

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

OCTOBER 18, 2017

**Present:** Supervisor Paul Hansut  
Councilmember Kevin Brennie  
Councilmember Michael Guerriero  
Councilmember Joseph Mazzetti  
Councilmember Jeffrey Paladino

**Also present:** Sean Murphy, Attorney  
Rosaria Peplow, Town Clerk  
Kate Jonietz, Secretary

**Absent:** None

**7:00 PM** – Supervisor opened the meeting and led the Pledge of Allegiance.

### **1. REPORTS** – Town Board Liaisons

**Audit** –January 1 to June 30, 2017: Councilmember Brennie, Councilmember Mazzetti

July 1 to December 31, 2017: Councilmember Guerriero, Councilmember Paladino

**ECC /Zoning Board** – Councilmember Guerriero

Councilmember Guerriero reported that the Zoning Board of Appeals did not have a meeting and he was unable to attend the ECC meeting. The Zoning Board is looking for a new member. He asked that anyone who is interested send a letter to Supervisor Hansut.

Supervisor stated that there are two alternate positions available on the Zoning Board of Appeals and anyone interested can mail or drop off a letter expressing an interest. he encouraged anyone who has an open mind, can interrupt the law as it is written, is able to attend the meetings and would like to participate in the Town to apply. The two positions are available in January and will be appointed at the re-organizational meeting.

**Highland Central School District** – Councilmember Mazzetti

Councilmember Mazzetti reported that Thomas Bongiovi has been chosen as the interim Superintendent for Highland Central School District at a per diem rate of \$650.00 until a new Superintendent is selected. Mr. Bongiovi comes from the Port Jervis School District.

Students received their progress reports this week.

The High School will be having its Annual Blood Drive on October 26<sup>th</sup>.

On November 2<sup>nd</sup> the District will be having an Emergency Evacuation Drill and students will be dismissed 15 minutes early.

Junior Varsity and Varsity Winter Sports begin November 6<sup>th</sup>.

This week was Spirit Week at the Elementary School.

**Planning Board** – Councilmember Paladino

Councilmember Paladino said the Planning Board had many public comments in regards to the solar farm and he assumed that many of the people in the audience are here for the same reason.

The Planning Board will do a site visit of the proposed Windgate project on Thursday the 19<sup>th</sup> at 4:30p.m. prior to their workshop meeting at 5:30p.m.

Big Sky Realty is proposing a 7,700-sq. ft. addition to their existing 18,500 sq. ft. light industrial building because an existing business wants to expand. The Planning Board encouraged them and hopes it will bring additional business to our town.

**Police/Fire/Town Justice** – Supervisor Paul Hansut

**Water/Sewer/Drainage Committee** –Councilmember Brennie

Councilmember Brennie said he did not attend the last Water/Sewer/ Drainage Committee meeting but Sean Murphy, Town Attorney, was there and that some well issues were discussed.

Murphy said the pipes for the horizontal wells are connected and pumping water into the system. The water was going from the wells to the surface water then piped out and there was a lot of waste because they were filtering it. Now they are pumping directly into the water plant so there is more productivity and less filtering. There will be less pumping out of the river, less treatment of the water, less maintenance on the filtering

equipment and less electricity used. Ray Jurkowski, Town Engineer estimates there could be a saving of up to 20% in daily usage of the wells.

**REPORT** – Peter Bellizzi, President, Hudson Valley Rail Trail

Peter Bellizzi reported that the Rail Trail has been very active due to people viewing the fall foliage. They had two “Walks” over the weekend, Alzheimer’s on Saturday and ALS on Sunday, each one brought in a couple thousand people.

The Rail Trail is holding its Annual Moon Walk on November 4 and the Highland Theater Club will be positioned along the trail to tell stories.

**REPORT** – Leonard Auchmoody, Manager, Bob Shepard Highland Landing Park

Auchmoody reported that the outdoor classroom is complete. They will pour two more sidewalks from the Pavilion to the River Walk and to the road which will be handicap accessible. There is one more sidewalk to pour but Baker and Sons Landscaping will move a Sycamore tree first when the tree goes dormant for the winter.

The pavilion floor will be sealed and top soil will be added around the pavilion. He will fence the areas off during this process. The south sidewalk will be done in the Spring.

Supervisor reminded everyone that this Saturday, October 21<sup>st</sup> is a “*Night in Little Italy*” in the Hamlet from 4:00 p.m. to 9:00 p.m. There will be food, music and entertainment.

Halloween in the Hamlet is on Saturday, October 28<sup>th</sup> starting at 5:30 p.m. He will arrange meetings with the department heads to review their budgets. He encouraged Town Board members to participate in the budget process. The budget is on the Town website and if anyone from the public has any questions, concerns or comments that would save the town money he would like to hear them. The budget cap is 1.8%.

He thanked Sean Cassell for fixing the TV camera this afternoon.

## 2. OLD BUSINESS

**A.** Tremont Hall KNA High Bridge Place: developer agreement and escrow

Sean Murphy said the Planning Board has approved the project subject to the installation of a water line from Milton Ave. to the building where the apartments will be built. The developer will install the line and then dedicate it to the Town. An agreement with the Town has to be drawn up and the Town will get a bond from the developer in case the developer does not complete the project and the Town has to take it over. There will be easements on the property in the event the Town needs to work on the water line. He spoke with Patty Brooks, of Brooks and Brooks Land Surveyors who is working with the developer. The developer will also pay a hook up fee. There is an escrow account for the engineering with the Town Engineer, Ray Jurkowski and Attorney fees. There will be a recreation fee of \$2,500.00 per unit.

**B.** Bridgeview- Sidewalk Repair

Supervisor said that on October 5<sup>th</sup> he and Richard Klotz, Highway Superintendent, met with approximately 25 residents of Bridgeview. They had previously met with residents and a contractor and received a price quote to do the work on the sidewalks. It has been determined that the Town must go out for RFP (Request for Proposal). Klotz received three quotes; the original contractor at \$12,708.00, \$9,849.00 and \$11,900.00. These quotes came in late this afternoon and there was not enough time to do a resolution for tonight’s meeting. The trees in the sidewalk area must be removed. Legal counsel has researched and found that the sidewalks belong to the Town and the Town is responsible for correcting the problem. They contacted Walkway Grind, the low bidder, and asked about their plan for dust control as it wasn’t stated in his quote. He responded that they would have a dust control system in place. The contractor wants to start as soon as possible and wants to work on weekends. The contractor was advised of the noise ordinance in the town and that he could not start work before 9 a.m. on the weekends. The Town will coordinate with him. There is not a resolution on the agenda tonight but they could do a resolution now.

**Resolution** made by Brennie, seconded by Mazzetti to authorize the Supervisor to sign an agreement with the lowest bidder, Walkway Grind, for a price of \$9,849.00 for repairs of sidewalks in the Bridgeview Development on Argent Dr. and Sterling Place.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried**

Guerriero asked why the contractor wants to work on weekends.

Paladino asked if there was a time line.

Supervisor stated that the contractor has a lot of work and asked to start on weekends.

They hoped to get started as soon as possible and to get some done before Halloween.

Roy Sivertsen, 216 Sterling Place, said he was not at the meeting in Bridgeview and asked if the trees being removed are specifically the trees which are causing the sidewalks to heave.

### **3. NEW BUSINESS**

**A.** Discussion of “ski club” being added under Recreation for this winter starting in 2018.

Kevin Brennie said that Frank Alfonso, Recreation Director continuously looks for additional opportunities to provide recreation for the people in town. The School Ski Club has been run for the past 18 years by Mike Watts, a Middle School teacher. Alfonso and Brennie were asked if the Town would like to take over the program as it no longer will be offered through the school. Alfonso will give a presentation at the next workshop meeting and they will invite Mike Watts. The program would continue as it has but would be run by the Town. The cost to the Town would be minimal about \$800.00 per year. The figures, number of trips and other details will be discussed at the Workshop Meeting. This has been a successful program for years and it provides an opportunity for children who might never have had the opportunity to ski to do so.

Mazzetti added that it is a great program and his children are involved in it but he had some questions. He asked if the town insurance covers if someone slips and falls on one of the buses and if not, what would an umbrella policy cost.

Brennie said it would be covered under the policy that all the other recreation programs and trips are covered under.

Mazzetti asked if the target group is 6<sup>th</sup> through 12<sup>th</sup> grade, would it be limited to Highland registered students, how many chaperones will be required and who will be paying to have the chaperones fingerprinted, where will participants be picked up and dropped off, how will the Town inform people of the program and what is the target number of participants. Does the Town have a code of conduct or does the school have one that the Town could follow and a contract for the students to sign? A procedure needs to be in place if someone misbehaves and needs to be removed from the bus.

Brennie responded that all these questions will be addressed at the workshop meeting. They will inform the students as they do with all the other Recreation programs, through flyers at the school, newspaper and social media. The target is to fill two school buses.

Supervisor said this program has been in place for years; all the paperwork is available to the Town so it will be an easy program to adopt. They would probably hire Mike Watts and pay him a stipend as they do with other program directors. The insurance broker said it is no different than any other trip that the Town sponsors. This will be a Town wide program open to everyone on a first come basis and not just students. The cost will be incorporated into the cost to the participant. All of this will be discussed at the Workshop Meeting with Frank Alfonso and Mike Watts.

Mazzetti said he has a problem putting a 25-year-old on a bus with a 12-year-old. He feels it should be limited to only school age children.

### **4. PRIVILEGE OF THE FLOOR**

James A Podeszedlik, 173 Perkinsville Road, brought in an article from the Southern Ulster Times that stated that the Town doesn't know whether the impact of the Solar Farm will be positive or negative. He is concerned about the value of his house and feels that this project could affect homes miles away. This is a commercial project that should be in a commercial zone. He asked why the developer couldn't move the project to another area of the parcel or scatter the cells to avoid the wetlands.

Mazzetti commented that every law has the best intentions. The Planning Board worked hard on this law but it needs to be adjusted and changed. He asked the Town Attorney to prepare a new law to change this use permitted in a commercial zone only.

Murphy said you would not make a new law but would amend the current law. The process is a law would be drafted, a public hearing held and then the law voted on.

Supervisor said this project is before the Planning Board and they are reviewing it. The Planning Board worked very hard drafting this law, it was given to the Ulster County Planning Board to review and the Town Board and all its members had two months to review it. There was a public hearing and there were public comments. This law started at the Planning Board level and should go back to the Planning Board for them to review again and bring it back to the Town Board. The process will then be followed.

Murphy stated that even if the Board directed him to draft an amendment tonight, it would not stop this project as it is already underway.

Paladino said he wanted to make a comment on the law. It was proposed and sent to the Ulster County Planning Board for review; the law was considered excellent by the County and used as a model for other towns in New York State. He knows this doesn't help the people on Perkinsville Road. He lives on Perkinsville Road and is not on top of the project but understands how everyone feels. The law went through all the proper channels and process. He doesn't know if commercial can be removed from the law or not. The Planning Board has done everything they should to protect the residents with buffering, etc. A solar farm on that parcel with a forest remaining around it has the least impact on the community that can go on that parcel, whether residential, farming, etc. There is no noise, no traffic and to keep that in mind. From a development point of view there could be a project that would have a much worse impact.

Supervisor said that he spoke with Dave Plavchak, Planning Board Chairperson, and they are working with the developer; they have asked if the site could be moved. The Town Board and Planning Board will do everything they can to protect the residents of Perkinsville Road. They left the public hearing open for two months. The Planning Board spent 5 months creating this law. There will be a site walk by the Planning Board at 4:30p.m. They are going to review the residential components of the law.

Mazzetti stated the residents were at work at 4:30 p.m. and that they should go to the site walk.

Plavchak commented that site walk is at 4:30 p.m. because the meeting starts at 5:30 p.m. and by 5:30 p.m. it is getting dark. It is for the Planning Board members only as the property owner does not want the public on his property.

Paladino asked Mazzetti if he understood that the property owner does not want the public on his property for insurance purposes.

Mazzetti said he understood.

Sal Incorvaia, 100 Perkinsville Rd., read the decommissioning part of the law states "*The Decommissioning Plan must specify that after the Large-Scale Solar Energy System can no longer be used, it shall be removed by the applicant or any subsequent owner. The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.*" He asked how 100-year-old oak trees could be put back.

Paladino stated that he appreciates Mr. Incorvaia's point but the law is that the equipment must be removed and the vegetation replaced.

Murphy said intent of the law is to restore the property substantially to a vacant, wooded lot.

Incorvaia said that clear cutting a forest cannot be restored.

Plavchak said he spoke with Teresa Bakner, Planning Board Attorney, who said as Murphy has said that it is to restore substantially and replace a wooded area. This may not be the right property for this project but it doesn't mean that all residential lots should be eliminated. If this project were moved closer to 9W than Perkinsville Road most people would not object. This project is before the Planning Board and they have to assess the project within the current law. If the Town Board wants the Planning Board to look at the law they will and perhaps pick areas that are more applicable as was done with the Adaptive Reuse.

Incorvaia said the Planning Board is doing a great job listening and taking concern back to the developer. The Perkinsville Road parcel is a challenging piece of property to meet the intent of this law.

Dave Dunn, 141 Perkinsville Road, said kudos to all of the Board members that have worked on this project and he should have taken notice of it. As a resident of Perkinsville Road he would like to formally go on record that he would like to see the law changed so that a commercial project like this cannot be put into a residential area.

Bill Brown, 268 Perkinsville Road, asked if anyone has done a financial report on the company proposing the Solar Farm and what would happen if halfway through the project it goes under.

Supervisor said a financial report is not within the authority of the Planning or Town Boards.

Brown said the article in the Southern Ulster Times states that they can swap megawatts for tax payments to the Town. He felt they should pay taxes.

Supervisor stated that New York State does not allow the Town to tax them; they are tax exempt. The law allows the Developer, the Town and the School to do a PILOT (Payment in Lieu of Taxes) Program for a 15-year period.

Mazzetti asked what the amount of money would be in the PILOT Program.

Supervisor responded that terms of the agreement are negotiated. It could be \$10,000.00; the school would get about \$7,500.00, the Town and the County would each get a small amount.

Brown asked who gets the incentive money from the State and Federal Government. He put in solar panels and he received incentive money from NY State and Federal Government. He felt the money should come to the Town.

Supervisor responded that he believes it goes to the developer just as it does to homeowners who install solar panels.

Georgia Fischer, 142 Perkinsville Road, said she would like the developer to put money in escrow and in the winter when there aren't any leaves on the trees they could see where they need to plant trees.

Supervisor said they are discussing a Landscaping Bond for one year so they could see the seasons change and see where planting needed to be.

Fischer asked if the Town board was going to rezone to residential R-1.

Supervisor said the zone is currently Residential (R-1). The Town board is not rezoning. They have discussed amending the current solar law to allow solar farm in only commercial zone.

Pat Murphy, 277 Perkinsville Road, thanked everyone for taking their concerns to heart. He has lived here eleven years and is honored to be able to take part in this process. He took a walk to where the plant is being proposed and could see 75 feet into the woods. The trees are not the healthiest and he would like extra buffering. He heard that a chain link fence with slats in it might be installed.

Plavchak said they have proposed that to the developer.

Mark Fischer, 142 Perkinsville Road, asked if the Town thought this law through.

Paladino said that a year ago five members of the Planning Board went to the State Seminars on Solar law, reviewed laws that other states had adopted. They spent months developing this law. Ulster County Planning reviewed and applauded it. The County is using it as a model for other towns throughout the state. This speaks volumes about the time and effort that went into creating this law.

Fischer referenced an article from September 29<sup>th</sup> in the Daily Freeman that a solar farm was being put on a landfill and paying the Town \$25,000.00 per year. He asked why the Town of Lloyd isn't doing this.

Supervisor stated that a different solar company had come to the Town and the Town was going to use NYSERTA to put the solar farm at the landfill but the cost was so astronomical they couldn't do it.

Richard Klotz, Highway Superintendent said that the Town of Lloyd landfill is controlled by Ulster County so if money were made there it would go to the County.

Mark Reynolds, reporter for Southern Ulster Times asked if the Solar farm developer has a shovel in the ground and if not and the Town amends the law would it affect this developer.

Murphy commented that since the developer does not have a shovel in the ground they don't have vested rights. The Planning Board is reviewing it and if the Town Board proceeds with amending the law it could possibly stop the developer from proceeding. The developer could argue that they have a substantial investment already. The further they go along the harder it would be to stop them. Revising the law involves preparing the revision, send it to the county, have a public hearing; the process takes three months. The Planning Board has to proceed with their process with the current law as it is.

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Reynolds asked if the Town could do a moratorium.

Murphy responded that the Town did a six-month moratorium and then extended it three months. The purpose of a moratorium is to study and come up with a law. Adopting the law five months ago, and now declaring a moratorium could incur legal problems.

Hansut added that the owner of the property may take legal action against the Town because his property fit into this law and now the town is changing the law. The Town Board would be changing the law because of this parcel and this project.

Reynolds asked if while the law was being created did anyone on the Town Board have any knowledge that Cypress Creek wanted to do a project in this area.

Paladino responded that the solar law became an issue throughout the state and Towns were told to be ready. Planning Board members decided to get ahead of the curve and went to classes in Albany to learn about solar laws; the Town Board adopted a moratorium in case anyone did want to come into the Town with a project until after the law was complete.

Hansut added that Dave Barton, Building Department Director was asked if there has been any interest from a developer or a parcel to do a solar farm. This was during the during the Public hearing process and at that time his answer was no.

James Horan, Attorney with Stenger Roberts Davis & Diamond stated he was here on behalf of his client Autos by Joseph. He reviewed the following letter that was emailed to the Town Board today.



October 18, 2017

Town Board Town of Lloyd 12 Church Street

Highland, New York 12528

Re: Maximum Fee Schedule for Tow List

Dear Supervisor Hansut and Town Board Members:

*We are the attorneys for Autos by Joseph and we submit this letter in opposition to the proposed fee schedule for the Tow List. We respectfully submit that the fees set forth on the Tow List are improper in that they do not meet the legal standard for regulated activities. Federal and State Constitutional Due Process requires that the fees set for a regulated business must cover the cost of operation for the business as well as a reasonable profit. The Town may not set a fee that causes the regulated business to lose money.*

*While a tow company does not have to participate on the tow list, the Town prohibits tow companies from soliciting business at accident scenes and that activity makes up a large portion of the towing work in the Town of Lloyd. Participation in the list is not a true voluntary action as it is condition for doing business on the highways in the Town.*

*Where the rate set is less than the customary fee, the tow companies are subsidizing people who have their cars impounded and insurance companies who would ordinarily pay the customary charge. The Fifth Amendment to the US Constitution forbids the Town from making the tow companies bear the costs that should be shared by the public as a whole. As the US Supreme Court advised in a residential rent control case, "the Fifth Amendment's just compensation provision is 'designed to bar Government from forcing some people alone to bear public burdens which, in all fairness and justice, should be borne by the public as a whole.'" Pennell v. City of San Jose, 485 U.S. 1, 9, 108 S. Ct. 849, 856, 99 L. Ed. 2d 1 (1988).*

*The fees set forth on the schedule are lower than the reasonable and customary fees that are paid by insurance companies for towing work in the Town of Lloyd. This is established by the testimony of various tow operators at the December 7, 2016 meeting of the Town Board. (A copy is attached.) The reasonable and customary fees in the area are a good measure for establishing the fee that should be charged. Reasonable and customary fees typically recoup the costs of operation and a reasonable profit. Absent a detailed study of the costs of the towing industry, there is no compelling reason to set the fee less than what is customary in the area.*

*The fee schedule that is proposed is a verbatim copy of the Town of New Paltz Fee Schedule. There is no indication, that the Town of New Paltz conducted a proper study of the costs of its towing companies when it established its list. There is no legally justifiable reason to set the fees schedule at a rate that is less than what is customarily paid.*

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We suggest that the Town Board reach out to automobile insurance companies that serve the Town of Lloyd and obtain a list of reasonable and customary fees for towing services in the Town of Lloyd. We caution that the fees paid by some insurance companies are artificially low to steer business to repair shops that are preferred providers that have contractual relationships with insurers. The fee schedule should be based on the reasonable and customary charges of the tow companies, not based on another Town's list because costs vary by municipality. We would suggest holding a meeting with two Town Board members, the Police Chief, members of the towing industry and other interested parties to establish reasonable fees.

*Specific Objections*

- 1) Accidents, impounds and snow removal should not be grouped together for purposes of determining the fee. Towing at an accident scene requires more work than towing an impound vehicle. Impound tows and disabled vehicle tows require a similar amount of work and should be grouped together. There should not be such a difference between the fee paid for disabled vehicle tows and accident tows. Each require the same truck, the same liability insurance and fuel costs. The difference in time to hook up the vehicle is not fifty percent less.
- 2) Towing in snow emergencies require substantially more work than other types of towing. The vehicle must be dug out and winching is usually required. Furthermore, the tow truck operator is forced to respond in very bad weather conditions and there is a substantial risk of accident and injury. The fee for snow removal towing is not at all reasonable and should be set substantially higher.
- 3) The higher fees for larger trucks do not kick in until 50,000 GVW.
- 4) The fee for a second truck should be the same as the first truck. Labor, fuel, insurance, and equipment costs are not less for a second truck.
- 5) Cleanup and debris removal should be billed separately and not included in the standard fee.
- 6) Mileage charges should be allowed in the Town of Lloyd. Customary mileage charges are \$5 to \$8 per mile. Mileage outside of the Town of Lloyd should be billed at a higher rate because the truck must return to the shop after the tow is completed.
- 7) The customary fees for outdoor storage is \$75 per day and indoor storage is \$95 per day. 24 hours of free storage is unreasonable as the tow company must pay the overhead costs for its facility and for insurance coverage of the vehicle. The provision about calling to pick up the vehicle does not make sense. It uses business days so it is possible that a vehicle owner could obtain three free days of storage if a call is made early on a Friday.
- 8) The requirement for accepting credit card payment is not consistent with A110-8(E) of the Local Law "E. Towing companies must comply with General Business Law §§ 399-x & 399-xx requirements as they pertain to forms of payment that must be accepted by tow companies."
- 9) The fee schedule provides no timeframe for when payment must be made and there is no mechanism for the tow company to be paid in the event the owner of the vehicle fails to pay.
- 10) Is the Town of Lloyd willing to indemnify the tow company for unpaid fees?

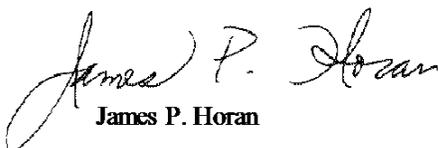
Each accident scene is different and the costs to respond vary as well. By way of example, my client was called from the list to respond to an accident scene where a car was hit by a train. The debris field stretched for one half mile and the owner of the vehicle never paid for the costs of towing, cleanup and storage. It is suggested that the regulated fees only apply to impounds and disabled vehicles.

The Town Board keep in mind that setting the fees low will have an unintended effect on towers who are not on the list. Insurance companies will use these lower fees to reduce the customary fees that are paid to ALL towers in the Town of Lloyd. Setting an artificially low rate will decrease the amount paid by insurance companies for tows not called from the rotational list thus hurting other businesses.

The law is clear. The Town Board does not have unfettered discretion in setting the rates. The rates must adequately compensate the tow company and provide for a reasonable rate of return. Simply adopting the fee schedule from the Town of New Paltz does not constitute an adequate study of the appropriate fee. It should also be noted that when the Town Board sets a fee it is considered an administrative act and not a legislative act. *Heritage Hills Sewage Works Corp. v. Town Bd. of Town of Somers*, 245 A.D.2d 450, 453, 666 N.Y.S.2d 648, 651 (1997).

We respectfully request that the Town Board reconsider its decision to adopt a fee schedule for towing or if it does so, limit the fee schedule to impound tows. In the event the Town Board wishes to adopt a fee schedule, further study should be undertaken to determine reasonable fees.

Very Truly Yours,  
STENGER, ROBERTS, DAVIS & DIAMOND, LLP



**James P. Horan**

JPH/so

cc: Town Clerk  
R. Olson, Esq.  
A. Gellen, Esq.

He stated that Resolution J. is to adopt a Tow List Fee Schedule and when the Town gets involved in setting fees for outside entities there is a legal standard that the fees be set at a reasonable amount that allows the entity make a reasonable profit on their investment. This is true for Utilities, Rent Control, Taxi cab fees, etc. The fees are set by what an insurance company will pay as a reasonable and customary rate. He suggested the Town Board get the rates from the Insurance Companies. There are some industry wide rates available.

Hansut responded that he and every Board member has asked tow operators to participate in the process and communicate and no one has responded. Andrea Gellen, Attorney for the Town and Christopher Coleman, Attorney for Autos by Joseph were present two weeks ago at the Town Board meeting and the Board asked if there were any problems with the law and if everyone was on the same page and the answer was yes. He asked what happened between then and now. The Board was told that if they removed one item from the proposed local law that included this fee schedule it acceptable The Board got fees adopted in New Paltz, Middletown, Newburgh, Marlborough and more. It is a yearly renewal to be on the Tow List so perhaps a future Board can look at it. These have been the rate fees from the beginning; he was not happy about this.

Horan said he negotiated with Andrea Gellen on the local law but he said he never saw the fee schedule. He saw the schedule which was adopted last December and it has not changed.

Hansut said that when they passed this law last year three tow drivers voiced their opinion on the fees. The Board asked them to come this time and no one voiced an opinion. He appreciates Mr. Horan's comments but he plans to move on.

Brennie said a tow company does not have to be on the Tow List. If a company chooses to be on the list, these are the fees the Town has set to prevent the public from being price gauged and to provide the tow driver a fair and reasonable rate.

**5. MOTION AND RESOLUTIONS**

**A. MOTION** made by Mazzetti, seconded by Guerriero to approve the minutes Workshop Meeting September 6<sup>th</sup>, 2017 and the Regular Meeting September 20<sup>th</sup>, 2017

**Five ayes carried.**

**B. RESOLUTION** made by Mazzetti, seconded by Guerriero to authorize the payment of vouchers as audited by the Audit Committee.

General	G - 786 to G - 893	\$ 87,569.92
Highway	H - 390 to H - 441	\$ 22,261.59
Miscellaneous	M -189 to M - 221	\$ 324,624.03
Prepays	P - 527 to P - 575	\$ 93,262.08
Sewer	S - 232 to S - 260	\$ 14,078.03
Water	W - 283 to W -315	\$ 25,803.16

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried.**

**C. MOTION** made by Mazzetti, seconded by Paladino to set the Public Hearing on the 2018 Town of Lloyd Budget for November 8, 2017 at 7PM at the Town Hall.

**Five ayes carried.**

**D. MOTION** made by Mazzetti, seconded by Paladino to authorize the use of the Hudson Valley Rail Trail Parking Area at 101 New Paltz Road, the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to Tony Williams Park and the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to the Commercial Avenue parking area by the Hudson Valley Rail Trail Association on Saturday, November 4, 2017 for the Annual Harvest Moon Walk from 6 PM to 10 PM as requested by the Hudson Valley Rail Trail Association.

**Five ayes carried**

- E. RESOLUTION** made by Brennie, seconded by Mazzetti to accept the resignation of fulltime police officer Christopher Miller effective October 17, 2017.

*Supervisor said he was going on to better things and wished him well.*

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried**

- F. RESOLUTION** made by Paladino, seconded by Mazzetti to hire Nicholas Paradies as fulltime police officer with a salary of \$40,278.00 effective November 11, 2017 at the recommendation of Police Chief Daniel Waage.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried**

Mazzetti recused himself.

Paladino requested discussion and requested that *section 2 d. additional charges, mileage outside the Town of Lloyd at \$4.50 per mile* be removed at the recommendation of counsel and *section 4 storage fees, free for first 24 hours*; amend to same business day. *Section 5 that Tow companies must accept a minimum of the following forms of payment from a customer cash and/or Visa/Mastercard.* The law already states that the Tow operator must accept any type of payment they accept at their place of business. He would like this omitted and stated *refer to Town law.*

- G. RESOLUTION** made by Guerriero, seconded by Brennie

**WHEREAS**, the Town Police Department maintains a rotational tow list for the purpose of facilitating safe and prompt removal of disabled vehicles from the public roadways at the direction of the Town Police Department; and

**WHEREAS**, the Town Board has determined that it is in the best interests of the Police Department to establish maximum fees for tow services applying to provide such services where tow services are engaged pursuant to their request rather than made by or at the direction of the owner of the vehicle; and

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Lloyd (by the favorable vote of not less than a majority of all of the members of the Board), that the Police Department Tow List Fee Schedule is hereby approved as amended:

**1. Tow List Standard Maximum Charges**

- a. Passenger automobiles, sport utility vehicles, light trucks, pickup trucks, vans, minivans or suburbans.  
Accidents, impounds and snow removal.
  1. Day: \$200
  2. Evenings, nights, weekends and holidays: \$250.
- b. Disabled vehicles
  1. Day: \$100
  2. Evenings, nights, weekends and holidays: \$150
- c. Tractor trailers and/or any other vehicles with GVWR of over 50,000 lbs.
  1. Day: \$350 per hour. Two hour minimum.
  2. Evenings, nights, weekends and holidays: \$400 per Hour. Two hour minimum.

**2. Additional charges.** The tow company shall be permitted to charge additional fees for additional services. Any fees for services not provided for herein shall be in accordance with the schedule of fees filed with the Town of Lloyd Police Department.

- a. Second Truck to assist: (Must be approved by officer at scene)

1. Day: \$150
2. Evenings, nights, weekends and holidays: \$200

- b. Winching:

1. Passenger automobiles, sport utility vehicles, light trucks, pickup trucks, vans, minivans and suburban
  - a. Day: \$125 per hour, chargeable to the ½ hour
  - b. Nights, weekends and holidays: \$175 per hour, chargeable to the ½ hour.

- c. Cleanup and debris removal is included in the standard fee, except that waiting and/or cleanup time in excess of 15 minutes on scene may be charged at the

following:

1. With standard tow trucks
  - a. Day \$75 per hour
  - b. Evenings, nights, weekends and holidays: \$100 per hour.

3. **“Days”** shall mean 8:00am through 5:00pm, Monday through Friday. “Evenings, nights, weekends, and holidays” shall mean all the other times with “holidays” being those established by the State of New York.

**4. Storage Fees:**

The listed tow company agrees to charge a maximum of \$65 per day for outside storage and \$85 per day for inside storage; provided however that no storage shall be charged if the vehicle is picked up within 24 hours from the time of the call; and provided, further, that no additional storage may be charged from the time the owner of the vehicle contacts the towing company for the purpose of attempting to pick up the vehicle, so long as the owner does pick up the vehicle prior to the end of the next business day of the towing company in which the vehicle was towed. Reasonable charges not to exceed \$50 may be imposed by the towing company to enable the owner to pick up the vehicle at other than normal business hours of the towing company. Towing companies shall be available to owners desiring to pick up vehicles at least 8 hours per day, Monday through Friday, Saturday, Sunday and holidays excluded; but if a request for pick up is made for Saturday, Sunday and holidays a fee of no more than \$50 may be imposed to respond. Hours of availability shall be filed with the Town of Lloyd Police Department. Heavy-duty storage fee will be a maximum of \$100 per day.

The charges and fees herein provided may be modified from time to time by resolution of the Town Board of the Town of Lloyd, New York.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; (Mazzetti, recused)

**Four ayes carried**

**H. RESOLUTION** made by Paladino, seconded by Brennie

**WHEREAS**, the Code of the Town of Lloyd Chapter 98 Section 98-19 “Charges for fire hydrants and sprinkler systems.” paragraph B provides that “There shall be a quarterly charge for any sprinkler or other fire-protection system connected to district water services that is nonmetered, which charge shall be set by the Town Board by resolution and amended from time to time.” and,

**WHEREAS**, the Town Board wishes to establish a quarterly charge for any sprinkler or other fire-protection system connected to district water services pursuant to the Code of the Town of Lloyd Chapter 98 Section 98-19 (B); and,

**NOW, THEREFORE, BE IT RESOLVED:**

That the Town Board of the Town of Lloyd in its capacity as Town Board as well as Commissioners of the Highland Water District hereby sets the quarterly charge for any sprinkler or other fire-protection system connected to Highland Water District services that is nonmetered at Twenty-Five Dollars (\$25.00) per quarter to be billed with their usage bill.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried**

**I. RESOLUTION** made by Mazzetti, seconded by Guerriero to authorize using Auctions International for the sale of surplus Highway Department vehicle, 1991 International Dump Truck Vin# 1HTGEGBR5MH340761, GVW 37,000 lbs. at the recommendation of Richard Klotz, Highway Superintendent.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

**Five ayes carried**

**J. RESOLUTION** made by Paladino, seconded by Brennie

**WHEREAS**, the Town of Lloyd and its Police Department are in title to a certain automobile described as follows: 2008 Dodge Charger Four (4) Door (VIN # 2B3LA43G58H271266) with approximately 116,000 miles and an approximate value of \$2,500.00 which has reached the end of its useful life for Town of Lloyd Police Department purposes; and,

**WHEREAS**, the Town of Lloyd and its Police Department are party to an agreement with the County of Ulster and the Ulster County Sheriff’s office’s URGENT (Ulster Regional Gang Enforcement and Narcotics Team) program; and,

**WHEREAS**, the Town of Lloyd believes the aforesaid automobile will be useful to the URGENT program; and,

**WHEREAS**, the Town of Lloyd and its Police Department would like to donate said automobile to the County of Ulster for use by the URGENT program.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

The Supervisor of the Town of Lloyd and the Chief of Police of the Town of Lloyd are hereby authorized to donate to the County of Ulster a 2008 Dodge Charger (VIN # 2B3LA43G58H271266) and to sign and execute all documents deemed necessary to carry out the foregoing.

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye  
**Five ayes carried**

**K. MOTION** made by Brennie, seconded by Guerriero to close the Town parking lot located next to Sal’s Restaurant, 99 Vineyard Avenue on Saturday October 21, 2017 from 2pm to 10pm, for use during the Highland Business Association event known as “A Night in Little Italy”.

**Five ayes carried**

**L. MOTION** made by Mazzetti, seconded by Paladino to amend “MOTION D” adopted on September 20, 2017 to read close Vineyard Avenue from Milton Avenue to Main Street for the Highland Business Association event known as “A Night in Little Italy” on Saturday October 21, 2017 from 2pm to 10pm with no parking permitted after 1pm.

**Five ayes carried**

**M. RESOLUTION** made by Paladino, seconded by Brennie to approve the following budget amendments to the 2017 budget:

**GENERAL**

Engineering	1440.40	+\$15,000.00
Parks CE	7110.40	+\$ 3,500.00
Parks Capital Improve	7110.50	+\$ 1,300.00
Building / Zoning CE	8010.40	+\$ 1,000.00
Contingency	1990.40	-\$20,800.00

**HIGHWAY**

Brush & Weeds PS	5140.10	+\$ 4,000.00
Snow Removal PS	5142.10	-\$ 4,000.00

**Roll Call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye  
**Five ayes carried**

**MOTION** made by Mazzetti, seconded by Paladino to adjourn the meeting at 8:40 PM.

**Five ayes carried**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk