

VILLAGE BOARD OF TRUSTEES

REGULAR MEETING VILLAGE HALL - 7:30PM
JANUARY 23, 2002

Members Present:

Mayor Thomas Nyquist
Trustee Robert Hebel
Trustee Thomas Cotton
Trustee Robert Feldman
Trustee Ruth Elwell

Also Present:

Alison Murray, Building Inspector
Debbie Kwiatoski, Community Development
Jean Gallucci, Clerk – Treasurer

RESOLUTION INTRODUCING A LOCAL LAW
AMENDING PROVISIONS RELATING TO
SHADE TREE REGULATIONS
IN THE VILLAGE OF NEW PALTZ

Mayor Nyquist opened the public hearing at 7:30pm.

Mayor Nyquist explained that the significant change to the law is that it shall be unlawful for anyone (Village included) to cut, top or remove any tree in the space or area measured 15 feet from the edge of the curb or road pavement. He further stated that the Shade Tree Commission will hold the authority to determine approval for tree removal requests. Building Inspector Murray pointed out that the Village will be responsible to maintain and remove trees where the trunk is located between an existing sidewalk and curb or within 4 feet of the paved portion of the roadway. A motion was made by Trustee Feldman, seconded by Trustee Elwell, to close the public hearing at 7:47pm.

Ayes 5 **Motion approved.**

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to introduce a resolution approving a local law amending provisions relating to the Shade Tree Commission in the Village of New Paltz with the following corrections:

1. Section 7.24(b) change: filed with the Enforcement Officer and submitted by the Clerk

 to: filed with the Enforcement Officer and submitted by the Enforcement Officer
2. Section 7.25 change: Pruning

 to: Tree Maintenance – Pruning and Removal
3. Section 7.25 change : deceased
 to: diseased

Ayes 5 **Motion approved.**

**RESOLUTION APPROVING A LOCAL LAW
AMENDING PROVISIONS RELATING TO
THE SHADE TREE COMMISSION
IN THE VILLAGE OF NEW PALTZ**

Resolution introduced by Trustee Feldman
and seconded by Trustee Elwell

WHEREAS, there was introduced to the Board of Trustees of the Village of New Paltz, on January 9, 2002, a proposed local law to amend certain provisions of Chapter 7 of the Municipal Code to clarify the responsibility for the maintenance of trees on what may be considered public property and for enforcement of provisions of the Chapter; and

WHEREAS, a public hearing of the adoption of the local law was conducted at the Village Hall on January 23, 2002, at which time all persons interested were given the opportunity to be heard; and

NOW, THEREFORE, be it

RESOLVED, that the proposed local law to amend provisions of §7.23, 7.24(b) and 7.25 of Chapter 7 of the Municipal Code, in accordance with the text of the local law annexed hereto, is hereby approved.

A roll call vote was taken upon the adoption of this local law, resulting as follows:

Mayor Thomas E. Nyquist	voting <u>Aye</u>
Trustee Robert Hebel	voting <u>Aye</u>
Trustee Thomas Cotton	voting <u>Aye</u>
Trustee Robert Feldman	voting <u>Aye</u>
Trustee Ruth Elwell	voting <u>Aye</u>

COMMENTS FROM THE PUBLIC

Debbie Kwiatoski presented the Board with an initial draft on revised Revolving Loan guidelines for their review. She will provide the Board with the original guidelines for comparison.

ADOPTION OF MINUTES

A motion was made by Mayor Nyquist, seconded by Trustee Elwell, to adopt the minutes of 1/9/02 as amended and 1/18/02 as written. Ayes 5 Motion adopted.

COMMITTEE REPORTS

Housing – Mayor Nyquist reported that according to a study by the Ulster County Planning Board on rental housing, 72.2% of Village of New Paltz homes are rentals. Also, the New Paltz rents fall within the top three of highest rents charged. Trustee Feldman reported that changes were made in the translation of Jon Simonson’s proposed housing code changes when the local law was written. Mayor Nyquist suggested a meeting with himself, Trustee Feldman, Alison Murray, Suzanne Salend and Attorney Zand to resolve the interpretation issues prior to the public hearing on 2/13/02. Trustee Elwell reported concerns over the exemption from requirements for additional lot size in the zoning/density law for

existing single family homes. She suggested the Board consider repealing the exemption. She also reported that Suzanne Salend will continue to investigate ways to regulate rooming houses.

Police – Mayor Nyquist reported that the chief was contacted about five unused police vehicles taking up valuable parking space in the lot.

NYCOM – Mayor Nyquist reported that he received correspondence from Ed Farrell at NYCOM stating that revenue sharing will not be cut.

Flags – Mayor Nyquist reported that a police report was filed when one of the flags was found in the Peace Park written on, slashed and burned.

Post Office – Mayor Nyquist reported that the New Paltz Post Office has stopped afternoon (3:00PM) mail pick-up. Board members have received letters from residents objecting to the change.

Computer – Trustee Cotton reported that the installation date at Village Hall for Road Runner will be on Monday 1/28/02. He also reported that DSL is not available to Village Hall yet.

Safety – Trustee Cotton reported that he is still investigating the alternate side of the street parking issue. He did admit that Ridge and Lincoln were empty on Martin Luther King Day.

Rescue Squad – Trustee Feldman reported that that he met with Supervisor Wilen and Councilman Ruelke from the Town to discuss the Rescue Squad issue. He reported that the Town has signed a contract extending the current contract to 5/31/02. Discussions will continue.

Planning Board – Trustee Elwell reported that the zoning commission established with regard to Mulberry Square recommends an R-3 zoning. Trustee Elwell to fax resolution to Attorney Zand.

Rail Trail – Trustee Elwell suggested that a rail trail committee member attend the next meeting to discuss encroachments.

Open Space – Trustee Elwell reported that RFP's have been solicited for the grant received at the Town.

Shade Tree – Trustee Elwell reported that she met with Kathy Feldman, Leonard Loza, Building Inspector Murray and Central Hudson regarding the damage Central Hudson did to Village trees during the last trimming cycle. She will send a follow-up letter to Central Hudson and the Public Service Commission.

Water/Sewer – Trustee Hebel reported that the Alpha GeoScience presentation has been postponed. He also reported that a sewer back-up on South Chestnut may require further investigation.

Executive Session

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to go into executive session to discuss personnel issues regarding the Department of Public Works at 9:12pm.

Ayes 5 **Motion approved.**

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to come out of executive session at 9:31pm. Ayes 5 Motion approved.

A motion was made by Trustee Feldman, seconded by Trustee Hebel, to approve Edward Stockhofer's request for a six month extension of his disability leave.

Ayes 5 Motion approved.

A motion was made by Trustee Hebel, seconded by Trustee Feldman, to authorize a Traffic Violations Bureau employee to work weekends or holidays, after a snowfall, to write tickets and enforce parking ordinances even if overtime is required.

Ayes 5 Motion approved.

COMMUNICATIONS

1. Letter, Hilda Simon, December 19, 2001 Re: Water and Sewer Bill

A motion was made by Trustee Hebel, seconded by Trustee Feldman, to remove the sewer portion on excess gallons that ran through the meter due to water problems. Ayes 5 Motion approved.

Trustee Hebel to compute amount due.

2. Letter, Valley Management, December 26, 2001 Re: Water and Sewer Bill

A motion was made by Trustee Hebel, seconded by Trustee Feldman, to adjust the sewer portion of Valley Management's bill.

Ayes 5 Motion approved.

Trustee Hebel to determine percentage of sewer deduction.

3. Letter, J. Philip Zand, December 31, 2001 Re: Mulberry Square Annexation

Refer to 1/9/02

4. J. Philip Zand, January 9, 2002 Re: Paul Rowntree

Denied

5. Letter, Palmiter Benefits Group, January 11, 2002 Re: Brokers – Health Insurance

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to approve the use of Palmiter Benefits Group as health insurance brokers.

Ayes 5 Motion approved.

6. Letter, Karl Budman, January 14, 2002 Re: Vacancy ZBA

A motion was made by Trustee Hebel, seconded by Trustee Feldman, to appoint Joan Green to the Zoning Board of Appeals to complete the term of John Juczak. (April 2006) Ayes 5 Motion approved.

7. Memo, Shade Tree Commission, January 15, 2002 Re: Changes Chapter 7 – Trees

Refer to public hearing – corrections to law.

8. Memo, Todd Montanya, January 16, 2002 Re: Bike Maintenance School

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to approve Todd Montanya's request to attend mountain bike maintenance course on 2/11 and 2/12 at a cost of \$125.00 Ayes 5 **Motion approved.**
9. Letter, J. Philip Zand, January 18, 2002 Re: Town Sewerage Service Agreement

A motion was made by Trustee Hebel, seconded by Trustee Feldman, to have Attorney Zand prepare a proposed agreement regarding Town sewerage service. Ayes 5 **Motion approved.**
10. Letter, J. Philip Zand, January 18, 2002 Re: Town Out-of-Districts Users.

Informational – Trustee Hebel will contact Attorney Zand.
11. Letter, Richard Migliorato, January 20, 2002 Re: Fairview Avenue

Mayor Nyquist will contact Arnold Bernardini (SUNY) to discuss.
12. Letter, J. Philip Zand, January 22, 2002 Re: Italian Supreme Restaurant

A motion was made by Trustee Feldman, seconded by Trustee Hebel, to approve agreement relating to hours of operation regarding sale of alcoholic beverages after 11:00pm at the Italian Supreme Restaurant. Ayes 5 **Motion approved.**
13. Report, Corinne Nyquist, 1/22/2002 Re: African American Committee

A motion was made by Trustee Feldman, seconded by Trustee Hebel, to approve the naming of the Wallkill waterfront park near Plains Road and the rail trail "Sojourner Truth." Ayes 5 **Motion approved.**

DISCUSSION

Attorney Michael Moriello approached the Board to discuss drainage and easement issues with regard to the expansion of La Stazione Restaurant since the Village already has serious drainage problems in that area. La Stazione is willing to work with the Village to help defray their costs. It was suggested that La Stazione would agree to install larger piping than necessary to redirect the run-off. It was also suggested that a sewer easement may be needed. Because the Village is undertaking the remodeling of the Speed humps in the spring, Attorney Moriello requested the Village and La Stazione work together.

RESOLUTIONS

Bills and Claims

A motion was made by Trustee Feldman, seconded by Trustee Hebel, to approve the payment of bills and claims as audited by the Finance Committee.

Ayes 5 **Motion approved.**

Abstract # 15
Voucher #'s 33252-33325

A	149,606.76
F	14,895.36
G	12,338.31
H	496.00
T	9932.85
Total	187,269.28

RESOLUTION REQUIRING DEPARTMENT HEAD APPROVAL OF TIME SHEETS

Resolution introduced by Trustee Feldman
and seconded by Trustee Elwell

In order to better regulate the time expended by the employees of the Village of New Paltz consistent with the provisions made in the CSEA contract for overtime compensation and sick leave, personal time and other allowances, it is

RESOLVED, that the various department heads are hereby required to review, approve and sign the time sheets of the employees of their respective departments before the time sheets are presented to the Village Clerk/Treasurer for payment. **Ayes 5 Resolution approved.**

RESOLUTION APPROVING A LOCAL LAW AMENDING PROVISIONS RELATING TO THE SHADE TREE COMMISSION IN THE VILLAGE OF NEW PALTZ

Refer to public hearing

A RESOLUTION APPROVING A LOCAL LAW FOR ANNEXATION OF TERRITORY TO THE VILLAGE OF NEW PALTZ

Resolution introduced by Trustee Feldman
and seconded by Trustee Elwell

WHEREAS, the Board of Trustees by resolution adopted on the 13th day of December, 2001, approved the petition of Mulberry Square, LLC for the annexation to the Village of New Paltz on certain territory in the Town of New Paltz; and

WHEREAS, the Town Board of the Town of New Paltz, being the municipality in which said territory was heretofore situated, approved the said petition for annexation of the 13th day of December, 2002 and a copy of the written Order of the Town Board containing its determination and approving the

annexation has been filed in the Office of the Village Clerk on the 19th day of December, 2001; and

WHEREAS, public notice of the approval of the annexation has been duly given and no action nor proceeding has been commenced for a judicial review of the determination of the Board of Trustees of the Village of New Paltz to approve the annexation of said territory and the time to commence such action or proceeding has expired; and

WHEREAS, pursuant to General Municipal Law §714, a local law following the approving Order of the governing Board of the affected local government may be adopted without any public hearings thereon.

NOW, THEREFORE, be it

RESOLVED, that the local law approving the annexation of lands of Mulberry Square, LLC to the Village of New Paltz, as hereinafter described, is hereby approved; and be it further

RESOLVED, that the said lands shall be annexed to and constitute a part of the Village of New Paltz as of the 1st day of February, 2002.

A roll call vote was taken upon the adoption of this local law, resulting as follows:

Mayor Thomas Nyquist	voting <u>Aye</u>
Trustee Robert Hebel	voting <u>Aye</u>
Trustee Thomas Cotton	voting <u>Aye</u>
Trustee Robert Feldman	voting <u>Aye</u>
Trustee Ruth Elwell	voting <u>Aye</u>

Adjournment

A motion was made by Trustee Feldman, seconded by Trustee Elwell, to adjourn the meeting at 9:50PM. Ayes 5 **Motion approved.**

Jean Gallucci
Clerk – Treasurer