

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

JANUARY 12, 2011

Present: Supervisor Raymond Costantino
Councilmember Kevin Brennie
Councilmember Nancy Hammond
Councilmember Herbert Litts, III
Councilmember Jeffrey Paladino

Also present: Sean Murphy, Attorney
Wendy Rosinski, Secretary
Rosaria Peplow, Town Clerk

Absent: None

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

Supervisor stated that Councilmember Michael Horodyski has submitted his resignation from the Town Board. The responsibilities of his new position made it impossible to continue as Town Board member. He said that Horodyski was a common sense kind of guy and will be missed. He thanked him for his service to the Town. Supervisor then asked the Board to skip to the following resolutions on the agenda:

B. MOTION made by Paladino, seconded by Hammond, to acknowledge the resignation of Councilman Michael Horodyski, effective immediately. The Board thanks Mr. Horodyski for his service to our community and wishes him well.

Four ayes carried.

C. MOTION made by Paladino, seconded by Hammond, to acknowledge the resignation of Herbert Litts III from the Town of Lloyd Zoning Board of Appeals, effective immediately.

Four ayes carried.

D. MOTION made by Paladino, seconded by Hammond, to appoint Herbert Litts, III, to the unexpired term of Councilman Michael Horodyski, expiring December 31, 2011.

Four ayes carried.

Herbert Litts, III, was sworn in as Councilmember by Rosaria Peplow, Town Clerk.

Supervisor stated that he is assigning Litts to the liaison duties of Horodyski.

1. **REPORTS** from Town Board Department liaisons

Assessor – Councilmember Litts

Audit – January 1 to March 31 – Councilmember Hammond

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond reported that ECC will meet on Monday, January 17.

Events – Supervisor Costantino announced that the Clean Sweep will be May 14.

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino reported that training continues on the ladder truck and it is expected to be on the road late February to early March.

Highland Central School – Councilmember Hammond announced that the Highland Community Connection Expo will be held on April 12 from 6 PM to 8 PM at the Highland High School gymnasium; she has begun sending emails to her list of participants and has received 5 replies to date.

Highland Landing – Supervisor Costantino

Matt Smith, Park Manager, read the following report:

Carpenters, Manny Bougades and Larry Streeter put in two more days on the building. They finished the framing for the bathrooms and entry hall, installed the 2010 floor joists for the attic and put down the floor in the attic. A heating, ventilating and air conditioning unit has been ordered. The windows arrived and the interior framing for them in the bath and hall area is done. A news reporter interviewed the carpenters and took some photos, which should be in this week's edition of the *Southern Ulster Times*.

We went to Lawrence, Massachusetts, and picked up the composting toilet packages; it was approximately a 10-hour drive. They are stored in Ethan Jackman's building (Vintage Village) along with the picnic tables. These toilets are being paid for (approximately \$20,000) by a grant from Greenway.

The carpenters volunteered their time; the building materials were paid for by a member item grant from Sen. Bill Larkin and the Highland Landing Park Association. As Ethan Jackman would say, "cost to the Town was zero dollars and zero cents".

Supervisor asked the status of the bulkhead and the results of the various meetings.

Smith said that he and Coastal Management are pushing for a decision from the Army Corps of Engineers; he believes that everything is on track. He explained that the present dock is L-shaped because of the pipes from the storage tanks to the lines to fill the oil barges; the pipes are now gone. The plan is to build a rectangular dock. The comment from the Army Corps of engineers representative was that they would not give a permit for a rectangular dock as that would shade the water too much. Smith explained that the rectangular dock was for safety reasons. Sal Cuciti, Park designer, has emailed the Army Corps with the rationale for the rectangular dock.

Supervisor added that Coastal Management and Army Corps wanted the rubble to remain along the shore of the River for a soft edge; however, the plan is to provide a maritime use at the Park so boats such as the *Clearwater* could be docked there. Boats cannot dock at the Park with boulders and rocks along the shore. The New York State Department of State recognized the maritime and economic use of the Hudson River site and gave the grant to make a square edge.

Smith said that the Army Corps wanted the bulkhead at the low-water mark at the lowest rubble, which would separate the bulkhead from the shore by 20 to 30 feet.

Highway – Supervisor remarked that the Town has experienced the third snow storm of the season and the Highway Department has been out all night and all day today. He thanked the crews for their service.

Hammond added that they are doing a great job.

Brennie commented that the downtown businesses appreciate the cleanup of the sidewalks.

Supervisor said that Buildings and Grounds cleaned the sidewalks after the latest snow storm in front of the former Long Shots bar, the former Vadala's Drugstore and the bump-out in front of the Ossie building.

Historian – Supervisor Costantino

Hudson Valley Rail Trail – Supervisor Costantino announced that the Winter Fest will be held Saturday, January 15, from 11 AM to 2 PM, at the pavilion on New Paltz Road.

Matt Smith added that he and Jerry Luke will take Smith's truck to Albany to pick up the blocks of ice for the ice sculptures.

Supervisor said that he is going to the Bronx to buy the chestnuts for roasting. The Highway Department is going to clear the snow in the parking lot.

Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino had nothing new to report as there was no meeting in December due to the holidays. He feels that the meeting held earlier this evening with the Planning Board, Zoning Board of Appeals and the Town Board on proposed changes to Chapter 100 was productive.

Police – Councilmember Hammond

Personnel – Councilmember Brennie

Recreation – Councilmember Brennie reported that he attended the Recreation Commission's meeting on January 10 and they have asked him to speak to the Town Board regarding the availability of funds in the Recreation Capital Reserve to pay for a feasibility study on converting the Highway garage property on New Paltz Road into a community center with a pool. He said that the Commission is passionate about the idea and that is the direction they would like to take in building the program.

Supervisor recalled talking about this a couple of years ago and said that he would like to move the Highway Department to the Transfer Station on Lily Lake Road where the Town owns a lot of property. He said that if we don't plan it will never happen. He spoke with Patty Brooks, Brooks & Brooks Surveyors, and she has a topographical map of the Highway Department and Tony Williams Park property. He asked her to look at the topo of the property where the Highway Department is now to determine what can be done there in the future.

Brennie said that the Commission would like to study all of the costs, maintenance, income and expenses and present a package to the Board.

Supervisor suggested putting the concept on paper and building an RFP from that.

Dominick Martorana offered that the Planning Board allocates a certain number of dollars every month for their consultant, Barton and Loguidice, and it is not that busy at this time. He felt that since they were on a retainer they could help Councilmember Brennie and the Recreation Commission to get the project started.

Supervisor said that he has not spoken with the Town Board about Barton & Loguidice as yet; they say that they have gone over their hours and would like to increase their fee. He said that was a good idea but he thinks that B&L will say that they already used it up the retainer. He suggested copying the drawings and draw in ideas. He asked how the Board

felt about the possibility of moving the Highway garage to the Transfer Station. The Highway department is running out of room at their site now. Paladino thinks it is a 'great idea'. Hammond said that money is the question. Paul Gargiulo asked if Federal money would be available to build the Highway Garage or look for a grant. Hammond replied that the grant money is drying up.

Brennie stated that he has had calls from residents of Apple Lane that their road is not being plowed. Supervisor said that he is aware of the situation; the road is not bonded or dedicated to the Town so it is not the Town's responsibility. Paladino related that the manholes are raised and it is not top-coated so that makes it very difficult to plow. Litts commented that the developer sold the lots and the lots are occupied but the road is not dedicated nor has it been paved. He felt that in the future the Town should require the road to be bonded before building permits are issued. Supervisor said that this was a pre-existing subdivision; a sub-division road now has to be bonded before building permits are issued. Brennie is concerned as to what to tell the people who have contacted him. Supervisor said that the developer is now plowing and that he will talk with the property owners.

Safety – Supervisor Costantino

Shared Services – Councilmember Paladino

Water and Sewer – Supervisor Costantino reported that the sewer plant is under construction. There is a resolution on this agenda to approve the contract with an asbestos abatement company to remove the asbestos in the two houses on River Road. Demolition of the houses will begin in early February.

He said that unless there is a thaw, the Water Department will have to begin pumping River water as the reservoirs are low.

Transfer Station/Recycling – Supervisor Costantino is proposing April 30 and May 7 as free days at the Transfer Station; more details will follow as to what will be allowed. He is suggesting a half price white sale for stoves, refrigerators, freezers, etc., which will still cover the removal of the Freon units.

Zoning Board of Appeals – Councilmember Litts

2. OLD BUSINESS

3. NEW BUSINESS

- A. Procurement Policy (no discussion)
- B. Clean Sweep May 14 (see above)
- C. Free Dump Days, April 30 and May 7 (see above)

4. PRIVILEGE OF THE FLOOR

Kit Cowan stated that she would like to get a Cablevision packet and volunteer to film the Town Board meetings. It is her understanding that Cablevision has a grant to supply start-up packets. She has had experience with cameras and editing while working as a volunteer at Cablevision in Westchester. She feels that it would be a great conduit between the Town Board and people who cannot come to the meetings.

Supervisor explained that he asked Cablevision when the franchise was to be renewed to include the video package as a requirement before approval of the franchise. It is the option of the Town to use it or not; the value is approximately \$10,000.

Cowan said that Cablevision was making a time slot to air the meetings. Town Board will consider.

5. MOTIONS & RESOLUTIONS

A. **MOTION** made by Brennie, seconded by Hammond, to approve the minutes from: Workshop Meeting, December 1, 2010; Regular Meeting, December 8, 2010; Special Meeting, December 30, 2010 11:20 AM; Special Meeting, December 30, 2010 5:00 PM.

Roll call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye; Litts, abstain.

Four ayes carried.

B. **Motion** to acknowledge the resignation of Councilman Michael Horodyski effective immediately. The Board thanks Mr. Horodyski for his service to our community and wishes him well. See above.

C. **Motion** to acknowledge the resignation of Herbert Litts III from the Town of Lloyd Zoning Board of Appeals effective immediately. See above.

D. **MOTION** to appoint Herbert Litts, III, to the unexpired term of Councilman Michael Horodyski to expire December 31, 2011. See above.

E. **MOTION** made by Paladino, seconded by Brennie, to appoint Thomas Rozzi to the unexpired term of Herbert Litts, III, on the Town of Lloyd Zoning Board of Appeals to expire 12/31/12.

Roll call: Hammond, aye; Costantino, aye; Litts, aye; Brennie, aye; Paladino, aye.

Five ayes carried.

F. **MOTION** made by Hammond, seconded by Paladino, to accept the report from Roemer Wallens Gold & Mineaux, dated June 16, 2010, in regards to Dominick Martorana.

Roll call: Paladino, aye; Costantino, aye; Hammond, aye; Brennie, abstain; Litts, abstain.

Three ayes carried.

G. **MOTION** made by Brennie, seconded by Hammond, to re-appoint Joanne Mazzetti to the Board of Assessment Review for a 5-year term to expire 9/30/2015.

Five ayes carried.

H. **TABLED** at the request of the Supervisor.

Motion to appoint as vice-chair of the Town of Lloyd Zoning Board of Appeals.

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

WHEREAS, the Highland Water District (hereinafter "HWD") owns certain real property consisting of approximately 270 acres (hereinafter the "property") within the town located west of Vineyard Avenue on the eastern slope of Illinois Mountain; and,

WHEREAS, the Wallkill Valley Land Trust, Inc. (hereinafter "WVLT") is a New York State not for profit corporation having as its mission to preserve open space in southern Ulster County for the benefit of present and future generations, to conserve our community's environmental heritage, to promote voluntary preservation of land, to protect scenic, natural, recreational, and agricultural lands, to strengthen public sensitivity to environmental issues and the value of open space, and to encourage environmentally sensitive growth; and,

WHEREAS, the Scenic Hudson Land Trust, Inc. (hereinafter "SHLT") is a New York State not for profit corporation having as its mission the protection, preservation and restoration of the Hudson River as a public and natural resource; and,

WHEREAS, SHLT owns approximately 242.6 acres of real property adjacent to HWD's property; and,

WHEREAS, HWD, WVLT and SHLT have identified public trails as a desirable primary resource for enhancing public recreational opportunities and desire to work together to create a public trail system on Illinois Mountain (hereinafter referred to as "Illinois Mountain Trail System") in the Town of Lloyd on both HWD and SHLT properties; and,

WHEREAS, HWD desires to grant WVLT an easement over its property, as more particularly described in the "Easement" attached hereto and made a part hereof as Exhibit A; and,

WHEREAS, HWD, WVLT and SHLT wish to enter into an agreement providing for the construction, management and maintenance of the Illinois Mountain Trail System, as more fully set forth in the "Memorandum of Agreement between Wallkill Valley Land Trust, Inc. and Highland Water District of the Town of Lloyd and the Scenic Hudson Land Trust, Inc." attached hereto and made a part hereof as Exhibit B; and,

WHEREAS, this is an unlisted action under SEQRA, and a short form EAF has been prepared with the Town Board assuming lead agency and doing a review, with the recommendation of a determination of no significant impact; and,

WHEREAS, the Town wishes to approve the Easement, attached hereto as Exhibit A, and the Memorandum of Agreement between Wallkill Valley Land Trust, Inc. and Highland Water District of the Town of Lloyd and the Scenic Hudson Land Trust, Inc., attached hereto as Exhibit B.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The "Easement" attached hereto as Exhibit A is hereby approved and the Supervisor is hereby authorized to sign said agreement and any related documents necessary for the finalizing and filing thereof.

2. The "Memorandum of Agreement between Wallkill Valley Land Trust, Inc. and Highland Water District of the Town of Lloyd and the Scenic Hudson Land Trust, Inc." attached hereto as Exhibit B is hereby approved and the Supervisor is hereby authorized

to sign said agreement and any related documents necessary for the finalizing thereof.
(See Attached)

Roll call: Costantino, aye; Paladino, aye; Litts, abstain; Hammond, aye; Brennie, aye.

Four ayes carried.

Dominick Martorana asked if the Town Board could forward a document to the Planning Board in these cases, notifying them that these properties would no longer be available for development.

Supervisor said that was a good point and he would talk with David Barton, Building Supervisor.

J. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, the Town Board, as Commissioners of the Highland Sewer District, is currently in title to two properties located at 26 River Road (SBL#88.17-2-26.100) and 34 River Road (SBL#88.17-2-22-200);

WHEREAS, by notice from David Barton, Building Department Director, Code Enforcement Officer, dated December 8, 2010, the Town has been advised that the two buildings located on these properties are deemed to be unsafe structures; and,

WHEREAS, the Town Board has determined that there is asbestos located in the structures; and,

WHEREAS, the Town Board wishes to remove the unsafe buildings in furtherance of the public safety and welfare; and,

WHEREAS, the Town Board has received several proposals for the removal of asbestos located on the above-referenced properties; and,

WHEREAS, the Board would like to enter into a contract with FJF Construction Assoc. Ltd., P.O. Box 604, Goshen, New York 10924, for the removal of said asbestos.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The agreement between the Town and FJF Construction Assoc. Ltd. for the removal of asbestos at 26 and 34 River Road be, and the same hereby is, approved by the Town of Lloyd.
2. The Supervisor is authorized to sign the agreement on behalf of the Town and duplicate copies of the agreement shall be furnished to FJF Construction Assoc. Ltd. (See attached).

Supervisor answered Brennie's question that the amount of the contract is \$14,200.00 and said that an air test company has to monitor the air before the work begins, during the work and when the work is finished to make sure that none of the asbestos became friable. The asbestos is in the kitchen floor tiles.

Roll call: Costantino, aye; Brennie, aye; Litts, aye; Paladino, aye; Hammond, aye.

Five ayes carried.

Supervisor noted that at the Workshop meeting he and Chief David Ackert spoke about the program *A Child is Missing*. He reiterated that if a child is missing or elderly person walks out of the house and can't be found; the police are called and they put out the name and the last address where that person was; automatically, *A Child is Missing* triangulates around that spot and calls every phone in the area. When he called to sign up the Town of Lloyd, he was told that the Chief, Lt. Wade Sargent and Detective Phil Roloson had already enrolled the Town.

Supervisor said that Wallkill Valley Land Trust has conservation easement on 40 acres at the top of Illinois Mountain on the Wilklow side of the mountain; periodically WVLT inspects the property. They recently did the inspection and are satisfied with the property. This is another property that needs to be put on the map that indicates to the Planning Board that there will be no development.

MOTION made by Hammond, seconded by Paladino, to adjourn the meeting at 8:10 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk