

**Public Hearing-Shivertown Rd. Weight Limit
Town Board Workshop Meeting
December 20, 2012
7:15 p.m.**

Present: Supervisor Susan Zimet, Councilwoman Kitty Brown, Councilman Kevin Barry.

Absent: Councilwoman Jean Gallucci.

At 7:20 p.m. a motion was made by Councilman Barry to open the Public Hearing on the Shivertown Road Weight Limit. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Councilwoman Brown indicated that this would now be an enforceable weight limit. Councilman Logan indicated it would be a 5-ton weight limit that will not affect services to households. It will no longer be a thru road for large vehicles. This is an unlisted action with a short form SEQR.

Public Comment:

Bill Schnitzer, Woodland Pond resident requested reassurance that the new weight limit will not impact the mini buses from Woodland Ponds.

Highway Superintendent Chris Marx indicated that without knowing the specific weight of the buses, he could not say. If it is below 10,000 lbs, it should not be a problem. However, there are two other roads that can be used, Henry W. DuBois and Horsenden.

At 7:28 a motion was made by Councilman Logan to close the Public Hearing. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 7:31 p.m. a motion was made by Councilman Logan to open the Workshop meeting with the pledge. Seconded by Councilwoman Brown, all aye votes cast, motion carried. A moment of Silence was observed for the children and families of Newtown, CT.

Agenda:

Councilwoman Brown requested that the meeting be held in loving memory of Slade Plantinga. A motion was made by Councilwoman Brown to adopt the agenda. Seconded by Councilman Logan, all aye votes cast, motion carried.

Resolution-Newtown, CT:

Supervisor Zimet read aloud the resolution that was prepared by attorney George Lithco.

Mike Cavanaugh, David Smith, Tom Mihalics and two unidentified men in the audience indicated that they were appreciative of the efforts to offer sympathy but do not believe that references made about "weapons" should be included in the resolution. They feel as though the Town Board lacks the knowledge to refer to any specific firearm, and that it is not fair to say that some guns are good and some are bad.

There was a discussion about striking certain language but still maintaining the essence of the resolution.

Ben Miller suggested striking the language that is being requested by members of the audience or hold off until more people can address this.

Certain members of the Board were opposed to striking some language relative to weapons.

Bill Schnitzer believes that this is the best resolution we can do, it is very necessary. He understands and empathizes with the gentlemen in the audience but feels that things have gotten out of hand. This is a good idea.

George Lithco suggested taking the suggestions made tonight and modifying the resolution. This conversation is very important and worth doing. The Town Board should amend the resolution to reflect its commitment to revisit the dialogue.

The final resolution is as follows:

WHEREAS, the Town Board of the Town of New Paltz, on behalf of the residents of the Town, who share the sorrow of the nation at the recent tragedy in Newtown, Connecticut, wishes to express our condolences to the victims and their families, to their community, and to all whose lives have been affected by the tragic events of December 14, 2012;

WHEREAS, the age and innocence of the victims makes last week's tragedy profoundly moving, but the realization that the tragedy in Newtown is only the most recent in a trail of tragedies that spans the nation, and spans decades, demands action.

WHEREAS, beyond the tragedy, and the unbearable loss and pain, that was inflicted on one community in Connecticut last Friday morning, the carnage at Sandy Hook Elementary School is a call to action by our nation and our leaders at all levels of government to prevent violence against children;

WHEREAS, such action would honor the memory of the children killed in Newtown, and honor the actions of the brave educators who stood up to the violence, six of whom died trying to protect the children in their care, while others risked their own lives to protect other children;

WHEREAS; it is important that we honor their actions, but it is even more important that we take action to prevent future tragedies and ensure the safety of our children;

WHEREAS, the Town of New Paltz therefore wishes to express support for the efforts begun by the President and Congress to understand the causes of such violence, the role of firearms in such tragedies, and effective actions that can be taken to prevent and deter such acts of violence;

WHEREAS, the Town Board of the Town of New Paltz also wishes to express support for the call by the United States Conference of Mayors and others for the President and Congress to immediately take legislative action to accomplish such purposes, including making the national background check for firearm purchasers more effective to deter individuals intent on violence from acquiring firearms, and significantly increasing the criminal penalties for "straw" purchases or illegal transfers of firearms;

WHEREAS, such laws will not, and should not, prevent the safe and responsible ownership and use of firearms by the citizens of the Town of New Paltz, the State of New York and the United States of America, for sport, recreation and self-defense purposes;

WHEREAS, such laws should, and will, promote and enhance the safety of our children, and their right to grow up and live full and productive lives, free of fear and injury;

WHEREAS, the Town Board of the Town of New Paltz further urges federal and state legislators to allocate funds to federal, state and local law enforcement agencies to enforce existing and proposed firearm safety laws;

WHEREAS, the Town Board of the Town of New Paltz also urges federal and state legislators to allocate funds and resources to mental health agencies to identify and provide services and support to those individuals who may be prone to acts of violence, and to their families, in order to prevent such acts;

WHEREAS, such legislation is a necessary, but not sufficient, step toward preventing gun violence, but is a step on the path of leadership towards accomplishing that goal;

WHEREAS, the Town Board of the Town of New Paltz urges our leaders to immediately take these initial steps, then continue on that path to change the culture of violence that pervades our society, and our nation.

WHEREAS, the Town Board will support and continue those efforts at the local level, including continuing an open dialogue with all residents of the Town on local action that should be taken to protect all residents of the Town from gun violence, but most especially our children;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of New Paltz does hereby:

1. Express the sympathy of our community for the loss of life at Sandy Hook Elementary School and for all the lives affected by the trauma of the senseless act of violence inflicted on the students and staff of the School, and on the community of Newtown and beyond; acknowledge

and honor the brave acts and sacrifice of the educators and staff who stood up against that senseless act of violence inflicted upon the students, and pledge to work to honor their bravery and sacrifice by supporting action to prevent such tragedies.

2. Express its support for the call to action to control gun violence that is urged by the Conference of Mayors;

3. Authorize the Supervisor to send a copy of this resolution to the elected officials of the Town of Newtown, Connecticut, and to the School District in which Sandy Hook Elementary School is located, as evidence of the Town's sympathy and support;

4. Authorize the Supervisor to send a copy of this resolution to the President of the United States, the leaders of the Senate and the House, and the elected representatives of the Town of New Paltz in the United States Congress, the New York Legislature and the Ulster County Legislature, the Chairman of the Conference of Mayors and other individuals and organizations, as evidence of the Town's support for prompt and effective action to accomplish the purposes set forth above, protect the safety and wellbeing of our children by ensuring that all firearms are used safely and responsibly, and allocate the resources necessary to provide mental health services to those at risk of violent behavior and enforce gun control laws.

A motion was made by Councilman Barry to adopt the amended resolution. Seconded by Councilman Logan, all aye votes cast, motion carried.

Public Input:

*Bill Schnitzer, Woodland Ponds- Residents are upset that the gates between Lent Drive and Woodland Ponds have been closed and want to know why.

*Ira Margolis read aloud a statement relative to the 2013 Budget cycle where he expressed his support to Supervisor Zimet and Councilwoman Gallucci in response to the criticism made against them for the Police budget. He believes that the Town is very lucky to have them.

*Ray Lunati stated that he has not seen Bea and Fred Van Nostrand at the meetings. He does not see New Paltz decorated like other towns and would like to see more decorations in the future.

*Ben Miller spoke in opposition of Park Point. It could have a major impact on the community for years to come. If they get a PILOT, they would only be paying 10% of the possible taxes.

Announcements:

*January 16th- Ulster County Tool Library Info Meeting at the Community Center.

*Mohonk Preserve received their biggest grant in 50 year history- \$500,000 for the acquisition of 534 acres of foothills. Thanked the Board for their support.

*The Town received a grant for \$4,250 for the feasibility study of S. Putt Corners Road. Ulster County passed 2 resolutions relative to the repaving of this road.

*The UC Legislature approved an additional \$163,000 in bonds to pay part of the cost of the reconstruction and repaving of S. Putt Corners Road.

*The Town received a grievance from the PBA relative to the switch from NYSHIP to MVP.

Lent Drive Update:

A gate was put up about a month ago to control problems until it was dedicated. The road is now paved but no stripping. Police cannot issue tickets. The attorney advised to put the gate back up. The speed limit is already determined and stripping will be done.

A motion was made by Councilman Logan to authorize a resolution to allow Highway Superintendent Chris Marx to communicate with the attorney to establish a local law to ban thru-truck traffic. Once the road is dedicated, the gate will come down and the stripes for the bike/ped lane will be done, tickets can then be issued. The goal is to make the road as safe as possible for the residents. Seconded by Councilwoman Brown, to which she indicated that she would like to see stripping throughout the Town. All aye votes cast, motion carried.

Park Point Letter:

A letter was prepared by Councilwoman Brown as an outline of the Town Board's comments, to be sent to the Town's Planning Board.

George Lithco indicated that the FEIS should include the Board's comments.

The Board and George Lithco discussed the Board's concerns relative to building variances and the possible impacts on the community if students choose to live in New Paltz after graduation. Councilwoman Brown feels that there is not enough housing to accommodate this growth inducing alteration of community character.

Supervisor Zimet and George Lithco will meet to determine the appropriate language that will be submitted to the Planning Board, to be approved at the January 17th Town Board meeting. George Lithco suggested that two Town Board members, Councilmen Logan and Barry meet with two Planning Board members to look at the fiscal impacts.

Release of Bond Monies:

A request was made to decrease the Bond held by the Town from the Black Creek Crossing developers. The request is relative to the sub-division by Schreibers Lane to decrease the amount from \$371,000 to \$233,900. Town Engineer Dave Clouser submitted a memo recommending the decrease due to the high quality of work that has been completed and the very low potential that the cold winter months will cause damage to the present stage of development. A motion was made by Councilwoman Barry to approve the decrease in Bond Monies. Seconded by Councilman Logan, all aye votes cast, motion carried.

Designation of January 1, 2013 Holiday:

A motion was made by Councilman Barry to designate January 1, 2013 as the first holiday of 2013. Seconded by Councilman Logan, all aye votes cast, motion carried.

Shivertown Road Weight Limit Resolution- Local Law #5 of 2012:

Councilman Logan read aloud all the questions in Part II of the SEQR EAF, to which all questions were answered "no".

A motion was made by Councilman Barry to adopt the following resolution:

Resolution and Notice of Determination of Non Significance - Negative Declaration Amendment to Town of New Paltz Town Code to add "A Local Law to Amend Schedule I Contained at Article IV, Section 133-5 Article 133 of the Code of the Town of New Paltz to Provide Specific Application of Weight Limitations Upon Shivertown Road.

WHEREAS, the Town of New Paltz Town Board has proposed a local law to Amend The Code of the Town of New Paltz by amending the section to be entitled "A Local Law to Amend Schedule I Contained at Article IV, Section 133-5 of Article 133 of the Code of the Town of New Paltz to Provide Specific Application of Weight Limitations upon Shivertown Road"; and

WHEREAS, the Town Board of the Town of New Paltz has declared itself lead agency under the State Environmental Quality Review Act as set forth in 6 NYCRR 617.6(d) (3); and

WHEREAS, the Town Board of the Town of New Paltz has compared the proposed action as described in the Environmental Assessment Form Parts One and Two with the list of criteria set forth in 6 NYCRR 617.12 and determined that the application proposed is an Unlisted Action; and

WHEREAS, the Town of New Paltz Town Board, as lead agency, has prepared an Environmental Assessment Form Part 1, 2 and 3 which analyzed the proposed project, identified potential environmental impacts arising from the proposal, and described how these potential impacts are small to moderate and are mitigated by the measures elaborated in the EAF Part 3 and therefore are not significant;

WHEREAS, this Resolution and Notice of Determination of Non Significance (Negative Declaration) has been prepared in accordance with the State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law and 6 NYCRR 617).

NOW, THEREFORE, BE IT RESOLVED that in accordance with 6 NYCRR 617.6(g) (1) (ii), the Town of New Paltz Town Board finds that the amendment to Section 133-5 of Article 133 of the Code of the Town of New Paltz entitled "A LOCAL LAW TO AMEND SCHEDULE I CONTAINED AT ARTICLE IV, SECTION 133-5 OF ARTICLE 133 OF THE CODE OF THE TOWN OF NEW PALTZ TO PROVIDE SPECIFIC APPLICATION OF WEIGHT LIMITATIONS UPON SHIVERTOWN ROAD" will not result in any significant adverse environmental effect; and be it further

RESOLVED, that the Town Board of the Town of New Paltz, as Lead Agency, hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality review Act 6 NYCRR 617.6(g) (2) and directs that notice of this Negative Declaration be mailed to: the DEC Commissioner in Albany, New York for publication in the Environmental Notice Bulletin; the Director of the DEC Region 3 office in New Paltz, New York; and the Ulster County Department of Planning, pursuant to C NYCRR 617.10(a) (2).

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

Fire Contract:

The Town's 2012 Budget reflects a payment of \$244,000. The proposed contract reflects a payment of \$251,845. The Town needs to come up with the difference of \$7,845. Councilman Barry indicated the Town Board should get an end-of-the-year accounting from the Fire

Department and make sure the Board attends contract negotiations in February. He also asked if the Board could amend the contract and make 2 payments, one for the \$244,00 and the rest next year. The difference in figures is exactly the amount calculated for Mutual Aid. Councilwoman Brown suggested paying only what was budgeted since the Board was not made aware of the Mutual Aid, and pay the balance next year. A motion was made by Councilman Barry to approve the contract with the consideration set forth in the agreement, paid in 2 installments, \$244,000 in 2012 and the balance will be paid next year subject to verification of the accuracy of information. Seconded by Councilman Logan, all aye votes cast, motion carried.

Court copier:

There is money in the Court's budget. The better option is to buy rather than lease based on Toshiba's NYS contract. A motion was made by Supervisor Zimet to approve the purchase of the Toshiba copier in the amount of \$4,901 from the 2012 budget. Seconded by Councilman Barry, all aye votes cast, motion carried.

Time Warner Cable Contract:

A motion was made by Councilman Logan to continue the Public Hearing (from January 19, 2012) on January 17, 2013 at 7:15 p.m. to consider the proposed franchise renewal agreement. Seconded by Councilman Barry, all aye votes cast, motion carried.

Bike-Ped Letter:

A motion was made by Councilman Barry to send the letter from the Bike-Ped Committee to the NYS DOT. Seconded by Councilman Logan, all aye votes cast, motion carried.

Pavilion at the Field of Dreams:

The Bruderhof has agreed to do the labor, bringing the cost down. This will be discussed on January 17th.

Guide for Planning Services-Al Wegener:

This is relative to Planning trees on Main Street, will be discussed on January 17th.

Tax Rate Worksheet:

An error was discovered on the calculations for 2012 A-Fund tax rate by the former Supervisor which impacted calculations, and the correct decrease in the 2013 tax rate is 4.3%, not 6.2%.

Appointments:

A motion was made by Councilwoman Brown to appoint Chris Marx as the Town's Water Inspector, and Barbara Coddington as the alternate. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Logan to appoint Mike Calimano as the Town's Regular Member representative to the Ulster County Planning Board for a term of 1/1/13 to 12/31/16, and Eileen Banyra as the Alternate Member for a term of 1/1/13 to 12/31/16. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilwoman Brown to re-appoint Lyle Nolan to the Town's Planning Board for a 7-year term of 1/1/13 to 12/31/19 and Gail Christmann to the Town's Zoning Board for a 5-year term of 1/1/13 to 12/31/17. Seconded by Councilman Logan, all aye votes cast, motion carried.

Councilman Logan addressed a request from Recycling Coordinator Laura Petite for Ulster County to set-up a tool library at the Re-Use Center. The Town cannot donate free space, it is against the law. He will be in touch with Laura.

Prepays:

A motion was made by Councilman Barry to approve the prepayment of voucher #12-02827 in the amount of \$660.00 to CADCA as the Early Bird Registration for a leadership forum. This will be coming out of the Community Partnership Grant money. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Barry to approve the prepayment of voucher #12-02813 in the amount of \$53.95 to Carol West as reimbursement for refreshments for the MVP Medicare insurance meeting. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

A motion was made by Councilman Logan to approve the prepayment of voucher #12-02719 in the amount of \$469.97 to Phoenix Kawamoto as a result of the emergency repair on Community Partnership's laptop that crashed. This will come out of the grant money. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Logan to approve the prepayment of voucher #12-02517 in the amount of \$11,709 to Kniffen Builders for the final invoice for construction completed at the Recycling Center as per the contract. This was ok'd by Dave Clouser. This will be coming out of the grant money. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Supervisor Zimet informed the Board that Carol Connolly, Carol West, Patti Kane and the Town Clerk's office did an amazing job in notifying the retirees of the change in health insurance in a short amount of time. She indicated that many of them came to today's meeting and that they felt better about the change as a result. Three retirees will not be covered and will stay on NYSHIP.

A formal grievance from the Teamsters relative to the Health insurance change was filed with the Highway Department today.

The Town Board Meeting scheduled for December 27th is cancelled.

Warrant:

An emergency meeting of the Town Board is scheduled for tomorrow morning at 11 a.m. to approve the December 2012 warrant that was not prepared in time for tonight's meeting.

At 12:21 a.m. a motion was made by Councilman Barry to adjourn the meeting. Seconded by Councilman Logan, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk

**Special Town Board Meeting
December 21, 2012
11 a.m.**

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

Absent: Councilwoman Jean Gallucci, Councilman Kevin Barry.

At 11:24 a.m. a motion was made by Councilman Logan to open the meeting. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Warrants:

A motion was made by Councilwoman Brown to authorize the Supervisor to pay the December 2012 warrant in the amount of \$440,983.92. Seconded by Councilman Logan, all aye votes cast, motion carried.

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

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk