

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

FEBRUARY 18, 2015

Present: Supervisor Paul Hansut

Councilmember Kevin Brennie

Councilmember Michael Guerriero

Absent: Councilmember Michael Horodyski

Councilmember Jeffrey Paladino

Also present: Sean Murphy, Attorney

Rosaria Peplow, Town Clerk

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

Supervisor asked for a moment of silence for David Butler, Town of Lloyd Building Inspector; John Jacobs, a 14-year member of the Planning Board and for Barbara Shepard, wife of the late Robert Shepard, Supervisor of the Town of Lloyd, and expressed the deepest condolences to their families.

7:00 PM – Supervisor opened the Public Hearing on proposed Local Law D – 2015, a local law to temporarily suspend a land owner's ability to obtain approvals for or the installation of digital signs and/or LED signs within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town's current planning and zoning laws, and to bring them into harmony with the recently updated Town of Lloyd comprehensive plan. The local law will impose a moratorium for a period of six (6) months following the date of adoption of this local law. The law provides that the moratorium may be extended by two (2) additional periods of two (2) months each by resolution of the Town Board upon a finding of the necessity for such extension. Supervisor asked if there were any comments and there were none.

1. REPORTS – Town Board Liaisons

Audit – January 1 to June 30, 2015: Councilmember Horodyski, Councilmember Brennie

July 1 to December 31, 2015: Councilmember Paladino, Councilmember Guerriero

ECC /Zoning Board – Councilmember Michael Guerriero reported that the ECC set goals for this year and they are getting ready to seal the driveway at the Black Creek Park and to fix the stairs from the Rail Trail down to the Black Creek.

Supervisor related that he has the sign that was at the Black Creek access for the soldiers, someone brought it to his house as it had fallen down. As soon as the warm weather arrives it will be put back up and said that he appreciated that the person brought it to him.

HCS D – Councilmember Kevin Brennie reported that the district has had a tough month with the snow; another day has been added for weather-related emergencies. The school board is actually considering institution of a 3-hour delay for the first time. There is concern about the high-stakes testing and the difficulty in catching up on school work.

Planning Board – Councilmember Michael Horodyski

Police/Fire/Town Justice – Supervisor Paul Hansut reminded everyone that the fundraiser for the Zimmerman family will be held at Highland Hose, Milton Avenue, on February 21, there will be two sittings one at 5 PM and one at 7 PM, \$25 per person. The Police Department is going to try something new beginning March 25, which is a Civilian Police Academy. It will be run by Town of Lloyd Officers and will run for eight Wednesdays; a \$25 fee will be charged for an Academy shirt. The information is on their Facebook site, Lloyd PD.

Water/Sewer/Drainage Committee – Councilmember Jeffrey Paladino

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

Rafael Diaz reported that the WinterFest in January was very successful. Chili contest winners were: First Place to On a Roll Deli in Highland; Second to River Station in Poughkeepsie; Third to The Would in Highland. On April 10 the Jeepers Creepers Moonwalk will be held; Learn to Run program starts on April 18, which is the 18th class; May 16 is the Wounded Warriors Race. Other organizations are using the Rail Trail: Maplebrook School; ALS and Walkway over the Hudson. Parts of the Trail will be closed for the Middle School PTA 5K race on June 12 and Bike NY will be returning with 2,000 bike riders. Some things did not work well last year with Bike NY and ideas have been discussed to improve it.

He reminded everyone that the Rotary is sponsoring Healthy Highland Day on Saturday, February 21 from 11 AM to 4 PM; there are approximately 34 vendors/service providers and a blood drive, at Highland High School.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park

Donna Deeprise represented Matt Smith who wanted her to let the Board know how happy he had been this winter that the new dolphin has held and continues to do so in spite of the ice in the Hudson. The Association is expecting \$7,500 from the Hudson River Foundation to be used for picnic tables and landscaping. The picnic tables will be set in concrete. Matt is working on choosing a contractor for the parking lot, with the help of Rich Klotz, Highway Superintendent.

2. OLD BUSINESS

A. 284 Agreement from Highway

Town Clerk stated that she contacted the Association of Towns legal counsel who said that although it is not mandated, it is preferred that the Town Board adopts a resolution agreeing to sign the 284 Agreement; Board members sign two duplicate copies.

RESOLUTION made by Brennie, seconded by Guerriero, the majority of the Town Board members agree to sign the 284 Agreement, which includes seven roads, submitted by Richard Klotz, Highway Superintendent. (See Attached)

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

Three ayes carried.

B. Lawn care

Supervisor explained that RFP's were sent out and bids were due back today and only one bid was received by the Town. Baker & Sons submitted the only bid. The RFP asked for a two-year commitment rather than putting out RFP's every year. In was advertised in the newspaper and on the website.

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

Joanne Loewenthal spoke in behalf of the Highland Library, which was also represented at this meeting by Nancy Hammond and Eric Norberg. She noted that Supervisor Hansut mentioned at the opening of the meeting that one of their Board members passed on this morning saying that Barbara Shepard chose to go from the Library Board table to God's table. Barbara Shepard was a tremendous supporter of the plans for the proposed Highland Library. It was very close to her heart and she was very passionate about it, speaking assertively, intelligently about it. In her memory, the Library Board is hoping that the community will recognize the efforts that the Library has made in making changes since the prior vote and will come out and endorse the new library on March 17.

Eric Norberg reminded everyone on behalf of the Library Trustees that the vote is on March 17 and that the Trustees have been open and communicative by presenting at various functions and organizations. He said that they have published an extensive FAQ document that is every question that has ever been asked over the course of the project. All of the Trustees are willing to answer questions at anytime and they are looking for a positive outcome.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Guerriero, to approve the minutes of the Settlement Day Meeting of January 7, 2015; Workshop Meeting of January 7, 2015; Reorganization Meeting of January 7, 2015 and the Regular Meeting of January 21, 2015.

Three ayes carried.

B. RESOLUTION made by Brennie, seconded by Guerriero, to authorize the payment of vouchers as audited by the Audit Committee.

General	G86 to G172	\$62,965.82
Highway	H36 to H79	\$54,260.17
Miscellaneous	M17 to M26	\$50,480.83
Prepays	P1 to P58	\$78,477.64

Sewer	S31 to S64	\$13,391.61
Water	W24 to W53	\$ 7,823.28

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

Three ayes carried.

C. TABLED Motion to close the Public Hearing on the adoption of proposed Local Law D – 2015, a local law to temporarily suspend a land owner’s ability to obtain approvals for or the installation of digital signs and/or LED signs within the Town while the Town considers and adopts changes to its land use regulations.

D. TABLED Resolution

WHEREAS, proposed Local Law “D” of 2015, a local law to establish a moratorium on the approval of use of or installation of digital signs and LED signs within the Town, was introduced at a meeting of the Town Board held on the 21st day of January, 2015, at 7:00 p.m.; and,

WHEREAS, the Town Board of the Town of Lloyd, having determined that this matter constitutes an Unlisted action under the State Environmental Quality Review Act (SEQRA), and a Short Form EAF having been prepared on behalf of the Town, and the Board having assumed lead agency to do all necessary reviews in this matter; and

WHEREAS, a public hearing has been held thereon on the 18th day of February, 2015, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, it is resolved that Local Law “D” of 2015 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to establish a moratorium on the approval of use of or installation of digital signs and LED signs within the Town.

Sean Murphy commented that the proposed local law had to be sent to the Ulster County Planning Board and recommended that the public hearing remains open.

E. RESOLUTION made by Brennie, seconded by Guerriero,

WHEREAS, Rhinebeck Bank, as Developer, owns certain property, as shown on a certain map of a subdivision entitled “Pleasant View Subdivision”, said map being filed in the Ulster County Clerk’s office on April 11, 2007 as filed map no. 2007-109; and

WHEREAS, pursuant to and in accordance with the final subdivision plan approval of the Town of Lloyd Planning Board for this project, Developer is obligated to construct a certain roadway and storm water control facilities; and

WHEREAS, Developer is required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town Engineers, Highway Superintendent and the Highway Department’s Engineers; and

WHEREAS, Rhinebeck Bank and the Town have agreed to the terms of a written Agreement setting forth the parties’ obligations regarding the above; and

WHEREAS, the Town Board wishes to approve such Agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Agreement by and between Rhinebeck Bank and the Town of Lloyd, a copy of which is attached hereto as Exhibit “A”, be, and the same is hereby, approved.
2. The Supervisor, Paul J. Hansut, is hereby authorized to sign said Agreement.
3. Developer is to post such bonds as required by the Agreement and pay such fees as required by the Agreement by transmittal of the bonds in cash or security to the Town Attorney and Town Supervisor, in accordance with this Agreement.

Sean Murphy explained that the Rhinebeck Bank foreclosed on this development and there was a subdivision approval of certain roads; they came in and amended the roads that they want to build at this time necessitating a modification of the developer’s agreement. They have agreed to build the base road and bond the top coat. This agreement sets forth the timetable and the amount of the bond once the base coat is put down; Rich Klotz and David Barton were at a meeting with Pleasant View. They would like to break ground this spring and hope to have the road improved and the top coat on by next June; they anticipate selling 19 houses in the first phase and to sell between 12 and 15 in the next year and a half. The development is past Apple Greens on the right hand side off of Station Road; the property has beautiful view.

David Barton said that the lots are now an acre; right now he has three permits pending the improvement of the roads.

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

Three ayes carried.

F. RESOLUTION made by Brennie, seconded by Guerriero,

WHEREAS, the Hudson River is an American Heritage River, and the Valley a National Heritage Area, and the health and beauty of the Hudson River is critical to the economic vitality of the communities surrounding it, as well as the state and the country at large; and

WHEREAS, nearly 200 miles of the Hudson River — from Hudson Falls to New York City — are a federal Superfund site because the General Electric Corporation (GE) discharged large quantities of polychlorinated biphenyls (PCBs) from two of its manufacturing plants for thirty years, between 1947 and 1977; and

WHEREAS, PCBs are manmade, bio-accumulative, persistent organic pollutants that have been linked to a wide variety of adverse health effects, including, among others: cancer, liver, and kidney disorders; reduced birth weight, conception rates, and live birth rates; persistent and significant deficits in neurological development, including visual recognition, short-term memory and learning; and developmental problems due to interference with thyroid hormone levels; and

WHEREAS, PCBs discharged by GE are present throughout the Hudson River ecosystem: in soils and sediments within the river and the surrounding floodplains; in the living tissues of wildlife, from low-level organisms to larger animals such as birds and fish; and, periodically, suspended in the river itself or in the air; and

WHEREAS, human beings may be exposed to PCBs by a variety of means, including eating PCB-contaminated fish or other contaminated foods, breathing in airborne PCBs, drinking PCB-contaminated water, or skin contact with PCB-laden soils; and

WHEREAS, in addition to posing ongoing health concerns, the continued presence of PCBs in the Hudson River has terminated or significantly damaged a number of formerly robust economic industries, including: the multi-million-dollar-a-year commercial fishing industry, closed below Hudson Falls since 1976; deep draft commercial shipping through the Champlain Canal, effectively closed for the past thirty years by the accumulation of PCB-contaminated sediments in the canal; and tourism, long-impaired by public perception that PCB contamination prevents the Hudson from being a safe or desirable place to visit or recreate; and

WHEREAS, the continued presence of PCBs in the Hudson River has also diminished the use and enjoyment of those who currently use the river, as exemplified by the longstanding NY State Department of Health (DOH) fish advisories against the consumption of recreationally caught fish and the numerous government-posted signs along the river warning of the presence of PCB-contaminated soils and sediments; and

WHEREAS, EPA determined in 2000 as part of its Reassessment Remedial Investigation/Feasibility Study (RI/FS) for the Hudson River Superfund Site that PCBs in the upper Hudson were a “dominant source” of “the PCB load to the water column of the Upper Hudson River,” and that microbial breakdown (natural attenuation) will not rid the River of PCBs; and

WHEREAS, the EPA’s 2002 Record of Decision for the Hudson River Site selected environmental dredging and off-site disposal of PCB-contaminated sediment from the Upper Hudson River as the best river sediment remedy to reestablish the ecological and economic health of the Hudson River; and

WHEREAS, since July of 2002, GE has agreed to a series of administrative orders of consent and has entered into a consent decree with EPA, all in which it has agreed to perform activities needed for implementation of the selected remedial action for river sediments; and

WHEREAS, this remedy segmented the Upper Hudson River into three sections by latitude, with a more stringent cleanup standard applied to River Section 1 than to River Sections 2 or 3; and

WHEREAS, GE commenced the first phase of remedial dredging in 2009, and the second and final phase in 2011; and

WHEREAS, in 2011, the U.S. National Oceanic and Atmospheric Administration and the U.S. Fish and Wildlife Service—the two federal agencies, along with the State of New York, entrusted with assessing the cost of GE’s “natural resource damage”

liability for public losses incurred as a result of GE's pollution of the Hudson River (the "Trustees")—published reports identifying a number of problems with the 2002 river sediment remedy as implemented; and

WHEREAS, these problems included, among others: that failure to apply the more stringent criteria in River Sections 2 and 3, in practice, would leave behind the "equivalent to a series of Superfund-caliber sites" in those sections with average surface concentrations at "five times higher after remediation than predicted by the 2002 remedy;" that "the majority of the elevated post-construction sediment concentrations are adjacent to planned dredge areas" resulting in "the high likelihood of remediated areas becoming re-contaminated;" that the rate of decline of PCBs in fish "was significantly overestimated" by earlier EPA models; and that un-remediated sediments "will eliminate significant opportunities for restoration of natural resources in precisely those locations where it would be most valuable;" and

WHEREAS, despite these significant concerns, no modification to the scope or implementation of the 2002 river sediment remedy has been made either by EPA or GE; and

WHEREAS, significant amounts of PCBs also remain in the Hudson River floodplains, and portions of the Old Champlain Canal in Schuylerville; and

WHEREAS, GE anticipates it will complete its limited dredging operations in 2015, and presumably will begin dismantling its multi-million dollar infrastructure constructed for the dredging and dewatering of contaminated sediments shortly thereafter; and

WHEREAS, in September of 2014, GE agreed to an administrative order on consent regarding study of the Upper Hudson River floodplains to assist in the creation of an RI/FS for remediating those floodplains; and

WHEREAS, remaining PCB contamination within the river and the floodplains inhibits private and public growth, development, and recreational and business opportunities along the shores of the Hudson River and presents the risk of re-contaminating the previously-cleaned areas planned for business or recreational use; and

WHEREAS, the current scope of planned dredging will not restore the Hudson River to its former ecological health, and the continued presence of highly contaminated sediments in the Upper Hudson River will prevent the revival of long-dormant economic opportunities for both the Upper and Lower Hudson communities; and

WHEREAS, these significant economic opportunities can only be unlocked by a robust cleanup of the Hudson that addresses contaminated sediments overlooked by the 2002 Record of Decision as well as other contaminated areas within and around the Hudson River;

NOW THEREFORE BE IT RESOLVED, that the Town of Lloyd hereby urges a more thorough removal of PCBs from the Hudson River and calls upon GE to create a mutually-beneficial agreement with the New York State Canal Corporation and the Natural Resource Damage Trustees to: (1) dredge all areas of PCB-contaminated sediments in River Sections 2 and 3 that would require cleanup under the applicable-standards in River Section 1, including, at minimum, the 136 acres identified by the federal Trustees; (2) conduct any additional necessary removal of soils and sediments in PCB-contaminated "hot spots" in and around the Upper Hudson River, including cleanup of the Champlain Canal to ensure full use of the channel by deep draft shipping vessels before the dredging and dewatering facilities are dismantled; and (3) complete a thorough analysis and robust cleanup of the Hudson River, including the floodplains and the Old Champlain Canal, in order to restore the River to its full health and value as a natural and economic resource.

And further, **BE IT RESOLVED** that a copy of this resolution will be sent to:

- Jeffrey Immelt, Chairman and CEO, General Electric Corporation
- New York State Governor Andrew Cuomo
- NYS Office of the Attorney General
- NYS Department of Environmental Conservation
- NYS Canal Corporation
- National Oceanic and Atmospheric Agency (NOAA)
- US Department of Interior Fish and Wildlife Service
- US Environmental Protection Agency – Region 2 and Hudson River Field Office
- Hudson River Congressional Delegation

Guerriero thanked Jack Maguire, ECC Chair, for bringing this issue to the attention of the Town Board.

Supervisor added that Lloyd is the sixth town to adopt the resolution.

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

Three ayes carried.

- G. RESOLUTION** made by Brennie, seconded by Guerriero, to hire Anthony Giangrasso as a fulltime MCO/Building Inspector I from the Certified List of Eligibles at \$18.36 per hour at the recommendation of David Barton, effective March 2, 2015.

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

Three ayes carried.

- H. RESOLUTION** made by Brennie, seconded by Guerriero, to hire Jonathan Olori as a part-time Solid Waste Attendant Aide at the rate of \$13.00 per hour, upon successful completion of pre employment physical at the recommendation of Richard Klotz, Highway Superintendent.

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

Three ayes carried.

- I. RESOLUTION** made by Brennie, seconded by Guerriero, to approve the following amendments to the 2014 budget:

GENERAL

Justice CE	1110.40	+\$ 80.00
Economic Development	1310.40	+\$ 290.00
Town Hall Capital Improvement	1620.50	+\$5,182.00
Dog Control CE	3510.40	+\$ 121.00
Parks - Highland Landing CE	7110.42	+\$ 107.00
Economic Development	8090.40	+\$ 393.01
Contingency	1990.40	- \$6,173.01

HIGHWAY

General Repairs CE	5110.40	+\$76.00
General Repairs Equip	5110.20	- \$76.00

WATER

Administration CE	8310.40	+\$ 269.00
Purification CE	8330.40	+\$ 7,683.00
Transmission & Distrib CE	8340.40	+\$ 2,769.00
Purification Prof Serv	8340.30	- \$10,721.00

SEWER

Sewage Trmt & Dispos	8130.40	+\$9,822.00
Sewage Trmt & Dispos Equip	8130.20	- \$9,822.00

LIGHT

Contractual Expense	5182.40	+\$7,196.50
Unexpended Balance	40-770	- \$7,196.50

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

Three ayes carried.

- J. RESOLUTION** made by Brennie, seconded by Guerriero, to approve the following amendments to the 2015 budget:

GENERAL

Justice Court CE JCAP Grant	1110.41	+\$8,500.00
Justice Court JCAP Grant	00-3069	- \$8,500.00

Records Management CE	1460.40	+\$2,504.00
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Unexpended Balance from 2014

(To be used in 2015 to microfilm records)

Police CE	3120.40	+\$2,491.81
Insurance Recoveries	00-2685	- \$2,491.81

(insurance recovery for Police car issue on 1/15/15)

Black Creek Launch	7110.43	+ \$7704.21
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Unexpended Balance from 2014

(2014 project not yet complete)

WATER

Source Supply Power Equip	8320.20	+\$42,090.00
Unexpended Balance from 2014 (2014 project not yet complete)		

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

Three ayes carried.

Supervisor said that he read in the **Kingston Daily Freeman** that the Department of Environmental Conservation is accepting public comments through March 20 on a proposal by Central Hudson Gas and Electric to dredge a wetlands area contaminated by chemicals from storage of transformers on the property across from their installation on South Street.

Jack Maguire was unaware of the notice although he does know where the wetlands are.

K. RESOLUTION made by Brennie, seconded by Guerriero, to award Town of Lloyd lawn care for various town fields, properties and parks for a two-year season from March 15, 2015 through December 31, 2015 and March 15, 2016 through December 31, 2016 to Baker & Sons as they were the only bidder and included fertilization for lawn care; their bid is considered by the Town Board to be the “best value” for the Town of Lloyd, as recommended by Recreation Director Frank Alfonso.

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

Three ayes carried.

MOTION made by Brennie, seconded by Guerriero, to adjourn the meeting at 7:28 PM.

Three ayes carried.

Respectfully submitted

Rosaria Schiavone Peplow
Town Clerk