

# TOWN OF LLOYD TOWN BOARD

## WORKSHOP MEETING

February 6, 2013

**Present:** Supervisor Paul Hansut                      Also present: Sean Murphy, Town Attorney  
                 Councilmember Kevin Brennie\*                      Rosaria Peplow, Town Clerk  
                 Councilmember Herbert Litts                      Kate Jonietz, Secretary  
                 Councilmember Michael Guerriero  
                 Councilmember Jeffrey Paladino

**Absent:** None

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

### 1. REPORTS

#### A. Finance – Karen McPeck, Bookkeeper to Supervisor

There will be some budget amendments for the 2012 budget for the next meeting, but they are not ready yet as I still have 2012 vouchers that are being processed. Today is the last day to get 2012 vouchers in so they can be audited by next meeting to be paid. Accountants will be coming to Town Hall in mid February to start AUD – annual report. This report is due to the State Comptroller on 3/31/13.

The HRA (Health Reimbursement Arrangement) plan this year-to-date, 7/1-1/31, has used almost \$18,000 more, than last plan year.

BAN will be rolling over on February 22 for \$1,230,000 for the 9W North Water Expansion project. The Town has received some FEMA funds and had funds remaining in the account so that we can pay off the \$1,100,000 that was borrowed last year for the Sewer Plant damages from Hurricane Irene.

The Police and Dispatcher new rates of pay have been set up in the payroll system with their shift differentials. I will be working on the retro-pays and retro-retirement reporting in the coming weeks. The retro-pay needs to be completed by mid-April. For each employee in the retirement system that receives retro-pay an adjusted retirement report must be submitted for each month of retro-pay. There are 36 adjustment reports for about 31 employees; therefore, it will take some time to complete these reports.

#### B. Assessor – Elaine Rivera reported that her office has been busy with questions about tax bills; they sent out over 500 renewal applications for exemptions. She addressed the reporters in the room and said she would appreciate it if reminders could be printed in the newspapers that exemption applications are due by March 1; however, she and Ann Feo reach out to people to remind them. Some senior citizens cannot come into Town Hall and if they call her, she will go to their homes so that it is filed on time. She is now getting field work ready and intends to go out in the beginning of March to review properties with building permits.

#### C. Building & Zoning Department – David Barton related that he appreciated the earlier discussion on the security issues. His staff and Planning Board members were meeting when the girl in the incident at Court was dragged out kicking and screaming; the two Sheriff's Officers left their charges to remove her from the Courtroom, Lloyd Police came to mitigate the situation. His staff was upset as the girl who was taken out was

loud and scary. He commends the Board for seriously considering the court officer because in his opinion the worry is that one time there may be a problem. He feels that moving the metal detector into the hallway helps and that security of the building should be considered when planning the addition to the Town Hall; it is now possible to get into the Courtroom with a weapon before anyone at the door can stop them.

He reported that it has been a slow month for his department; they have reinvented their fire safety system tracking. Public assemblies such as churches and theaters are inspected once a year; residential of three units and more are inspected every three years and industrial and business inspections are done annually.

He furnished the Board members with a draft of language changes for PUD's, Chapter 100-23. There are some other things have changed; General Code does a nice job of keeping the text updated when another part of the Code changes and a reference occurs. These are built into this draft. He would like this done before other developers appear; more and more developers are coming in to discuss projects they would like to do. This language fixes some of the mistakes that were made and makes a stronger document to manage these projects.

Supervisor would like to review the revisions before discussing them and offered copies to the press.

Barton said that the Comprehensive Plan Review Committee is still meeting in the morning on the first and third Fridays of the month. They are now collecting drafts of the section assignments of the Code. They just reviewed Litts' piece on Agricultural and at the next meeting they will review his piece on Transportation. He feels that the committee is close to giving the document to the Board. They found many contradicting items in the Comprehensive Plan. A Tri-Board meeting is planned for March 6, 5:30 PM, after the March Workshop meeting, and is open to the public.

The department budget this year includes a copier; Kate Jonietz worked with the representative from Toshiba and he would like to talk to the Board at the Regular meeting on February 20 about getting a copier for his department.

Barton asked the Board to seriously contemplate going forward with the zoning map changes. These changes have been discussed for three years and four months. Some of the changes are corrections to the zoning map, the Water Bluff and Business District. C. T. Male, consultant, did the zoning map and they removed it and this is a correction for that and the LB districts. He would like to hear from the Board on how they would like to manage this and offered to give the changes to Sean Murphy, attorney, to write the generic impact statements. The Town has received the comment from Ulster County Planning Board that they did not want to have strip malls and that there was a prior modification south of Chapel Hill Road. The Town Board can override that with a 4 to 5 vote. That is now managed by the Town with design standards, adopted last March, regulating how lot layouts occur in business zones. At the last meeting, the Planning Board decided that the document on design standards is what they are going to work on this year; they have worked on the Gateway District and signs. The map, which has been in existence since 1974 and based on the conditions of the Town at that time, has not changed dramatically since then. These changes will make the map finally comply with the existing Comprehensive Plan. He noted that Patti Brooks of Brooks and Brooks, surveyors, presented the Town Board with a petition for zoning change on Lumen Lane.

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Litts asked if the proposed map would be in harmony with the proposed changes in the Comprehensive Plan.

Barton confirmed that the map would be in harmony in every case; one of the primary things in the Comprehensive Plan that was only mentioned once in the 2005 Comprehensive Plan is where water and sewer should go. There was discussion of amending the Comprehensive Plan to go south, along Route 9W and west along Route 299. Route 299 is built out commercially so no changes were made to the map. If the Winery project comes to fruition, the developer will bear the cost of getting water to south of Chapel Hill Road to the border of the Town of Marlborough. There has been discussion for many years to extend the water line to the Marlborough border which could be tapped by Marlborough, allowing them build out the northern area of their town, a Light Industrial zone. This would be a boon to both towns. This would allow Lloyd to take advantage of the Route 9W corridor, as does the Lumen Lane rezoning, as does the piece just south of Bridgeview which is Local Business and does not allow restaurants. In theory, the Sunoco gas station should not be there.

Litts asked if Marlborough's water was all the way to the town line.

Ray Jurkowski, Morris Associates, replied that currently it does not come to the town line.

Barton said that if there was a tap on the Lloyd line, Marlborough could apply for a Small Cities Grant.

The Board concluded that their water line reaches within a half mile of the town lines.

Barton would like to know if the Board is in agreement with this and he will help Sean Murphy to write the environmental impact statement.

Murphy added that it will have to be resent to Ulster County Planning Board, notices will have to be sent out and a public hearing scheduled.

Litts suggested that a table should be made indicating the zone now, what the zone will change to and the reason for the change.

Barton said that he has already done that and the goal is to let everyone know the impact of the change.

Supervisor confirmed that the Board is in favor of moving forward with the zoning map changes.

Reynolds asked about the objection of UCPB.

Barton answered and said that the UCPB was afraid of small strip malls all the way down Route 9W and the Town does not want that either and can be addressed by the design standards. Design standards call for individual roof lines, which look like attached individual buildings with a streetscape feel. The Winery project is still conceptual but if built they have committed to continue the water line south on Route 9W from its present terminus at the southern end of the Rite Aid property.

Murphy asked about the water line from the Winery property to the Town line.

Barton feels grant money may become available to complete the line and Jurkowski agreed that a Small Cities Grant may be available. Previously, the Town of Marlborough said that they were not interested but that was before the problems arose with the reduction of their tax base due to the problems with Dynergy.

Litts commented that he understood that when the NYS Department of Environmental Protection re-lines the Catskill Aqueduct and cuts the water supply to the towns that are now feeding from the Aqueduct that this is one of the alternates to provide water to

those towns. At one time there was a proposal to supply water to New Paltz and similarly to Marlborough.

- D.** Dog Control – Andrew McKee reported that so far this year he has picked up five dogs, four of which were reclaimed by owners and one remains in the kennel. He will take a class on tranquilizing-gun permits in April. There is a shared cell telephone agreement with Plattekill, which was approved in the 2013 Budget.

Supervisor explained that McKee had previously used his own phone but Plattekill has provided a cell phone and Lloyd will share the cost. The agreement with the kennel in Esopus which is \$12 per day has been signed.

McKee said that there were 28 calls in January. Kate Jonietz is keeping a notebook in her office which he will update with specific things that are going on, important paperwork and tracking mileage.

- E.** Highway – Richard Klotz reported that the department has been working on the MS4 illicit discharges since last fall; nothing has been done in the last four or five years and he hopes to complete the project in the next month or so. It costs \$300 to replace a gas key each time that someone loses one. He would like the person who loses the key to be financially responsible for its replacement. The Highway Department employees are not necessarily the ones that are losing the keys, it is the other departments.

Supervisor feels that a policy will have to be created on that.

Murphy agreed and said that the Union will have to be notified.

Supervisor suggested talking about that at the meeting with the Union on March 6.

Klotz added that the Highway Department continues to clean up brush and fix potholes; the Transfer Station looks good and he feels Howard Geffner is working out well as the attendant.

Regarding the precast box culvert for North Road, LHV Precast would like to negotiate and split the cost with the Town; he feels the Town should agree with splitting the cost as if the matter goes to Court, it will cost more money.

Jurkowski explained this is the liquidated damages in the amount of \$7,500; he sent a letter to LHV and provided copies to the Town Board, indicating that the Town wanted to exercise that part of the contract. He requested a credit in the amount of \$7,500. They adjusted their invoice because they had other issues and argued the number of days as it pertains to the liquidated damages. He indicated 30 days and LHV indicated 15 days; LHV determined that they would like to work it out with the Town and suggested that the Town cuts it in half and LHV would provide a credit for \$3,700 which can be deducted from the final invoice amount. LHV offered the argument that he would like to work with the Town in the future and does not want to take the legal route on this issue. There is no question that it is in the contract and the Town has the right to exercise that.

Paladino felt that 21 days would be a more acceptable settlement than 15 days and this is more of a quick compromise.

Brennie asked the amount of the total bill and Jurkowski replied it was \$50,000+.

**RESOLUTION** made by Brennie, seconded by Guerriero, to accept the offer of LHV Precast to settle the liquidated damages at \$3709.65.

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

**Five ayes carried.**

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Jurkowski advised the Board that the bill should be marked as such, the invoice paid, and he will notify LHV Precast of the Board's decision.

Supervisor requested that the Town Board is updated on the issue of the North Road culvert, with the emails to the Association of Towns and NYS Comptroller's office along with a status.

Klotz said that the law says that the Water and Sewer departments have to pay their own bills on the project.

Murphy added that the Highway Department has to do work on the highway and the improvements under the highway could be private or public utilities; the question is who pays for the highway work due to the relocation of the private or public utilities. A private utility such as Central Hudson would have pipes and gas lines under the highway. These are there because of a right-of-way that is given to them by the Town and as it is a benefit to them they have to bear the cost. In this incidence, there are sewer and water lines which had to be relocated due to the Highway work which was necessitated by problems with the bridge/culvert on North Road. The question is what line item should be used to pay for the work. There has been some discussion among the Highway, Water, Sewer and Town Board regarding from where the money will come. Originally, it was to go out for bid for about \$450,000 and then it was determined that the Town employees could do a lot of the work, which would save a couple of hundred thousand dollars. It was called a Highway project in the authorizing resolution but where the money was going to come from was not addressed. Rich Klotz asked Murphy from what budget the funds should be taken. He did some research. It is not statutory law but the case law says that in the case of the private utility it is the private utility; he did not find a lot of research on the case of the public utilities; he suggested that it would be the water or sewer department paying for those expenses. Klotz has an issue with the expenses of relocating the water and sewer lines coming out of the Highway budget.

Klotz agreed and answered Brennie's question that the expense amount was \$15,000.

Supervisor explained that his issues were that on November 14 a resolution was passed by the Town Board, it was decided that it would not be paid by a BAN, the work would be done by the Town departments to save taxpayer money. The resolution was called, 'the North Road Culvert Replacement' and a line item was set up specifically for that; the financing was going to be the unexpended Highway money. His understanding and he feels the understanding of the Board was that everything was going to come out of the Highway budget to do this project; it was never an issue of who was going to pay what. Nothing was said until there were some personal disagreements over what happened.

Klotz stated that he felt that the problem was that he looked at the monthly report and money was taken out of his budget for items for which he had not signed. He asked who authorized spending that money.

Supervisor said that a voucher came in on work that Adam Litman had done.

Adam Litman, Water and Sewer, said that the piping valves and materials were ordered to do the relocation of the water main and the plastic sewer line. He signed and coded this because it was his impression that was his part in getting the materials on site and in the ground. He did code them to Highway's unexpended funds as it was

his understanding that the expenses would come out of the unexpended Highway funds.

Supervisor confirmed that based on the resolution, Litman did not misunderstand and that is the way he thought it would happen.

Murphy offered that it was a procedural breakdown as it was a hybrid project, it was called a 'Highway project' but Adam Litman should not be authorizing line items from the Highway Department budget. The process broke down and that needs to be corrected.

Litts said that in his experience on a NYS project whenever work was done and a municipal utility had to be moved as a benefit to their project i.e. moving a road, NYS paid those costs. If there was an 8-inch sewer main and the town wanted a 12-inch sewer main, they would pay the betterment cost for that additional size pipe. If there was no state need to do work and the town's sewer line broke, the town would bear the cost for everything. Lines had to be replaced and work had to be done but that is when they discovered the need to replace the culvert. He believes that the work to correct the sewer problem should have been on the sewer department and then when the Highway came in and replaced the culvert, any relocation due to the culvert placement should come out of the Highway budget. He does not believe that anyone should sign for money to come out of anyone else's budget. The department head should be the only person signing to expend money from his budget since the department head is responsible for his own budget.

Supervisor said that he attended a meeting at the Highway garage with Rich Klotz, Mike Guerriero and Denise Rhoades; he had no idea that vouchers had been signed. He said that Klotz put a \$10,000 voucher for Morris Associates on his desk, they discussed it and he signed it. He thought as Chief Financial Officer that was something he could do and now thinks that is not what he can do. He said that there have been meetings, they have talked about the procedural aspect of it and he then asked if that was the end of the issue.

Brennie interjected that if this project was paid for with a BAN at a cost of another \$200,000, he would have had a problem with it but this was a mistake and a learning experience and he would like to move on. The taxpayers saved \$200,000 and it will not happen again. This was a procedural error and in moving forward, it will not happen again.

Supervisor wanted the Town Board to understand what had happened.

Klotz offered that they did not know about the law and said that if they did not want to pay this he wanted it in the minutes; if auditors come from Albany, he is not responsible.

Guerriero said that it makes sense that vouchers could not be signed and money taken out of the Highway account as he is responsible for his budget.

Supervisor said that he has the email responses to Klotz's inquiries and he understands that it is the law and he will make sure tomorrow that they are paid.

Paladino asked Klotz if responsibility is really the issue he is worried about or more concerned about what is taken out of the Highway budget.

Klotz replied that he is worried about both: the auditors asking, 'what's this?' and the money.

Supervisor asked why he would not sign the one voucher for Crowder Construction that was reissued.

Klotz answered that he did not hire Crowder and that there are shared services in the Town.

Litman said that he understood that he should order the materials to have them for the job and then he checked them off and made sure that they were there when they were delivered. He felt that he was responsible for the materials and thought he would be coding them and sending them in for payment. He did not understand that he should have handed it to Klotz and he apologized for overstepping a procedure.

Litts stressed that he is now on the Audit Committee and expects that when he audits a voucher, the person authorizing the voucher is for their department and they have received it. He was in the building the other day for two hours signing vouchers that had accumulated in less than a week. He relies on the department heads that their purchases are necessary, the purchases have been delivered and they are responsible.

Klotz said that the project came in at about \$100,000 so far; the guardrail is up and still needs to be paved. A check has been received from FEMA for over \$300,000 and he would like to pay off the BAN and put the remainder in reserve to do another culvert; Willow Dock Road culvert needs to be fixed. He is still awaiting the new trucks.

**F. Hudson Valley Rail Trail –**

**G. Justice – Terry Elia/Eugene Rizzo**

Supervisor noted that both judges are present at the meeting and that he has spoken with other Town Board members and Chief Dan Waage regarding Court security. He asked how it worked out when the metal detector was moved outside the Courtroom door.

Judge Eugene Rizzo responded that it did not seem to make a difference.

Supervisor spoke with Lt. Rodriguez from the Unified Court System about Courtroom security and there is a concern that there is not an armed officer in the Courtroom to protect the justices and the public in the room. He is going to ask the Town Board to move forward at this meeting with hiring a part-time police officer to work at the courts. He realizes that opinions differ but legal counsel and the Unified Court System has explained that if there was an incident in the Courtroom, the responsible person is Supervisor Paul Hansut and the Town of Lloyd.

Rizzo asked why the change has to be made now and not remain as it has been for the last 10 to 15 years.

Supervisor said that we are living in a very violent society and he does not want a call that something has happened in Court.

Rizzo explained that he has been sitting in the Courtroom for 27 years and feels that the odds are that he would be injured in his car on the way home than in the Courtroom. Usually on nights when criminal matters are handled there are officers from the Ulster County Sheriff's office. He has never felt the need to have an armed officer but they are there; he does not know what an armed Court officer would do. He understood that the policy was to have an unarmed clerk in the room for insurance reasons. He was told 10 or 15 years ago that the Town insurance company did not want an armed officer in the Courtroom unless he was a police officer. There has not been an incident.

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Supervisor said that he respected that but last week there was a person who came into Court, was asked to leave, came back into Court and started a problem.

Rizzo noted that there were two armed officers there when it happened and asked what an armed clerk would have done in that instance.

Supervisor interjected and said that the Town insurance company believes that there is an armed officer in Court.

Rizzo said that he was not aware of that. There was an armed officer there until Officer Fuhrmann was no longer employed as a Police Officer and he no longer carried a weapon. He said that he has a loyalty to people and keeping people on staff; further, he hates to see the employment terminated of someone who has been there a number of years because it is thought that there needs to be an armed clerk or officer. He noted that in his practice as attorney he does a lot of insurance defense work and litigation; he was glad that no weapon was used in the incident on Thursday night to have injured anyone in that room. The better practice might be not to utilize a weapon but to pacify the situation which is what did occur. He feels that the liability might be more overwhelming with an armed officer up there; there were a lot of weapons and obviously they were not drawn. The situation reached the level where it should not have occurred and he was glad that a weapon was not utilized.

Supervisor advised that Lloyd is the only town in Ulster County that does not have an armed person in the courtroom; some courts have two or three. He said that he respected Rizzo's opinions and was glad that he took the time to come to speak at the meeting. He asked Judge Elia if he had any thoughts on the subject and noted that he asked Larry Fuhrmann to attend the meeting (David Barton said that Fuhrmann was now on duty in the Courtroom).

Judge Elia did not comment.

Rizzo added that the only time that he had an encounter in the Courtroom was an individual who tried to flee the Courtroom without being directed to leave. Larry Fuhrmann handled that admirably without the use of a weapon; he tackled the individual and handcuffed him.

Supervisor said that it is not so much the need of a weapon than having a trained police officer in the Court. In the event that something happens, an arrest can be made and he has a portable to call for backup so that the Court Clerks do not have to make the phone call to the Police for help. He does not want someone getting hurt and feels that this is a decision that has to move forward.

Elia suggested keeping Fuhrmann on to break in the new officer.

Supervisor said that Chief Waage has posted for an officer to take that position and it is hoped that there will be a decision in time for the next meeting; there was conversation about keeping Larry Fuhrmann on as an alternate but he does not know if Fuhrmann would accept that.

Rizzo asked if the officer would be as flexible as the current Court clerk to be available for hearings that may not be on scheduled nights. There are trials and hearings that are not on a fixed schedule; an officer will be needed if there is a felony hearing in the middle of the day.

Supervisor said that is what is hoped, he has asked for the schedule and if there is an officer at the felony hearing.

Rizzo answered that the Ulster County Sheriff would be there with the individual.



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Supervisor said that he has spoken to legal counsel and as a retired City of Poughkeepsie Police Officer with 20 years experience, he is certified and he will be in the Courtroom with his firearm in the event that someone cannot be here as an officer.

Rizzo remarked that there are sometimes situations when Court is not in session; there are three clerks in the office and there are no officers around. He felt that is the risk, if there is any.

Supervisor said that will also be addressed; there are staff members and employees who are now concerned about the security. He suggested executive session for personnel matters.

Rizzo said that he did not understand this driving need; nothing has occurred.

Supervisor said that he did not understand how this has been let go this long. Nothing occurred in Middletown before the guy walked in and shot people. This is the direction he would like to go in and the Town Board may have another idea. He asked the Town Board if they had any input.

Paladino said that he was recently in the courtroom in the Town of Marlborough and there were three officers which he thought was excessive; he feels that there is a minimum level of security that should be provided. This was nothing against Larry Fuhrmann. He noted that what is now going on in the school districts was unthinkable a year ago. He asked if there is a need for a second person at nights when the court volume is heavy.

Rizzo responded that he did not see the need for two Court officers at the same time and to also consider the costs.

Supervisor offered that it will be a smooth transition and whoever comes on board will have the opportunity to train through Larry Fuhrmann.

Litts asked if the insurance required that the weapon be lethal or would an officer with a taser suffice.

Rizzo allowed that was a good question; however, he does not feel that there was a need for a weapon in the Courtroom. Most of the cases are small claims, civil actions or traffic tickets

Paladino said that is a debate in the school districts also but he feels that the one incident which includes a lethal weapon, he hopes that there would be protection.

Rizzo added that he has been in the Courtroom 27 years, with 1000's of people and never felt the fear of harm while he was in Court; history needs to be considered.

Chief Dan Waage noted that he respects Judge Rizzo's loyalty to Larry Fuhrmann but he feels that the Court has to be prepared. Thinking that it has not happened in the past was the feeling regarding schools and the schools that have been targeted are rural schools; he feels that those schools wish that they had been better prepared prior to the incident.

Supervisor said that an armed Police Officer in the Court will have to go through Article 35 training, will practice at the range and qualified by the Police Department and will be a part-time Police Officer. If they are so qualified, they will have tasers and/or pepper spray as options.

Lt. James Janso added that you must be a certified Police Officer to carry a taser in New York State as it is a weapon.

- Litts said that he would rather see if a taser would be adequate as if there was an errant gunshot it would be a huge tragedy.
- Supervisor explained that there is an escalation of force in subduing a subject beginning with verbal commands, assess the threat, go through the steps to the ultimate; the officer can't just taser and drag the person away. The person in the Court would be a certified Police Officer and will have the training, qualified with their weapon and have arrest powers.
- Larry Fuhrmann, who joined the meeting, stated that he is a retired Police Officer, certified in Article 35, certified with a weapon; the weapon was offered to the Court and the Court turned it down.
- Rizzo said that there are legal issues; he did not know if a Court can possess a weapon or if a Court Officer could use his own weapon, if they are licensed to do so. There are a number of weapons that are less than a firearm if you want a weapon.
- Supervisor felt that anyone hired to be the Court Officer would be sworn in as a part-time Police Officer; after they were sworn in they would go to the range, become qualified and get the Article 35 training.
- Rizzo asked if anyone looked into whether a part-time Court Officer who is a Police Officer can go in front of that Court. If this Police Officer would be a member of the Town of Lloyd Police would there be conflict issues if he is the Officer of the Court.
- Supervisor responded that Hank Vance, Retired State Trooper, works in the Town of Hurley and sometimes in the Town of Gardiner. The officer would be working solely for the Court and would not be writing tickets or working the streets.
- Rizzo then asked if there would be a conflict because a member of the Police Department is going to function as an employee of the Court.
- Supervisor said that the Town of Marlborough does it.
- Sean Murphy, attorney, asked if the officer was not going to be an employee of the Court but he is going to be a Police Officer.
- Rizzo asked if that would not make it worse and stressed that there would conflict issues. If a Police Officer is in Court functioning as an Officer of the Court, he asked if the Officer now creates a conflict for himself or any other member of that agency to appear in front of the Court.
- Murphy asked if he was acting as an Officer of the Court or a part-time Police Officer.
- Supervisor remarked that it would not be decided at this meeting as it would be a matter for the Regular meeting of February 20 and asked Murphy to research.
- Litts would like to know (1) if a member of the Police Department can serve in the Court and not create a conflict of the Police agency and (2) if the weapon in the Court needs to be lethal. He related the scenario that the Court Officer would walk toward the Judge's bench, somebody grabs his gun and shoots; if he grabs a taser and shoots, it is not likely that the person will die. He is concerned about someone else commandeering his weapon and using it for lethal force; he admits that the odds are slim that this would happen but officers have had their weapons used against them in the past.
- Supervisor said that this will be a trained Police Officer, certified by the State of New York in the Courtroom who has been trained on retaining his gun, when to use and when not to use lethal force.

Paladino would like to weigh that against the Officer having the weapon to use when necessary.

Guerriero asked why Larry Fuhrmann does not now have a gun.

Supervisor answered that he had a weapon that was issued to him by the Police Department; both the Supervisor and Murphy felt this should be discussed as a personnel issue in executive session.

Murphy asked if the Police Department has tasers.

Lt. Janso confirmed that they carry tasers, guns and pepper spray.

Rizzo asked if the Board would be willing to hire a retired Police Officer who would be willing to train to license to use a taser and is qualified to carry a firearm.

Supervisor said that because of liability he would prefer a Town employed Police Officer rather than a retired individual. He called several private security firms that offer armed guards at a charge of \$50 to \$75 per hour. He said that Fuhrmann had a weapon which was taken away by the Police Chief and offered that it would be given to the Court to be given to Fuhrmann when he arrives for work. He asked why it was not given back to Fuhrmann.

Rizzo said that he did not know the legal consequences of the Court taking possession of a weapon.

Supervisor posed that the Court did not want Fuhrmann to have the gun.

Rizzo stressed that was not the case.

Erin Quinn, reporter, reiterated that Supervisor said that if the Court Officer could not be in Court, that he (Supervisor) is a retired Police Officer and he could be at Court with his firearm and then asked if that was not the same circumstance as Larry Fuhrmann.

Supervisor said that was using that as an example he would be certified by the Police Department and she is correct but did not want to discuss it.

Rizzo said that he is not adverse to weapons and owns licensed weapons. He asked if the Board would consider someone such as Officer Fuhrmann with his experience and expertise to continue on and take whatever training required and utilize whatever device the Board deems necessary and the two judges to appease the situation.

Supervisor said that they would consider it.

Brennie added that was fair.

Rizzo suggested that if Fuhrmann does not want to carry a weapon, then that is his issue, and the Board might find someone else who is a retired Police Officer and you might avoid the issue. The Board might decide that it does not want a pistol in the Court, but a taser, etc. Officer Nick Pape, many years ago, carried his own weapons and Rizzo was told that the insurance company did not want an armed individual in the Courtroom.

Supervisor summed up and said that the situation and comments will be given the utmost consideration.

Mark Reynolds, reporter, asked if there would be a difference in costs annually if the Board moves in the direction of getting a part-time armed Police Officer than what it is today.

Supervisor feels it would be approximately 75-cents per hour, between what Fuhrmann is earning now and the new position.

**H. Police – Chief Daniel Waage**

Supervisor noted that there is no light on the new monument at the Rail Trail Rotary Pavilion and until one can be installed, Lt. James Janso has volunteered to put the American flag up and take it down each day.

Chief Waage distributed the statistics for December 2012 and January 2013 as there was no Workshop meeting in January. The Newtown, Connecticut, tragedy in December precipitated changes in policy. Once he was promoted to Chief, prior to December 15, he met with all of the senior administrators in the school district including Superintendent Deborah Haab and they agreed that there was a need for security. The Police Department began a foot patrol program in the schools, similar to the program in the Hamlet. He asked his staff on December 16 to increase those patrols and that has been done. The reason for that was he recalled after a previous tragedy in Colorado, parents were concerned about sending their children to school; there was a lot of anxiety and he wanted the Police Officers to be evident in the schools to relieve some of that. He has received comments that it did. On January 3, there was a special meeting at the school district where school security and a uniformed Police Officer at the schools was discussed; he did place a uniformed Police Officer at the school the following day. Officer Anthony Weed gave a 7-hour course to school administration, teachers and janitors in active shooter response on January 22. There was meeting with the school district on January 25 attended by the Chief, the Supervisor and Councilmember Paladino to discuss the possibility of School Resource Officers. There was a meeting at BOCES on January 31 which included all of the school superintendents and police chiefs in Ulster County to talk about implementing safety protocols for unified response. Since that time, there has been an agreement between the Town and Highland School District for placing a part-time SRO at the schools.

Highlights during the month of January were a half dozen arrests were made on the sale of narcotics in the Highland area, assisted by URGENT; several arrests were made for burglaries, also with the assistance of URGENT. The Police Sergeants have completed the three-week supervisory training course. In December there were 544 calls for service, 284 other than normal Police calls for public service; 44 accidents; 107 tickets including parking UTT's; 49 arrests; 118 hours of foot patrol in the village. The Sergeants and Officers put in about 50 hours at the schools. The combination of hours for the Chief and Lieutenants was about 60 hours.

Paladino thanked the Chief for providing the officer and program on the active shooter, there has been a lot of positive feedback.

Reynolds asked if the SRO will be armed and circulating among the three schools and for how many hours.

Chief responded that the SRO would be armed and would be under 20 hours per week.

Reynolds asked Chief to comment on the active shooter course given to the school district personnel.

Chief replied that there were some things that he did not want to discuss but the course is on how to protect yourself and students in an active shooter incident and the best protocol to follow.

- I. Recreation/Buildings & Grounds – Frank Alfonso was unable to attend the meeting; Supervisor reported that the winter programs are going well and on Sunday, February 3, the Dutchess County Alzheimer's Foundation used Berean Park for Sub-Zero Heroes, a

polar bear plunge into the Reservoir and the foundation raised about \$50,000. It was an economic benefit to local businesses. There were concerns with traffic near the park but they had their own security and they handled it as well as they could.

**J. Safety Committee –**

**K. Town Clerk –** Rosaria Peplow reported that January was busy. Transfer Station Annual permits have been ordered with the permission of Rich Klotz, Highway Superintendent, who is now in charge of the Transfer Station; the current permits expire March 31 and the new permits will go on sale March 1. She received a letter from the Department of State stating Lloyd is now considered a Town of the First Class which she copied for the Board. She also contacted the legal counsel of the Association of Towns and the Board was given their response on the changes and legalities. She then received a call from William Sharpe of the NYSDOS who asked what the Town is doing; she replied to him that the Town attorney is working on what has to be done and making recommendations to the Town Board on how to handle some of the changes. The two big items are the Receiver of Taxes and the Comptroller.

Murphy commented that when a town becomes a First Class Town, there are elective positions including the Comptroller and Receiver of Taxes; the Town can opt out by a resolution subject to permissive referendum.

Peplow explained that the only time that there is a vote on the permissive referendum is if a petition is received; most people would ask why you would want to vote on that.

Murphy said that it has to be posted and published and if 5% of the electors in the last gubernatorial election sign a petition and it is submitted within 30 days of the notice, then a referendum is required. He feels that would not happen.

Peplow said that the Town of Ulster decided that they would not change to a Town of the First Class and asked the NYS Legislature to amend the law to exempt them.

Murphy explained that when a town reaches more than 10,000 residents, the town becomes a Town of the First Class. A few towns including the Town of Ulster did not want to become a Town of the First Class and were exempted. Lloyd would have to impose on its legislators to be exempted as this is a NYS law.

Peplow said that it was fortunate that taxes are collected on the local level because three days into collection, Karen McPeck, Bookkeeper, asked for money to meet the payroll and she was able to provide a check. During the month of January, \$1,500,000 was given to the Bookkeeper. The tax program is going very well; there is a new feature that a PDF can be created of a tax bill which can then be emailed in lieu mailing or faxing the bill or receipt. Regarding Records Management, the Town has adopted the NYS Department of Education schedule for disposition of records and the records are stored in the inactive storage room which was created using a grant for the purpose of storing records. These boxes of records have to be labeled as to the content, year and their disposition date or if they are a permanent record. She said that she sent an email to all department heads to let her know what records need to be disposed. She will schedule Keith Garbounoff to destroy them and sign off that it was done.

Paladino asked if they are to be burned or shredded and Peplow replied that it could be either and Garbounoff does that.

**L. Water & Sewer – Adam Litman**

Ray Jurkowski, Morris Associates, said that he would like to discuss the contribution agreement with Mountainside Woods. The public hearing has been held and the Water/Sewer/Drainage Committee has been looking at the amount of the proposed contribution agreement for the sewer extension and various methodologies to calculate that. It has been pretty straight forward. They look at the facility and take the average daily flow from the facility and multiply it by the rate per gallon; in the past, that rate was \$10.16 which was derived based on the original cost estimate that was prepared in the map plan and report for the sewer plant expansion and renovation project, year 2006. The Water/Sewer/Drainage Committee looked at two items: (1) Whether that rate of \$10.16 should be increased. The sewer plant project is complete, all of the project costs are finalized and it can be recalculated to see how much was actually spent. In recalculating the new rate for any district extension, it would be \$14.22; the total project amount for that sewer plant extension renovation and divided that by the number of gallons. The W/S/D Committee would like the Town Board to consider updating the rate to \$14.22. (2) Has to do with the actual flow and how that is going to come into the facility. The center of this project had a previous sewer district extension when the project was known as 'Willberry'; there was an agreement and a contribution made but the project never came to fruition. The original contract agreement stipulated that there would be subsequent payments as the project continued to be built-out. It was not built-out so the payments never took place. The W/S/D Committee looked at four different options as to how it could be calculated, which are listed in the correspondence. The Committee felt the most reasonable method was to consider the Willberry contribution valid and that only those parcels located in the new portions of the district extension to be considered as part of the calculation. That results in 65 of the total number of houses in the project; 65 units multiplied (a total flow of 21,400, a combination of three-bedroom and four-bedroom units) by the \$14.22 per day, which makes a voluntary contribution from the developer of \$304,308. If the Town Board agrees that would be placed into the agreement which the Town Attorney has prepared in draft form.

Murphy agreed that it has been prepared and he is now looking for the confirmation of the number.

Paladino asked what the original Willberry contribution was.

Jurkowski replied that it was at a very low rate and he recalled \$5.00.

Paladino asked if the Town was going to consider the new units at the new rate, why the Town would not consider the original Willberry units at a new rate also or some kind of compromise between the two rates.

Litts recalled the discussion at the Committee meeting was that the Willberry extension was granted and paid for; therefore, they are in the district.

Murphy agreed and said that the 'middle piece' is in the district.

Paladino posed that as it was not built, was the developer asking for the contribution to be considered or did it not have to be considered.

Murphy explained that they are in the district and there is a question as to whether or not there was an agreement entered into back then; they made partial payments on that agreement. The W/S/D Committee after discussing it felt that this was a reasonable compromise. This is the first sub-division at this rate.

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Jurkowski said that center portion of the development was extended previously and once the sewer district is extended, it cannot be retracted. The W/S/D Committee felt this to be the most fair to both parties. He wanted the Board to understand the calculation, methodology and recommendation of the W/S/D Committee; secondly, for this project and forward with new projects, that the Board considers the new rate of \$14.22 per gallon per day. This is a voluntary contribution, which goes back into the sewer district. Traditionally, the money has been used for I&I improvements and there has been a huge benefit.

Supervisor asked if he needed the Town Board's approval on the recommendation, which Jurkowski confirmed.

Murphy said if this is the consensus of the Board, he can take this number to the attorney for the developer to let him know that this is the contribution that the Town Board is requesting. There will be an agreement once the terms are finalized.

Supervisor confirmed that it is the consensus of the Board and it will be a resolution on the agenda of the Regular meeting, February 20.

Reynolds asked if this is a one-time fee and Jurkowski replied that the \$304,308 is a one-time fee. He asked for an explanation as to why it is voluntary and not required.

Murphy said that the Town has always negotiated voluntary and not required contribution agreements with developers because of the expense of the infrastructure.

Jurkowski added that the existing screen is being removed at the Wastewater Treatment facility and the new screen is being installed; the vendor has advised that this will require additional electrical work. This new screen has floats and pumps, is more involved and requires more electrical work. The electrical contractor on the project was Rondout Electric and they have been contacted to do the work; they have estimated three days of work at a cost of \$6,521.02. There will be a credit if three days of work is not required and they are able to do it in two days,.

Supervisor stated that there has been an ongoing problem with the pump station at Bridgeview and a decision has to be made as to how to handle it. The Town gets bills for the cleanup when it malfunctions and this is becoming a bi-weekly event.

Jurkowski replied that he is going to meet Adam Litman and Dave Campala at the sewer plant and they will discuss it.

Supervisor said that there was a suggestion of going manhole to manhole, starting at the top and working down to see where the material is coming from.

Litman said that Dave Campala and Frank Palmateer have been going from manhole to manhole, grease trap to grease trap, tracking what is going on. They found that some materials are coming from Goldenview residents and found that the small plastic bags that people use to pick up dog feces are being flushed down the toilets.

John Bernhardt, resident of Bridgeview, stated they had been told that there are two people who were throwing the bags of feces down the catch basins and they have stopped doing that.

Litts asked if Goldenview could be required to put a grinder pump on their affluent. They should pay the cleanup bills if we know for a fact that is from where the materials are coming.

Litman replied that he did not know if that was possible.

Paladino referred to the proposed senior housing behind Goldenview and asked if that affluent will run from that building through Goldenview and into the system.

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Jurkowski said that it will ultimately be in that same pump station.

Paladino felt that could be required of the new project and into Goldenview so that it could help both.

Litts said if the new project has not been approved by the Planning Board, the Planning Board should be informed that feature is needed.

Jurkowski said that prior to them coming on line the sewer department had issues with tri-fold towels, etc.; however, it is definitely happening more often. He will take it into consideration and provide a recommendation.

Litman added that it is coming from everywhere on the line but there are certain areas that are contributing certain things; Goldenview is certainly one of them.

Litts asked Litman to write a letter to the Planning Board to tell them that there is an existing issue and to consider that when approving the new project.

Adam Litman reported that they have been on full reservoir water since Mid-November, the beginning of December and if this weather pattern continues, it is likely that they will be on full reservoir until spring. There was a 3.5 hour training session with the billing software company for Chris Giangrasso and Bill VanKleeck. They have recognized some billing issues due to that training and in correcting these, there should be an increase in revenue in the apartments that have 1-inch meters. Monthly maintenance continues at the Water Plant. The painting has nearly been finished in the older existing buildings at the Sewer Plant; they have been painting in the existing digester building which is difficult to paint because of the piping. The 4-inch water meter is in the process of being replaced. Ray Jurkowski will be on site tomorrow as it was realized that when the 4-inch meter was changed that the back flow preventer that was installed and specified for them is under-rated for pressure in the distribution system, which may cause some of the other issues that are being experienced. GTI which is the company that installed the digester covers, the methane system and flare system was on site last month to make some more adjustments and repairs to the systems to keep them functioning correctly. H. A. Schreck was also on site for secondary pump repair, secondary scum pump was repaired and there are still problems with that. That is one of the bills for coating and painting that he sent in for payment so that a FEMA reimbursement can be requested. Schreck will return to address those problems. He is concerned that if the bill is not paid that FEMA will not pay what is owed. Also needs to discuss with Jurkowski the storm warnings and flood issues on January 29 for the potential 3-inches. The sewer department and road crew met at the Sewer Plant and removed the racks of the UV system and tied them down so they would not be damaged if it flooded. Getting the racks out, cleaned and secured was a long process. There are still problems with the system and though it is operational, he is not satisfied. The road crew repaired the distribution system, there was a water main repair on Brinkerhoff Avenue; on January 8 and 9, a 6-inch water main repair was done on North Roberts Road that was labor intensive due to the location; there was a service leak at 14 Woodside Place. The Bridgeview pump station has been an ongoing problem; Earthcare charges between \$250 and \$500 to pump out that station due to the severity of the rags and grease. The grease is not the issue; it is the rags that are coming from various places like Goldenview. Most recently they are finding small plastic bags and it appears they contain dog feces.



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Paladino asked if a letter could be sent to the owner of Goldenview, Richard Gerentine, and he could notify his tenants.

Litman said that one of the discussions at the Water Plant today was how to compose a letter to the public. There is nothing in the Code Book that says that plastic and other items cannot be flushed. He feels that the frame of mind is that once it is flushed down the toilet, it is no longer your problem. He questioned what could be said in a letter and what could be enforced. Anderson Electric was on site to offer some suggestions and he recommended a controller called a 'transducer', which is installed at the bottom of the pit and will read the pressure elevation of the height in the tank which would get rid of the floats. When a float naturally hangs it is off and when the flow comes on it turns that on and what the grease and rags are just picking them up and down. Dave Campala and Frank Palmateer decided to drop a cinder block to the bottom and tie down the floats. This has been working for the last two weeks, as the floats do not pull up.

Bernhardt stated that Bridgeview did not have this problem until about a year and half ago and he felt that it was coming from the nursing home where the large bed pads were being used. He believes that it could also be from the nail salon in the Plaza.

Litman said that a lot of it is disposable towels from a roll. An option that needs to be discussed with the Town Board is the installation of a check valve at the Bridgeview Clubhouse. They are not 100% foolproof but it should remedy a lot of the problems. If there is a failure, the pump station backs up, it will close and it should keep everything from flowing into the Clubhouse. If a plumber is performing maintenance at the Clubhouse, he would have to be made aware that a check valve is in use. The check valve would have to be cleaned once or twice a year, inspected and put back in; that cost would be incurred by the owner. The purchase of the transducer and installation would be \$2,500, that would take away all of the floats. Weighing down the floats seems to be working for.

Supervisor would like Litman to work with Litts to come up with a resolution for the February 20 meeting. Further, the representative from Lit Green would like to visit the Water Plant to offer ideas on how to save money on lighting.

Litman would like advice on how to address those who are required to have backflow devices and do not and those who have backflow devices that are not certified and functioning properly. Many businesses have the devices, and do maintain, inspect and certify every year.

Brennie suggested contacting the Board of Health.

Litman responded that the Board of Health is contacting him.

Supervisor said that the directive to put them in came from Ulster County Board of Health and now it is up to the Town to enforce it. One property owner in Town is refusing to do it, the Town threatened to turn off the water but the Town Code states that the Superintendent is the only one who can turn off the water and the Town doesn't have a Superintendent.

Litts suggested changing the Code and Litman suggested a Town Board resolution so that an individual can be named that is capable of doing this.

Supervisor added that there was no money in the budget line to change the Code last year and so this is something that is going to have to be done this year.

Murphy said that it is local law and last year they toyed with appointing someone to be acting superintendent but the law really should be changed; turning off the water would get attention.

Litts spoke to Rosalie Peplow, Town Clerk, and recalled that the Board has talked about changes that needed to be made in the Code but they have not because of the cost.

Peplow responded that she did send an email to Jan Medina, General Code Publishers, copying the Supervisor and Kate Jonietz, that there is now money in the budget to make the changes and that she could proceed; Ms. Medina is going to update the estimated cost of making the changes.

Litts felt that all the changes could be made at one time and save money.

Peplow said that was not necessarily true because there are in different parts of the Code book and she will address that with Medina; she thought that the Town would be doing some other local laws.

Murphy said that zoning is also going to be changed.

- M. Supervisor – reported that Karen McPeck compiled the figures to compare consultant fees from 2011 to December 2012 and there was a savings of almost \$340,000. He noted his appreciation for the donation of \$50,000 to \$70,000 to Bob Shepard Highland Landing Park by Ray Jurkowski, Morris Associates.

## **2. OLD BUSINESS**

### **A. Street Light replacement – Lit Green**

Supervisor said that the lights on Main Street have been replaced and it is very well lit and bright; 188 Watt bulbs were replaced with 50 Watt bulbs which are supposed to last 10 years, saving 62% of the electric bill. It is a slow process, every other light is removed, sent to the company where the lights are replaced, cleaned, and then they are sent back. Kate Jonietz interjected that they are able to do 10 lights per day. The owner of the company is going to go with him to the Water Plant to look at the lights with the intention of saving money on electric.

Paladino said that there is a light pole in Bridgeview near the mailboxes that was knocked down, allegedly by the Town, two years ago. He did mention it to electrician, Vito Dispensa.

John Bernhardt confirmed that the light pole is still down.

Rich Klotz, Highway Superintendent, spoke with Vito Dispensa and he is going to measure to see what size the pole was and they are going to try to make one and replace it.

Supervisor answered Reynolds question that the cost of the replacement lights for the Hamlet is \$59,000; \$9,000 of which was a grant from Senator Larkin and it is estimated that the new lights will pay for themselves in five years.

### **B. Status report - City Notify alert system**

Supervisor said that City Notify is up and running. This is a system that will send out alerts to everyone in the Town. It is a simple process to enroll on the website. Information on City Notify will be on the Town website and Facebook. His office does not have information on the legal notices or public hearings but the information can still be sent out via City Notify as well as through the mail. The cost was \$3,100 for the year. This will keep the public informed. He asked everyone to get out the word and forms will be available to enroll.

Sean Murphy, attorney, said that he has not found anything on the legality of notices; City Notify is also going to research it.

Rosalie Peplow said that she also asked Association of Towns but did not get an answer.

Kate Jonietz said the completed forms can be brought to her office and she will enroll the person. There are 1,944 residents that are pre-listed based on postal addresses. The addresses are not as critical as the contact information such as email, cell phone and land line phone numbers. Notifications will not be automatic; the accounts have to be activated by enrolling in the system.

**C. Update on cable access channel and live streaming**

Supervisor said that this has been a long process, the equipment has been here and the contact from Cablevision was not being as helpful as was thought and is no longer with the company. The new representative from Cablevision was very upset that there was a delay and will be here next Tuesday; two young men who have graduated from Highland and now attend Dutchess Community College will be trained on how to use the equipment.

Jonietz added that there will be a whole day of training to put the access panels with Town information on Channel 22.

**D. Tillson/Toc/Vineyard project**

Litts reported that the consultant finally provided a draft design report and he has reviewed about 90% of it and he will give them his comments when he is done. With the passage of the new federal transportation bill, Map 21; some of the funding sources as well as how it is doled out to the states and municipalities have changed. They have new funding sources, one of which is the HSIP (Highway Safety Improvement Program). He heard from Ulster County Transportation Council and they feel and he agrees that the Town can qualify for additional funding through that funding source, which will help close the funding gap for the Tillson/Toc/Vineyard project. That was good news. This is a 2-year program, 2013-2014, and the project has to be let in 2014. This is good for the Town because this project is scheduled to be let in 2014. The application for 2014 projects needs to be done by March 30, 2013. Barton and Loguidice, the consultants, have been copied on all of the emails and hopefully they will be able to get that application paperwork finished. Ulster County Transportation Council provided a package of what needs to be submitted and guidance on how to do that. He hoped that can be done and submitted to the NYS DOT by March 30<sup>th</sup> and the Town will qualify for that money.

The Ulster County Transportation Council sent him another email today that they have no record of him being designated the voting proxy for Supervisor Hansut.

Supervisor stated he has sent the letter to UCTC.

Litts thanked him and said that he will be able to go to the next meeting and vote on behalf of the Town.

Klotz told Litts that he has received BIN reports for Mile Hill Road and River Road, which he will give to Litts for his review.

**3. NEW BUSINESS**

**A.** Court Security was discussed earlier in the meeting.

**B.** Building Improvement Committee

Supervisor said that in the past there have been committees formed and discussions but without result. He suggested visiting the Courtroom and the Building Department to see that there is overcrowding in both. The Court records have to be stored on the premises by law. Something needs to be done. It is thought that the building could be expanded to the concrete wall in the back of the building. David Barton, Frank Alfonso as Buildings and Grounds, himself and a member of the Town Board may also want to volunteer to participate in the committee. They hope to begin discussions in the near future. There was a part-time building inspector and architect who drew up plans years ago but the plans cannot be located. They will look at various options that can be done as cost effectively as possible; there will be public hearing on it.

\*Brennie left the meeting at 6:23 PM.

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

Mark Reynolds, reporter, asked the status of the agreement with Vineyard Commons and its enforcement.

Sean Murphy, attorney, responded that there are still discussions on a possible agreement; he spoke with their attorney two or three weeks ago and we will probably schedule a hearing if they don't enter into an agreement forthwith. The hearing would be on the violations and request that the Court impose fines on the violations that occurred while Vineyard Commons Holdings was in control. The hearing will be in a month or so. He declined explaining what the confidential agreement would state. The enforcement proceeding is against Vineyard Commons Holdings, LLC, who is no longer in control, it is the Receiver who is in control so the agreement would address the transgressions while Vineyard Commons Holdings was in control; the Town might have wanted sanctions or agreement regarding information that they would give the Town in the future but they are not in control.

Reynolds asked if the Town knows whether or not they are renting to people under the age of 55.

Murphy replied that the Receiver has made representations that they have not rented to anyone in violation of the local law; he is an attorney acting pursuant to his Court appointment and he is acting under the guidelines of the Court. The property is going to be foreclosed upon and the mortgagee will take back the property; there will be continuing discussions with them about the management of the development.

#### **5. MOTIONS AND RESOLUTIONS**

**A. RESOLUTION** made by Paladino, seconded by Litts, to accept the resignation of Jay C. Rowe as fulltime dispatcher as of February 9, 2013.

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

**Four ayes carried.**

**B. RESOLUTION** made by Litts, seconded by Paladino, to hire Jay C. Rowe for the position of part-time dispatcher with a salary of \$13.75 per hour effective immediately at the recommendation of Chief Waage.

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

**Four ayes carried.**

**C. RESOLUTION** made by Paladino, seconded by Litts, to accept the resignation of Police Officer John Pignatelli effective January 28, 2013.

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

**Four ayes carried.**

**D. RESOLUTION** made by Litts, seconded by Guerriero, to approve the shared cost of a cell phone for Dog Control Officer Andrew McKee with the Town of Plattekill Police Department at a monthly cost of \$43.71, which includes insurance.

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

**Four ayes carried.**

**E. RESOLUTION** made by Paladino, seconded by Litts, to authorize AP Construction to make emergency repairs to the roof and windows at the Town Hall in the amount not to exceed \$1,800.00 as per the estimate.

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

**Four ayes carried.**

**F. RESOLUTION** made by Paladino, seconded by Litts, to approve and authorize the Supervisor to sign the 2013 Extended Service Agreement for Joseph R. Trapani as Special Prosecutor for Traffic Offenses (excluding vehicle and traffic misdemeanors and alcohol offenses such as SWAI) issued by either New York State Troopers or Town of Lloyd Police Officers, not to exceed \$21,000.00 at the recommendation of Justices Rizzo and Elia.

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

**Four ayes carried.**

**G. RESOLUTION** made by Paladino, seconded by Litts, to approve and authorize the Supervisor to sign the School Resource Officer agreement with the Highland Central School District.

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

**Five ayes carried.**

*Paladino added that the School District was incurring a cost of \$30,000 for the School Resource Officer. He will attend the school board meeting next week and would like to take a straw vote as to whether the Town Board might consider giving \$5,000 from contingency for the SRO program if they hire a Lloyd officer, not a third party. He feels that the relationship between a local police officer and the school district is important and has additional value. This would be in addition to the DARE officer that is already allocated in the Town budget.*

*Supervisor is concerned that the Highland School District includes parts of Marlborough, Plattekill, Esopus and New Paltz. He does not know if this can be done legally and it must be looked in to.*

*Litts feels that it is a valid program and there should be a police officer in every school; however, there has to be caution as to precedence in crossing boundaries with different agencies.*

*Murphy said that it could be seen as a gift to benefit people outside of the Town of Lloyd.*

*Paladino said that he is only asking for one year and would like to do it as soon as possible since their budget has to be prepared by April.*

*Murphy will look into it.*

*Supervisor asked Chief Waage what other towns are doing for school security.*

*Chief responded that the Sheriff's Department is negotiating with several school districts for a SRO program and they are looking at that as the best way to go. The SRO can also be armed. He is not aware of how they are paying for it.*

*Supervisor said that he called the Chair of the Criminal Justice Committee in Kingston; the Sheriff's Office is offering a three-year package at \$220,000 for one full time officer at the schools and Rondout is the first to sign up.*

*Guerriero spoke with the principal of Poughkeepsie High School and their solution was to hire retired police officers as it was less expensive; the principal offered to come speak to the Town Board.*

*Supervisor said that the Poughkeepsie school district got a grant to pay for it.*

*Board consensus is to look into it and not say 'no' at this time.*

- H. RESOLUTION** made by Paladino, seconded by Litts, to approve and authorize the Supervisor to sign the General Release and request for payment from URGENT for contract period January 1, 2006 through December 31, 2012.

*Supervisor explained that the Town had never received reimbursements from money collected from asset forfeitures, \$8,700; the money will go into a line item for the Police.*

*Chief said that there are restrictions on how to use the money and he would like to use it for training.*

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

**Four ayes carried.**

- I. MOTION** made by Paladino, seconded by Litts, to end the probation term effective the first day of the next pay period of Police Chief Daniel Waage at the recommendation of Supervisor Hansut. As required by civil service "every permanent appointment from a promotion eligible list shall be for a probationary term of not less than eight nor more than twenty-six weeks.

**Four ayes carried.**

- J. MOTION** made by Litts, seconded by Guerriero, to end the probation term effective the first day of the next pay period of Police Lieutenant James Janso at the recommendation of Supervisor Hansut. As required by civil service "every permanent appointment from a promotion eligible list shall be for a probationary term of not less than eight nor more than twenty-six weeks.

**Four ayes carried.**

- K. MOTION** made by Paladino, seconded by Guerriero, to appoint Gary Pregno to the Economic Development Committee.

*Supervisor explained that Pregno was inadvertently not included on the list for the EDC.*

*Rafael Diaz asked if it was an oversight that his name was not included and Supervisor answered affirmatively.*

**Four ayes carried.**

**L. RESOLUTION** made by Litts, seconded by Paladino,

**WHEREAS**, the Town Board has previously entered into a Contract Agreements with Kingsley Arms, Incorporated, Ackerman Plumbing, DJ Heating and Air Conditioning, Incorporated, and Rondout Electric, Incorporated to conduct construction activities at the Highland Sewage Treatment Plant Site under Contracts 07-002 through 07-005; and

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; and

**WHEREAS**, Electrical work is necessary for connection of revised head works equipment noted in Kingsley Arms Change Order number 2; and

**WHEREAS**, the sum of this extra work results in a net increase to the contract sum of \$6,521.02; and

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

1. The Town Board agrees to authorize Contract 07-005: Change Order #2 for a maximum payable amount of \$6,521.02 based on an audit of supporting documentation;
2. The Town Board authorizes the Supervisor to sign Contract 07-005: Change Order Number 2 as described herein.

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

*Jurkowski said that there was not a change order to sign at this meeting but his office will prepare the formal change order.*

**Four ayes carried.**

**MOTION** made by Litts, seconded by Paladino to adjourn the meeting at 6:50 PM.

**Four ayes carried.**

**Respectfully submitted**

Rosaria Schiavone Peplow  
Town Clerk