

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

FEBRUARY 20, 2013

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

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

**Absent:** None

**7:00 PM** – Supervisor opened the meeting and asked Commander Vito Dispensa of the American Legion to lead the Pledge of Allegiance.

### **Special guests:**

Senator Cecelia Tkaczyk, New York State 46<sup>th</sup> District

Supervisor noted that for the last two decades the Town of Lloyd was represented by a fine gentleman, Senator William Larkin, and with the redistricting he is no longer our senator; Lloyd has a new representative and a new era. He welcomed Senator Tkaczyk, extended his best wishes and said that he was happy that she was able to attend the meeting so that the community could meet her.

Senator Tkaczyk greeted and thanked everyone for inviting her to the meeting; she said that the Town of Lloyd Town Board was the first to extend an invitation. She noted that the 46<sup>th</sup> District consists of five counties and the Ulster County portion is one-third of the district, a very big part of the new Senate district. She will open an office in Kingston by the end of the month and Alanna Henneberry will work in that office. She said that if there are issues important to Lloyd she wants to hear about them and if there is anything that she can do to help; she is there to get things done and to represent everyone. She acknowledged that there is a large portion of the Town that deals with the Walkway over the Hudson and the Rail Trail; there is new money in the state budget, \$2-million, for rail trail renovations.

Three weeks ago it was finally determined that she was the elected Senator and she was thrown into the budget discussions. One of the things that she cares deeply about is public education; she was a member of her local school board for five and a half years. She is very concerned about public education and making sure that it is adequately funded; the only way that property owners are not overburdened is to make sure that school districts get what is needed through NYS aid. This morning she held a press conference with a Senate colleague and some Assembly members to alert the Governor and legislative leaders that they would like to see more state aid going to public schools to help them. Schools are hurting because of budget cuts over the last few years, and they are cutting teachers and education programs. That trend needs to be stopped as local factions cannot cover the cuts and the state has to help by providing more equitable funding.

The Senator said that she is on six or seven committees; in the Senate one either chairs committees or ranks; as the Democrats are in the minority she is ranking on two committees: Elections and Mental Health. She will be working on the Mental Health budget and she would like to ensure that there is enough in the budget to cover the services in that area.

Senator Tkaczyk said that it has been very busy since she took office and offered that she welcomes constituents to visit her in Albany; she is in Room #311 of the Legislative Office Building.

Supervisor recognized that she had an extra long campaign season and said that it was refreshing that she visited Lloyd so often during the campaign; he thanked her for her interest in our Town.

Erin Quinn, reporter, asked the address of the Senator's office in Kingston.

Alanna Henneberry replied that the office is in the Franz Roggen House, at the corner of Crown and John Streets, in the Stockade District.

Paladino asked if anything regarding school district security has been discussed on the State level in light of the Newtown, Connecticut, tragedy.

Senator responded that the Gun bill allowed for applications for security funding as part of building aid. She feels that armed guards are local school district decisions; if school districts feel that it is necessary, the funding should be provided by the State. Her concern is the cuts to public education; for example, Fulton, Montgomery, had to make mid-year cuts of \$500,000 and had to lay off the school psychologist. Positions like that

are important to our schools as resources but are not mandated and will end up getting cut first along with the music/band teacher, art teacher and sports. She feels that the students need these adults for support. This is something that she will be talking about and urging the Governor and legislative leaders to support schools adequately; she will advocate for school districts. She added that she appreciated what town boards do and thanked them for their work.

Supervisor thanked her for coming to the meeting.

Julia Dehn, Director of The Daniel Center, Milton Avenue, thanked the Town Board for the opportunity to introduce the Center which is an outreach and counseling center for veterans; they have worked on getting it started for about five years. The Daniel Center is an incorporated, not-for-profit public charity. The founders feel that the veterans have given everything they could for our country and now deserve everything that can be given back to them. They are reaching out to the families of veterans as well; they feel that the families deserve as much assistance as the veterans. They offer assistance in counseling, marital problems, parenting, along with referrals when needed. She is a licensed social worker with a master's degree in social work from Stony Brook University and she is licensed in New York State in psychotherapy. She started the Center because her brother, a Viet Nam veteran, committed suicide in 2006. Her brother had Post-Traumatic Stress Disorder (PTSD) for many years and suffered a great deal from it including being homeless and other issues. He felt that the only way that he could deal with it was to take his own life. This happens in large numbers today as the statistics of Iraq and Afghanistan wars show that there are more active duty and veterans who are completing suicide than in the general public. Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI) are problems that are affecting the young men and women who are coming back from Iraq and Afghanistan. The Daniel Center wants to work with all veterans, regardless of when they served. The Daniel Center is committed to do whatever can be done: a cup of coffee and a chat or help for homebound veterans. They are now assisting a homebound veteran by transporting him without charge to Kingston to the hospital and next week to Albany for surgery. Most of the services are free of charge unless the veteran can afford to pay. They are looking for funding and are doing fundraisers to keep the Center open.

**1. REPORTS – Town Board Liaisons**

Assessor – Councilmember Paladino

Audit – January 1 to June 30, 2013: Councilmember Litts, Councilmember Brennie

July 1 to December 31, 2013: Councilmember Paladino, Councilmember Guerriero

Building Department – Supervisor Hansut said that copies of the report will go into the mailboxes of the Councilmembers.

Dog Control – Councilmember Brennie

Environmental – Councilmember Guerriero

Grants – Supervisor Hansut reported that Donna Deeprise has been working on grants for Bob Shepard Highland Landing Park and Matt Smith will give the status. There were grant opportunities offered through Assemblyman Frank Skartados. The Town could have applied for one of the grants; however, the time was too short to fill out the application. He added that he appreciated the efforts of Assemblyman Skartados.

Highland Fire District – Councilmember Paladino reported that it was a quiet month in the Fire District

Highland Central School District – Councilmember Paladino reported that budget discussions have started and at least three public forums will be held during the month of March. The School Board is considering a 'roll over' budget meaning that if they retain the same staff, programs and meet the contractual obligations for 2013/2014 as stands for 2012/2013, school taxes would be raised 9%. Negotiations are ongoing with both Unions and committees are looking at ways to reduce the 9%. The School Board meetings are live stream on the Highland Central School District website; however, they do urge public participation.

Highway/Transfer Station – Councilmember Guerriero reported that the revenue at the Transfer Station has increased over the last year. Some changes will be made in the operation of the Transfer Station. There is a new attendant who is doing a fine job.

Supervisor added that he attended an Ulster County legislature meeting where the flow control was discussed and the County is considering taking back the recyclables. There is a disagreement among the County Legislature, County Executive and the Ulster County Resource Recovery Agency (UCRRA). He will forward more

information to Guerriero when he receives it. He recalled that money was given to the Town several years ago to put covers over the containers. He has asked Tim Rose, Executive Director of the UCRRA, if there was any more money available; without covers on the containers, the water/snow/rain in the containers affects the their weight.

Historian – Councilmember Guerriero

Justice – Councilmember Litts noted that there will be further discussion on the Justice Court Officer later in this meeting regarding safety in the Court.

Lights – Councilmember Brennie

Planning Board – Councilmember Guerriero

Police – Supervisor Hansut reported that the department has been very busy and have arrested two individuals for burglary in the Town; they also did a joint investigation with the Village of Fallsburg regarding individuals from Highland doing some robberies and arrests were made.

Recreation – Councilmember Brennie reported that winter sessions are finishing up with Men's Basketball and the Saturday morning program; the focus is now on getting ready for SummerFun and applications from prospective counselors. The flyers will be going out with students up to seventh grade to sign up for camp, which he said was very popular and one of the jewels of the community.

Water, Sewer and Drainage – Councilmember Litts reported that there is a reoccurring problem with the mandate that the County Health Department requires backflow meters that are inspected by an inspection firm hired by the owners of commercial entities. The owners are not complying; the Town Code allows the Town to shut the water off but it is questionable as to the authority that can shut the water off; it does affect welfare and safety, especially if they do have a fire sprinkler system.

Sean Murphy, Town Attorney, advised that there a couple of sections of the Town Code where water service can be discontinued; the section that refers to the installation of the backflow preventers states that the Superintendent is the only one who can turn off the water. It is the Superintendent or the Ulster County Health Officer.

Litts said that the County Health Officer will not and there is no Superintendent.

Murphy added that it is pursuant to Section A 1095 of the Code, the Superintendent is the specific Civil Service position that has not been filled in the Highland Water District. He suggested changing the Code to allow the Superintendent or the Town Board, as the Commissioners of the Water and Sewer Districts the authority to turn off the water.

Litts requested that changing the Code is put on the next meeting agenda for the Water/Sewer/Drainage Committee. The Committee can then make a recommendation to the Town Board. Town employees have to ensure that is being done and it is a conflict with their license and could hurt them individually if these things are not done.

Zoning Board of Appeals – Councilmember Litts reported that there was only one applicant this month which was the Gunk Haus for an addition to the building; a public hearing has been scheduled.

**REPORT** – Rafael Diaz, Hudson Valley Rail Trail, could not attend the meeting due to illness.

**REPORT** – Matthew Smith, Manager, Bob Shepard Highland Landing Park, gave the following report:

I have been working with an International Brotherhood of Electrical Workers electrician on the educational building and have a list of electrical parts to pick up so that he may finish the project. Once again, the entire job is paid for by grants, donations and volunteer labor; Matt Serini and IBEW are donating the electrical labor.

We are still waiting for crushed stone. I stopped again last week at the site on Route 9W and was told that the crusher was expected any day but has been delayed due to the weather. Gene Bianco reiterated his promise of donating and delivering between 500 and 700 yards of 3-inch to 4-inch crushed stone. This stone is necessary to fill in between the old and new bulkheads; once it is in place, we can proceed with re-leveling the site, spreading topsoil and grass seed. This is the main focus right now.

There is a good possibility that NYSDEC is going to buy the custom-built ladders for along the bulkhead. Sal Cuciti is doing drawings of the ladders and DEC will price them out. If there is money left in the DEC budget, they will donate them. Docks and access ramps are being built now as a donation from the NYS DEC, for which we thank them.

We have a Boy Scout interested in doing his Eagle project at the Park and we are delighted that he chose the Park. I met with him and he is coming up with a plan; he will do a presentation to the Town Board in the near future.

I have started to remove some of the old unusable, untreated, pilings from the Park. I am hopeful that we will be able to sell some of the better ones; one way or the other, we are going to get them out of the Park so that work can progress on grading and landscaping.

Another tour boat company called last week as a result of the article in the February/March issue of *Boating on the Hudson*; I will bring copies of the magazine to Town Hall by the end of the week. The article speaks very favorably about the Town of Lloyd being “by far and away the most innovative township in developing new concepts and ideas that make solid, common sense”, and he is writing about the Bob Shepard Highland Landing Park. The tour boat company would like to dock and let people visit our local attractions.

Donna Deeprise has been working many, many, hours between the grant applications for the Assemblyman Skartados funding and the constant work on the Department of State grant. The money, for which the Town bonded, has been paid to the contractors; however, the grant money has not come in from DOS. It has been a tremendous amount of work to make sure that DOS has all of the information they need. Thank you, Donna Deeprise.

Regarding the Skartados grant, I think we are applying for \$175,000 (Donna has the exact number) and it is to finish such things as the landscaping, the compass rose showing true north/magnetic north, points of the compass along with the latitude and longitude lock in the center. We are going to try to gear everything in the Park as an educational opportunity; hopefully, things that won't be forgotten due to the experience of learning while standing by the Hudson River. Donna has submitted another smaller grant application for between \$2,000 and \$10,000. Donna has been very successful in obtaining grants for the Park and recalls that she has gotten almost every grant for which she has applied.

Supervisor asked if Senator Tkaczyk has visited the Bob Shepard Highland Landing Park.

Senator Tkaczyk replied that she has not but would like a tour.

Smith said that he would be happy to show her the Park and he would like to talk to her about the Park. He explained that the idea for the Park dates from 1994 and about six years ago the Town bought the property which needed to be environmentally cleaned up as it was a tank farm. So far the entire park has been built using almost no taxpayer money except for the electric bill and legal fees paid for by the Town but most of the legal fees have been donated by Sean Murphy's law firm. The engineering and design work have been donations. He estimated that \$3-million has been spent at this point in grants or donations; the donation part is over \$1.2-million.

Litts laughingly interjected that the Board would like to know how much money Matt Smith is going to get out of Senator Tkaczyk.

Senator asked when it will open and Smith replied that the Park has been open as a green space until construction started the middle of last year; NYSDOS gave the Town a grant for Waterfront Revitalization five years ago for \$911,000 in a 50/50 grant. We raised the other \$911,000 by in-kind and donations. NYS 'gave' us the grant five years ago but they were out of money and NYS said that when they had the money, they would give it to us. We were told last spring that we could go ahead and spend the money. The Town took out a BAN and we went ahead with the work and paid the contractors with the bond money. We have submitted bills and we are waiting for DOS to pay us back. The five-year delay hurt us because the Park improvements were budgeted five years ago but between then and now, the price of steel quadrupled; 800,000# of steel has been driven into the ground the whole length of the property. The bids came in at twice what we could afford so it was cut up into seven different projects; we only got three. The \$70,000 in cash was raised in three months so the boat ramp could be built before the contractor left the site and which we felt was important for economic development.

## **2. OLD BUSINESS**

### **A. PUD discussion – set public hearing**

This is Resolution N.

### **B. Supervisor reported that Cablevision Channel 22, the new public information access channel, is up and running; it has a lot of information on it about the Town; events will be listed along with special announcements. This has taken 13 months; live stream was to have started tonight but Cablevision did not supply the needed cable.**

## **3. NEW BUSINESS**

### **A. BIDURENERGY – facility/municipal energy savings program for lower administrator fees not through supplier but through a consultant.**

Litts asked if this company supplied electricity.

Kate Jonietz answered that they are not a supplier, they are just a consultant. Central Hudson would still be the supplier and they use Con Edison; they do the administrative fees and the general cost. In the current Central Hudson bill, the administrative cost is 7-cents per Kilowatt hour and the projected cost from Con Edison Solutions is 5-cents per Kilowatt hour, resulting in \$6,000 per year savings in usage. Con Edison shops for the best market price, where Central Hudson does not and they get paid from Con Edison. Central Hudson sends bills for each account and Con Edison would send one bill broken down to the different accounts. The Town used Hess who was a supplier and that caused problems. Central Hudson will remain the supplier and if the power is out, Central Hudson will be contacted. If there is a problem with a Con Edison bill, BIDURENERGY is called, not Con Edison.

Litts suggested that now that energy suppliers have been de-regulated, the Town may be able to get an additional savings besides the administrative costs by buying electricity more cheaply from another supplier. Central Hudson would remain the distributor.

Supervisor said that he spoke to Karen McPeck, Bookkeeper, who said that it was thought that there would be great savings with Hess but that did not happen.

Paladino offered that there are other companies now who claim savings in electricity.

**B. Review proposal for replacement copier.**

Supervisor said that the warranty expired three months ago on the Xerox copier in the Meeting Room.

Jonietz said that she did receive a quote for a similar copier today but has not spoken to the representative of Xerox; the quote on the copier from Toshiba is for a copier that does a little more at the same rate for copies. She distributed copies of the quotes to the Board so they can make a decision. The Xerox lease payment is \$169.69 per month and the Toshiba is \$226 per month for 63 months; she recommends purchasing the fax capability for an extra \$11 per month which allows a fax from the desktop to the copier and incoming faxes go to the copier and then right to the desktop. This allows for more security rather than having it lie in a fax machine basket. Both quotes include service. Cost per copy to the Town is less than 1-cent from Toshiba; there is data overwrite of the memory so that there is no problem with retrieving documents that have been scanned and an envelope printing capability.

Supervisor is hopeful that the copier will last another month but feels that it is on its last legs.

Litts asked the age of the copier and Jonietz replied that the original contract started in 2005 or 2006.

Guerriero asked if there was a service contract.

Jonietz explained that it was worth 39 months out of a 36-month service contract; she said that at this point if more than 20 copies are made, they are very hot and the machine jams.

Litts said that his office has purchased a copier with a service contract and their copiers last 10 to 12 years.

Jonietz said that the purchase price from Toshiba is \$7,595 and the lease term option from Xerox was \$741 for 60 months, which is \$10,000, they did not quote on a service contract.

Sean Murphy, Attorney, asked if there was a buy-out at the end of the term and Jonietz replied that she thought so but she did not know the amount.

Jonietz said that the annual contract from Toshiba is \$961.20 per year; we are now paying \$1,600.

**C. Church Street conversion to one way in southerly direction from Main St. to Vineyard Ave.**

Supervisor said that the proposal is to direct traffic one-way from Main Street to Vineyard Avenue, rather than two-way. The street was one-way in the 1970's and in speaking with firemen, he was told that it was switched back to two-way because of the location of the former firehouse at the corner of Church Street and Main Street. From his office window he has seen close calls by cars making the left turn from Grove Street onto Church Street; two-way traffic isn't working well between traffic and parked cars,.

Guerriero asked if there have been many accidents.

Supervisor said that he was not aware of the number of accidents but side-view mirrors have been sheared off and he feels that there have been bumper car incidents but the

cars are gone by the time the Police are called. Nothing can be done without sending a letter of application to NYS DOT. Sean Murphy is going to reach out to Mark Morano of DOT; it was discussed years ago but at the time of that application, the emphasis was getting cars into the village to support the businesses instead of a safety issue. He feels that the change will smoothly move traffic. He has had no negative input. He did speak with Community Action, located across the street from the Town Hall; he spoke to Steve DiLorenzo, Highland Hose and tenants living on Church Street. This will be on the agenda again for the March Workshop and he will ask for approval from the Board to send a letter to NYSDOT to generate the application. He suggested that it could be discussed by the public present at the meeting during Privilege of the Floor.

**D. Request for Proposal for Group Health Benefit Analysis**

Supervisor said that Paladino worked with Jonietz to put together an RFP for the health insurance; the open date is July.

Paladino said that they did put together a RFP and the bid package will be submitted by March 28; the purpose is to look for alternatives that fit within the contractual obligation. He feels that it is a prudent business move on behalf of the Town.

**E. GREENPLAN/Scenic Hudson – Gateway Plan**

Scott Saso, Planning Board Chairman, gave new maps to the Town Board along with a proposal that is 98% complete for the Gateway corridor. The 2% that is missing are illustrations. This is form-based zoning; the documents include pictures that illustrate design standards. The Committee (made up of residents, Town Board members, Planning Board members and representatives from Scenic Hudson) has been working on this project for six months; money from Green Plan paid for the whole thing. The SEQR on the proposal and the final version of this document which will include the corrected elevations should be completed by the next meeting in March. He felt that giving the Board the document now would allow them to review it by the March Workshop meeting and he offered to bring the Committee to that meeting.

Supervisor suggested that the proposal is discussed at the Tri-Board meeting on March 6, 5:30 PM and he thanked Scott Saso for all of the work that has been done.

**4. PRIVILEGE OF THE FLOOR**

Supervisor asked those who would like to speak to raise their hand, stand, and state their name.

Fran Raucci, Laretta Drive, commended the Board for pursuing televising the Town Board meetings and the emergency notifications. She also read that the Supervisor has spoken to the owner of the building on Milton Avenue about fixing it up and she commended him.

Supervisor said that he did speak with the owner of the building; David Barton of the Building Department has also spoken to him. The owner has been told that the condition of the building will not be tolerated for another year and he feels that the owner will be moving forward.

Matt Smith offered that building was included in the plan to update the downtown and it would not have cost much to revitalize it. He believes that the Town still retains its urban renewal powers of the 1960's or 1970's, in which the Town can take property as an urban renewal project.

Guerriero said that Tony Prizzia was on the Town Board at the time and he was trying to have the property condemned. He thought the Ossie family was offered 2% loan to rebuild that project on Vineyard Avenue

Tony Prizzia confirmed that the Town Board got the Ossie family a revolving loan to reconstruct the building on the property; that was the first revolving loan that the Town received from the federal government.

Murphy recalled that was HUD money and the money that was paid back started the Revolving Loan Fund.

Prizzia said that it began with that building; the Board started the condemnation proceedings, the Ossie family was vacillating on re-building and when the Town was able to offer them the money, they agreed and the Town dropped the suit. The Town would have taken the property and made a parking lot if the condemnation proceeding been completed.

Murphy noted that is a 'drastic remedy' condemnation.

Supervisor said that the owner and his brother, of the Milton Avenue property came to a meeting last year. They also own the building on Vineyard Avenue formerly owned by Craig McKinney and requested a zoning variance to make that residential. They went through the process and got what they wanted. At that time, the owner promised that he would do something with the Milton Avenue building. There are people who are looking at the Hamlet to open businesses but they will not be interested when they see that building.

Guerriero said that one of the problems is the building being hit by the tractor trailers that drive through.

Brennie said that the route of the tractor trailers cannot be changed because of insurance.

Smith added that the solution is to use Chapel Hill Road as the alternate truck route. That has to go through NYSDOT and that has always been a problem.

Guerriero asked Julia Dehn the location of The Daniel Center and if community members or veterans could help.

Dehn replied that the address is 20 Milton Avenue. They are offering referral services, a clothing closet, a food pantry and they are also delivering foods to homebound veterans. Funding is their biggest problem because the Center does not accept any money from the veterans or their families. They are doing a fundraiser in a few weeks so that they can pay the rent for the next few months. They hope to expand from just an office to a residential facility to be used as a transitional house where veterans could stay. She is a substance abuse counselor and is substance abuse coordinator at Dutchess Community College, as well as an instructor. She has seen veterans with substance abuse issues and would like to offer as many services as possible. She and the staff of social workers are all volunteers.

Brennie asked the amount of the rent.

Dehn replied that it was \$700. There were several fundraisers last year and they received an anonymous donation of \$2,000 and were able to pay rent for six months in advance.

Guerriero suggested collaborating with the American Legion and Veterans of Foreign Wars.

Dehn said that she would like to do that and elaborated that she called local taxi services to ask them to take a homebound veteran from the Korean War to Kingston and they would not take him for free. They are also talking with Office of the Aging. They own a 10-passenger van but money is needed to get the van on the road.

Supervisor said that if she ran into a problem and could give him a little time, he would be able to find help; he also suggested that she contacts UCAT.

Brennie offered to pass around a cup at this meeting and he would put in the first check.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Litts, seconded by Brennie, to approve the minutes of the Reorganization Meeting, January 16, 2013 and the Regular Meeting, January 16, 2013.

**Five ayes carried.**

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

General	G58 to G139	\$110,377.06
Highway	H24 to H70	\$114,352.23
Miscellaneous	M10 to M28	\$ 57,103.53
Prepays	P1 to P43	\$ 70,344.93
Sewer	S13 to S48	\$ 41,172.97
Water	W10 to W44	\$ 16,147.98

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

**Five ayes carried.**

**C. MOTION** made by Brennie, seconded by Guerriero, to appoint Daniel McGuirk to the Environmental Conservation Council at the request of Jack Maguire, Chairman.

**Five ayes carried.**

**D. RESOLUTION** made by Paladino, seconded by Brennie to enter into and authorize the Supervisor to sign the Cooperative Agreement for U.R.G.E.N.T. Task Force for period covering 01/01/2013 through 12/31/2013.

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

**Five ayes carried.**

**E. MOTION** made by Brennie, seconded by Paladino, to authorize closing the Hudson Valley Rail Trail to the general public between the Trail's terminus with Walkway and the Hudson Valley Rail Trail Depot at 101 New Paltz Road from Sundown Saturday May 18<sup>th</sup> until Sunday, May 19<sup>th</sup> at 12:30PM. This is necessary for safety reasons for the Hudson Valley Rail Trail Association to hold its Hudson Valley Rail Trail STRIDE Wounded Warriors Race and Walk.

**Five ayes carried.**

**F. MOTION** made by Brennie, seconded by Paladino, to authorize the exclusive use by the Hudson Valley Rail Trail Association for the Hudson Valley Rail Trail STRIDE Wounded Warriors Race and Walk of the Hudson Valley Rail Trail parking lots at 75 Haviland Road, Commercial Avenue Extension and 101 New Paltz Road in effect Sunday, May 19<sup>th</sup> between 7 AM and 12:30PM.

**Five ayes carried.**

**G. MOTION** made by Brennie, seconded by Paladino, to suspend the No Parking Ordinance along the south side of Haviland Road to allow vehicles to park along the south side of Haviland Road on Sunday May 19, 2013 as requested by the Hudson Valley Rail Trail Association.

**Five ayes carried.**

**H. MOTION** made by Brennie, seconded by Paladino, to approve the use of the parking area at 75 Haviland Road, and the portion of the Hudson Valley Rail Trail from 75 Haviland Road to the Walkway Over the Hudson Haviland Road from the Johnson-Iorio-DiLorenzo Park back to the parking area at 75 Haviland Road on Sunday, April 21, 2013 from 9:30 AM to 1:30 PM for the Hand-in-Hand Super Fun 5 Mile Run/Walk sponsored by The Maplebrook School and St. Francis Healthcare Foundation. The Hudson Valley Rail Trail Association has approved their run/walk.

**Five ayes carried.**

**I. MOTION** made by Brennie, seconded by Paladino, to approve the use of the Hudson Valley Rail Trail from Walkway Over the Hudson to Tony Williams Park from 8:30 AM to 12:30 PM on Sunday June 30, 2013 for the Discover Hudson Valley Ride sponsored by Bike New York and Dutchess County Tourism. The Hudson Valley Rail Trail Association has approved their ride.

**Five ayes carried.**

**J. MOTION** made by Brennie, seconded by Paladino, to approve the use of the parking area at 75 Haviland Road, and the portion of the Hudson Valley Rail Trail from 75 Haviland Road to the Walkway Over the Hudson for The Tail Wagger Dog Walk 2013 sponsored by Pets Alive on Sunday September 8, 2013 from 7:00 AM to 3:00 PM. The Hudson Valley Rail Trail Association has approved their walk.

**Five ayes carried.**

**K. MOTION** made by Brennie, seconded by Paladino, to approve the use of the parking area at 75 Haviland Road, and the portion of the Hudson Valley Rail Trail from 75 Haviland Road to the Walkway Over the Hudson for the Hudson Valley Walk to Defeat ALS sponsored by The ALS Association Greater New York Chapter and the Notre Dame Club of the Mid-Hudson Valley on Sunday October 20, 2013 from 6:00 AM to 2:00 PM. The Hudson Valley Rail Trail Association has approved their walk.

**Five ayes carried.**

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

**WHEREAS**, Indian Ridge, LLC and Leonard J. Auchmoody entered into an agreement with the Town of Lloyd to allow the construction of a roadway with the signing of the subdivision map to build the road instead of bonding it; and,

**WHEREAS**, Indian Ridge, LLC and Leonard J. Auchmoody, in paragraph 8 of the said Road Improvement and Drainage Agreement dated November 5, 2005, set forth a completion date of thirty (30) months from the commencement of construction. The commencement of construction occurred approximately July of 2006 and, to date, the road has not been completed, as set forth in the agreement; and,

**WHEREAS**, the developer Leonard J. Auchmoody and Indian Ridge, LLC wishes to amend the agreement to provide, in paragraph 8, that the time set forth in the first



sentence shall be "one hundred thirty two (132) months" instead of "thirty (30) months" of the date the construction is commenced; and,

**WHEREAS**, three earlier amendments allowed the developer to obtain one building permit for a lot located on a public roadway, and this is the fourth amendment to the said Road Improvement and Drainage Agreement.

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

1. The Agreement of November 5, 2005 is amended to provide, in paragraph 8, that the developer shall complete the road within "one hundred thirty two (132) months" of the date the construction of the roadway is commenced;
2. The Building Department is advised that no permits other than the one allowed under the first amendment to this agreement are to be issued in this subdivision until the road is completed and approved by the Town's Highway Superintendent and engineer, and dedicated to the Town of Lloyd, without further agreement between the Town, Indian Ridge, LLC and Leonard J. Auchmoody.
3. The Developer may not obtain permits or C.O.'s or sell any lots without dedicating or bonding the road.

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

**Five ayes carried.**

**M. RESOLUTION** made by Guerriero, seconded by Brennie, to designate Griffiths Engineering, LLC of Albany, NY as consulting engineers to the Highway Department at the request of Richard Klotz, Highway Superintendent effective 2/20/2013.

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

**Five ayes carried.**

**N. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, a local law, being proposed as **Local Law "A" – 2013**, was introduced at this meeting as follows: **Local Law "A" – 2013**, a local law to amend Section 100-23 "Planned Unit Development District" of Chapter 100 "Zoning" of the Code of the Town of Lloyd, as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town. The Town has prepared a proposed local law to amend Section 100-23, a copy of which is attached hereto and made a part hereof as "Exhibit A"; and

**WHEREAS**, this is a Type I action under SEQRA and Part I and Part II of a full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming Lead Agency to do all necessary reviews in this matter; and

**WHEREAS**, the Town Board desires to hold a Public Hearing with respect to the adoption of the said local law,

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 20th day of March, 2013 at 7:00 PM; and it is further

**RESOLVED**, that the Town Board is designated as the Lead Agency to conduct all necessary reviews in this matter; and it is further

**RESOLVED**, that the Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate, pursuant to the Town of Lloyd Code and the New York State General Municipal Law, to the Town of Lloyd Planning Board, the Ulster County Planning Board, surrounding towns and any other interested agencies for response prior to the public hearing.

EXHIBIT A  
TOWN OF LLOYD  
LOCAL LAW "A" OF 2013

Section 1. Title.

This local law shall be known as the "Amendments to Section 100-23 of Chapter 100 of the Town of Lloyd Code: Zoning."

Section 2. Purpose.

The purpose of this local law shall be to amend Section 100-23 of the Town of Lloyd Zoning Ordinance.

Section 3: Amendments to the Town of Lloyd Code Chapter 100: Zoning.

Be it enacted by the Town Board of the Town of Lloyd that the Town of Lloyd Zoning Ordinance (the "Zoning Code") is hereby amended as follows:

- (a) Section 100-23 I. (1) (a) [1] is deleted and replaced in its entirety as follows: "[1] Any use permitted in a one family residence district or multiple-family residence district."

- (b) Section 100-23 I. (1) (a) (2) is added to as follows” (g) Office of a physician, lawyer, surgeon or dentist and similar professional offices, and these must be located within the nonresidential area of the Planned Unit Development District. (h) Light Industry and Research and Development Facilities provided that no exterior work or storage of materials or vehicles is allowed. Noise and visual impacts should be mitigated to the fullest extent possible. Location of buildings should be such that negative impacts from the public roadways and residential areas are limited. “
- (c) Section 100-23 I. (1) (a) (3) is added “Any use permitted by Article XXIV in a Planned Residential Development.”
- (d) Section 100-23 I. (2) (a) [1] is hereby deleted and paragraphs (I) (2) (a) [2], [3], [4] and [5] shall be renumbered [1], [2], [3] and [4] respectively.
- (e) Section 100-23 J. (1) is deleted in its entirety. Section J. (2) shall be renumbered J. (1)
- (f) Section 100-23 J. (3) shall be deleted in its entirety and replaced with a new Section J. (2) as follows: “Residential density shall be allowed at fifteen (15) per acre.”
- (g) Section 100-23 K. (2) shall be deleted in its entirety and Section K. (3) shall be renumbered K. (2).
- (h) Section 100-23 W. shall be deleted and replaced in its entirety as follows: “W. Expiration of site development plan approval. If no construction is begun within four (4) years of Planning Board approval of the site plan and the approved PUD plan expires, the site plan shall be deemed expired.”

Section 4:

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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

**Four ayes carried.**

**O. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, a local law proposed as **Local Law B of 2013** was introduced at this meeting as follows: **LOCAL LAW B of 2013**, a local law to amend the zoning map of the Town of Lloyd as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town.

**WHEREAS**, the Town has prepared a proposed local law to amend the zoning map of the Town of Lloyd; and

**WHEREAS**, this is a Type I action under SEQRA and Part I and Part II of a full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming Lead Agency to do all necessary reviews in this matter; and

**WHEREAS**, the Town Board desires to hold a public hearing with respect to the adoption of the said local law,

**NOW, THEREFORE**, be it resolved that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 20<sup>th</sup> day of March, 2013 at 7:00 PM and it is further

**RESOLVED**, that the Town Board is designated as the Lead Agency to conduct all necessary reviews in this matter and it is further

**RESOLVED** that the Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate, pursuant to the Town of Lloyd Code and the New York State General Municipal Law, to the Town of Lloyd Planning Board, the Ulster County Planning Board and any other interested agencies for response prior to the public hearing.

**EXHIBIT A**

**TOWN OF LLOYD**

**LOCAL LAW B OF THE YEAR 2013**

**SECTION ONE. PURPOSE.**

The purpose of this local law shall be to amend the Zoning Map of the Town of Lloyd.

**SECTION TWO. MAP AMENDMENT.**

The official Zoning Map of the Town of Lloyd on file in the office of the Town Clerk is hereby amended as follows:

**Proposed Zoning Map amendments:**

**Easterly side of Route 9W from Grand Street to the existing GB zone at the intersection of Route 9W and Route 299: DB (Design Business) zone to GB (General Business) zone**

<u>SBL</u>	<u>#</u>	<u>ADDRESS</u>	<u>OWNER</u>
88.1-6-	179	NORTH RD	Milano, Caren

1.1

		CHODIKEE LAKE	
88.1-6-10	506	RD	Erichsen, Jerry
	3440-		Elmeshad Holdings
88.1-6-11	3442	ROUTE 9W	LLC
88.1-6-12	3432	ROUTE 9W	Erichsen, Christian
			Troy's Auto Body
88.1-6-13	181	NORTH RD	Inc.
88.1-6-14.1		LUMEN LN	Rooney, Peter E.
88.1-6-3.1		LUMEN LN	Selux Corporation
88.1-6-3.2	11	LUMEN LN	Selux Corporation
88.1-6-4	9	LUMEN LN	Lee Mi Sun
88.1-6-6.1		P.O. BOX 1060	Selux Corporation
88.1-6-7		LUMEN LN	Rooney, Ande
88.1-6-8	1	LUMEN LN	Rooney, Peter
88.1-3-10 (portion of)		BELLEVUE RD	Hudson Riverview Co.
88.1-6-9	4	LUMEN LN	Turnkey Industrial Park, LLC
88.1-3-15.1		ROUTE 9W	CVC Capital Retirement
88.1-3-17 3450		ROUTE 9W	Sadowsky, Frederick J.
88.1-3-18		ROUTE 9W	Ellis, Jr., Harry T.
88.13-3-11.100	107	GRAND ST	Lanzarone, Charles B.
88.13-3-15		ROUTE 9W	Lanzarone, Charles
88.13-3-16		ROUTE 9W	Giangrasso, Anthony
88.13-3-17 (portion of)		ROUTE 9W	Messina, Jr., Philip L.

**SECTION THREE. SUPERSESSON.**

This local law shall supersede all prior inconsistent local laws.

**SECTION FOUR. EFFECTIVE DATE.**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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

**Four ayes carried.**

**P. RESOLUTION** made by Brennie, seconded by Hansut, to hire James Plass for the position of Part-Time Police Officer at the rate of \$21.25/hour, pending pre-employment physical at the recommendation of Supervisor Hansut.

*Supervisor related that in October 2011, there was a conversation between former Supervisor Ray Costantino and former Chief of Police David Ackert regarding the Court Officer position in the Town Justice Court. Nothing was addressed. Larry Fuhrmann, Court Officer, is a long-time employee and is here tonight. Supervisor had received a call from the Unified Court System in November 2012 inquiring and questioning some of the practices of the Justice Court: lack of an armed officer and the metal detector located inside instead of outside the Courtroom. He explained to them about the size of the Courtroom and upstairs hallway; they asked that the detector is placed outside the Courtroom door in the hallway. In light of the events across the country, he feels that it is in the best interest of the members of the community, lawyers and judges, that there is an armed part-time Police Officer in the Courtroom. He contacted various surrounding towns and municipalities about their Courts and found that Lloyd is the only town that does not have an armed Police Officer in the Courtroom.*

*Litts had understood that the Board was going to allow Larry Fuhrmann to qualify under Code 35.*

*Supervisor did not recall that having Fuhrmann qualified was discussed.*

*Guerriero elaborated that both judges attended the last meeting and neither were concerned about an officer having a weapon as most people are there for tickets and the prisoners are accompanied by armed Sheriff's Officers and/or State Troopers. He suggested that the whole Town Hall needs to be considered if there is going to be a weapon in the Courtroom as people going to Court walk in the front door, through the downstairs and proceed to the upstairs Courtroom.*

*Supervisor thought that the Justice Court would be first and then that would be for further discussion; he agreed that someone should probably be at Town Board meetings but with budget constraints, there isn't that luxury. He stressed that this started in October 2011 when Chief Ackert asked Officer Fuhrmann for his gun. There was an agreement*

*that they would give that gun to be held by the Court and Officer Fuhrmann would be given the gun when he began his shift as Court Officer.*

*Guerriero asked why Fuhrmann had to relinquish his gun.*

*Fuhrmann said that his position with the Town was abolished and the Chief then took back the gun; it was offered to the Court the Judge said that there was no place to keep it. He could take the gun home when he was with the Police Department and he could have continued to do that but the Judge was not comfortable in doing that. His pay was cut \$3 per hour in January, 2012, because he did not have a weapon.*

*Guerriero asked Fuhrmann how long he was a Police Officer.*

*Fuhrmann answered that he was a Police Officer for 30 years and he is now a retired Police Officer; he did not certify with his own weapon; the liability is on him if it is his weapon. He asked who would cover him on the liability if he was certified. It is hoped that no one would have to be shot but there is always that remote possibility.*

*Guerriero asked why Fuhrmann cannot be covered under the Police insurance policy.*

*Supervisor said that he would entertain a motion to go into executive session.*

*MOTION made by Paladino to go into executive session but died for lack of a second.*

*Supervisor said that there were issues that he would not discuss unless it is in executive session.*

*Brennie said that it is nothing about Larry Fuhrmann it is about the position; the Board got caught up with the words 'armed and Police Officer'; Police Officers are always armed and he feels that it is semantics over armed and not armed. He wants a Police Officer in the Courtroom.*

*Supervisor clarified that the Deputies that are in Court with the prisoners are Correction Officers and they are not to interact with anything that goes on in the Court. They interacted in the incident two weeks ago because their prisoner was involved with this other person.*

*Litts said that he does not disagree with having an armed Police Officer in the Court but he thought the discussion the Board had at the last meeting was that the Board was going to give Larry Fuhrmann the opportunity to qualify.*

*Supervisor asked who was going to qualify him and Litts said that he did not know the procedure.*

*Fuhrmann said Pat Davoli, who works security at Indian Point Nuclear Power Plant, is certified to do qualifications.*

*Supervisor said since the last meeting when this topic was discussed there were no conversations with any Town Board member and no one has suggested talking about this particular issue. An individual has been found and recommended by one of the judges and he is on the agenda tonight.*

*Guerriero clarified that the Supervisor said that this would be discussed at the next meeting, which is this meeting.*

*Supervisor posed that if the Board does not want to pass the resolution, the Board can table the resolution. He would like to see the Justice Court find a bailiff position or clerk's position for Larry Fuhrmann. This has been discussed and he has received no feedback from either judge regarding that.*

*Litts interjected that he did not feel that the current budget for the Justice Court would be able to handle another position; however, there is always next year to provide for a Police Officer.*

**Roll was called;** *Hansut, aye; Brennie, aye; Litts abstained and explained that is was his impression, much like Guerriero's, that this was going to be discussed at this Town Board public meeting and that he was under the impression that Larry Fuhrmann was going to be given the opportunity to qualify; he is a 20+-year Police and his position is going to be eliminated and someone else brought in. He said that he has known Jim Plass, the candidate for the position, for 20 to 25 years and he is a good friend, it isn't that he does not want to vote for Jim Plass.*

*Supervisor said that Plass was coming in as a part-time Police Officer for the Court and Fuhrmann cannot be hired as a part-time Police Officer for the Court.*

*Fuhrmann explained that he cannot be a Police Officer due to the 70-year-old age limit.*

*Supervisor added that this is not an easy decision to make but the Board is elected to represent the people and to make sure that people are safe. The name on the resolution was brought to him by one of the judges.*

*Litts asked Fuhrmann if he could be qualified; he understands that even if he is qualified he cannot be hired as a Police Officer.*

*Fuhrmann said that Bridge Toll Collectors have Peace Officer status, the Court Officer may also have Peace Officer status which has to be legislated by the Town Board. Peace Officers may carry a gun. He is certified as a Police Officer and has more qualifications than is needed to be a Peace Officer.*

*Litts posed to Fuhrmann that he could not accept the position of part time Police Officer if it was offered to him and that the Board was in agreement that a part time Police Officer is needed in the Court.*

*Guerriero asked if that was because the Court was not allowed to have a 'Peace Officer'.*

*Supervisor said that due to the liability and responsibility would be better if there was a part time Police Officer working in the Court; the Town then supplies the gun, makes sure that he is qualified and has Article 35, overseen by the Chief of Police.*

**Roll call:** Hansut, aye; Brennie, aye; Litts, aye; Guerriero, nay (he expected to discuss this further at this meeting and not because of the applicant); Paladino, abstain (personal reasons because the applicant is known to him).

**Three ayes carried.**

**Q. RESOLUTION** made by Brennie, seconded by Litts, to post an opening for up to 15 hour/week part-time position of Building Inspector I at the rate of \$17.13/hour at the recommendation of David Barton, MCO/ Building Inspector.

*David Barton explained that a fire inspector position has been discussed in the past and has been looking for funding to pay the salary; this position is part time for 15 hours per week and is based on 2010 contracts. This was the position filled by Joe Daidone who has retired. The position is approximately \$15,000 per year, no benefits, with a flexible schedule. He is looking for someone with contractor experience and fire experience to do the fire safety inspections. This position is not in the department's 2013 Personnel budget line. There is money budgeted in the Contractual line for the Comprehensive Plan but it was not needed as the members of the Review Committee are writing their own pieces and there is no need to farm it out. Further, he said that he spends the Town's money carefully and feels that this will be a benefit.*

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

**Five ayes carried.**

**R. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, the Town of Lloyd, County of Ulster and the New York State Bridge Authority have cooperated to create the parking area on the south side of Haviland Road for the Walkway-Over-The-Hudson State Historic Site; and

**WHEREAS**, the use of this property as a staging area for Contractors working on the Walkway has been and will be an advantage for all involved parties; and

**WHEREAS**, the upcoming project Walkway Over the Hudson Preservation Project PIN 8760.96 to replace the Navigation lights on the Walkway is federally funded and is being administered by the NYSDOT and accordingly a written agreement for authorized access is required between the Town and Bridge Authority;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Lloyd hereby grants the NYS Bridge Authority and their Contractor unrestricted access to and use of the Staging Area shown on Contract Plan Sheet 1A for the Project Identified PIN 8760.96, for the purposes of constructing, and time necessary to construct, said project; and

**BE IT FURTHER RESOLVED** that this Resolution will be documentation of this authorization.

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

**Five ayes carried.**

**S. RESOLUTION** made by Brennie, seconded by Paladino, to approve the following budget amendments for the 2012 budget:

**GENERAL**

Justice CE	1110.40	+\$98.00
Justice PS	1110.10	-\$48.00
Attorney	1420.4	-\$50.00
Police CE	3120.4	+\$478.00
Police FT PS	3120.10	-\$478.00

Rail Trail CE	5680.40	+\$151.00
Attorney	1420.4	-\$151.00
Celebrations	7550.40	+\$567.00
Building Dept PS	8010.10	-\$567.00
<b>HIGHWAY</b>		
Garage	5132.40	+\$1,088.00
Machinery Equip	5130.20	-\$1,088.00
<b>WATER</b>		
Supply Power CE	8320.40	+\$2,903.00
Administration Prof Serv	8310.30	-\$2,903.00
Purification CE	8330.40	+\$3,404.00
Purification PS	8330.10	-\$3,404.00
Transmission & Distrib CE	8340.40	+\$2,600.00
Transmission & Distrib Eq	8340.20	-\$1,500.00
Administration Prof Serv	8310.30	-\$1,100.00
<b>SEWER</b>		
Administration CE	8110.40	+\$131.00
Administration PS	8110.10	-\$131.00
Sewage Trmt & Dist CE	8130.40	+\$37,988.00
Sewage Trmt & Dist PS	8130.10	-\$36,899.00
Administration Prof Serv	8110.30	-\$1,089.00

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

**Five ayes carried.**

**T. RESOLUTION** made by Litts, seconded by Brennie, to approve the following budget amendments for the 2013 budget:

DARE Officer PS	3120.12	+\$400.00
Police Officer PT PS	3120.11	-\$400.00

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

**Five ayes carried.**

Fran Raucci asked for the results of the Roll Call vote on Resolution P.

Supervisor replied that it passed by a vote of three ayes; one abstention and one nay.

Rose Sinagra asked Julia Dehn of The Daniel Center if the veterans receive Medicaid and pointed out if they do receive Medicaid, transportation can be arranged for them to get to their medical appointments.

Dehn said that she is aware of that and that they are working indirectly with the Veterans Administration; however, right now the VA is overwhelmed, one social worker for 1600 clients and a waiting list of eight to nine months for many of the veterans to get services. Her organization is trying to help in the time before the VA can assist them.

Vito Dispensa asked the location of the parking lot on Haviland Road where the NYS Bridge Authority would be working as he was concerned that it was Johnson, Iorio and DiLorenzo Park.

Supervisor replied that it was across Haviland Road from the Walkway entrance. He noted that Vito Dispensa and his assistant have been putting up the new LED lights in the Hamlet; all applauded that the lights look great and that it is a good job. The next project to be considered is lighting at the Water Department.

**MOTION** made by Litts, seconded by Guerriero, to adjourn the meeting at 8:40 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk