

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

OCTOBER 4, 2017

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

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

Absent: Councilmember Kevin Brennie

4:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

Supervisor asked for a moment of silence for the victims of the shooting in Las Vegas last Saturday night.

1. REPORTS

Finance – Karen McPeck, Bookkeeper to the Supervisor

Karen McPeck reported that she has completed the Supervisor's report and sent it to the Town Board and Department Heads. There will be 2017 budget amendments on the Regular Town Board Meeting agenda.

The Town Clerk has the 2018 Tentative Budget and she expects no major issues with the budget. The Department Heads have submitted their *wish lists* and the budget is currently higher than the tax cap allows but as they work on it the budget will fall under the cap. She asked the Town Board to set a date by Thursday 11/9/2017 for the public hearing on the 2018 budget.

She is updating the employee Handbook which hasn't been updated in 14 years. A draft will be sent to the Town Board for review.

Supervisor said comments from the Town Board are wanted and appreciated as they move through the budget process. The Supervisor's report and budget books are available to look at. The tax cap this year is 1.81%.

Assessor – Jennifer Mund

Jennifer Mund was not present.

Supervisor reported that Jennifer is gathering information to make an estimate of the assessed value of the proposed Windgate Solar Farm as many residents attended the Planning Board meeting and requested this information. The Assessor and Supervisor will be meeting with the developers, Cypress Creek, on Thursday morning. New York State Law states that solar farms cannot be taxed however if the taxing agencies; the Town and the School District and Cypress Creek enter into an agreement they can do a PILOT program. The Town has a time limitation of 60 days to indicate whether they plan on moving forward with a PILOT Program. Supervisor spoke with Deborah Haab, Superintendent of Highland Central School District and she indicated that she would be interested in doing the program. Supervisor reiterated that this does not mean that they are approving or disapproving the Solar Farm.

New York State passed legislation to extend the Cold War Veterans' exemption that was to expire. The Town of Lloyd currently allows this exemption and if the Town wants to continue the exemption a local law needs to be passed. This is a 10% exemption and would allow the veterans that currently have it to keep it and would allow new applicants to apply.

Building & Zoning Department – David Barton

Dog Control – Andrew McKee

Highway – Superintendent Richard Klotz

Richard Klotz reported that he had to take one of the trucks off the road as it was rusted out and it wouldn't pass inspection. The replacement for it will arrive the end of the month. One of the new small trucks has arrived and they are fitting it out.

The Highway skim coated North Chodikee Lake Road and next year they will finish it.

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Klotz met with Police Chief Waage regarding the proposed Vehicles and Traffic Law and they agreed that it was good and he hoped it would be adopted at tonight's meeting. He and the Supervisor will be meet with Bridgeview concerning the sidewalk repairs; he obtained a price for the repairs.

Guerrero asked who is going to pay for the repairs.

Klotz replied that the repairs will be paid for out of the General Fund but he will work with the Town to get the issues cleaned up. Some trees that are causing the problems need to be removed.

Guerrero asked if the property owner has to maintain their sidewalks.

Klotz responded they must maintain but not repair.

Supervisor said Klotz called several companies and the price he obtained is to remove the sidewalks, grind and put the sidewalks back to New York State standards.

Guerrero asked how the residents felt about removing the trees.

Klotz said he will find out at the meeting tomorrow but the trees must come out to resolve the problem.

Murphy asked if he did a RFP; he needs to make a good faith effort and get three proposals.

Klotz said it is difficult to get three proposals, he sent out emails to two companies requesting a price.

Supervisor said there were 145 noted safety repairs needed at Bridgeview. He had Precision Concrete Cutting come to look at the sidewalks in the Hamlet and explained to him the RFP process. Precision Concrete told him that it would be difficult to get three prices because no one does this type of sidewalk repair. The Town is on notice for the safety hazard of the sidewalks and he was concerned if something happens in the next two weeks before the next Board meeting.

Murphy said if someone trips and falls the Town is subject to a lawsuit. The Town doesn't own the sidewalks but they may be in the right of way and the Town is taking control of them.

Paladino asked if he meant that they were built by the contractor and are leased to the town.

Murphy explained that usually the contractor builds the road and the town takes a dedication of the public portion. He would have to research what the case is here.

Paladino asked why would the Town repair them if it doesn't own them.

Supervisor stated the he doesn't believe the intent of the Law was ever to have people repair the sidewalks but to maintain them by removing snow and/or leaves.

Murphy stated that the Route 9W sidewalks are different; the Town agreed to maintain them and New York State repairs them.

Mazzetti asked if they went out to bid how long would this process take.

Murphy said that a Public works project between \$5,000.00 and \$35,000.00 requires a RFP not a formal bid.

Supervisor said this has been going on for six years and asked Murphy to find out who owns and who is responsible for these sidewalks in Bridgeview.

Paladino asked if Sunnybrook and Cambridge Court are similar in that they also have Home Owner Associations.

Mazzetti asked Klotz if this problem was at Sunnybrook would the Town fix their sidewalks.

Klotz responded that they do not have sidewalks. Cambridge Court takes care of their own sidewalks.

Supervisor said that in Bridgeview the property deeds end at the sidewalk and the property owner's interpretation is that the sidewalks are part of the Town road and therefore the Towns' responsibility to repair.

Murphy said there should be a developer's agreement and dedication of the roads.

Supervisor told Klotz to move forward with getting a price.

Justice – Eugene Rizzo/Terry Elia

Police – Chief Daniel Waage

Reported

PATROL ACTIVITIES:

CALLS FOR SERVICE-----935

OTHER/PUBLIC SERVICE-----419

ACCIDENTS-----46

TICKETS (PARKING/UTT'S) -----117 (4 parking) (113 UTT'S)

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The two other poles could be kept in storage at the Highway Department. In a couple of years when the Recreation Department is ready, they have the poles and don't have to pay that freight charge. He felt that it was a good business decision.

Paladino made a motion to move forward on Resolution A.

Murphy said they could vote on it if a good faith effort has been made and changes are made to the current resolution.

Supervisor told Alfonso to work with Murphy and draft an RFP and put the project out to bid following the procurement policy.

Supervisor asked Adam Litman the status of the pump station project at Berean Park.

Litman responded that they have received a letter from Morris Associates, Town Engineer, with a recommendation of a Duplex Pump Station. The letter has been circulated to the Town Board members and the cost is \$8,000.00. He would like to purchase the pump station and piping this year so they are ready to start the project.

Town Clerk – Rosaria Peplow

Rosaria Peplow reported

Tax Collection

The number of persons that have come to the Town Hall to pay school taxes has decreased. School tax payments that were received in the mail have been forwarded or returned.

Town Clerk

- Tentative 2018 Town of Lloyd budget has been prepared from the budgets submitted by each department. She had copies for each Board member.
- The NYSDEC has shut down the Accela Sporting license program several times because of functioning problems but it is operating well in general.
- Deer Management permits were issued until October 1st. If there is an excess in any deer management unit the NYSDEC we will be notified and will issue deer management permits for those DMU's.
- 559 Transfer Station permits have been issued.
- CSC Holdings paid first half of their annual fee of \$94, 543.00 (Cablevision)
- Hudson Valley NAABA paid \$600 for rental of Village Field
- \$375.00 Tony Williams Field Rental
- \$ 25.00 Berean Park Rental

She attended the Ulster County Town Clerks' and Tax Collectors' Meeting on September 14th at the Town of Woodstock.

Water & Sewer – Adam Litman

Littman reported that the Water District is still on 100% river water. He gave an update on the Well Line Project that the installation of the mixing system, THM removal system and well lines systems are in place. The larger pump that pumps 70,000 gallons is in place, operational, going through the chlorination building and is being added into the well. The new system will have completed its first 24 hours of operation at this time tomorrow. Matt Smith, the diver, cleaned the intake screen and said the condition of the intake screen looks healthy but the sediment and stone in the stream which discharges alongside of the intake screen is building up at about one foot per year. It will gradually get into the intake screen.

A twelve-inch valve broke at the Hudson River Pump Station. They took the valve off line and no longer had river pumps to produce River water. The valve was costly to replace and he thanked Furlani Machine shop for getting the piece made for them so quickly.

He sent the Town Board an email regarding Town Code Chapter 98 Section 98-19 (B). that reads that "there shall be a quarterly charge for any sprinkler or fire-protection system connected to district water services that is nonmetered, which charge shall be set by the Town Board...". He gave the Town Board a draft resolution establishing a fee to consider for adoption.

Murphy stated that the law is not being amended but that they would adopt a resolution with a fee pursuant to the law.

Supervisor said they will review the resolution and put on the agenda for the next Town Board Meeting.

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Supervisor – Paul Hansut

Supervisor reported that the Town Hall will be having a Free Shred Event on Friday, October 13th from 3 pm to 5 pm in the upper parking lot of Town Hall. This event is hosted by the Town of Lloyd & Legal Shred.

There is a fundraiser at the Lloyd United Methodist Church on Monday, October 23rd from 5 pm to 7 pm to benefit the programs at Ulster County Community Action Highland Outreach. The Baked Ziti & Meatball Dinner maybe eaten in or taken out at \$10 per adult, \$8 for seniors and \$6 for children under 10.

Ulster County Community Action is holding their 3rd Annual Vendor Blender on Saturday, November 4 from 11 am to 4 pm at the First Presbyterian Church of Highland.

2. OLD BUSINESS

A. Discussion adoption of Tow rates.

Mazzetti recused himself.

Supervisor said he has obtained the Town of Marlborough and the Town of New Paltz Tow Fees. They are similar to each other and close to the last proposed fees the Town discussed. He would like the Town Board to reach out to the Tow business owners and get their input as New Paltz and Marlborough had done prior to setting their fees. The companies could be invited to attend the meeting or email their comments.

Paladino said he is ready to move forward.

Guerriero said that the companies were invited to come to all the meetings and there hasn't been an interest so he is also ready to move forward.

Paladino said the proposed fees are the same as the Towns of Marlborough and New Paltz. The proposed schedule states that mileage outside of the Town of Lloyd is \$4.50 per loaded mile. The tow company does not have to be within the boundaries of Lloyd to be on the tow list which creates a problem if a tow company is outside of the Town of Lloyd and they want to take an involuntary tow back to their business. Should they be allowed to charge that rate. If a tow is taken back to the place of business that should not qualify for the additional \$4.50 per loaded mile but if a person asks that their vehicle be towed to a certain location, such as an auto shop in Beacon, then that may qualify for the charge. He would like to research as this needs to be clarified in the Fee Schedule.

3. NEW BUSINESS

A. Library Update – Joanne Loewenthal

Joanne Loewenthal, President of the Highland Public Library Board of Trustees, said that the last few years the Highland Library Board has come to the Town Board to get approval for funding for the new Library. It is now a reality and she encouraged all to go see the progress. She handed out a flyer with the Library's Vision Statement. One of the key items on the vision statement is that the Library would be a gathering place for community residents, which was key during the voting and approval process. She showed plans of the Community Room that will hold 72 people. The rest of the library can be closed and secured and the Community Room can be open. The new library is handicap accessible, the building can be entered without going up a step. The doors open automatically an advantage if your hands are full of books or DVD's. She pointed out the architectural details that resemble the original library building so as to remind the community that this library has a long history of service to the Town of Lloyd.

Julie Kelsall-Dempsey, Library Director, said that the anticipated date of completion is mid-November. They plan to keep the current Library open part-time during the transition and add more hours to the Clintondale branch but will have to close the Highland branch for at least a month to complete the move.

Loewenthal said "*New Year New Library*". There will be a soft opening prior to the community being invited to a Grand Opening and Ribbon Cutting. They are developing policies such as reserving the community room. The policies and applications will be available on the Library website. They have many volunteers and will need more. All landscaping was dropped from the building plan to keep

the cost down so they will be looking for volunteers to help with landscaping. She encouraged everyone to look at the Library website to get information about the progress and the needs of the Library. They have received many donations, including the flagpole. The Library has a list of donation opportunities available i.e. rocking chairs, laptops, tables, etc. They are selling engraved pavers as a fundraiser and that all this information is on the website.

The Library Board has spent the last couple of months putting together goals for the Library and its Programs. The main goal is to get the building up and the existing library moved into the new building. They are keeping the promise that they would not add staff or significant items that would add to their budget. The staff will require training in the new building for electronics, technology and security systems. Next year they will engage in conversation with the community concerning if they need to be open more the hours. The current Library has been focusing on children's programs but with the new community room they expect to start more adult programs.

The Library assessment on the tax bills was .61 which is a very reasonable amount for a good return. The increase for the bonding is included in the assessment and it will not go up. The current library building at 30 Church St. is for sale and the money from the sale will be used to offset capital expenditures or they may start a maintenance capital fund for the future.

Paladino asked what the asking price is for the building.

Loewenthal said it is listed with Quinn Realty for \$230,000.00. It is a little more than 2500 square feet.

Mazzetti said he hoped they will be able to use some student volunteers for the landscaping. The students are required to do community service. Marist College donates a lot of used technology items after three years and perhaps the Library could obtain some of those items.

Loewenthal stated that one of the Library Board members works for Marist College in the Technology Department and they have already made arrangements for iPads.

B. Tentative Budget – 2018

C. Mountainside Woods, LLC – second addendum to developer's agreement

Sean Murphy, Town Attorney said the Developer would like to revise their agreement.

They would like to change the order of the phasing as they are selling more ranch style homes of phase II than of the phase 1B style homes. The agreement is between the Town Board and the Developer. The Town Board would adopt a resolution to give authority to the Planning Board to revise the phasing by resolution. They would not have to come back to the Town Board If they want to revise again. The Planning Board would approve by resolution.

Mazzetti asked if this would set a precedence for other developers.

Murphy responded that it doesn't bind the Town Board to do this in the future.

Mazzetti asked if phase 1B and phase II were already cleared.

Palladino responded that Phase 1A is cleared and built on. They have started to clear Phase II and no clearing has been done on Phase 1B. He felt that having a site plan map at this meeting would have been helpful.

Hansut responded that they will get the maps from David Barton, Building Department Supervisor, and discuss it more thoroughly with him.

D. Replacement of four historical markers.

Supervisor said that Vivian Wadlin, Vice-President of the Town of Lloyd Historical Preservation Society, has identified sites where historical placards are missing. They may have been lost during construction or upgrades to the road where they were. They have great historical meaning to the Town. The cost is \$1,025.00 each. They are made in Delhi, New York and Vivian Wadlin will drive to Delhi to pick them up. He will send all the information to the Town Board for a resolution at the next Board meeting.

4. PRIVILEGE OF THE FLOOR

Mark Reynolds said at a previous meeting there had been a lengthy discussion concerning the Solar Law and Mazzetti had brought up the concern of commercial vs. residential.

The proposed Windgate Solar Farm being built on a residential parcel was discussed whether solar farms should be limited to commercial parcels. He asked if the Board would change the law and remove residential limiting development of Solar Farms to commercial parcels.

Mazzetti said that the new solar law is uncharted territory, the Town is pioneering it and expected to be the experts. Very few people came forward at the Public Hearing on the proposed law but after the law was passed and a project was presented for a Solar Farm there was a lot of concern. He spoke with Teresa Bakner, Planning and Zoning Attorney, and she used the terminology "*it shouldn't be seen*". The Board should revisit the law and make sure the terminology is clear and tighten it up. A concern was whether the lines had to be buried or not and an answer has been found that the lines must be buried unless the Planning Board gives them a variance.

Guerriero added that the tree clearing is a concern and whether the property would be restored at the end of their fifteen-year lease.

Hansut added that this is a new law that the Planning Board worked on diligently and Ulster County Planning Board reviewed the proposed law and responded positively. The Public Hearing remained open for two months and no one from the public came or commented. There is now a project on the table and a lot of concerns have come up. He doesn't have a problem with asking Dave Plavchak, Planning Board Chairperson to revisit the law.

Reynolds asked if minutes are being taken by all committees.

Supervisor said he believed they are.

Murphy added that Ray Jurkowski, Town Water and Sewer Engineer, is taking minutes for the Water and Sewer Study Committee when an action is taken it is recorded.

5. MOTIONS & RESOLUTIONS

A. MOTION made by Paladino seconded by Guerriero to authorize Frank Alfonso, Recreation Director, to proceed with the installation of lights at Tony Williams Park with total cost not to exceed \$75,000.00 from the recreational capital improvement reserve.

Roll call: Paladino, aye; Hansut, nay; Guerriero, aye; Mazzetti, nay

MOTION FAILED

B. TABLED Resolution to authorize the repair of concrete sidewalks located at Sterling Drive, Sterling Place, Troy Lane and Argent Drive by Precision Concrete Cutting, sole source service provider, for a total of \$12,708.00.

C. RESOLUTION made by Mazzetti, seconded by Paladino

WHEREAS, the Town of Lloyd Town Board, as Commissioners of the Highland Water and Sewer Districts, received from its Administrator and Town Engineer information indicating that the Highland Water and Sewer District Systems in the area of Town's Recreational Facility known as Bob Shepard Highland Landing Park could be extended to provide the park with both water and sewer service; and,

WHEREAS, Morris Associates, Engineering and Surveying Consultants, PLLC has prepared correspondence to the Town Board, dated May 16th 2017, and said correspondence outlines the proposed improvements and budget to extend such water and sewer service; and,

WHEREAS, the Town of Lloyd has submitted a formal application for a NYS SAM Grant, and has received information indicating that the grant funding is pending; and

WHEREAS, the Highland Water and Sewer Districts currently have unexpended fund balance within the 2017 and preliminary 2018 water and sewer budget line items for Professional Services capable of covering the anticipated cost of the engineering design for the project, necessary to perform field surveying, obtain regulatory approvals, and the complete the engineering design of the extension of water and sewer systems as the District sees fit; and,

WHEREAS, Morris Associates, Engineering and Surveying Consultants, PLLC, Ray Jurkowski, P.E., and the Water and Sewer Administrator have provided a presentation to the Highland Water and Sewer Committee, as well as the Town Board for the improvements in this area and have delineated the project identified as Bob Shepard Highland Landing Park Water and Sewer Service Extensions.

1. This Town Board establishes a project to be known as the Bob Shepard Highland Landing Park Water and Sewer Extension for the installation of a new water main and lower pressure sewer line to serve the Bob Shepard Highland Landing Park in Highland New York;
2. The cost of engineering associated with this project shall be paid from the Water and Sewer District Annual Budget for professional services;
3. This is an extension of utility distribution facilities, including water and sewer connections to render service to an existing facility and it is exempt from further SEQRA Action, being a Type II action consisting of a replacement in kind on the same site which did not exceed the thresholds of Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary;
4. Morris Associates, Engineering and Surveying Consultants, PLLC, be and they hereby are authorized to prepare necessary design plans, obtain regulatory approvals, and prepare specifications and requests for proposal documents in accordance with law.
5. The project **shall not be let out to bid** until such time as the construction funding has been secured from the State.

Roll call; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

Four ayes carried.

D. MOTION made by Mazzetti, seconded by Guerriero to close the Public Hearing on 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” at 5:45PM.

Four ayes carried.

E. RESOLUTION made by Guerriero, seconded by Paladino

WHEREAS, proposed Local Law “G” of 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” was introduced at a meeting of the Town Board held on the 16th day of August, 2017, at 7:00 P.M.; and

WHEREAS, 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

WHEREAS, a public hearing was scheduled for September 20, 2017 at 7:00 P.M., the Town Clerk published and posted a notice of said public hearing in accordance with law; and

WHEREAS, a public hearing has been held thereon on the 20th day of September, 2017 at 7:00 P.M. at which time all interested persons were given an opportunity to be heard thereon; and

NOW, THEREFORE, be it is resolved that Local Law “G” of 2017 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being 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” of the Town Code of the Town of Lloyd

Roll call; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye

Four ayes carried.

D. Resolution to approve the following budget amendments to the 2017 budget at the October 18, 2017 Regular meeting:

GENERAL		
Engineering	1440.40	+\$4,000.00
Parks CE	7110.40	+\$3,500.00
Contingency	1990.40	-\$7,500.00
HIGHWAY		
Brush & Weeds PS	5140.10	+\$1,168.00
Snow Removal PS	5142.10	-\$1,168.00

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Motion made by Hansut, seconded by Paladino to go into executive session at 5:50 p.m. for a personnel matter with Andrew McKee, Dog Control Officer.

Four ayes carried.

Motion made by Guerriero, seconded by Paladino to come out of executive session at 6:15 p.m.

Four ayes carried.

Motion made by Guerriero, seconded by Paladino adjourn the meeting at 6:15 p.m.

Four ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk