

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

FEBRUARY 1, 2012

Present: Supervisor Paul Hansut
Councilmember Kevin Brennie
Councilmember Michael Guerriero
Councilmember Herbert Litts, III
Councilmember Jeffrey Paladino

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

5:00 PM – Supervisor opened the meeting and asked Councilmember Guerriero to lead the Pledge of Allegiance.

Supervisor noted that the Board table is arranged so that those present in the audience do not have to look at the backs of the Department Heads for the Workshop meeting. There are now nameplates for those sitting at the Town Board table. These changes have been made in an effort to make the meetings friendlier to the public. He asked that each Department Head gives their report from the podium.

1. REPORTS

A. Finance – Karen McPeck, Bookkeeper to Supervisor reported that over \$6,000 in Light District bills dated 2011 were received in January for the work done at Bridgeview and some of the work that was done downtown. One of the bills was from 2010. She had requested that all vouchers from 2011 be turned in by January 26 but she is still receiving requests to charge back bills. In 2011 the Town funded \$100,000 for the Health Reimbursement Account (HRA), which pays the deductibles for the MVP plan \$84,000 of the fund has been used as of January 30th. She said that it will not be known if the Town is saving money until an entire year on the plan has been completed. The total exposure from July 1 to June 30 is \$295,000 and less than \$100,000 has been used, she feels that it is going well. As of January 30, she received \$1.36-million from the Tax Collector. About \$5.6-million remains to be collected. She sent out the W-2 Forms and the 1099 Forms last week and has not had complaints. The \$5,000 principle and \$3,000+ interest payment for the EFC plan for the Sewer Plant upgrade was paid on January 31. The payment to the NYS Retirement Fund of \$348,000+ for the employees and \$161,000+ for the Police was made on January 3. This bill is normally paid in December but due to a shortage of funds in 2011, it was paid in January and was due February 1. Mary Kimball, CPA, will be in Town Hall, February 9 and 10, to start the Annual Report. The BAN will rollover in February.

Mark Reynolds, *Southern Ulster Times*, asked the status of the \$450,000 and the make up of the majority of the money.

McPeck answered that is the Rail Trail East project; she has been told that as this is the last payment, it will take time because they have to be assured that everything has been completed.

Supervisor explained that there is a portion of it (\$70,000) for a preliminary engineering report. The paperwork was filed through Ulster County Transportation Council, Dennis Doyle; NYS DOT did not receive the paperwork and that slowed up the process. He received an email today that the UCTC approved the \$70,000 and he spoke to Doreen Holsapple, NYSDOT, who will draft an agreement as the original agreement with DOT has to be amended and it should be available at the next Town Board meeting. There may be a Special meeting to pass that resolution so that the Town can receive the money faster.

McPeck said that \$423,000 is owed to the General Fund but she believes that the reimbursement request is a little over \$500,000.

Franco Zani asked how the Town fared financially at the end of 2011.

McPeck replied that it is hard to say because revenues as well as bills are still coming in. It was not a good year but she can not give definite numbers at this time. The General Fund was in trouble because of this money that is expected; however, Water and Highway Districts are in decent financial shape. Sewer was close.

Supervisor added that the Retirement Fund is usually paid on December 15 as there is a discount in making the payment at that time. Making the payment by February 1 cost more.

McPeck concurred and said that it was about \$3,000 more for the employees and \$1,800 more for the Police; if the Town had borrowed money, it would have cost more money.

Erin Quinn, *New Paltz Times*, asked if the Town has received a final audit review from NYS Comptroller and if there were any red flags.

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Supervisor answered that will probably not be received until June and the preliminary report had questions as to information technology concerning computer security issues that are now being addressed. He will provide her with a copy of the preliminary report.

Litts explained that the Comptroller's audit was not financial, it was a process audit; the audits are done all around NYS.

McPeck added that the Town has not had an audit since 2003

- B. Assessor – Elaine Rivera reported that her office has received a number of requests for taxes for new construction. Senator William Larkin has sent out a mailing about the STAR exemptions so it has been busy with questions from people asking if they have the STAR exemption and those who are entitled to STAR at the age of 65. She is trending values for the 2012 assessment role and residential property is being trended down 4% and commercial is down 3%; values have been moved over and in running the reports, there have been red flags with certain values so they are being reviewed. Bonnie Napier gave Rivera a road map of the Town of Lloyd from 1956, which she plans to frame and hang it in her office. The Town of Lloyd is hosting the Ulster County Assessors Association meeting here on February 15, 9:30 AM coffee and the meeting begins at 10:00 AM; she extended an invitation to anyone who would like to attend.

C. Building & Zoning Department

David Barton discussed establishing escrow accounts when a Planning Board application is received to help offset planner costs. The cost now comes out of a budget line item. The goal is to put the Town's cost of the review back on the applicant. There are two drafts to give you tonight with two set of numbers for discussion. He submitted the annual report to the Department of State as required by NYCRR Section 1203.

He and Shari Riley have begun training. They attended two classes sponsored by NYS Building Officials Conference, Hudson Valley Chapter.

Rosalie Peplow, Town Clerk, gave him a copy of the Town of Lloyd Code critique done by General Code Publishers in 2003. We have talked about this a lot and there is a lot to consider. Chapter 69, which is the Junk and Junk Dealers' law, is one of the laws he has been wrestling with. It provides for issuing a license for selling used cars. The Code does not allow people to sell used cars on their property anymore and it forbids junkyards even as a commercial business. Cars in a car dealership must be registered, they can change dealer plates but they all have to be recognized as a legal car. The junk dealers' law requires obtaining a license from the Town Clerk's office approved by the Town Board that allows them to sell used cars anywhere in Town. This law was adopted in 1967 before we had site plan approval. The site plan drives the enforcement law and if it is pre-existing we watch and see if you have ten more cars than you did a week ago. They need a license every year and there is a \$25 fee. We are supposed to send out letters of renewal every year and the Town Clerk issues renew license every year. That has not been done because there is no point in doing that as there is no single thing that we can point to and say the applicant is allowed to do this; a site plan does that ultimately. We have just sent a letter out and applicants have come in. Rosalie and I have had the discussion that we don't know what to do with them; we can give the business owners licenses but what is it for. It is a burden on the Town Clerk because the coordination with the Code enforcement part is onerous. The site plan drives that and there is no reason for a license anymore. He asked the Town Board to strike it from the Code.

Sean Murphy, Town Attorney, stated that it has to be rescinded by local law and he will confer with Barton.

Barton announced that there will be a Tri-Board meeting on February 23, 5 PM; there are several items on the agenda and he feels that the Planning Board has been re-energized. The FEIS on Mountainside Woods is now being reviewed.

Brennie asked if a contribution to the improvements to the Vineyard Avenue/Toc/Tillson Avenue intersection has been discussed.

Supervisor answered that he did meet with the Mountainside Woods owner/developer and he feels that the contribution would be approximately \$250,000; he is hopeful that by March there will be an estimate as to what the project is going to cost, the roundabout or the stop signs.

Reynolds asked if NYS DOT has signed off on the traffic numbers.

Litts said that he spoke with Barton & Loguidice and they said that the next step is to proceed with design alternates and he asked them to come to the meeting with estimates.

Paladino said that they have not seen actual numbers as yet; supposedly, this is part of the study submitted by Barton & Loguidice to the DOT.

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Supervisor recalled that during the presentation on the roundabout B&L said that the numbers would be available soon.

Barton informed the Board that he will be leaving for vacation on February 8 and will return to the office February 21.

- D. Dog Control – Andrew McKee thanked the Board for the opportunity to be the Dog Control Officer, he is looking forward to serving the Town of Lloyd and said that he is getting acclimated to working with the Police Department and the Town Hall offices. His fiancée ran a small animal rescue operation on Pancake Hollow Road and he met the former Dog Control Officer who said that he was retiring and suggested that he look into the position.

Supervisor asked the status of the contract and he also asked him to investigate complaints about a nasty pit bull on Upper North Road.

McKee said that the contract is in the process and he will look into the dog problem on Upper North Road.

Reynolds asked if the Dog Control Officer is shared between Marlborough and Lloyd.

Supervisor answered that he does not know the status at Marlborough and has not received a reply to his calls; Lloyd is currently working with Andrew McKee and is paying him separately with no agreement with Marlborough, it is a salary position. The budgeted position was \$17,000 and he has agreed to work for \$12,000.

Reynolds asked if the issue of the laptop and the vehicle was resolved.

Supervisor answered that he has made calls to the Town of Marlborough and left messages but has not received a reply. He explained that in 2006 a van was purchased, as well as a laptop computer in partnership with Marlborough. The former Dog Control Officer, Jim Meyer, has retired and has a position training McKee in Marlborough. He did not feel that it was necessary to enter into an agreement with Meyer as McKee has a lot of knowledge of dogs, working with our Police in a good relationship and Brennie has been on top of the situation. The vehicle is still in Marlborough. Lloyd wanted to move forward and McKee is doing a good job.

- E. Highway – Richard Klotz reported that the Highway Department trucks are now in working order. He is working on the roads that will be paved next year, which will be Crest Lane, Dogwood Knoll and Pine Terrace. The new blacktop prices have not come in as yet, so he added a bit to the costs and he feels that it will be approximately \$160,000 to do the three roads. He will have a meeting with CHIPS tomorrow and he is hopeful that CHIPS will give \$100,000 for the repaving. He asked Murphy about the status of Apple Lane.

Murphy replied that the deed has been filed and he is waiting for the original to be returned; the Highway Superintendent's order and the Town Board consent has been filed in the Town Clerk's office.

Klotz has received forms from Ulster County and he would like Murphy to review it to see if it is feasible for his department to gain access through private properties to the streams. Some money has been received from FEMA on the smaller projects. River Road is not completed as it has to be paved and that will be a big expense.

He has discussed the problems at the Transfer Station with the Supervisor and is working to straighten them out.

Supervisor said that Ann Feo pulled the Transfer Station receipt tickets for 2010 and 2011 and for those two years, Wednesday averaged 8.24 people per day, Saturday averaged 16.88 and Sunday 19.25. He has discussed this with Klotz and they will come back to the Town Board with a presentation on a more efficient and economical way to run the Transfer Station. They met with representatives from New Paltz yesterday, one gentleman has been working landfills for 40 years and he had good ideas. There is one operator at the Lloyd Transfer Station on Wednesday, Saturday and Sunday. There needs to be a discussion with CSEA to hire a part-time person to sit and collect the money which would free the operator to help residents and to use the machinery.

He added that he, Klotz and Guerriero are going to see the New Paltz operation to see how the Town of Lloyd Transfer Station can be run more efficiently. The goal is to make it more efficient rather than to close it. The contract with Ulster County Resource Recovery Agency expires in 2013 and he intends to form a committee to decide what the Town would like to do in the future.

Brennie felt that a camera system would be a small investment but save thousands of dollars at the Transfer Station.

Supervisor learned that cash is being accepted at the Transfer Station and a new policy will be put in place.

Peplow said that there is a no-cash policy now but when a person comes to the Transfer Station with garbage and without a check, the operator is put on the spot.

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Klotz said that he will be working out an agreement with Plattekill that Klotz will remove snow and maintain Crow Hill Road and Plattekill will do the same for the subdivision on Crescent Avenue. He is changing some of the road specifications to cover items that are not in the description of the roads. He is purchasing a new air compressor at a cost of approximately \$4,000 which is in his budget.

Randy McGee, 60 Bellevue Road, complained that the street drains into his cesspool.

Klotz said that he and Tom Marion were at the site and he needs the measurement of a new pipe; an easement is needed for access to go on private property.

Supervisor noted that the secretary for the Highway Superintendent, Denise Rhoades, spoke with a friend of hers and was able to get 10 or 12 laptop computers donated to the Town.

Franco Zani asked if drainage work needs to be done on Oak Crest, Crest Lane and Pine Terrace.

Klotz answered that it is relatively new drainage and major work does not have to be done. It needs to be cleaned up by cutting in swales.

Zani then asked the Town Board if it were possible to get a contribution from the developers of Mountainside Woods for drainage of the property.

Barton said that Mountainside Woods is designed to take all of the water off the mountain and push it to the creek that runs along the Rail Trail. Sunnybrook has drainage problems and the playground was built in the detention pond. Sunnybrook will actually see less water come across the property once Mountainside Wood is built. Mountainside Woods will be built in phases and each phase will have a different stormwater issue which will have to be addressed as the project progresses.

Paladino asked if there was any new feedback from FEMA.

Klotz answered that he applied for an extension; access to private properties is holding up progress. He met with USDA, Army Corps of Engineers, FEMA, NYS and Ulster County, and showed them the problem areas. The permit with NYSDEC is good until August 2012. Now is the time to get into the streams and tributaries to fix them before the permit expires.

Supervisor noted that there is a small section to be repaired in front of Rizzi Jewelers on Vineyard Avenue.

Reynolds asked the status of the sidewalk collapse on Milton Avenue.

Klotz replied that the State advised that the work would begin the end of February or early March and be completed by April.

Supervisor announced that there will be a Water/Sewer/Drainage Committee meeting February 2 at 3 PM, and the Committee has put together a list of drainage issues that should be addressed.

F. Hudson Valley Rail Trail –

G. Justice – Terry Elia/Eugene Rizzo

Supervisor will send a memo and ask that the justices send a representative to the next meeting.

H. Police – Chief David Ackert reported that he received confirmation that there will be a meeting regarding health insurance for the Police on February 9 at 2 PM. He provided the Board with two applications for part time policemen and two applications for part-time dispatchers; he is hopeful that they will be approved at the next Board meeting. One of the part-time applications for police officer is Sean McKutcheon who just retired from 20+ years at New Paltz and he is DARE certified. There would then be an officer ready, willing and capable, if the DARE program is reinstated.

Paladino noted that there was an article in the newspaper featuring Sgt. James Janso and the rescue discs for water safety.

Chief said that it is a life-saving device to be used in the streams and rivers; it is not a flotation device. The person being rescued grabs the disc and they can be pulled ashore.

Supervisor has received calls from people living on the Highland side of Hawley's Corners Road regarding speeding and asking if he would look into it.

I. Recreation/Buildings & Grounds – Frank Alfonso reported that the winter programs will be ending in the next couple of weeks. Youth basketball took in \$3075.00 and the wrestling program brought in \$850.00; there was no cost to the Town.

The paperwork for the work done by Roehrs Construction at Berean Park has gone through; Roehrs will return in the spring to finish work on the beach when sand will be delivered. The pickleball court will be completed for use this season. The tennis courts at Tony Williams Park need to be repaired; he has asked for quotes and will have the information at the March meeting.

Paladino asked if there were issues about the punch list for Berean Park.

Alfonso replied that the issues discussed at the first meeting with Jon Bodendorf, Hudson Land Design were resolved. Roehrs will stripe for two handicapped parking

spaces in the spring. There were no change orders and there were a couple of things Roehrs was asked to do which he did at no extra cost. The mesh fence that was taken down can be reused elsewhere.

Regarding Buildings and Grounds, the pads expired on the seven AED's and new pads were installed: there is one at Berean Park, one at Tony Williams Park, two at the Town Hall, one at the Highway Garage, one at the Water Plant and one at the Sewer Plant. It is recommended that the AED's be tested every six months, which he will do. His office was painted at the Town Hall, supplies have been ordered for cleaning. In the spring he would like to address things that need to be done both inside and outside the Town Hall and meet with the people in the Town Hall for their recommendations on what needs to be done to make the building nicer.

Supervisor asked if toilet paper holders could be installed in the upstairs lavatories. He heard a screech while sitting in his office last week, and realized that it was Keith Garbounoff in the Buildings and Grounds truck trying to back up and the brakes locked. He felt a new vehicle is needed for Buildings and Grounds. Also there are signs to be installed for Bridge Music.

Alfonso said that it has to be determined what lawn care is to be done in house and what should be put out for bids.

- J. Safety Committee – Supervisor noted that there have been notices sent to Town departments offering a defensive driving course for March 15, held at Town Hall, cost for immediate family member is \$16.00 and free to employees.

Jill Indelicato asked if there was any information on the annual ethics training.

Elaine Rivera answered that she is working with the Town's labor attorney to get training for that; they don't do that training are finding someone to do the training.

The labor attorney will do the harassment training and there is also training for Board members and department heads on employee discipline and counseling.

Litts offered that both the Association of Towns and the Comptroller's office said that they would come and do a training course without cost to the Town.

Rivera explained that the trainings are part of the retainer fees of the current labor attorneys; however, she will reach out to them for additional training.

- K. Town Clerk – Rosaria Peplow thanked David Barton for his action on the licensing of the used car lots. She feels that having laws in the Town Code book that are not realistic and not enforceable is not acceptable. The Code book is now so thick that it will have to be divided into two volumes or use a larger binder. She encourages going over the critique of the Code book which was postponed until Chapter 100 was completed. It cost \$2,000 to prepare the critique at the time the Code books were redone. As a service, General Code does provide sample legislation and she obtained laws from the Villages of Valley Stream and Bellerose on their licenses for used-car dealerships. She gave him several examples of special permit uses incorporated with zoning from other towns. The letters did go out to the used car dealers and several have brought in checks. She needs direction from the Town Board as to whether she should issue licenses for this year or send back the checks.

Murphy said that the local law that would rescind Chapter 69 could be noticed this month and the law could be adopted after the Public Hearing at the March meeting.

Brennie felt that it would be easier to hold the checks and once the law is rescinded the checks can be sent back.

Peplow said that the Transfer Station permits for 2012-2013 have been ordered, the current permit expires March 31 and the new permits, which are gold, will go on sale March 1.

She said that McPeck reported the amount of taxes that were given to the Bookkeeper.

The advantage of tax collection done on the local level is that the funds are immediately available to the Town. If the taxes were centrally collected, the Town would have to wait to be given the money. Some escrow companies provide CD's that are downloaded directly into the tax collection program. Approximately 1100 tax bills are automatically posted into the system which is a tremendous help; however, there are many payments at the end of the penalty free period so extra hours were needed for processing.

The Association of Towns requested information on the newly elected officials and she has updated their roster. Rick Umble, Ulster County Information Services, prepares the election map for the Ulster County Board of Election and he worked with Barton on a map for the Town of Lloyd. She has been working with Umble reviewing and updating the election maps because there will be so many elections this year. He will then update the Town of Lloyd road maps and will ask that he gives Barton the information to update the GIS.

The Ulster County Town Clerks' Association is going to meet with the Election Commissioners next week. The town clerks have been relieved of most election

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duties but have been asked to run certain errands for Board of Election. She asked the Town Board to inform her if there is anything they would like her to bring to the Commissioners.

Supervisor said that the Commissioners suggested at an Association of Supervisors' meeting that the polling places are consolidated to one location. This would result in a cost savings. The Town can suggest a site but it has to be certified by the Board of Elections and one thought was St. Augustine School but he does not know if that is an option.

Peplow will ask how that should be handled and who would approach St. Augustine School. She would like to simplify picking up the data from the election machines on election night by the police and taking it up to Kingston.

L. Water and Sewer – Andrew Paccione and Adam Litman

Supervisor said that Andrew Paccione was not feeling well and asked to be excused.

Adam Litman, Senior Sewer Plant Operator, updated the Board on the Sewer Plant construction and said that the contractors on site during the month of January were Ackerman Plumbing, D.J. Plumbing and Heating, Rondout Electric, Kingsley Arms and Morris Associates. The final electric connection was made by Central Hudson from the poles to the Sewer Plant in mid-January and the plant is finally running on permanent power. With the installation of new switch gear, electric rooms, panels, etc., the electric is now 80% complete. The masonry is nearly 100% complete, except for a couple of sets of steps. The buildings and tanks are near 90% complete. The new digester building extension is 85% complete; the installation of the sludge heater boiler, mixing pumps, circulators is nearly complete and we are building a new primary digester tank and the testing will be done by early next week. They are estimating that the entire start up of the tank will be by the end of the month. Good news for the RBC's, all of the electric motor issues have been resolved and now 10 RBC's of 10 are in service which will be a great help for the actual Sewer Plant runs. Primary tanks #1, #2, #3 and #4 and secondary tanks #1 and #2 are complete and in service, secondary tank #2 is scheduled for final inspection the second week of this month. The masonry for the ultra-violet system is complete and the installation of the UV system is underway; it is anticipated the startup will be toward the end of the month.

All of the December reports have been filed. Within the last two weeks, the operators have taken #3 and #4 primary tanks out of service so that they could be cleaned and inspected but there have been problems and the contractors are making the necessary repairs. This week #2 has been taken out of service for cleaning and no major repairs need to be done to that. Issues are being experienced with the tanks or with the chains of flights. The beginning of the process there is an automatic screen that sweeps away what is called 'rags' which is any type of paper product that is flushed but not normally should not be flushed. They can be a burden on the sewer plant equipment. The contractor is working quickly to get that piece of equipment resolved; Litman has made it very clear that he will not accept a piece of equipment that will allow rags to cause problems with the tanks.

Supervisor stated that the sewer backed up into the clubhouse at Bridgeview was due to a lot of paper towels. Bridgeview is investigating. He asked about the issue of the pump station at Bridgeview.

Litman said that he had heard about that and those paper towels get washed down from those systems. Earlier, he referred to the automatic drum screen that sweeps all of the rags and debris to a grinder which should chop up any debris before they travel further into the Sewer Plant. The automatic screen is not working properly and is causing problems down stream.

Supervisor asked if it was worthwhile to send letters to Bridgeview.

Litman replied that if they are aware that there is a particular pump station where there are issues with large amounts of C-fold towels then a notice could be sent.

Reynolds asked for an update on the insurance payments that were being held up by Marshall and Sterling.

Rivera answered that there was a meeting with representatives of Marshall and Sterling and they were given an email from Morris Associates about the concerns about FEMA and the agent was going to try to be the middle man to get this moving along. There is no definite answer.

Supervisor said that concerns were voiced at that meeting on Friday and he did say that he would get back to us.

Litts said that there was an email regarding possible grant money from NYSERDA for installation of more energy saving equipment and asked if the Town could go after that for the new boiler at the Water Plant. He noted that the new equipment is much more energy efficient at the Sewer Plant and that might qualify for a grant.

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Supervisor forwarded the email to Andy Seidel, Morris Associates, and he is going to look into it.

Litman said that two of the boilers in the main control building are rated as high in efficiency as that can be rated and is state of the art.

Litts added that the pumps at the River pump station are much more energy efficient than the original pumps and posed that the NYSERDA money could recoup the capital costs.

Supervisor asked Litman to pass on the appreciation of the Town Board to his crew for the hard work that they are doing.

2. SUPERVISOR'S REPORT

Supervisor said that he has received four responses to the Requests for Proposals (RFP's) for the IT and computer services. The Town now pays \$65 per hour and that is consistent in all four. He offered copies to the Councilmembers and asked them to review and give him a recommendation. A resolution can be adopted at a Regular Town Board meeting

Brennie asked if there was anyone from Highland and Supervisor answered that there was not. The current IT provider who put in an RFP is from Lake Katrine; Perfect Computer Solutions from New Paltz; Northeast Computer Services of Rhinebeck and Alpha Tech Inc. of Marlborough, who currently is the IT for the Police Department.

Litts asked if there has been input from the Police Department on Alpha Tech.

Supervisor answered that they are fine with him; however, he did get a good feeling from the man from Northeast who went through the building. When the Supervisor asked, Peplow said that she was disappointed in Alpha Tech when he serviced the Town Hall. There are many departments and the IT's were requested to keep a log for every office as to what was done and how they are setting up the equipment and that never materialized. Her recall was that departments were never sure what work was done or how the connection to the server was made. For those not familiar with technology, it is nice to have someone to talk at the level that is understood.

Rivera added that the company that the Supervisor is recommending is familiar with government, the server that runs the assessments, Justice Court software and how security for government should be set up.

Supervisor said that Northeast was very personable and took the time to meet with him but he did not want to make a decision without the input from the Board.

Rivera said that the RFP's are posted on the website so if anyone is interested, refer them to the website.

Supervisor said that there is also an RFP for labor attorney which will be due the end of February to see if some taxpayers' money can be saved.

He said that they are working through some glitches experienced with the computers, to post the meeting agendas on the website. The goal is to post the agendas so that the public has the opportunity to see the agenda prior to coming to the meeting.

He is also looking for a sound system for the meeting room so that the public can hear the meetings. He would like to post an RFP. Systems are available now that meetings can be recorded, automatically put on a computer for the Town Clerk to transcribe.

Brennie offered that was investigated and Jacob's Music had been willing to work with the Town to provide a system nearly at cost.

Quinn asked if the Town had a public access cable channel.

Supervisor answered that is another item that could be shared service with Highland High School as they have a technology department at the school; the Town Hall needs 'U-stream' and if that is available the meetings could be webcast live and then archived on the computer.

Barton explained that a coaxial cable line, which is an optical line, is already strung to the building; there is a grant available from Cablevision for equipment.

Supervisor announced that there will be a Community Pride Award at the next Town Board meeting for a local businessman.

3. OLD BUSINESS

A. Highland Views, LLC – Amanda Circle

Highway Superintendent Klotz requested that the bond is held due to the amount of work that needs to be done.

Murphy said that it is a cash bond of almost \$300,000; it was supposed to be done in 2009, it was extended to 2010 and a second agreement extended it to October 2012 the road was supposed to be done by the developer. He wrote a letter to the attorney for the developer and he is awaiting a reply.

Barton said that they are currently in violation for stormwater. He is concerned about giving back money when there is an open violation of something the Town may have

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fix. There are three houses with CO's. There will be three houses on an un-bonded road if the bond is given back.

Murphy asked if Klotz feels more than \$300,000 will be needed.

Klotz answered that it would be about that but it would cost because the Town does not have the equipment to do it and an RFP would be needed.

Supervisor suggested waiting until next month for a response and then move on it.

B. Apple Lane - Street Light request

Supervisor explained that a resident requested a light because of cars hanging out on the street. He asked if there was a light on the site plan.

Barton replied that there was not and this is at the cul-de-sac at the top of the hill.

C. Status of Police Department health insurance review

D. Generator – appropriation contract #TM01559

Supervisor said that his office located the grant which expires July 31, 2012, and there is still discussion about a generator for Town Hall or using the money to offset something else.

Rivera said that \$30,000 is budgeted and the grant is \$9,000, the Board has to decide what it wants to do.

Supervisor asked the Board to think this over and allowed that this was something that Paladino wanted to do for the health and well-being of the public but the Town is in financial difficulties.

4. NEW BUSINESS

A. Peddlers & Solicitors Application from Douglas Paul Bishop – Dave Barton

Barton explained that Bishop would like to put a hotdog wagon at the Depot of the Rail Trail, New Paltz Road; he is not a veteran. It can be done in one of two ways. If there is an established restaurant, a hot dog wagon can be on their property. If you are a food vendor with a cart, it can be on Town property with the permission of the Board.

Brennie asked about Board of Health issues.

Barton answered that is to be done separately; there are a lot of approvals he needs and Bishop would like to tap the Town light for electric. He feels that if this approved, it will open a floodgate.

Peplow interjected that she thought certain Town properties were exempted and there is the issue of insurance.

Barton said that this spot is one of the ones that they actually can have a hot dog cart; he needs to put up a bond and there is a whole list of items that the Town Board needs to see and approve before anything is done. This is on the agenda so the Board can think about it.

Peplow said that there is no fee listed in the Code, the Town Board has to set the amount of the fee. This is one of the newer laws that were adopted that she feels are difficult to work with.

Brennie wanted to address the pipedream of the Walkway over the Hudson as a positive economic impact on the downtown businesses and said that there are vendors on each end of the Walkway. This will hurt the downtown.

Barton explained that this is the Peddlers and Solicitors law which was put in place before there was a true Peddlers law, which is a recent addition to the Code in response to businesses who wanted outside food service. In anticipation of the Walkway and due to the concerns of the Fire Department and Police Department it was felt that anything on Haviland Road would impede passage of safety equipment on the road, there is the same problem if it is in the parking lot. The traffic and public safety issues have to be considered.

Guerriero asked what happens if the applicant is a veteran.

Barton replied that is not a factor for Town property but they may go on NYS property.

Brennie asked if Bishop was a Town of Lloyd resident.

Kate Jonietz answered that the address was 5 Milton Avenue, Apartment #1.

Supervisor is concerned that if this is allowed other applications will follow and asked about vendors for Town events.

Barton replied that for a Town event that the vendors are exempt and that Chapter 79 is the only applicable chapter.

Peplow said that there are applications in her office and they can be obtained from the website; the process is to obtain the application from the Town Clerk's office, the completed application is then given to the Code Enforcement Officer.

Litts said, first of all, Bishop filled out an application that was not applicable to the correct chapter and he needs to know that; secondly, he has to meet the requirements of the Code.

Supervisor feels that there is a consensus of the Board to deny the application but Bishop needs an answer.

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Peplow cited Chapter 79-10 that vending is not allowed on the Hudson Valley Rail Trail.

Barton said that it is one of the permitted locations if authorized by the Town Board.

Peplow clarified that it is unlawful unless it is waived by the Town Board and the Town Board is not waiving it.

B. Escrow Deposit Schedule – Dave Barton

Barton reviewed the proposed escrow amounts.

Litts expressed a concern regarding the fees that were already in place for an application for a lot line revision, etc., and questioned the need for the additional financial burden on a young person that was applying to subdivide from his parents' property to build a house. The Board requested at a previous meeting that the Building Department furnish the Board with an accounting of the escrow accounts. He feels that information would be helpful to the Board before the escrow amounts are changed.

Barton said that the information would be available at the Regular meeting.

C. Change of term limits

Supervisor explained that he has spoken to counsel about expanding the term limits of Supervisor, Highway Superintendent and Town Clerk, from two to four-year terms. He feels this is a good time to discuss this as there are new people in two of the positions, one from each party. This would be on the ballot in November 2012 and if approved would take place in the 2013 election. He feels that the Supervisor has a lot to accomplish in two years, Klotz and Peplow are doing fabulous jobs; running for office in two years is not enough time. This would be a public referendum and he hopes to have a resolution for next week or next month.

Murphy said that the Board has to pass a local law at least 60 days before the general election, subject to mandatory referendum; it could be at the general election this November.

D. Shared services meeting with Highland Central School District

Paladino spoke with School Superintendent Deborah Haab's office for meeting dates.

Zani asked about the shared services.

Paladino answered that they would like to set up a meeting for brain storming what services could be shared for Highway, Recreation, Assessor, and for information purposes.

Alfonso said that he has been in communication on shared services with HCSD building and grounds director, the athletic director and the building principals; he is aware that the Highway Department has been involved with shared services. He feels that school board members were not aware that there were already shared services with the Town Highway and Recreation. He is going to make a list of what is already in place so that Paladino can take it to the meeting.

Paladino added that another purpose of this meeting is to improve the communication between the Town and the school district

E. Status of Tillson Ave – H. Litts

Litts reported that he met with representatives from Barton & Loguidice briefly at a meeting in Albany. He asked them to refine the alternates and give cost estimates for the alternates so that they present the cost of each alternate to the Board. The preferred alternate can be chosen by the Board and then they can finish the design report that goes to NYSDOT.

Paladino asked if B&L are concerned about time issues.

Supervisor said that there is a meeting on February 9 with UCTC.

Rivera said that she emailed the agenda and resolutions for the meeting to Litts and she would like him to review and give recommendations to Supervisor.

F. Cornerstone Telephone Company – renewal contract

Paladino stated that he had contacted Cornerstone Telephone Company, the phone provider for the Town, and they had reviewed the contract. They were able to reduce the monthly charge by about \$131+ per month. This is a 3-year contract with assurance that if there is an opportunity of new technology or options, they will consider that.

RESOLUTION made by Paladino, seconded by Brennie, to approve the new contract with Cornerstone Telephone Company and to authorize the Supervisor to sign the contract. (See Attached)

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

Five ayes carried.

G. Vineyard Commons/Zoning Law – Dave Barton

Supervisor said that he would like clarification as the Town has a local law with certain requirements for Vineyard Commons and he knows that a letter was sent from the

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previous Town Supervisor to the management company with concerns about these requirements. He asked Barton what is being done to enforce this local law.

Barton replied that there were no teeth written in the local law when it was written. He, as Code Enforcement Officer, does not have police powers i.e. if someone comes to him and says that there is a 30-year old person living there, he has to figure out a way to prove that as he cannot go before a judge and ask for a warrant based on hearsay. A police officer can ask for identification. In order to make this law enforceable, it needs to be amended and require the management company to provide documentation as to whom they have rented. There is no way to force them to give the Town the information.

Litts posed that the Town is holding the bond if they don't comply with everything in the local law, including the landscaping.

Murphy said that the bond is from the contractor. It is for the site plan agreement, for the buildings, improvements, etc., that they will build out and comply with all of the terms of the site plan approval.

Barton said that the Town is not squeezing the management company by withholding the bond.

Litts asked why the Town would not have the right to hold the bond if they do not comply with the local law.

Murphy does not feel that compliance with the local law is part of the bonding agreement which is for the improvements, ponds, landscaping on the site plan.

Litts argued that according to the plans that there is only supposed to be one residence that has a permanent resident below the age of 55. He feels that if they want the bond, the management company has to be told to abide by the requirements of the local law. He said that the site plans state it is a community of 55 and older.

Murphy said that he has not looked at the agreement in that context and feels that there would be trouble calling the bond.

Litts said that perhaps the bond could not be called because it is for specific things that do not relate to residents' ages but if they do not comply with the site plan, the bond does not have to be returned.

Paladino asked the premise for not returning the bond.

Litts said that they did not comply with the site plan.

Barton feels that a quicker solution would be to amend the law and require a list of their residents every six months.

Murphy agreed that the local law does not have any teeth and said that a local law can be written that they have to give the Town their records; the local law says there can be only one family, a caretaker, under the age of 55 so they have to have records to comply with the local law. The Town can require them to keep accurate records and provide them to the Town every six months.

Litts asked if they could fight it as it is a stipulation that was not in the original agreement that is onerous upon the applicant.

Murphy answered that they could fight it; in order to comply with the local law, they have to check the ages of the people to whom they rent. If they rent to people without checking the ages, they are ignoring the intent of the local law.

Supervisor reasoned that circumstances have come to light that the Town believes they are violating the law. He said that he put this on the table because something has to be done to protect the people who are living in Vineyard Commons. The management is violating the local law.

Brennie recalled that a couple of months ago he received an email asking if the Town wanted to add one more person under 55 (a manager). If the law is changed it would be paid for by the Town and it is expensive to change the local law.

A resident of Vineyard Commons stated that second person is already there; everyone in management of those premises lives in those buildings including the cleaning lady and the sales person. The management person in charge has a 9-year old and a 7-year old living there.

Barton said that is the same problem. He cannot go before a judge to say that a person is less than 55.

Rivera said that the applications would have the ages.

Franco Zani suggested that the applications could be subpoenaed

Murphy said proof is needed; if six tenants would sign believable affidavits, that could be given to a judge but he believes that tenants are hesitant to sign affidavits.

Frank Alfonso questioned if the original plan stated that the residents had to be 55 and older where the checks and balances were. He is incredulous that there is now a situation that there is a community for 55 and older and there is no way to know who really lives there.

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Litts stated that funding came through HUD and asked if that agency could be contacted to see if they are following the requirements of their loan and have them enforce it.

Rivera answered that they have a HUD insured mortgage and the mortgage requires 75% of the residents to be 62 and the remainder can be any age.

Litts suggested writing to HUD that the Town feels they are in violation; HUD will then require the paperwork from them and the Town can get it from HUD.

Barton said that the money has already been disbursed and HUD no longer has any power.

Rivera offered that on the website White Pages.com, type in '300 Vineyard Avenue' or Merlot Drive and it will give you a list of people living there and their information.

Supervisor noted that there is a local law in place and asked how it can be enforced.

Murphy felt that an amendment to the local law requiring the list of residents would be the simplest, absent people coming forward with affidavits.

Supervisor stated that the majority of the residents are senior citizens who have relocated there and he would like the Town to amend it and to solve the problem; he does not want the residents to have to deal with it because they are being threatened. He would like to move forward by amending the law and asked Murphy to work on it.

Litts does not want to go to court to defend the Town again; HUD would probably look into it and get the records, once the records are public knowledge then the Town would have something other than hearsay.

Alfonso said that the management company has sent a letter to the Town asking for a second unit for a person under the age of 55 and in sending that letter, they know what the law is and it is proof that they are not in compliance.

Rivera suggested checking with the bus garage of the Highland School District as there are a number of students that get on and off the school bus there.

Reynolds felt that it impacts the school district that is paying to educate these students.

Brennie said that is why the development was designated for people 55 and over.

Litts asked the resident of Vineyard Commons who was present at the meeting if there was an age restriction on the lease.

Resident answered that there are four different contracts and as time went on, privileges were taken away from the residents; he said that the latest thing is a van that is supposed to transport residents for shopping and errands and yesterday a resident went to the office to ask to be driven to Wingate to visit his wife and was told that the fee would be \$50.

Paladino told him that the Town cannot enforce that but it could be taken to civil court.

Supervisor questioned if affidavits are needed from the residents in order to issue a violation.

Murphy said that proof is needed; sworn affidavits from the residents that they have personal knowledge that people are living there under the age of 55.

Resident said that he is on the council and that he has been living at Vineyard Commons for five months and he is disgusted. He said that if the Town told them how to do the affidavits, they will do it.

Murphy answered that he could do an affidavit that the residents had personal knowledge and photos, and that may be enough to go to a judge and ask for a subpoena of all of their records.

Resident said that there is a child running up and down the hallways that is 2 years old. The child has been there since the last week in August and four generations of family are living there. He will take photos.

Guerriero asked if there were bylaws as the council would be able to enforce them.

Resident said that the council has bylaws and the management also has bylaws.

Rivera added that the management company recommended that the residents set up tenants' association to deal with issues and now they are saying that they do not want to deal with an association, each resident has to come to talk with them individually.

Resident said that the management company intimidates the old people; a lot of leases are coming due and they are threatening a \$100 a day fine if the new lease is not signed.

Paladino assured him that the group speaking together has more strength than is realized.

Litts asked the Resident if the new lease has the requirement that residents are to be 55 and over.

Resident answered that the new lease does not have that requirement.

Supervisor stated that a letter will be written to HUD and asked Litts to help with the verbiage; he assured that the Town is behind the residents and will do whatever can be done to rectify the situation.

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Barton told the resident of Vineyard Commons that he feels that the Town Board is willing to take Vineyard Commons to court if the Town can gather the evidence needed.

Guerriero feels that the Town has to make a stand now as more children will move in and there will be a bigger impact on the schools.

5. MOTIONS AND RESOLUTIONS

A. RESOLUTION made by Litts, seconded by Paladino, to establish the rate of pay for John Zani as laborer at \$17.37/hour on an as-needed basis at the recommendation of Highway Superintendent Klotz.

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

Five ayes carried.

B. RESOLUTION made by Paladino, seconded by Litts, to establish the rate of pay for William J. Short as MEO seasonal at \$18.00/hour on an as-needed basis at the recommendation of Highway Superintendent Klotz.

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

Five ayes carried.

C. RESOLUTION made by Brennie, seconded by Litts, to establish the rate of pay for Matthew Manning as laborer at his current rate of pay on an as-needed basis at the recommendation of Highway Superintendent Klotz .

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

Five ayes carried.

D. MOTION made by Paladino, seconded by Brennie, to appoint Mikki Meyers, Charles Glasner and Patti Brooks to the Economic Development Committee for a one-year term ending 12/31/2012.

Five ayes carried.

E. RESOLUTION made by Brennie, seconded by Hansut, to establish a Volunteer Application for all committee members for compliance for coverage under the Ulster County Self Insurance Worker's Compensation plan.

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

Five ayes carried.

MOTION made by Paladino, seconded by Brennie, to go into executive session to discuss personnel with Town Attorney at 7:46 PM.

Five ayes carried.

***8:05 PM** – Brennie left the meeting.

MOTION made by Litts, seconded by Paladino, to come out of executive session at 8:34 PM.

Four ayes carried.

MOTION made by Litts, seconded by Paladino, to adjourn the meeting at 8:35 PM.

Four ayes carried.

Respectfully submitted

Rosaria Schiavone Peplow
Town Clerk