

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

FEBRUARY 9, 2011

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

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

Absent: Councilmember Kevin Brennie*

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

1. REPORTS from Town Board Department liaisons

Assessor – Councilmember Litts reported that last week the Town Board met with Elaine Rivera, Assessor, regarding the adjustments to the property assessment valuations due to the current trends. He noted that draft copies of the minutes of that meeting have been distributed.

Audit – January 1 through March 31 – Councilmember Hammond

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond reported that the committee is researching the Open Space Plan and they would like to meet with both the Town Board and the Planning Board on their findings.

Events – Supervisor Costantino

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino reported that there was a meeting on February 8 with the Fire Commissioners. The fire department had 47 calls in January, which has been one of their busiest months. Two of the accidents required the use of the Jaws of Life. The new ladder truck went into service January 31 and is available for alarms; drivers continue to train to become qualified to operate the truck. Ray Jurkowski, Morris Associates, is working with the department regarding water pressure and color coding for the fire hydrants. Chief Dan Bassanese said that Jurkowski has given him more information in the last couple of weeks than he had received in 14 years. Chief is very pleased with this information and hopes that it continues.

Paladino thanked the Fire Department, Police Department and the Highway Department for the work they did in the tough weather conditions throughout January. Town Board members concurred.

Litts suggested that the Town Board write a letter of appreciation to these Town employees for their efforts in the adverse weather conditions.

Paladino offered to write a letter of appreciation on behalf of the Town Board.

Highland Central School – Councilmember Hammond reported that meetings have been cancelled due to the weather and there is a meeting scheduled for February 16. She said that she sent out 60 invitations to display at the Community Expo and she has received many positive replies.

Highland Landing – Supervisor Costantino reported that he received notification from NYS DOS that Appendix A has been added to the contract.

Matt Smith, Park Superintendent, reported that two work parties have been cancelled due to the weather; the contractor working on the Sewer plant has plowed out the Park. Erichsen Fuels has donated a gas heater which works well to heat the building; there is supposed to be a break in the weather so work has been scheduled for February 12.

He said he has asked Sal Cuciti to send emails to the Army Corps of Engineers on his NYS Parks stationery, in his position of Senior Parks Architect, as to the reasoning behind the design of the dock. Cuciti has permission from NYS Parks to work on the Highland Landing Park plans. Copies of these emails are also being furnished to the Department of State, Coastal Management, who want the project constructed with the bulkhead and the dock as it is designed. They will also contact the Army Corps of Engineers. It has been difficult to bring the two groups together on the project.

Supervisor explained that the Town has received a grant for a steel bulkhead.

Smith explained that the Army Corps would rather that boulders were placed on the River's edge. The present bulkhead has not begun to collapse and it is 10-feet deep at low tide. It quickly goes to 60-feet deep further out into the River and it would be difficult to fill that much space with rock.

Highway – Supervisor commented that in looking at the Supervisor’s report of January 2010, it was at 15% of the budget and January 2011, it is at 30%. There is still money in the budget if the snow continues; if the money is not needed for the winter weather, it can be used for other projects.

Paladino added that the money will be needed to fill the potholes.

Historian – Supervisor Costantino

Hudson Valley Rail Trail – Supervisor Costantino reported that notice has been received from State that they are sending \$91,000; this is the 100% reimbursement that has been financed with the money that the Town had so that money did not have to be borrowed and the State has been prompt in replacing it within a couple of weeks. Some bills he received in November and he has held them until the tax money for 2011 is received. The balance is approximately \$250,000.

***7:15 PM** – Brennie arrived

Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino reported that approval was given to Atlantic Concrete for a 2-family house and commercial building on the corner of Upper North Road and Riverside Road. The property at the corner of Haviland Road and Mile Hill Road, formerly occupied by Atlantic Concrete has been purchased by Joe Valentino, developer, who is proposing an indoor restaurant and retail for the property which may also be a property included in the Rail Trail Overlay District. The committee for the Rail Trail Overlay District will be moving forward with that in mind, along with the rest of the parcels to be considered.

Mark Reynolds, *Southern Ulster Times*, asked the size of the Haviland Road property.

Paladino replied that it was approximately 1.8 acres in an oddly shaped parcel.

Police – Councilmember Hammond had nothing new to report but commented that the Police continue to do a great job.

Personnel – Councilmember Brennie

Recreation – Councilmember Brennie

Safety – Supervisor Costantino

Shared Services – Councilmember Paladino said that there was no news to report.

Water and Sewer – Supervisor Costantino reported that two water pumps are to be replaced at the Water Plant by Standard Contracting and there have been manufacturing delays so Standard is asking for an extension in their contract. He would like to hear from the manufacturer as to why it is taking so long.

He said that FJF, the contractor for the asbestos abatement for the demolition of the houses on River Road needs hot water and electric to do the work. Due to the weather, FJF is having difficulty beginning the project; the air analysis has been done and it is hoped that work will begin next week, as soon as the weather breaks. He suggests that they are granted a time extension.

Cornell Labs, Route 9W, is coming to the Water and Sewer Committee meeting on February 10 as they would like to irrigate with Town water; they do have wells but as it was dry last year, they do not feel that they can depend on the wells for water. They may be able to hook up at the water storage tank.

Transfer Station/Recycling – Supervisor Costantino reported that he received a call on Saturday from Keith Garbounoff that Garbounoff’s daughter had been in an auto accident and he would have to leave the Transfer Station. He told Garbounoff to leave the gate open and he would go up; he felt that it was well organized and everyone knew what they were supposed to do with the trash. He told those who wanted to give him cash that he was not in a position to take cash.

Paladino asked if she was all right.

Supervisor answered that her arm had been broken and the accident occurred as she was leaving Mackey Road. Don Parker told him that his ex-wife was in an accident there a year ago and it was because the snow banks were so high it is difficult to see. Parker offered to work at the Transfer Station the remainder of the day.

Zoning Board of Appeals – Councilmember Litts reported that it has been a slow season with only one applicant last month and one applicant for the meeting scheduled for February 10. The ZBA is working on their comments regarding the changes to the Code proposed by David Barton, Building Supervisor.

2. OLD BUSINESS

A. Sale of \$1,260,000 Bond Anticipation Notes for 9W North Water Line

Supervisor commented that the Bond Anticipation Notes for 9W water line will be sold this month as they have been every year. The low interest rate makes this advisable.

B. Letter from Ethan Jackman

Supervisor referred to a letter from Ethan Jackman that was distributed to the Town Board members. David Barton, Building Supervisor, will report on the letter at next month's meeting.

Smith offered that there was an inspection on the property owned by Ethan Jackman at the corner of Vineyard Avenue and Main Street and he, representing Jackman, responded to the concerns of the Building Department and had a mason make repairs; there was a secondary request for two boxes that needed covers, which he then.

Supervisor clarified that one of the occupants of the building, 1-2-3 Play, requested the inspection.

Brennie noted that in the daycare/childcare world, there are two separate inspections required, one from the local fire inspector and one from the daycare fire inspector and they do not always mesh.

3. NEW BUSINESS

There is no new business.

4. PRIVILEGE OF THE FLOOR

There were no comments from the public.

5. RESOLUTIONS

A. MOTION made by Hammond, seconded by Paladino, to approve the minutes from: Workshop Meeting of January 5, 2011; Reorganization Meeting of January 5, 2011; Special Meeting of January 12, 2011; Regular Meeting of January 12, 2011; Settlement Day Meeting of January 19, 2011; Special Meeting of February 3, 2011.

Five ayes carried.

B. RESOLUTION made by Paladino, seconded by Brennie,

Whereas John Zani has successfully completed the Ulster County Police Academy and his voluntary 160 hours of on-the-job training as a police officer, the Town Board approves his change of employment from part-time dispatcher to part-time police officer, effective January 31, 2011, at the request of Chief David Ackert.

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

Five ayes carried.

C. RESOLUTION made by Paladino, seconded by Brennie, to approve extension of time to FJF Construction on the asbestos abatement contract for the River Road properties due to the severe weather conditions we have experienced. Proposed start date of mid-February with anticipation of completion date of March 1, 2011.

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

Five ayes carried.

D. RESOLUTION made by Paladino, seconded by Hammond, to approve use of the Hudson Valley Rail Trail on Sunday, April 17, 2011, from 9 AM to 1 PM from approximately the Highland Station at Haviland Road including a portion of the parking area in the vicinity of the Caboose, by the Maplewood School of Amenia to host a 5-mile run and a 3-mile walk to benefit The Panichi Center for Communications and Learning in Beacon.

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

Five ayes carried.

E. RESOLUTION made by Brennie, seconded by Paladino, to approve use of the Hudson Valley Rail Trail from Friday May 13, 2011 at 1 PM through Saturday May 14 at 4:00 AM from Tony Williams Park (if bridge is replaced) or from the Hudson Valley Rail Trail Depot at 101 New Paltz Road to Walkway over the Hudson to host a 200 mile overnight running relay starting in Bethel ending in Dobbs Ferry, NY by Ragnar Relay Series/Ragnar Events of Kaysville UT to benefit the Beacon Education Foundation.

Brennie proposed that these out-of-town organizations are informed that their patronage of the local businesses would be appreciated.

Supervisor said that he is working on an agreement for a fee schedule to use the Rail Trail and Bob Shepard Highland Landing Park. He will make sure that the kiosks are full of local brochures which could possibly be furnished to be included in the participant package.

Paladino suggested that in the application process there may be an opportunity to note that local businesses are available to set up as vendors during these events.

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

Five ayes carried.

F. RESOLUTION made by Brennie, seconded by Paladino, to hire Kelly A. O'Donnell as a part-time dispatcher at the rate of \$12.00 per hour, effective February 9, 2011, upon successful completion of her pre-employment physical, at the recommendation of Chief David Ackert.

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

Five ayes carried.

G. RESOLUTION made by Hammond, seconded by Brennie,

WHEREAS, on April 12, 2006, the Town Board of the Town of the Town of Lloyd (herein called "Town Board" and "Town", respectively), in the County of Ulster, New York, acting on behalf of the Highland Sewer District (herein called "District"), in the Town, held a public hearing and thereafter adopted (i) the Resolution and Order After Public Hearing and (ii) the Bond Resolution, which authorized the issuance of serial bonds of the Town in an amount not to exceed \$7,000,000 to pay the estimated total cost of the increase and improvement of facilities of the District, consisting of improvements to the waste water treatment and collection system, including, but not limited to, expanding the capacity of the existing waste water treatment plant by approximately 0.5 million gallons per day in order to provide adequate capacity for at least twenty (20) years as well as allowance for potential growth and expansion of the District, upgrading the waste water collection system, prevention of flooding caused by roof drains and sump pumps, elimination of inflow and/or infiltration flows and providing any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs (the "Project"); and

WHEREAS, at the time that Project was authorized by the Town Board, the Town had expected that the Project would qualify for funding as part of the Clean Water State Revolving Loan Fund Program ("CWSRLFP") of the New York State Environmental Facilities Corporation ("NYS EFC"); and

WHEREAS, the Town subsequently learned that the NYS EFC was unable to fund the Project as part of its CWSRLFP unless additional funding became available and as a result the Town Board determined that it was not in the best interest of the Town and the District to proceed with the Project; and

WHEREAS, subsequently the Town Board was informed by NYS EFC that additional funding through its CWSRLFP was available to fund the Project and the Town Board determined that it was in the best interest of the Town and the District to reauthorize the Project and the issuance of serial bonds in connection therewith; and

WHEREAS, the firm of Morris Associates, P.S. L.L.C., Engineering Consultants duly licensed by the State of New York (herein called "Engineer"), prepared an addendum to the original preliminary map, plan and report for the Project, dated May 2005 and filed with the Town Board the addendum, dated July 2009, together with the original preliminary map, plan and report for the Project (collectively, the "Report"), stating, inter alia, that due to an increase in construction costs, including associated labor and materials, the estimated total cost of the Project was estimated to be \$7,475,000; and

WHEREAS, the Town Board determined that the bond anticipation note issued pursuant to the bond resolution adopted on April 12, 2006 and then outstanding in the amount of \$1,000,000, was to be used to pay a part of the cost of the Project and, as a result, the Town Board authorized not to exceed \$6,475,000 serial bonds to pay the balance of said \$7,475,000 cost; and

WHEREAS, due to an increase in the cost of labor and materials, the maximum amount proposed to be expended for the Project has now been determined by the Town Board to be \$8,285,000 and the Town Board has determined that it is in the best interests of the Town to further increase the estimated total cost of the Project and to increase the amount of serial bonds authorized to pay for such increased costs, and

WHEREAS, the Engineer has prepared and filed with the Town Board a second addendum to the Report, dated February 2011, setting forth the increased cost of the Project; and

WHEREAS, the Town Board and the Town have complied or will comply in every respect with all applicable federal, state and local laws and regulations, including environmental matters; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law ("SEQRA"); the

Town Board, acting as Lead Agency, has given due consideration to the impact that the Project may have upon the environment and, on the basis of such consideration, the Town Board has heretofore determined that the Project is a Type II Action imposing no material adverse environmental impact and no further environmental review is required;

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board be held at the Town Hall, 12 Church Street, in the Town, on the 9th day of March 2011, at 7:00 o'clock P.M. (Prevailing Time), to consider the Project and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk (i) publish at least once in the "New Paltz Times" and the "Poughkeepsie Journal", each of which is designated as the official newspaper of the Town for such publication, (ii) post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and (iii) mail or caused to be mailed, via first class mail, addressed to the last known address of each owner of taxable real property in the District, a notice of such public hearing in substantially the form attached hereto designated **Exhibit "A"** and hereby made a part hereof, certified by said Town Clerk, the first publication thereof, said posting and said mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing.

DATED: February 9, 2011

TOWN BOARD OF THE TOWN OF LLOYD

Hon. Raymond Costantino, Supervisor

Nancy E. Hammond, Councilperson

Herbert Litts, III, Councilperson

Kevin Brennie, Councilperson

Jeffrey Paladino, Councilperson

* * * * *

(SEAL)

The adoption of the foregoing Order was duly put to a vote on roll call, which resulted as follows:

Supervisor Raymond Costantino	voting Aye
Councilperson Nancy E. Hammond	voting Aye
Councilperson Herbert Litts, III	voting Aye
Councilperson Kevin Brennie	voting Aye
Councilperson Jeffrey Paladino	voting Aye

The Order was declared adopted.

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Exhibit A

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lloyd, in the County of Ulster, State of New York, will meet at the Town Hall, 12 Church Street, Highland, New York, on March 9, 2011, at 7:00 o'clock P.M. (Prevailing Time), for the purpose of conducting a public hearing in relation to the increase and improvement of facilities of Highland Sewer District, at the estimated maximum cost of \$8,285,000, consisting of improvements to the waste water treatment and collection system, including, but not limited to, expanding the capacity of the existing waste water treatment plant by approximately 0.5 millions gallons per day in order to provide adequate capacity for at least twenty (20) years as well as allowance for potential growth and expansion of the District, upgrading the waste water collection system, prevention of flooding caused by roof drains and sump pumps, elimination of inflow and/or infiltration flows and providing any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs (the "Project").

The maximum amount to be expended for the increase and improvement of facilities of Highland Sewer District was originally estimated to be \$7,475,000. It has now been determined that due to an increase in the cost of labor and materials, the maximum amount to be expended for the increase and improvement of facilities of the District shall be \$8,285,000.

02.09.2010

At said public hearing, the Town Board will hear all persons interested in the subject matter thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Dated: February 9, 2011, Highland, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LLOYD, COUNTY OF ULSTER,
STATE OF NEW YORK

By _____
Rosaria Peplow, Town Clerk

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

H. RESOLUTION made by Paladino, seconded by Brennie, to approve the following Budget Amendments to the 2011 and 2010 Budget:

Budget Amendments 2011 budget

General

Beautification	00-07-8560.40	+\$1,000.00
Donations (Donation from Mrs. Priscilla Decker's will)	00-2705	-\$1,000.00

Water

Purification Equipment	20-07-8330.20	+\$207,000.00
Unexpended Balance (Standard Construction Hudson River Pump replacement that was not completed in 2010)	20-770	-\$207,000.00

Transportation & Distribution CE	20-07-8340-40	+\$5,000.00
Unexpended Balance (snow plow for dump truck)	20-770	-\$5,000.00

Sewer

Sewage Treatment Equipment	30-07-8130-20	+\$5,100.00
Unexpended Balance (Pertech, Inc. for flow meter, sensor and Reni Zimmerman for setup that was not completed in 2010)	20-770	-\$5,100.00

Budget Amendments 2010 budget

General

Town Hall CE	00-01-1620-40	+\$900.00
Transfer Station CE	00-07-8260-40	-\$900.00
Building & Grounds CE	00-01-1630-40	+\$60.00
Building & Grounds PS	00-01-1630-10	-\$60.00
Police CE	00-02-3120.40	+\$2,245.69
Insurance Recoveries (Insurance Recovery Paid for and reimbursed)	00-2685	-\$2,245.69
Police CE	00-02-3120.40	+\$3,000.00
Police Equip	00-02-3120.20	-\$3,000.00
Engineer/Consult	00-04-5020-30	+\$1,300.00
Engineer/Design North Rd	00-04-5020-31	-\$1,300.00
Highway Garage	00-04-5132-40	+\$300.00
Engineer/Design North Rd	00-04-5020-31	-\$300.00
Social Services	00-05-6140-40	+\$11,300.00
Contingency	00-01-1990-40	-\$11,300.00
Building Dept CE	00-07-8010-40	+\$1,195.95
Contingency	00-01-1990-40	-\$1,195.95
Highway		
General Repairs CE	01-04-5110-40	+\$9,600.00
Sale of Materials	01-2650	-\$6,600.00
Recovery Self-Ins	01-2683	-\$3,000.00

Water

Transportation & Distribution CE	20-07-8340-40	+\$700.00
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02.09.2010

Transportation & Distribution PS 20-07-8340-10 - \$700.00

Sewer

Sewage Treatment CE 30-07-8130-40 +\$40.00

Sewage Collection CE 30-07-8120-40 - \$40.00

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

Five ayes carried.

MOTION made by Brennie, seconded by Hammond, to appoint Herbert Litts to Ethics Law Review Committee to fill the position of Michael Horodyski, who has resigned.

Five ayes carried.

The Town Board sang “Happy Birthday” to the Supervisor.

Reynolds asked about the audit now being done in the Town Hall.

Supervisor answered that the NYS Comptroller’s Office is reviewing the security measures of the Town Hall and recommendations will be made.

MOTION made by Litts, seconded by Paladino, to adjourn the meeting at 7:50 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk