

Town Board Meeting
May 22, 2014
7:30 p.m.

Present: Supervisor Susan Zimet, Councilman Dan Torres, Councilman Jeff Logan, Councilman Kevin Barry. Absent: Councilwoman Jean Gallucci.

At 7:36 p.m. a motion was made by Councilman Torres to open the meeting with the pledge. Seconded by Councilman Logan, all aye votes cast, motion carried.

Agenda: +Establishing escrow accounts by Resolution, +Planning Board as Lead Agency for the Wildberry Project, +Cleaner Greener Communities (CGC).

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

Public Comment:

Jon Stern and Dan Winfield, representing the SOS Event, thanked the Town Board and Bill Russell for their cooperation with last year's event. They hope for the Board's approval again this year and are willing to pay for any costs incurred. The event would take place on September 6th at Moriello Pool from 8-10 a.m. for kids 7-15 years old.

Thomas Gallo, 237 S. Ohioville Rd., indicated there is a beaver problem near his home where they are getting hit by cars when trying to cross the road. Can the Town put something up like a sign or cone to help protect them?

Matt Logan read aloud a statement in support of Mohonk Preserve's request that the Board, as the host community join with the Preserve in its grant application for monies to develop one or more trailheads on their newly acquired Testimonial Gateway land.

Irwin Sperber, Town of Gardiner resident, suggested the Board refrain from making any decisions or endorsement of the project right now. Supervisor Zimet stated that this topic has been on the agenda for a few weeks and that it had been tabled at last week's meeting.

Chris White, Village of New Paltz resident, spoke in support of the Preserve's grant application. This is an opportunity for the Town and Village to have better access to the preserve.

Larry Badendyke, Town of New Paltz resident, feels as though the Preserve should be held to the same standards as any other applicant appearing before the Planning Board. Requesting that the Town Board not vote on this.

Ira Margolis, Village of New Paltz resident, indicated that Village residents receive more of the shared services than the Town residents, mainly the College, Woodland Pond and the businesses. The businesses are the only ones that benefit from the college, so they should contribute more. No one is better or more deserving than anyone else.

Mike Fink, Clove Valley Road, High Falls & Gardiner, suggested the Town Board wait until after the Planning Board meeting on the 28th and not make any decisions tonight. What's the rush?

Paul Brown, Town of New Paltz resident, indicated that the ZBA is the only Board whose meetings are not videotaped, suggested they should be.

Rebecca Armstrong, Town of Lloyd resident, spoke in opposition of the Preserve's project.

Richard Gottlieb, Town of Lloyd resident, Town of New Paltz business and property owner, spoke in support of the Preserve's project.

Marty Irwin, Town of New Paltz resident, spoke in support of the Preserve's project. It is a good opportunity for economic development.

Supervisor Zimet read aloud two letters from Kitty Brown and Seth McKee, both in support of the Preserve's project. She also indicated that an email from Chris Ullrich will be coming and will be entered into the record.

Announcements:

Highway Superintendent Chris Marx indicated there was a problem with one of the pumps at Moriello Pool and that it would not be fixed in time to open this weekend for Memorial Day. He will keep everyone posted.

Grants Writer Update:

Victor Cornelius, Grant Writer indicated that FEMA is reviewing the Town's Sewer 6 Grant and the Water Loop Line from Henry W. DuBois to the High School. Over \$2.6 million is available for FEMA funding. The Transportation Alternatives Program Request for Bike Path on Henry W. DuBois is being reviewed by Region 8 of the DOT. The final application deadline is June 11. The Town is looking for funding for an Emergency Services Center at Station 2 to include the Fire Department, Rescue Squad and the Police Department.

New Paltz Cemetery Board:

Sue Stegan, Carol Roper and John Liguori from the New Paltz Rural Cemetery, were present to discuss a change in state law from 2010 regarding Town funding to a public cemetery corporation. This law allows municipalities to help the public cemeteries. Sue made a formal announcement that the Town Highway Department has been helping with snow plowing and brush cleanup.

Supervisor Zimet indicated that the Board will refer this law to the Town Attorney to review for insurance purposes, etc. The cemetery will be holding a Memorial Day Service at 10 a.m.

SOS Kids Event:

Jon Stern and Dan Winfield explained that the event is a triathlon and no police services are needed. However, Officer Lucchesi has volunteered to help again this year.

A motion was made by Councilman Barry to approve the application for the SOS Kids Triathlon on September 6, 2014. Seconded by Councilman Torres, all aye votes cast, motion carried.

Supervisor Zimet indicated that going forward, dates may be a problem with the pool closing, etc. She suggested discussing the schedule earlier in future years.

Mohonk Preserve Testimonial Gateway Project -Resolution:

Supervisor Zimet indicated that the grant application requires a Resolution by the host community. The application is due by June 16th and the next Town Board meeting isn't until June 19th. The Preserve will be presenting to the Planning Board on May 28th. The project has to go through SEQRA review and the full Planning Board process. Councilman Logan explained that a CFA is a Consolidated Funding Application, which is making one application that goes to multiple sources.

A motion was made by Councilman Torres to adopt the following resolution read aloud by Councilman Logan:

WHEREAS, the Mohonk Preserve, Inc. proposes to submit a Consolidated Funding Application to the New York State Office of Parks, Recreation & Historic Preservation (OPRHP "Parks Program") for a grant under the Environmental Protection Fund and to the Green Infrastructure Grant Program (GIGP) of the Environmental Facilities Corporation, and the CFA application, if granted, will provide funding for a proposed trailhead project located in the Butternut Canaan Foothills (a.k.a. "Mohonk Preserve Foothills") of the Shawangunk Ridge, a site located in the territorial jurisdiction of the Town of New Paltz, New York;

WHEREAS, as a requirement under the rules of these programs, said not- for -profit corporation must obtain the support of the governing body of the municipality in which the project will be locate;

WHEREAS, the Town of New Paltz supports the preservation of Open Space and has identified these lands as top priority for protection in the Town;

WHEREAS, the Town supports the Town's Historic Preservation Commission's goal of having a plan for the conservation and preservation of key historic resources, building on heritage and cultural resources of the Town, and Mohonk Preserve has worked with the Commission to support the designation the Testimonial Gateway and its surrounding landscape as a local historic landmark;

WHEREAS, the Town Board is aware that this project has been submitted to the Planning Board for SEQRA review and land use approvals, that a SEQRA lead agency will be established for coordinated environmental review of the project, and that further review by the Town will be

conducted in regards to the proposed improvements, which will consider and evaluate the specific components of the project and the potential impacts that could result, both with respect to the environmental resources on the lands to be acquired by the Preserve and the surrounding lands that could be affected by the proposed project.

WHEREAS, there will be public participation throughout that process, including a public hearing on the proposed subdivision;

WHEREAS, the Town Board is aware that the CFA funding cycle requires submission of the application before that SEQRA process has concluded, that a complete environmental review of the land use applications must be conducted by the SEQRA Lead Agency before any authorization can be granted that would allow the proposed activities to be implemented, and that segmenting the environmental review of this CFA application would therefore be equally protective of the environment;

WHEREAS, the Town will continue to participate with the Mohonk Preserve and other stakeholders in the planning process for these lands, and, through the Town Planning Board, review specific actions proposed to make sure activities envisioned are consistent with the Town's Open Space Plan, Farmland Preservation Plan, Comprehensive Plan and general zoning laws, and

WHEREAS, the Town Board recognizes that the Mohonk Preserve has continued to adhere to the commitments made beginning in 2012 to work collaboratively with the Town of New Paltz, including: 1) the work done by the Preserve in support of the designation of the Testimonial Gateway structure by the Town of New Paltz Historic Preservation Commission; 2) meeting regularly with other stakeholders to gather formative neighborhood and community input on conceptual planning for the trailhead project; and 3) advancing other projects of mutual interest to plan for potential trail access linkages, such as the planning toward a potential "Flats Trail" connecting from the Wallkill River Bridge west across the Wallkill Flats;

WHEREAS, the Town Board recognizes the commitment of the Preserve to work collaboratively with the Town Board on issues of concern to the Town regarding the activities of the Preserve and the use of its lands, including traffic control, litter, and reduced tax base, consistent with the 2012 letter to the Supervisor from the Executive Director of the Preserve;

WHEREAS, the Town Board and the Preserve recognize that any conclusion with respect to the merits of the project itself would be premature, as the project undergo environmental review, and the specific plans and activities will evolve to address issues and concerns identified in the course of that review, but it is the sense of the Town Board that the project, as proposed, is generally consistent with the Town's existing preservation goals and land use objectives, as reflected in the Town's existing zoning, comprehensive and open space plans;

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

1. For the limited purpose of allowing submission of the CFA application for consideration in the 2014 funding cycle, determine that this action should be segmented for purposes of SEQRA review, that full environmental review of the action will be conducted in the course of the land use approvals; that the CFA funding application does not have the potential to cause any significant adverse environmental impact on the environment, and that a negative declaration, limited to the CFA application itself, may be issued;
2. Express its general support for the proposed CFA application, recognizing that if the grant application is successful, those actions that will be funded pursuant to the application will be subject to the ongoing Town planning and review process noted above; and
3. Authorizes the Town Clerk to send a copy of this resolution to the Commissioner of the NYS Office of Parks, Recreation & Historic Preservation in support of the submission of Mohonk Preserve's CFA application for a grant under the Environmental Protection Fund.

Seconded by Councilman Logan for discussion.

Supervisor Zimet indicated that if the Planning Board denies the project, the funding will get denied. Councilman Barry indicated that he sees it as a problem for the Preserve to ask the Town for help getting taxpayer money to buy property to take off the tax rolls again. He also stated that we cannot afford to have organizations, like the Preserve, grow beyond where they should be growing. The Preserve has the ability to pass the Real Property Tax burden onto the users who pay a daily rate to visit. He would like to see the Preserve contribute more to the community than just \$1,000 a year, and come to the Town with a proposal to pay taxes.

Roll Call for the vote:

Supervisor Zimet-Aye
Councilman Barry-Nay
Councilman Torres-Aye
Councilman Logan-Aye
Motion carried.

Residential Vacant & Rental Maintenance and Registration Law:

Building Inspector Stacy Delarede explained that she has been working on this draft law on and off for three years. She sent the Board a draft in March. There are a number of abandoned and vacant homes and the Building Department has no way to find the owners. One of the requirements in the draft law is that vacant homes must be registered with the Building Department. This gives the Town the proper contact information and would provide the Building Department a mechanism to go in and address any issues. The cost would be billed to the owner who has 60 days to pay, otherwise it would be levied onto the tax bill. It would also require the owner have a local property management company if he/she does not live within 15 miles of the property. Rentals are also a problem because of issues with maintenance, noise and parking. The draft law requires all non-owner occupied Single Family and Two-Family Residences be registered with the Town and would require an inspection and permit to rent, good for 3 years. This is consistent with State requirement for multiple dwellings. Rentals would also be required to have a local property management company if the owner does not live within 15 miles. The Town would know which homes are being rented and if the owners fail to comply, they will have to go to court, the permit would be revoked and their assessment would be taxed. Attorney George Lithco indicated that the permitting is consistent with practices of other communities. This is a common problem and concern.

A motion was made by Councilman Logan to refer the draft local law to the Ulster County Planning Board and the Town Planning Board. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Logan to set the Public Hearing on the draft local law for July 17th at 7:15 p.m. Seconded by Councilman Barry, all aye votes cast, motion carried.

Annexation Request:

Supervisor Zimet indicated that the Town must approve it by the next Town Board meeting, if the Town feels there is a public benefit. The problem is that there is no project or plan on the table right now. The Town Board has to consider the possibility of a project built out to the max according to the Village's B-3 Zoning District.

A motion was made by Councilman Barry to request the Town Engineer do a build-out based on the law and property for this annexation. Seconded by Councilman Torres for discussion. Councilman Logan indicated that he does not want to spend any money and not know what we're getting. A motion was made by Councilman Barry to withdraw his motion. Seconded by Councilman Torres, all aye votes cast, motion carried. Attorney Lithco will look into getting more time.

New Paltz Tree Law:

Supervisor Zimet indicated that there is a problem with planting trees on Main Street because they have to be in the right-of-way, which is a problem for the plows, etc. The Federal Government has money available for planting trees, which only cities can get. Attorney Joe Moriello sent a sample law to Al Wegener to use a model for the draft local law. The Town should create a Tree Commission.

A motion was made by Councilman Logan to create a Tree Commission as a sub-committee of the EnCB. Seconded by Councilman Torres, all aye votes cast, motion carried.

New York ReLeaf:

A DEC project that brings people together to share information about trees and ways to improve the future of trees where we live.

A motion was made by Councilman Logan for the Town to join New York ReLeaf at a cost of up to \$150. Seconded by Councilman Torres, all aye votes cast, motion carried.

Establish Escrow Accounts by Resolution:

A motion was made by Councilman Logan authorizing the Supervisor to collect from the Wildberry Lodge project an initial escrow amount of \$15,000 for review of the local law and Planning and Zoning actions. The account is to be replenished back to \$15,000 when the balance

reaches \$4,000. Seconded by Supervisor Zimet for discussion. Councilman Barry clarified that all escrow accounts will be segregated. It was discovered that according to Town Code, the Town Board must take action by resolution to create escrow accounts. All aye votes cast, motion carried.

A motion was made by Councilman Logan to amend the motion where the account is to be replenished when the balance reaches \$8,000. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Logan authorizing the Supervisor to establish an escrow account for the CVS application with an initial amount of \$10,000 to be collected and replenished when the balance reaches \$5,000. Seconded by Supervisor Zimet, all aye votes cast, motion carried.

A motion was made by Councilman Logan authorizing the Supervisor to establish an escrow account for LP Builders with an initial amount of \$4,000 to be collected and replenished when the balance reaches \$2,000. Seconded by Councilman Barry, all aye votes cast, motion carried.

A motion was made by Councilman Logan to increase the initial amount received from Mohonk Preserve Sub-division, from \$8,000 to \$10,000, and replenish when the balance reaches \$5,000. Seconded by Supervisor Zimet, all aye votes cast, motion carried.

Designate the Town Planning Board as Lead Agency for the Wildberry Project:

A motion was made by Councilman Torres to designate the Planning Board as Lead Agency for the Wildberry Project. Seconded by Councilman Logan, all aye votes cast, motion carried.

A motion was made by Councilman Logan to amend the motion to include the ZBA, all aye votes cast, motion carried.

Cleaner Greener Communities (CGC) Resolution:

A motion was made by Supervisor Zimet to adopt the Resolution authorizing the Streamline Solar permitting procedure developed by Building Inspector Stacy Delarede and to be implemented by the Building Department. The Town will be reimbursed by NYSERDA. Seconded by Councilman Barry, all aye votes cast, motion carried.

Concession Stand at Moriello Pool:

A motion was made by Councilman Logan to approve the contract with Teresa Dones for the Concession Stand at Moriello Pool. Seconded by Councilman Torres, all aye votes cast, motion carried.

Water Bill Issue:

The Town Board received a letter from a resident on Cherry Hill with a high water/sewer bill for her non-owner occupied rental. There was a water-heater leak during the October-December consumption cycle. She has since fixed the problem and is now asking for relief from some of the charges. Highway Superintendent Chris Marx suggested requiring full payment of the water charges and averaging the sewer charges for one year prior to the leak.

A motion was made by Councilman Logan to require full payment of water charges and to allow the Supervisor to charge an average sewer charge from a prior quarter. Seconded by Councilman Barry, all aye votes cast, motion carried.

Seized Assets to server payment:

Tabled. This will be discussed at the Police Commission meeting on June 2nd.

At 10:35 p.m. a motion was made by Supervisor Zimet to go into Executive Session for the purposes of discussing contract negotiations for a potential Open Space Bond acquisition, potential litigation relative to Park Point, an Assessment Grievance lawsuit and contracts with water for the Town. Seconded by Councilman Barry, all aye votes cast, motion carried. Town Engineer Dave Clouser and Marty Irwin were both invited into Executive Session.

Budget Modification:

A motion was made by Councilman Logan to increase the BBB-522-7520.4 line by \$6,800 and decrease the BBB-522-7520.1 line by \$6,800, to correct the Historic Preservation funding which was incorrectly allocated to a Personal Services .1 Line. Seconded by Councilman Barry, all aye votes cast, motion carried.

Annexation Request Cont.:

Applicants Richard Cusanno and Charles Wortmann arrived and spoke with the Board about possible options for their request. The Town Board indicated that it would be helpful to have more time to try and work this out in order to determine if there is a public benefit. The Board will look into the possibility of being able to restrict project characteristics in order to keep community character in that area similar to what current exists, rather than allowing maximum build out allowed by the zoning district. Supervisor Zimet also indicated that if the maximum build-out would be a problem for the neighbors and the Town, the Town could decide not to grant the annexation but to re-zone the properties to allow the applicants to do more of what they would like to do. However, the re-zoning process would take much longer.

A motion was made by Councilman Logan to come out of Executive Session. Seconded by Councilman Barry, all aye votes cast, motion carried.

Tax Assessment Lawsuit:

A motion was made by Councilman Barry for the Town Board to authorize the Town Attorney to finalize the tax certiorari as outline by the Assessor in her letter dated May 15, 2014 to the Supervisor and Town Board and further authorizes the Supervisor to sign settlement if nothing changes in the settlement. Seconded by Councilman Logan, all aye votes cast, motion carried.

Acquisition of Open Space:

A motion was made by Councilman Logan to designate Marty Irwin, Chair of CWOSP and Councilman Barry as authorized to solicit proposals from 2-3 appraisers consistent with parameters set forth by the Town Engineer for consideration of acquiring Open Space through Open Space Bond Act. Seconded by Councilman Torres, all aye votes cast, motion carried.

Personnel:

A motion was made by Councilman Logan that, as a result of the violation of the Last Chance Agreement between the Town of New Paltz, Barbara Coddington and the Teamsters Local 447, dated December 2013, Barbara Coddington shall be immediately terminated from employment from the Town without resource to Section 75 of Civil Service Law of the Provisions of the Collective Bargaining Agreement between the Town and the Union. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Logan to hire Steven Delarede as seasonal help at the Highway Department and John Jamiolkowski as seasonal help with Buildings & Grounds, both at an hourly rate of \$15.61 as per union contract. Seconded by Councilman Torres, all aye votes cast, motion carried.

A motion was made by Councilman Barry to adjourn the meeting. Seconded by Councilman Torres, all aye votes cast, motion carried.

Respectfully Submitted,

Rosanna Mazzaccari
Town Clerk