waring and Old Mill. In addition, this is not connectivity of public streets as W. Pond loop road is a **private** road. Regardless, what I want to emphasize is this: there are absolutely no significant traffic delays for W. Pond traffic to use N. Putt to H. Dubois. There is no compelling traffic need for this to be a full service connection. We welcome emergency access and full pedestrian/bicycle access -- more connectivity than is provided at the recently constructed Seakill development on Route 32.

2 - Traffic Models vs. Reality. Traffic models are useful tools, particularly in analyzing competing alternative solutions for routing traffic and especially at a Town-wide or regional scale. However, they are not a substitute for understanding the behaviors of different motorist populations in particular places, nor is it easy to analyze the traffic conditions of a hybrid commercial/medical/residential use like W. Pond. The question worth asking now, especially given that W. Pond is constructed, is this: is this full access roadway connection necessary? Do the benefits outweigh the impacts on the neighborhood? Was the commercial nature of this traffic adequately understood or considered? Again, for all traffic cutting through our neighborhood on a 24-hour basis, what is gained (for W. Pond traffic) is eliminating one stretch of North Putt and one unsignalized turn onto H. Dubois. The cost (to our neighborhood) is significant in terms of additional traffic, often of a commercial character, that routinely violate speed limits and safe travel through a neighborhood with many children, pets, cyclists, pedestrians, and the Andersen facility. Communities lack resources for the kind of regular enforcement necessary to police such issues. Making the gate permanent is a cost-effective, sensible solution.

3- Following the Process vs. Addressing Unintended Consequences. I have no doubt that all of the reviewing agencies followed the SEQRA process in a reasonable manner. I also have no doubt that those engaged in that process were professional in their efforts. However, sometimes there are unintended consequences of development that can't be well understood or anticipated (I should also point out that the Old Mill neighborhood was not even noticed as part of the W. Pond approvals). We now have an existing health care/residence facility. It is possible to observe traffic patterns and usage (which I have done, including on a recent October weekend during peak tourist season). It is clear that the secondary full access

connection is not necessary from a daily traffic volume generation perspective. It is also clear that many W. Pond residents would also benefit from a safe walking and cycling connection (and perhaps the cottages on Danskin Way that have not sold would be more desirable to potential buyers).

Please consider whether the convenience of cutting through our neighborhood streets should outweigh the daily safety and quality of life of the many residents in this neighborhood. A permanent gate is a cost-effective and reasonable solution to this unintended consequence of development.

Thank you for your careful consideration of this matter.

Hearing Room Rental for DMV:

A motion was made by Councilman Logan to accept the rental agreement for the use of the court for DMV hearings. Seconded by Councilwoman Gallucci, all aye votes cast, motion carried.

Prepays:

A motion was made by Councilwoman Gallucci to authorize the prepayment of the voucher for the crossing guard at the middle school. The guard is scheduled to be paid bi-weekly, receiving his paycheck the same day the employees of the Town are paid. The New Paltz Central School district is invoiced on a monthly basis to reimburse the Town in full. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to add the payment of the crossing guard to the regular authorized prepay list. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to authorize the prepayment of voucher #13-00319 for NYSDEC Bulk Storage in the amount of \$50.00 for a 2-year registration fee for chemical bulk storage at Moriello Pool. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to authorize the prepayment of up to \$66,546 out of the 2012 budget if that's the amount required to satisfy the Safety Net payment. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilwoman Gallucci to appoint Stacy Delarede as the ADA compliance officer. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Warrant:

A motion was made by Councilwoman Gallucci to authorize the payment of the February 2013 warrant with the changes by the Supervisor for the charge backs from 2013 to 2012. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

At 12:05 a.m. a motion was made by Councilman Logan to adjourn the meeting. Seconded by Supervisor Zimet, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk