

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

AUGUST 16, 2017

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

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

**Absent:** Councilmember Joseph Mazzetti

**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

**Highland Central School District** – Councilmember Mazzetti

**Planning Board** – Councilmember Paladino

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

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

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

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

Auchmoody reported that the Park is dark sky compliant with the light on the American flag. He thanked Don Hughes from Hughes Tree Service for bringing his bucket truck so they could do some rethreading of the flag pole. Fire Chief Peter Miller brought the ladder truck and he and Richie Roza wired and installed the solar panel. The panel took two days to charge and is now working fine.

The concrete River Walk is almost complete. They have to complete 10 feet on the north end. The big boulders there get river wash and if they just put in the sidewalk it would collapse in a matter of time. They poured footings for a wall which will be buried near the rocks to stabilize it. The plan is to complete the 50' back to the parking lot in the next couple of weeks. The next project is the footings for the outdoor classroom (pavilion).

The Highland Landing Park Association received an anonymous \$10, 000.00 donation for the park.

The fascia and soffits on the education center building are complete. There are down lights on the overhang and they will be remove the 2 lights on the east side of the building that face the river.

Supervisor remarked that the Bob Shepard Highland Park looks good.

The Highland Landing Park Association Annual Meeting is September 9<sup>th</sup> at 4:00PM at the park. Everyone is welcome and asked to bring a covered dish.

Next Wednesday, August 23<sup>rd</sup> at 9:30AM is the annual Senior Citizens Breakfast at the Bob Shepard Highland Landing Park.

Mark Reynolds asked when they expected to finish the interior work of the Education Center.

Auchmoody answered that he could not commit to a time frame. They are currently using a building at the sewer treatment plant as a shop and for storage. They are waiting for grant money which may not come until next year.

### 2. **OLD BUSINESS**

**A. Shared Services Agreement - updates**  
No discussion

**B. Franchise Agreement – Charter Cable**

Sean Murphy, Town Attorney stated that the cable company provides service in a small portion of the Town.

### 3. NEW BUSINESS

#### A. NYSDEC Scenic Resource Project – Andrew Meyer

Andrew Meyer stated that he works for Cornell University and the New York State Department of Environmental Conservation. He asked if the Town of Lloyd would be interested in a program to identify scenic resources that Cornell University and NYDEC Hudson River Estuary are working on. The Hudson River Estuary program is interested in the Hudson River, the views from the Hudson River, the views on the Hudson River and the views to the Hudson River. They want to identify both historic and scenic Regional resources. Most Towns don't have their locally important places identified. This project is to help the Town identify which places are important to the Town and will be useful for Economic Development, preservation and conservation. Identifying the location of the Town's scenic resources will help to tie them into Walkway Over the Hudson, the Hudson Valley Rail Trail, and Route 9W which are all the places that tourists and residents come to and enjoy. He handed out brochures with his contact information and said this is a free opportunity. Depending on how the community wanted to organize this effort, a Professor and students from Cornell would come to the Town at the beginning of the Fall semester and gather information on the Town's interests and themes from documents which already exist that the Town wants the students to take back with them. They would take this information back and evaluate from maps and GIS the vista's and the vantage points from each point, what they see, where each is seen from and how they interact with each other in relation to the Rail Trail, etc. The Town would then be able to decide if the Trail is being developed in the way that you want and if the entrances and exits to the Trail, for example, are the way you want them to look. He said the Town Lloyd has done a great job of interacting with the Walkway Over the Hudson and using that as a vista to and from the community.

Last year they did this project with Esopus and Hyde Park who are neighbors across the river and look at each other. The idea was to get the Towns together and use each other's vistas as a benefit to each other.

The City of Poughkeepsie is going through a Natural Resources Inventory and a Scenic Resource is usually the next chapter. He is meeting with them next followed by meetings with Beacon and Newburgh.

Jeff Paladino stated that the Town of Lloyd has had problems in recent history with Walkway Over the Hudson and Scenic Hudson. Some individuals and certain groups have the opinion that Town of Lloyd/Highland and the west coast of the river is the viewshed of Dutchess County. They seem to handcuff the Town in development in Lloyd and to gravitate the economic development over to Dutchess County. He felt this is another project that puts a hang nail into future development in Lloyd as a reference would be made to the study. This project would give Scenic Hudson or anyone else the option if a development came up to say this is what we want or you can't do this or that. He felt that the Town Board and Planning Board have already done a great job identifying these scenic areas.

Meyer responded that this project could be an opportunity to identify and address some of those issues in advance. The process may be a chance to identify these years in advance before they become contentious. He feels this project might fit into some of the documents and recommendations of the Comprehensive Plan and other plans the community has.

Guerriero said he thought that Meyer was talking about beautifying and landscaping. He felt that coming into the hamlet with plantings and gardens from the Highland Landing Bob Shepard Park would encourage people to come into the hamlet.

Paladino interjected that he understands that Meyer is talking about landscaping and beautification. However, by identifying parcels and points of interest it might say *"I am on the Rail Trail and at this point I don't want to look at any development so consider leaving this rural"*, etc.

Meyer responded that is accurate but thinks that there are ways the community could use this project. The Bob Shepard Park would rise to the top as one of the scenic areas. The project would be used to identify these areas that need beautification.

The report doesn't include planting guidelines or anything like that. The professor is from the Landscaping and Engineering department. It will identify places the community has already said or not yet said that these are places that are important to us. It might be driving in and out of town or whatever.

Supervisor asked for the Esopus/Hyde Park report.  
Meyer responded that he would email the digital version to the Town.

Paul Gargiulo, P & G Electrical, stated he was asked by the Town of Lloyd to look into installing electric automobile charging stations in two locations; 4 charging lines in the downtown parking lot and 4 at the Haviland Road Rail Trail parking lot. He works for Tesla and that eight charging stations, all labor and all material will be free but the Town of Lloyd cannot charge for electric. The driver puts into his GPS to locate a charging stations and they are directed to the closest one.

Paladino stated that he called Peter Ambiel. This program is called *Tesla Destination Charging Program*. Tesla is offering this program to Municipalities, Public parks and Recreation areas throughout the country. It is on a first come first serve program for Tesla cars only. Tesla provides two units per location and each unit has 2 charging lines providing 4 charging lines per location. He and Gargiulo went to the Town parking lot and determined that this would be set up next to the main power source and at the Haviland Road parking lot they would be near the Caboose. Tesla provides the product as well as 100% of the installation for free. Tesla allows \$6,000.00 for the install and Paul's estimate is under \$6,000. Town cannot charge for the electric but can charge for the parking space. The Town could meter the space. There was a presentation given at a Town Board meeting to obtain a grant for the stations and the cost was \$10,000 to \$15,000. This program is free but for Tesla only; not all cars will be able to use them. These are 2 good locations, it could potentially bring in 2, 4 or 8 cars into our town that may not have otherwise stopped here.

Gargiulo stated that the driver could plug in his car in and go to have pizza or whatever. G.E. no longer offers the program.

Paladino added that it puts Highland on the GPS. The only down side is the possibility of vandalism. The Town may want to consider a surveillance camera. The parking areas will need to be restriped. The 2 handicap areas next to the Caboose will need to be moved and there are areas for them.

Supervisor asked if Gargiulo knew what the cost of the electricity might be to the town and how long the process takes.

Gargiulo responded that there is no metering on it. The hotels have them and they don't meter it. He cannot go further without the Town's authorization. It takes about a week to receive the materials after the paperwork is completed. Tesla ships all the materials to him and then he can start work.

Paladino said that he had to find out if the Town qualified. It did and Tesla connected him with Paul Gargiulo who is a certified installer and approved for this location. He will move forward with Tesla.

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

Christopher Coleman, Christopher S. Coleman PLLC, representing Auto's by Joseph, feels that the current draft of the Towing Law which is set for a Public Hearing on September 20<sup>th</sup> is premature. He is not aware of any reason to rush this process. He hopes the Town Board and Attorney, will continue to work with them and other interested parties and use this time, and the Public Hearing, to draft a final law that will be acceptable to all stake holders including the public, towing operators and the Town of Lloyd Police Department.

Brennie commented that he felt you can't please everybody.

Reynolds asked what key provisions are the Town adding to the law.

Guerrero stated that all Tow operators must have 2 vehicles; a flat bed and a tow truck.

Brennie added that there was a provision in the original code in 1990, that had boundaries, only Tow businesses from Lloyd were allowed to participate. They continued that provision into the last law that was adopted. That was challenged by Autos by Joseph and the Town's attorney agreed that the Town needed to open the borders. It is stipulated in the law that the tow truck must arrive within 20-minutes; therefore Milton, Poughkeepsie, Esopus, etc. can participate. They aren't happy with this part of the Law but since Autos by Joseph brought a legal challenge to the Town and rather than fighting it, they incorporated it into the law.

The rate fees were challenged, but that is staying. The one business per lot clause has been tightened up. There can be more than one business on a lot but they have to be completely separate; have its own, name, office, phone #, DOT #, storage area, etc. They did offer some concessions but held their ground on others.

Paladino responded that all of the counsels have been in contact; Joe DiBlanca’s counsel Al Roberts from Stenger, Roberts, Davis and Diamond LLP has been in direct contact with McCabe and Mack, LLP who are representing the Town. They have piggybacked each other with the information that has been relayed. He said the Town is asking for permission from these other counsels but want less conflict in the future.

Reynolds asked if the new law solves the issue of one person getting more tows than those that are number 10 or 11 on the list.

Brennie responded that it did.

Paladino said it eliminates some of the loop holes.

Reynolds asked if the list is submitted by the Police once a month.

Brennie said the Police keep the log we only need to ask for it. It is a public document and it could even be posted.

Guerriero stated that opening the boarders to other tow businesses will require more monitoring by the Police Department. Lloyd businesses will wait longer for a turn on the roster with more companies involved.

Paladino stated the list is capped at 15.

Scott McCarthy asked if the Police Department will still do an annual inspection of the tow companies.

Paladino stated that the application and inspection process has not changed. All questions will be answered next month at the Public Hearing and counsel will be there.

Rafael Diaz from the Hudson Valley Rail Trail Association asked to once again discuss the issue of asking for Police patrols on the Rail Trail. Southern Ulster Publishing and the New Paltz Times took a poll whether there should be patrols on the Rail Trail and the results came back with a 2 to 1 opinion that there should be. He was wondering if the Police are patrolling, what type and how often.

Supervisor said that he believes at the next workshop meeting the Police Chief will include that in his report.

Rafael said his concern is the cyclists that are using the Trail. They go by at 20-25 miles per hour. He said an accident at 25 miles per hour could be deadly and if you do have a couple of accidents it would dissuade people from using the trail at all.

Brennie said unfortunately HVRT is a victim of their own success.

Supervisor said we get complaints every day about speeding on the road. He said speed seems to be the concern and the Police are doing the best that they can. Perhaps we would want to consider as a Rail Trail and as a Town closing the trail to those types of bikes.

Rafael asked how they would do that.

Supervisor responded, you put signs up at all the entrances. Restrict those types of bikes, then the Police can issue a summons if they are on the trail.

Paladino suggested speed bumps.

Rafael said it would be hard to restrict one group. A speed limit is a possibility.

Sean Murphy, Town Attorney said speed bumps are not a good suggestion as there are people with wheelchairs, small children, strollers, etc.

Hansut asked what other communities are doing.

Rafael said the Police in Dutchess County have a sign that warn *Patrolled by Police*.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Paladino, seconded by Guerriero to approve the minutes of the Workshop Meeting July 5, 2017 and the Regular Meeting July 19, 2017

**Four ayes carried.**

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

General	G - 607 to G - 672	\$ 35,447.70
Highway	H - 313 to H - 353	\$ 212,160.45
Misc	M - 121 to M - 148	\$ 81,376.00
Prepays	P - 417 to P - 467	\$ 63,638.18
Sewer	S - 147 to S - 166	\$ 4,422.93
Water	W - 203 to W - 217	\$ 3,121.66

**Roll call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye.

**Four ayes carried**

**C. RESOLUTION** made by Paladino, seconded by Brennie  
**WHEREAS**, a proposed local law has been drafted as Local Law F - 2017, and is hereby introduced at this meeting, as follows (copy of local law attached); and,  
**WHEREAS**, this Board will hold a public hearing on the adoption of the said local law attached hereto.

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

1. A public hearing will be held at the Town Hall, 12 Church Street, Highland, New York, at 7:00 P.M. on the 20<sup>th</sup> day of September, 2017 with respect to the adoption of the aforesaid local law;
2. The Town Board of the Town of Lloyd has determined that the within local law is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and
3. The Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate, pursuant to the Town of Lloyd Code

Town of Lloyd

Local Law No. F (Proposed) of the year 2017

A local law amending Chapter A110 entitled  
“Towing List” of the Town Code of the Town of Lloyd

Be it enacted by the Town Board of the Town of Lloyd as follows:

**SECTION 1. LEGISLATIVE INTENT**

*This Local Law amends Chapter A110 of the Town Code entitled “Towing List”. The amendment clarifies certain procedures and requirements for creation and use of a towing list by the Town Police. The amendment is designed to protect the health, safety and welfare of Town residents.*

**SECTION 2. SEVERABILITY**

*The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.*

**SECTION 3. AMENDMENTS TO CHAPTER A110 OF THE TOWN CODE ENTITLED “TOWING LIST”**

**§ 3.1.** *Chapter A110 is amended by deleting it in its entirety and substituting therefor the following new chapter to read as follows:*

**§ A110-1. Declaration of purpose.**

It is hereby declared and found that it is of vital importance to the traveling public that disabled vehicles be removed from the highways as promptly as possible; that delay in removal results in retarding the movement of traffic unnecessarily and may cause additional accidents; that the towing of disabled motor vehicles from the highways of the Town of Lloyd is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against traffic problems and confusion at the scene of accidents, fraud and exorbitant rates and similar abuses. The Town Board believes that establishing a towing list for use by the Town of Lloyd Police Department (“Town Police”) instead of licensing powers can accomplish this purpose.

**§ A110-2. Establishment of policy.**

**A.** It is the intent of the Town Board of the Town of Lloyd to establish a fair and uniform Town-wide policy for the towing of vehicles. The following issues have been taken into consideration in the development of this policy:

- (1) The needs of the public.
- (2) The needs of the towing industry.
- (3) The needs of the Town police.

Towing companies participating in the Town towing program must demonstrate to the Police Department that they can give prompt, safe and professional service.

**B.** The needs of the towing industry must be met by providing them with a consistent program for the equitable distribution of tow calls within the Town. This provides the towing industry with clear and concise requirements for continued service to the Town Police. This policy also allows for a fair and equitable means to resolve disputes between the Tow Company and the Town Police.

C. The Town Police need tow companies which are competent and able to respond to calls with a minimum of time delay. This requirement mandates an appropriate administrative response to deal with those towing companies which do not provide services which meet Town standards.

**§ A110-3. Criteria for tow companies.**

The Town Board requires that any towing company which applies for a position on the Town Police towing list must meet the following standards:

A. All towing companies must maintain minimum insurance coverage as follows and must provide evidence of such insurance (except as to Worker's Compensation) in the name of the listed towing company naming the Town of Lloyd as additional insured:

Light Duty List:

- General Auto Liability: \$2,000,000 each occurrence
- On-Hook Direct Primary: \$100,000 each occurrence
- Garage Keepers: \$300,000 each occurrence
- Workers' Compensation: NYS Requirements.

Heavy Duty List:

- General Auto Liability: \$4,000,000 each occurrence
- On-Hook Direct Primary: \$500,000 each occurrence
- Garage Keepers: \$1,000,000 each occurrence
- Workers' Compensation: NYS Requirements.

B. All towing companies in the form of a limited liability partnership, limited liability company, corporation or other form of organization must provide evidence of good standing with the NYS Department of State to confirm that the listed company is the same as the one identified in the license and insurance and to avoid duplication of listings. Each towing company, including any DBA or assumed name under which they appear, may submit only one application for the list. Only one corporation, business, operator, principal or entity may operate a listed tow company out of any given parcel or lot. Each application must include the company's USDOT and/or NYSDOT number.

C. All towing companies must maintain a valid inspection and registration for each of their tow vehicles. The companies must provide a complete list of all tow vehicles to be used within the Town, along with a list of all drivers who will be operating said vehicles, with driver's license ID numbers.

D. All towing companies must own, lease or sublease either a lighted, fenced and locked or indoor locked vehicle storage facility in which to store towed vehicles out of public access. Such storage facility shall be in compliance with applicable zoning and building code requirements. The vehicle storage facility shall be under the exclusive control of the applicant, shall not be used by any other towing company and shall consist of a location where all records required by this article are maintained. All towing companies shall have staff at the vehicle storage facility to provide for vehicle redemption at least between the hours of 9 am to 5 pm Monday through Friday.

E. All towing companies must maintain adequate equipment to perform the required towing tasks. Each driver shall maintain a valid operator's license for the class of vehicle being driven to and from the tow scene.

(1) Towing companies must have the following equipment:

- a. All trucks and equipment will adhere to all applicable NYSDOT and USDOT regulations.
- b. Each truck is to be equipped with:
  - [i] A dry chemical fire extinguisher with a minimum of 10 pounds of contents.
  - [ii] Three DOT-approved triangular road reflectors.
  - [iii] A broom.
  - [iv] A shovel.
  - [v] Speedi dry or equivalent oil absorbent product.

(2) All towing companies must have their tow trucks and flatbeds permanently lettered in compliance with state and federal regulations Only one (1) company name can be on each truck. Trucks must also permanently display the NYSDOT and/or US DOT number.

(3) Towing companies must have at least one tow truck with a gross vehicle weight of ten thousand (10,000) pounds and one flat bed with a gross vehicle weight of fifteen thousand (15,000) pounds.

F. All towing companies must comply with the twenty-minute response time to the scene of the tow after receiving the request for service. The twenty minutes runs from the initial call from the Town Police to the Tow Company, regardless of whether voice contact is made.

G. All towing companies must make their facilities and equipment available for scheduled inspections on two weeks' notice. These inspections will be made to ensure that each company maintains the required Department of Motor Vehicles (DMV) registration, vehicle registrations, vehicle inspections and vehicle insurance. The Town reserves the right to conduct inspections at any time of any tow trucks, insurance documentation and operator's license used by any company on the list.

H. Towing companies on the list must apply for and receive a sticker from the Town of Lloyd Police Department, which must be displayed on the tow vehicle by all companies on the list.

I. All tow truck drivers must maintain a valid license with the necessary and required tow endorsement, and proper classification for the vehicle being driven to and from the scene with proper endorsement, e.g., air brake if applicable. For the Heavy Duty list each tow truck driver must maintain a valid CDL-A license and any additional required endorsements for the vehicle being towed including tankers, hazardous materials, doubles and triples, etc.

J. The towing company shall remove any debris at the scene from the vehicle being towed, including glass.

#### **§ A110-4. Application Process.**

A. All listed towing companies shall annually submit a renewal application in the form required by the Town Police.

B. Applicants shall submit an administrative application fee and annual renewal fee in the amounts determined from time to time by resolution of the Town Board.

C. A copy of the current list will be provided to the Town Clerk and available to the public as maintained by the police department.

D. The following shall constitute grounds for rejecting an application, whether it is an original application or a renewal: multiple applications for the same location or owner; materially false statement or misrepresentation in application; conviction of a felony in the operation of a motor vehicle; conviction of a felony in connection with operation of a towing business; conviction of a felony involving fraud or corruption; failure to meet all criteria outlined in § A110-3.

E. In the event of rejection or removal for any of such reasons, the company shall be barred from reapplying for a period of twenty-four (24) months.

#### **§ A110-5. Towing List Procedures.**

A. Two rotational towing lists shall be kept.

(1) A Light Duty towing list shall be for normal passenger vehicles and light trucks.

(2) A Heavy-Duty list shall be used for towing companies capable of towing larger commercial-type vehicles.

B. Priority for contacting towing companies shall be made in the following sequence:

(1) Emergency needs at the towing scene as determined by the police department.

(2) Owner request for a specific towing company as provided in Section 110-8(B) (within a reasonable distance that would permit response within 20 minutes).

(3) Next towing company from the rotational towing list.

C. Towing companies will be placed on the towing list in alphabetical order.

D. In the event of a multiple-car accident scene where Town Police determine more than one company is necessary, order and selection of the cars to be towed will be determined by the Town Police, in the interest of safety, so that the vehicles are removed promptly.

E. Tow calls from the towing list shall be made from the top of the list. Once a tow company has responded to a call, or failed to respond, its name shall be placed at the bottom of the rotation list.

F. A towing log shall be maintained at the Town Police Department. After a tow company has been contacted, or failed to answer, the call shall be logged onto the tow log.

(1) The log shall include the name of the tow company, the time the call was made and whether or not the company responded.

(2) Upon the company's response to the scene, the officer at the scene shall advise the dispatch point of the arrival. The arrival time shall then be recorded on the tow log.

G. If a tow company accepts a job, it must arrive on the scene no more than 20 minutes from the time it was contacted.

H. The heavy-duty list and light duty list will each be limited to fifteen tow companies.

(1) As September 1, 2017, there are eleven companies on the tow list for light duty tows and two companies on the tow list for the heavy-duty tows. In 2018, those companies will receive priority for inclusion on the tow list under this chapter, assuming each tow company complies with all application requirements and the payment of the permit fee within the time limits set by the Town Board.

(2) For years 2019 and forward, any towing company submitting any application for the renewal of an existing and valid permit issued under this chapter shall maintain its spot on the list, assuming the towing company submits their renewal application and pays the permit fee within the time limits set by the Town Board.

(3) When a tow list has reach the maximum of twelve permittees, any new applications received shall be date stamped and remain on file with the Town Clerk. Upon the opening of a spot on the two lists, the first application to have been filed will be reviewed and processed for possible inclusion on the tow list.

**A110-6. Removal from List.**

A. Failure to respond to three calls within a three (3) week period, absent reasonable cause, will result in suspension from the towing list for a period of four (4) weeks.

B. In the event that a company is removed, that company will be provided a notice of removal by Chief of Police or his designee (10) days of removal. The company shall have the opportunity to appeal the suspension to the Town Board.

**§ A110-7. Administrative procedures.**

A. Town police officers at the scene of tows shall periodically inspect the registration, insurance and inspection status of vehicles being used by towing companies. This inspect shall also include an inspection of the tow truck operator's license to ensure that it is valid and that it is the correct class for the tow truck being operated. Results of these inspections should be noted in the blotter at the end of the shift.

B. The Town Police will schedule annual inspections of the towing companies' facilities which are identified on the Application.

(1) Inspections will be scheduled at least two weeks in advance.

(2) Inspections following will be verified to ensure they are valid and/or adequate:

(a) If the company is a repair shop, DMV shop registration

(b) Each towing vehicle's registration, inspection and insurance card.

(c) The secure storage area used by the company.

(3) The results of these inspections will be recorded in the police blotter noting any deficiencies in the blotter entry. Re-inspection shall occur within two weeks to ensure that any noted deficiencies have been corrected. Note this follow-up inspection in the blotter. Within 45 days of scheduled inspection, submit a memorandum to the Police Chief and Town Board listing the facilities inspected and the results.

**§ A110-8 Operational Guidelines**

A. Towing companies are expected to be available twenty-four (24) hours a day, seven (7) days a week. Towing companies must be willing to respond to any type of tow call, whether it be a collision, disabled vehicle, impound, etc. Towing companies which do not desire to tow at night or on weekends or which want to respond only to certain types of tow calls, will not be considered for placement on the towing list. (This does not preclude the tow company from being called as a result of an owner's request.)

B. Vehicle owners or representatives must be able to retrieve their vehicles five (5) days a week, Monday through Friday during normal business hours. The towing company may charge up to \$50 for an after-hours release at the vehicle owner's request.

C. Towing companies must provide one permanent day and/or night phone number. Absent mitigating circumstances, towing companies will not contact Town Police and attempt to leave phone numbers of on-call tow truck operators.

D. Towing companies and their personnel will adhere to all rules and regulations of the Federal Motor Carrier Safety Law. Operators must obey the Vehicle and Traffic Law and the Town of Lloyd Town Code.

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.

F. If applicable, the vehicle shall be towed in accordance with the owner's/operator's request. If the owner/operator has no preference, or is not present, or is unable to provide a proper response, or the vehicle is being impounded, then the tow will be performed by the next tow company on the tow list.

G. The Town Police shall complete an owner's/operator's request form for any tow request. If the owner/operator expresses a preference but is physically unable to sign the form, it should be signed by a person who has witnessed the request, such as an EMT, fireman, vehicle passenger, etc. The Town Police shall submit the form to the Chief or officer in charge for review and filing. The forms shall be retained at the station for one year.

H. Police officers and employees shall not offer personal recommendation to motorists who have no preference of a towing company. Town Police shall inform the motorist that a list comprised of companies which have all met certain criteria in maintained.

**§ A110-9. Rates and Charges.**

A. Towing companies shall maintain records of all charges for tows dispatched pursuant to this chapter and such records shall be available for review by the Town Police upon request.

B. The Town Board shall establish by resolution a schedule of maximum rates and charges permitted to be charged by towing companies for tows dispatched pursuant to this chapter, subject to annual review. Charges in excess of such authorized rates are prohibited and constitute grounds for removal pursuant to § A110-10 and § A110-11.

**§ A110-10. Prohibited acts.**

A. No tow truck operator or company shall respond to the scene of any motor vehicle accident within the Town of Lloyd, unless a specific request for the services of such tow truck operator has been requested by the person in charge of a disabled vehicle, a police officer or other emergency personnel. It shall be an affirmative defense that the tow truck operator was justified in arriving at the scene of the motor vehicle accident when he or she was not specifically requested to be there when his or her presence was required as an emergency measure to avoid an imminent public or private injury.

B. No tow truck operator or company shall charge fees in excess of the maximum authorized rates set by Town Board resolution, pursuant to § A110-10(B).

C. All tow truck operators and companies must comply with all rules outlined in this local law. Violation of any provision of this local law may be deemed a punishable offense.

**§ A110-11. Penalties for Offenses Outlined in § A110-10.**

The penalties will be set from time to time by Board Resolution.

SECTION 4. EFFECTIVE DATE

*This local law shall take effect 60 days after it is filed with the Secretary of State as provided in section twenty-seven of the Municipal Home Rule Law.*

**Roll call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye.

**Four ayes carried**

Sean Murphy said this is revising not Chapter 96 but specifically regarding parking on Town Highways and Road during a snow storm. There have been problems in the past for the Highway Superintendent being able to plow because of cars parked on the road. This is revising the procedure that is already in the law. This has a procedure to use Tow operators off the Tow list to remove vehicles.

**D. RESOLUTION** made by Paladino, seconded by Guerriero

**WHEREAS**, a proposed local law has been drafted as Local Law G - 2017, and is hereby introduced at this meeting, as follows:

Local Law G - 2017, a local law to amend Chapter 96 of the Town Code entitled "Vehicles and Traffic" Article IV "Emergency Regulations" and Article V "Removal and Storage of Vehicles from Streets and Public Places" (copy of Local Law attached); and,

**WHEREAS**, this Board will hold a public hearing on the adoption of the said local law attached hereto.

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

1. A public hearing will be held at the Town Hall, 12 Church Street, Highland, New York, at 7:00 P.M. on the 20<sup>th</sup> day of September, 2017 with respect to the adoption of the aforesaid local law;

2. The Town Board of the Town of Lloyd has determined that the within local law is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and

3. The Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate, pursuant to the Town of Lloyd Code and the New York State General Municipal Law, to the Town of Lloyd Planning Board, the Ulster County Planning Board, and any other interested agencies for response prior to the public hearing.

Local Law G – 2017

A local law to amend Chapter 96 of the Town Code entitled  
"Vehicles and Traffic" Article IV "Emergency Regulations" and  
Article V "Removal and Storage of Vehicles From Streets and Public  
Places"

Section 1.

Chapter 96 Article IV of the Town of Lloyd Code is hereby amended as follows:

Section 96-8 is hereby deleted and replaced with the following:

“Section 96-8 Snow Regulations.

- A. In order to facilitate the removal of snow and ice from publicly maintained roads in the Town of Lloyd, parking of any motor vehicles is prohibited on all roads, streets, or highways in the Town of Lloyd from October 15<sup>th</sup> of each year through April 15<sup>th</sup> of the following year during snow and ice storms from the time the accumulation of snow reaches a level of at least two inches (2”) or the accumulation of ice reaches a level of at least one-tenth of one inch (0.1”), and for a period of thirty-six (36) hours after the storm ends.
- B. It is the responsibility of the owner or operator of any vehicle parked on a Town road, street, or highway to be aware of the forecast of weather conditions which may result in an accumulation of greater than two inches (2”) of snow or the accumulation of one-tenth of one inch (0.1”) of ice.
- C. All free-standing basketball hoops will be removed from the roadside during the period between October 15<sup>th</sup> through April 15<sup>th</sup> of the following year. All garbage containers will be a minimum of five feet (5’) from the shoulders of the road during this period.
- D. The Town of Lloyd Highway Department and the Town of Lloyd Highway Superintendent are hereby authorized to post temporary signs at locations along roads, streets, or highways throughout the Town prohibiting the parking of vehicles during snow/ice storms from October 15<sup>th</sup> to April 15<sup>th</sup> and for a period of thirty-six (36) hours after the storm ends.”

Section 2.

Chapter 96 Article V of the Town of Lloyd Code is hereby amended to repeal same in its entirety and replace said Article V with the following:

“Article V: Removal and Storage of Vehicles From Streets and Public Places.

§ 96-11 Removal Authorized.

- (a) Any vehicle parked or abandoned on any road, street, or highway within the Town during a snowstorm, ice storm, flood, fire, or other public emergency, found unattended on any road, street, or highway where said vehicle constitutes an obstruction to traffic, or found unattended on any such road, street, or highway where stopping, standing or parking of vehicles is prohibited may be removed by the Town’s Highway Superintendent, any codes enforcement officer or police officer, or by any employee or agent of the Town duly designated by the Supervisor. Such removal by the Town shall be done without incurring any liability for damages to the vehicle, provided that reasonable care had been taken in its removal. In removing said vehicles, the Town’s Highway Superintendent, any codes enforcement officer or police officer, or any employee or agent of the Town duly designated by the Supervisor may engage the services of any towing company listed on the Town’s “Towing List” pursuant to Chapter A110 of this code.
- (b) The owner or operator of any vehicle removed pursuant to this article shall be responsible for payment of reasonable charges for its removal and storage.
- (c) The vehicle so removed may be retained under the custody of the storage facility until such time that the removal and storage charges have been paid.”

Section 3.

This local law shall take effect when filed with the Secretary of State pursuant to the Municipal Home Rule Law.

Sean Murphy said this refers to 70 residences in the Town of Lloyd have Time Warner Cable and we are operating under an expired agreement. This is to call a Public Hearing to approve the new proposed agreement with Charter Cable.

Hansut asked to move it to October.

Murphy said he wants everyone to be aware and there are a couple minor changes.

Hansut mentioned the current contract with Cablevision and that Optimum keeps raising their rates.

Murphy said the Cablevision agreements expires in 2020 but it would be a good idea to start looking at it.

Jill Indelicato said that she read it a month ago and it expires in 2018.

Murphy said that the agreement was signed in 2008 but the Public Service Commission didn't approve it until 2010 and it runs by the time that the PSC approves it.

Hansut said he will look into it.

Jill asked if we can do anything with Time Warner as far as asking them to extend the service area to create some competition.

Sean said no, it is controlled by the PSC. He said you can negotiate the contract with Cablevision, it has to be in the best interest of the Public.

**E. TABLED Resolution**

WHEREAS, a portion of the Town of Lloyd receives cable television service from Time Warner Cable Northeast LLC a/k/a Charter Communications; and

WHEREAS, there is currently a proposed Franchise Agreement between the Town of Lloyd and Time Warner Cable Northeast LLC a/k/a Charter Communications for the Town's consideration; and

WHEREAS, the Town Board must call a public hearing before approving any agreement prior to Time Warner Cable Northeast LLC a/k/a Charter Communications submitting it to the NYS Public Service Commission ("NYPS") for certification.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board hereby calls a public hearing to be held at 7:00 P.M. on the 20<sup>th</sup> day of September, 2017 at the Town of Lloyd Town Hall to consider the proposed agreement with Time Warner Cable Northeast LLC a/k/a Charter Communications; and
2. At her earliest convenience, the Town Clerk shall publish in the official newspaper and post on her signboard a notice of the public hearing, and notify Time Warner Cable Northeast LLC a/k/a Charter Communications of the date and time.

**F. RESOLUTION** made by Paladino, seconded by Guerriero

WHEREAS, the Town of Lloyd is applying to the Hudson River Valley Greenway for a grant under the Greenway Communities Grant Program for a project entitled John Burroughs Black Creek Trail Environmental Survey to be located in Town of Lloyd; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval/endorsement of the governing body of the municipality or municipalities in which the project will be located;

NOW, THEREFORE, BE IT RESOLVED, that the governing board of the Town of Lloyd hereby does approve and endorse the application for a grant under the Greenway Communities Grant Program, for a project known as John Burroughs Black Creek Trail Environmental Survey and located within this community.

**Roll call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye.

**Five ayes carried.**

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

GENERAL

Tow Law Fees	1420.43	+\$1,384.50
Contingency	1990.40	-\$1,384.50
Central Data Processing	1680.40	+\$2,000.00
Contingency	1990.40	-\$2,000.00

HIGHWAY

Capital Improve Mile Hill Rd	5112.78	+\$56,403.06
Capital Improve Blue Point Rd	5112.79	+\$37,345.78
General Repairs CE	5110.40	-\$93,748.84

**Roll call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye.

**Four ayes carried**

August 16, 2017

**MOTION** made by Brennie, seconded by Paladino to go into executive session to discuss litigation on tax certiorari by Wingate at Ulster with Sean Murphy, attorney at 8:00 PM

**Four ayes carried.**

**MOTION** made by Brennie, seconded by Paladino to come out of executive session at 8: 29PM

**Four ayes carried**

**MOTION** made by Guerriero, seconded by Paladino to adjourn the meeting at 8:30PM.

**Four ayes carried**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk