TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

OCTOBER 3, 2018

Present: Supervisor Paul Hansut Also present: Sean Murphy, Attorney

Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Rosaria Peplow, Town Clerk
Kate Jonietz, Secretary

Councilmember Joseph Mazzetti Councilmember Claire Winslow

Absent: None

5:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance

1. REPORTS

Finance – Karen McPeck, Bookkeeper to the Supervisor

Assessor – Jennifer Mund

Jennifer Mund stated that she will mail the Enhanced STAR and Senior Citizens Exemption renewals in mid-late October which is earlier than usual. She wants to allow plenty of time to process the exemptions and ensure that the information is collected accurately. The information will be forwarded to the New York State for the Income Verification Program that is required this year.

Seniors will be required to submit for Enhanced STAR Exemption renewal:

- 1. E STAR Renewal form
- 2. Income Verification Form
- 3. Provide 2017 Income tax return. If they are not required to file a return, they will have to complete an income worksheet and provide copies of income statements. (Ex. Social Security Statements and 1098's for interest income, pension statements etc.)

There was only one form to complete in prior years. There is now a separate Senior Citizen Exemption Renewal form. The seniors renewing the Enhanced STAR and Senior Citizen Exemption will have 3 or 4 forms to complete depending upon whether or not their income level requires them to file income tax returns.

- 1. ESTAR Renewal
- 2. Senior Citizen Exemption Renewal
- 3. Income Verification form for Tax and Finance
- 4. Provide 2017 or 2018 income tax return. If they are not required to file a return, they will have to complete an income worksheet and provide copies of income statements. (Ex. Social Security Statements and statement for interest income, pension statements, IRA distributions, etc.)

They must complete an income worksheet if they do not file tax returns. She anticipates increased office traffic as property owners will need clarification on the new process. She feels that the more effort that her office puts into this new process this year the fewer issues will arise when the school tax bills are received next year. Her office will continue the outreach to seniors to ensure that no one misses the exemptions to which they are entitled.

Mund has run the valuation on the Town and has begun the review of values and assessments to ensure maintaining an equitable distribution of taxes. She will collect and value new construction and building permits while completing the exemption collection and review process.

Building & Zoning Department – David Barton

Barton stated that September was a busy month. Anthony Giangrasso, Building Inspector, has prepared a plumbing course that he will teach at the Capital District Code Enforcement Conference in Albany on October 18th.

There are two zoning petitions on tonight's agenda under New Business.

The first is from Anthony Prizzia who has property on Rt. 299 which is currently zoned Residential - 1 acre. All the properties around this parcel are zoned GB and DB and he is asking that the property be rezoned to GB. He has had a curb cut there for ten years which was approved by NYSDOT. Mr. Prizzia has a conceptual plan for a professional building.

The second request is from Selux Corporation on Lumen Lane who want to increase the size of their building. They have requested a lot line revision to move the lot line back from one parcel into another parcel they own. They are also requesting a change of zoning on that property from R-1 to GB so they can continue on future expansion. All of Lumen Lane is zoned GB.

The Town Board could set public hearings tonight and refer them to the Town Planning Board and the Ulster County Planning Board. He has discussed the proposed changes with the Town of Lloyd Planning Board.

Mark Reynolds, reporter, asked the size of the Prizzia's parcel and if Selux was going to rezone the entire parcel.

Barton responded that Prizzia's property was one acre.

John Wadlin, Esq. representing Selux said the parcel is 80 acres. They want to move the lot line but will only add 23 of those acres to the existing lot.

Barton added that the rest of the parcel will remain R-1.

RESOLUTION made by Winslow, seconded by Guerriero to authorize David Barton to refer the rezoning requests of Anthony Prizzia, Parcel 87.2-7-28.200 and Selux Corporation, 88.1-3-10 to the Ulster County Planning Board and the Town of Lloyd Planning Board.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

Sean Murphy, Attorney, will prepare the local laws to rezone the parcels.

Dog Control – Andrew McKee

Supervisor said that Andrew McKee got called out of tonight's meeting. They discussed that there is a feral cat issue in town. Mckee is gathering data on the stray cat colonies around town. This is the first step in ascertaining if there is help available from Ulster County.

Highway – Superintendent Richard Klotz

Klotz reported that on Friday they will resume paving. They have had 40 inches of rain which made it hard to get the work done. The sand and salt should be arriving soon.

Charles Hurd called from Hurds Farm and said that their tractor trailers are getting ticketed because they are 53 ft. long and only up to 48 feet is allowed on the road. The farmer can apply for a waiver through the NYS Department of Transportation. He asked if it was okay to have Sean Murphy speak to Charles Hurd.

It was agreed that he could.

Supervisor said that since the opening of Phase IV of the Hudson Valley Rail Trail his office has received numerous calls about possible accidents on Rt. 299 and the safety of the people on the Trail. He asked Klotz his opinion of a joint petition with the Town of New Paltz to ask NYSDOT to reduce the speed limit on Route 299 to 45 miles per hour from the College Diner at Ohioville Road to Speedway Gasoline Station at New Paltz Road.

Mazzetti said there should be a traffic study done because he felt that lowering the speed limit might create a speed trap.

Guerriero asked how many accidents have there been and how much would a traffic study cost.

Supervisor responded the traffic study would cost \$75,000.00.

Winslow asked if the Town of New Paltz has expressed a concern.

Supervisor said he did speak with New Paltz Town Supervisor, Neil Bettez. He feels the Board should address the concerns that have come into his office and those that have been expressed on social media about their safety while on the Rail Trail along Rt. 299.

Klotz said he is going to reach out to the Town of Hurley, that has a similar Rail Trail along Rt. 209 and see if they have had issues.

Winslow thanked Klotz for removing the trees in the Hamlet and wanted to everyone to understood that the reason the stumps were left so tall was because they are going to be decorated for Halloween and then they will be ground down.

Kate Jonietz, Secretary to the Supervisor and Events Chairperson, said they will decorate the tree stumps for Halloween, then will cut them down further and put Christmas trees on them for Christmas. She is thinking positively that the Town will receive the TAP grant and will be putting in new sidewalks and trees next Spring.

Justice – Eugene Rizzo/Terry Elia

Police – Chief Daniel Waage

Police Chief Daniel Waage read the following report

TOWN OF LLOYD POLICE MONTHLY ACTIVITY REPORT MONTH OF SEPTEMBER 2018 PATROL ACTIVITIES:

CALLS FOR SERVICE-----999
OTHER/PUBLIC SERVICE-----378
ACCIDENTS-----38
TICKETS (PARKING/UTT'S) -----102 (3 parking)

(99 UTT'S)

ARRESTS	44
	(OFFICER/SGT) Approx. 190 hrs.
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SCHOOLS	(OFFICERS/SGT)Approx. 6 hrs.
FOOT PATROLHAMLET	(CHIEF/LT.)Approx. 8 hrs.
SCHOOLS	(CHIEF/LT.)Approx. 2 hrs.

Sept. 05th-Chief Waage presented Life Saving Award Certificates to two Town of Lloyd Police Officers (John Lembo and Nick Paradise) and a civilian (Danielle Zaccheo) for their life saving action on July 08th.

Sept. 05th -Members of the Town of Lloyd Police Department played basketball with approximately 19 children from the community. The Lloyd Police - Youth Rec League is co-sponsored by the Highland Rotary Club

Sept. 06th -Members of the Town of Lloyd Police Department along with administration from the Highland Central School District greeted Highland Elementary school children as they got off the bus on their first day of school.

Sept 08th - Members patrolled "A Night in Little Italy" event in the hamlet.

Sept. 08th Members visited Zachary, a local youth hosting Zachary's Lemonade Stand to donate to Zachary's cause. All of Zachary's proceeds will benefit the Children's Home of Poughkeepsie.

Sept. 11th-Cops and Coffee took place at Vignettos Café.

Sept. 11th-Members attended the 9/11 Memorial Service.

Sept. 12th-Chief Waage attended the Highland Central School District quarterly cabinet meeting.

Sept. 13th-Members of the Town of Lloyd Police Department delivered book bags filled with supplies from their "Operation Back to School" supply drive to the Highland Elementary School.

Sept. 27th -Chief Waage instructed on the topic of Civilian Response to an Active Shooter to employees of Sawyer Savings Bank

Sept 29th –Members delivered chicken BBQ dinners to members of our senior citizen Project Care program.

Upcoming police events in October:

Oct 11th - Spaghetti Dinner Fundraiser for Hurricane Relief at the firehouse community Room Oct 17th - Self Defense class at the Highland Fire house community room

Recreation/Buildings & Grounds – Frank Alfonso

Alfonso reported that there are 50 various events scheduled at the parks this month including parties and practices. Open basketball starts in two weeks followed by youth basketball and wrestling. The parks are all in good shape. He and Steven are finishing some projects they started in the Spring at Tony Williams Park and in the Hamlet.

Winslow asked if a plan has been made for maintaining the new Rail Trail.

Alfonso said they are working on a price for a piece of equipment. Adding an employee for Building and Grounds to maintain it needs to be addressed with the budget. They now order the supplies i.e. dog bags and maintain the stations. They mow the entrances to the three parking lots, Tony Williams, Rotary Caboose and Commercial Ave.

Winslow asked if they are going to plow the new sections.

Supervisor said there is a possibility that the Empire Rail Trail Association will purchase equipment for maintaining the Trail. There is a piece of equipment that will mow, snowplow and has a front-end loader for approximately \$35,000.00. They are sending the information to the Empire Rail Trail Association. They have an agreement with New Paltz to purchase a zero-turn lawn mower. They are trying to get everything maintained by coordinating Highway and Buildings and Grounds and possibly part time help. The Town has to maintain the Trail because when they accepted Grant money from the State to build the Trail it was part of the agreement.

Town Clerk – Rosaria Peplow

• Tax Collection

\$32,334.04 interest and penalty on taxes given to the Supervisor.

The Town Clerk's office has received calls and visits from tax payers who want to pay school tax bills. The callers were provided with the school tax collector's telephone number, website and were told that payment could be made in person at M&T bank. School tax payments that were received in the mail were forwarded or returned.

Town Clerk

- Tentative 2019 Town of Lloyd budget has been prepared; I have emailed copies to each Board member and have additional hard copies here.
- 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 will notify us and we will be allowed to issue deer management permits for those DMU's.
- 567 Transfer Station permits have been issued to date.

- CSC Holdings first half payment received \$89,389.00 (Cablevision)
- \$175 Tony Williams Field Rental
- The Deputy Town Clerks and I attended the Ulster County Town Clerks' and Tax Collectors' Meeting on September 6th in the Town of Esopus

Water & Sewer – Adam Litman

Litman reported that it has been raining since mid-August. Over a foot of rainfall fell in the month of September. The water district was 100% on river water in August but as of mid-September they switched to reservoir water. All of the reservoirs are from ³4 full to full and have been maintaining that level. Water production is 80 to 85% from the reservoirs and the rest is from the wells. This summer there were a lot of power imbalances probably due a lot of air conditioners running because of the hot weather. This caused some equipment failures and tripped pump stations. The weather has cooled and it is much better.

A new compressor has been installed at the water plant. The project was extensive starting with price matching and quotes. The project turned urgent when the old compressor was again failing. The project is complete and they are very satisfied with it. Painting the water pump station at the river is on hold because of the weather.

The Highway Department did a great job brush hogging around the reservoirs.

Peter Bellizzi, President of Hudson Valley Rail Trail, asked if the Mountainside Woods sewer project is going to disturb the Rail Trail.

Litman responded that they did not like the original plan because the way it was designed it would cause backups. Mountainside Woods' engineers have come up with a new plan that will work better. It will disturb the Rail Trail and after the project is complete the contractor will be responsible for restoring the trail back to its original state.

Supervisor – Paul Hansut

2. OLD BUSINESS

A. Sound the Alarm – Kelly Formoso, Red Cross

Kelly Formoso, Executive Director of the American Red Cross of the Mid-Hudson Valley Chapter, said that she wanted to present some of the projects the Red Cross is doing in this region.

They will present the pillowcase project to the elementary school students next week and teach 3rd to 5th graders about home fires and flooding. The program is free and sponsored by Walt Disney. Each student will receive a pillow case that lists what they need for a disaster supply kit as well as Crayola markers so they can decorate the pillow case. They will take it home and fill it with their emergency supplies. The children will take home fliers asking them if they have working smoke alarms. The parents will complete the flyer, return it to the school and the red cross will set up appointments to install free smoke alarms to any individual who is in need. It is a combination of the Pillow Case Program and Sound the Alarm Save a Life Program. The American Red Cross responds to 65,000 disasters annually and the majority of them are home fires. Smoke alarms expire after ten years, the Red Cross has installed 1.4 million smoke alarms across the country. Formoso is looking for volunteers to install smoke alarms and the Red Cross will train them.

B. Ambulance Contract

Peter Miller, Highland Fire Chief, said ambulance coverage has been an issue for years for the Fire Department and is a service that is necessary. The Fire Department acted as first responders to medical emergencies in past years which were then followed by an ambulance. This was a burden on the Fire Department volunteers. If the Fire Department still did medical calls they would do around 1800 calls a year. Mobile Life is the premier Ambulance organization in the Hudson Valley; they have approximately 500 employees and run 60 ambulances.

The Town of Lloyd has a contract so that the ambulance is in Highland 24/7. They never leave the Town of Lloyd unless another ambulance is right there to replace it. The ambulance business is very straight forward; it cost a certain amount of dollars to park an ambulance for twenty-four hours, seven days a week with two attendants. The cost includes training, maintenance, personnel, supplies, etc. He said he is not advocating for Mobile Life but his job as Fire Chief is to make sure the people of the Town of Lloyd are properly serviced. There are many times that there are multiple calls for ambulances. In some case there are six calls at one time. Mobile Life is a company that can provide that equipment. The Town doesn't want an ambulance company that cannot provide that back up. No one wants to be that person that is the second call for an ambulance if there is no back up.

Supervisor thanked Chief Miller for presenting this information to the Town Board. He has reached out to other towns and asked about the service they have and what they pay for it. The town is waiting for Mobile Life to present their information. EM Star is also sending a proposal but he doesn't think they have the capability of providing the service the Town of Lloyd needs.

C. Ramos Fence – HVRT

Ray Costantino, Hudson Valley Rail Trail Association said that the grass and trees along the Rail Trail are not vacant or unused property or surplus property. The property is part of the Rail Trail. It is not friendly for someone to put a fence on Rail Trail property and say this is mine. The house at 201 New Paltz Road was built using a sideline set back of 15ft for their front yard setback in order to fit the house onto the property. The front of the house which faces the Rail Trail is only 15 feet from their property line. There are two driveways from New Paltz Road to the property. There is an easement for Mr. Ramos to get from his property to New Paltz Rd. which is what the old traveled way was and is still in use. He has illegally taken 58 feet of town property by putting his fence on Town property. He has been mowing that property which is common with homes along the Rail Trail. When the railroad owned the property, they would allow people to farm, raise cattle and use the land, but it did not belong to the people. The railroad had this right of way to protect their assets; they established the width of the trail and right of way so they could work on their tracks. The railroad owned 53 feet from the center of the rail trail which allowed them enough room to take care of the sloops and get machines in whether at the area where the rock cuts are or the black creek swamp area. He doesn't think anyone would mind if Mr. Ramos mows the lawn, has a picnic on it, puts up a badminton set but by putting up a fence he is claiming it as his. At one time, people wanted to see where the paths went so they would wonder off the trail and would trespass on private property like Mr. Indelicato's. The Rail Trail Association put up signs that read "stay on trail" and "private property". This can do be done for Mr. Ramos but allowing him to take this property is not right. The Town has received dozens of offers from people who want to buy the rail trail property since the rail trial started in 1995. Mr. Ramos did a nice job cleaning up the property but it doesn't belong to him.

A dog protects his owner and his property. Mr. Ramos put an invisible fence 25 feet from the Rail Trail which enabled his dog to charge down to the Rail Trail and challenge anyone walking the trail. The invisible fence also needs to be moved back onto his own property.

Mazzetti asked what the distance is from Mr. Ramos' property line.

Costantino responded that it is 53 feet from Ramos' property line to the center of the Rail Trail.

Mazzetti asked if that means the driveway and black top parking area are on Town property.

Costantino replied that they want Mr. Ramos to enjoy his property and the blacktop does not bother them.

Supervisor said that the Board had discussed doing a license agreement for the fence. Mazzetti said Ramos created this problem. If they allow him to keep the fence there

what about the next person who asks and what about the liability.

Costantino said DiLorenzo Tree Service has basically the same issue. He uses town property to park his trucks for his business. The property has been used that way for a long time and the railroad never objected. He thinks the fence should come down and Mr. Ramos needs to get his dog under control. If Mr. Ramos had applied for a building permit for the fence, he would have been declined and that would have saved everyone a lot of time.

Loretta Miller, Hudson Valley Rail Trail member, said the Rail Trail Association would like to be a part of the discussion of selling the Town of Lloyd property behind the Ulster Visitors Center to the New York State Parks.

Mazzetti said he doesn't want to sell the property because some day they may want to do the city bikes and they would not have anywhere to put them.

Winslow asked how the Rail Trail felt about the sale of the property.

Costantino said that it is town property it does not belong to the Rail Trail. The HVRT Association wants to be able to monitor access to the proposed fenced area behind the Visitors Center because the Walkway Over the Hudson would have to use the Hudson Valley Rail Trail to access it. If the State owns the property it can do what they want. They don't need permits and can build what and where they want which is why the visitors center is only five feet from the town's property line.

- Supervisor said the Town Board needs to communicate more efficiently with the Hudson Valley Rail Trail Association.
- Costantino said they have not seen the new map of the property that the Walkway wants to buy.
- Rich Klotz said that the Rail Trail in the area behind Mountain Side Woods has been flooding since they started construction. A culvert was to be installed which has not been installed.
- Costantino said there was an attempt to put in a drainage ditch but it wasn't enough. The Centennial Park on the Rail Trail has been abandoned because of the flooding. It was always wet and nothing would grow. They are very concerned about all the mature trees. Mountain Side Woods had planned to run a swath down the edge of the trail and that would protect those trees but that hasn't happened. It has been five years of flooding and ice sheets across the Rail Trail and now another winter is approaching.

3. NEW BUSINESS

- **A.** Rezoning petition-Prizzia R-1 to GB
- **B.** Rezoning petition-Selux Corporation R-1 to GB

Motion made by Winslow seconded by Guerriero to authorize David Barton, Building Department Director to refer rezoning petition for Prizzia and Selux to the Town of Lloyd Planning Board and Ulster County Planning Board for comments.

Five ayes carried

4. PRIVILEGE OF THE FLOOR

- Rafael Diaz, member of the Hudson Valley Rail Trail Association said that he has walked and run the new Phase IV. He said it is far enough away from the road to be safe but if a cyclist comes up behind a pedestrian and tries to give warning of approach, that the road sound is so severe the pedestrian will not hear them.
- Mazzetti said that the safety of the Rail Trail was evaluated at great extent by the State and the engineers and it exceeds the standard for safety. When you drive along Rt. 299 it looks like you are very close to the Trail but when you walk on the trail you realize that you really are not close to the road, it's a perception thing.
- Supervisor said they will have Sean Murphy draw up a resolution using complete and proper verbiage to have the fence at 201 New Paltz Road be removed.
- Charles Mueser, III resident. In January at the re-org meeting you asked for volunteers to serve on various boards. He applied for a position on the zoning board twice and has never been contacted for an interview.
- Mark Reynolds, Reporter said that you have mentioned that you will be taking action at the next town board meeting on the Ramos fence issue; you also mentioned that DiLorenzo Tree Service is also using town property for his business. He asked if the board is going to take any action on that and also if there are any other properties along the rail trail that you will be looking into to see if there are other encroachment issues.
- Mazzetti said the sense he got from the Rail Trail Association this evening is that they don't mind if people use the property, but the difference with Ramos is that he put up a fence and claimed the property as his own.
- Supervisor said he will be having legal counsel look into both properties.
- Reynolds asked if Mobile Life has made an official proposal to the town.
- Supervisor said he has not received an official proposal from Mobile Life. The number in the tentative budget are what they believe it may be.
- Reynold asked Auchmoody what the progress, if any, has there been at the Highland Landing Park.
- Auchmoody responded the River Walk is complete north to south, the conduit for electricity is in the ground to the dock and to the outdoor classroom. The power line is connected to the outdoor classroom. There will be four lights on the dock and one to light up the sign. The wire has not yet been run. The interior of the educational building is still being used as a shop and not yet completed. He said he believes the application to CSX to run water and sewer under the railroad tracks has been approved.

Supervisor said the 2019 Tentative Town Budget which was given to the Town Clerk has been presented to the members of the Town Board. As in years past, that budget is the wish list provided by each department head and an estimate is made of insurance, other costs and revenues. It is a scary number, in years past we have been able to bring it down to the cap. At this point, after speaking to other Town Supervisors and the State Comptroller auditor it was recommended they do the following resolution;

5. MOTIONS & RESOLUTIONS

A. **RESOLUTION** made by Auchmoody, seconded by Winslow

WHEREAS, a local law, being proposed as Local Law G-2018, was introduced at this meeting as follows:

"Local Law G–2018, a Local Law to override the Tax Levy limit established in General Municipal Law Section 3-C.

(copy of Local Law attached)

WHEREAS, this Board desires to hold a Public Hearing with respect to the adoption of the said local law;

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 17th day of October 2018 at 7:00 p.m.

RESOLVED, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

Local Law G of the year 2018 Town of Lloyd, County of Ulster

A local law to override the tax levy limit established in General Municipal Law \S 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that maybe levied by the Town of Lloyd pursuant to General Municipal Law § 3-c, and to allow the Town of Lloyd to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes the town board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the town board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Lloyd, County of Ulster is hereby authorized to adopt a budget for the fiscal year 2019 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, §3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Winslow questioned if adopting the local law meant that the Town budget was going to exceed the limit.

Supervisor explained that the law has to be adopted before the budget is adopted in the event that the budget does go over the 2% cap.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

Motion made by Auchmoody seconded by Mazzetti to adjourn at 7:35.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow Town Clerk