

Joint Town & Village Meeting
May 16, 2013
7:30 p.m.

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

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

At 7:48 p.m. a motion was made by Councilwoman Brown to open the meeting with the pledge. Seconded by Councilman Barry, all aye votes cast, motion carried.

Agenda: +Public Comment after Home Rule Legislation.

A motion was made by Councilman Barry to adopt the agenda as amended. Seconded by Councilwoman Brown, all aye votes cast. Nay votes were cast by Mayor West and Councilman Logan. Motion carried.

Announcements:

Trustee Glenn indicated that the Fire Protection Contract between the Town and Village has been successfully negotiated.

Grievance Day with the Board of Assessment Review, May 23rd.

Supervisor Zimet indicated that the Coterminous Finance Law has been amended to allow for eligibility of \$1 million should New Paltz pursue becoming a coterminous Town/Village.

At 8:03 p.m. Councilwoman Gallucci arrived.

Supervisor Zimet also indicated that the Governor's office recommended going through Senator Bonacic and Assemblyman Cahill to have special Home Rule Legislation introduced specific to New Paltz. If passed, this would allow all members of the community (Village and Town outside the Village) to vote in a referendum on a consolidation plan. If passed by the Legislature, it does not commit the Town and Village to anything.

Resolution on Home Rule-Draft Enabling Legislation:

Attorney for the Village Joe Eriole read aloud the proposed Draft Enabling Legislation.

There was a discussion on Section 1. Attorney Eriole clarified that where this law is contradictory, this law will prevail. It was determined that the Town and Village do not have to come up with a plan until after the vote. The Boards discussed potential amendments and clarifications.

Trustee Rhoads feels as though the issues that are stated in the Citizens Empowerment Act must be researched, agreed upon and part of a plan, presented to the community, and directed to CGR while a plan is being developed.

The Boards determined that Section 2 and 3 did not need amending.

There was further discussion on amendments to Section 4 through 9.

Public Comment (11 p.m.):

Michael Zierler indicated that he believes the draft enabling legislation was presented to Senate by Attorney Linda Kingsley without authorization. He is also unclear about what an elector is. He would also like the 20% reconsidered or struck completely. The public should be engaged early and often.

Don Kerr does not agree with the attitude towards public comment.

Steve Greenfield questioned why a previous draft of this legislation was already introduced to the State Senate. He indicated that he felt this was the most honest, non-personal substantive meeting he's seen on this issue. There are still unanswered questions.

Rebecca Rotzler addressed the email issue regarding Linda Kingsley and the draft legislation. She felt as though there wasn't enough time for the Village Board members to review the legislation before Ms. Kingsley presented it to the State, and without the proper signatures from both Boards.

A motion was made by Councilwoman Brown to adopt the Draft Enabling Legislation that was originally drafted by Linda Kingsley, who was hired at a joint meeting to solve the problem of the missing link on the journey to consolidation as amended tonight. Seconded by Councilman Logan for discussion.

A motion was made by Trustee Rhoads to adopt the Draft Enabling Legislation that was originally drafted by Linda Kingsley, who was hired at a joint meeting to solve the problem of the missing link on the journey to consolidation as amended tonight. Seconded by Trustee Glenn for discussion.

The Boards discussed the Open Meetings Law and if it was violated during the transmission of various emails over the weekend.

Trustee Rhoads offered her sincerest thanks to Joe Moriello and Joe Eriole for being present this evening and helping to clarify our questions. The Town and Village Boards should write a letter of thanks to Dr. Benjamin for his help also.

Mayor West called the question. There was no second.

Supervisor Zimet submitted for the record letters from Attorneys Moriello and Eriole clarifying that Ms. Kingsley was properly authorized to take the Draft Legislation to Albany.

Attorney Eriole spoke to the contract issue. While his research suggests that the will of the boards was carried out properly, the contract should have been executed with the Mayor's signature. The Mayor has since signed the contract at the recommendation of the Village Attorney.

The vote by the Village Board was as follows: 4 aye votes with 1 nay vote cast by Mayor West. Motion carried.

The vote by the Town Board was as follows: 4 aye votes with 1 nay vote cast by Councilman Logan. Motion carried.

DRAFT ENABLING LEGISLATION

AN ACT amending the Unconsolidated Laws of the State of New York to authorize the establishment of the coterminous Town/Village of New Paltz.

Section 1- Notwithstanding any contrary provisions of State or local law including but not limited to provisions of the General Municipal Law, Town Law, Village Law or State Finance Law, the Legislature of the State of New York hereby authorizes the Town and Village of New Paltz to, following the process and requirements of these provisions, proceed with the establishment of the coterminous Town/Village of New Paltz.

Section 2- Nothing within this statute shall mandate the people of the Town and Village of New Paltz to become a coterminous municipality but rather, the intent of this statute is to provide a mechanism for such establishment.

Section 3- Should all of the processes contained herein be successfully completed such that a referendum is duly held according to Sections 6 or 7 herein and the result of the referendum be that the referendum pass, then the boundaries of the Village of New Paltz, within the Town of New Paltz, County of Ulster, shall be expanded to be identical to and entirely coterminous with the boundaries of the Town of New Paltz, County of Ulster as detailed in the official map of the Town of New Paltz.

Section 4- Except as delineated below in Section 7 of this Act, no such process shall move forward after the effective date of this enactment without the adoption of a local law by the governing bodies of both the Town of New Paltz and the Village of New Paltz by which (a) a

Consolidation plan is adopted and (b) the Town of New Paltz and the Village of New Paltz resolve to conduct a referendum on whether the Town and Village shall become a coterminous Town/Village in accordance with the Consolidation Plan.

Section 5- Following the passage of such a local law by both governing bodies, there shall be a mandatory referendum on this issue held in both the Town and the Village of New Paltz not later than one year after the adoption of the local law referenced in Section 4 herein by both the Town and Village Boards, said time period to be calculated from the date of adoption by both Boards if adopted at a joint meeting thereof or independently held meetings if held on the same date, or, if the Boards adopt the local law at meetings held on different dates, from the later date of adoption. Each elector of the Village and of the Town outside the Village shall be entitled to one vote on the referendum. In order to pass, the referendum must pass by a majority vote of the electors in both the Town outside the Village and the Village.

Section 6- The referendum shall be filed with the Town and Village Clerk no later than sixty (60) days prior to the election and shall pose the following question to the electors:

“Shall the boundaries of the Village of New Paltz be expanded to be coterminous with the Town of New Paltz thereby creating the coterminous Town/Village of New Paltz in accordance with the Consolidation Plan adopted by the Town of New Paltz Town Board and the Village of New Paltz Village Board?”

Section 7-Should either or both governing bod(y)(ies) fail or refuse to vote to adopt the local law set forth in Section 5 above, the electors of that municipality may, by means of petition by 20% of the electors in that municipality, compel the placement of a referendum to become the coterminous Town/Village of New Paltz on the ballot at the following November General Election.

Section 8- All provisions of the Village Law Article 17 relative to the functions of a coterminous Town/Village shall apply to the coterminous Town/Village of New Paltz unless specifically contradicted within this Act or the Consolidation Plan.

Section 9- In the event that the referendum shall pass pursuant to the process set forth in Section 6 above, then the Town and Village Boards shall commence the process of negotiating and planning all issues of consolidation and of drafting and adopting legislation necessary therefore. In the event that the referendum shall pass pursuant to the process set forth in Section 7 above, then the Town and Village Boards shall deliberate and thereafter adopt a Consolidation Plan, and shall, after adoption of said Consolidation Plan, commence the process of negotiating and planning all issues of consolidation and of drafting and adopting legislation necessary therefore.

Section 10- The Town of New Paltz and the Village of New Paltz shall officially become the coterminous Town/Village of New Paltz on January 1st one year after the January 1st immediately succeeding successful passage of the referendum.

Section 11- This Act shall take effect immediately.

At 12:41 a.m. a motion was made by Trustee Basco to adjourn the meeting. Seconded by Trustee Kimbiz. This motion was amended to adjourn in 10 minutes. All aye votes cast, motion carried.

Supervisor Zimet wanted the record to show that there was an email that was sent to Councilman Logan, that he indicated he didn't receive.

Supervisor Zimet also read aloud an email from Attorney Kingsley relative to the 37 emails she received over the weekend from either Board members or member of the public, that she found threatening and insulting.

It was determined that all communication from Ms. Kingsley will be sent to the Clerks who will in turn notify the respective boards.

Acceptance of Minutes:

A motion was made by Trustee Rhoads to accept the joint minutes of **April 30, 2013**. Seconded by Trustee Kimbiz, all aye votes cast. Trustee Basco and Mayor West abstained due to their absence from that meeting. Motion carried.

The Town Board will accept the minutes at next Thursday's Town Board meeting.

At 12:51 a.m. the Village Board adjourned.

Warrant:

A motion was made by Councilman Logan to approve the May Warrant in the amount of \$361,133.07. Seconded by Councilman Barry, all aye votes cast, motion carried.

At 12:57 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