

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

MARCH 9, 2011

Present: Supervisor Raymond Costantino **Also present:** Sean Murphy, Attorney
Councilmember Nancy Hammond Rosaria Peplow, Town Clerk
Councilmember Herbert Litts, III
Councilmember Jeffrey Paladino
Absent: Councilmember Kevin Brennie*

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

MOTION made by Hammond, seconded by Litts, to go into executive session to discuss personnel with Sean Murphy, attorney, and Franco Zani, Senior Wastewater Treatment Operator, at 7:01 PM.

Four ayes carried.

MOTION made by Litts, seconded by Hammond, to come out of executive session at 7:08 PM.

Four ayes carried.

7:09 PM – Supervisor opened the public hearing in regard to the increase and improvement of facilities of Highland Sewer District and increasing the bond amount from \$7,475,000 to \$8,285,000. He then introduced Ray Jurkowski of Morris Associates, engineers, who will give an overview of the project.

Ray Jurkowski stated that the wastewater treatment expansion is moving forward; the project was previously budgeted and received funding in a low-interest loan from the Environmental Facilities Corporation in the amount of \$7,470,000. An additional \$800,000 will be required in order to complete the project; the full amount may not be needed as contingency has been built in but he recommends total funding for the project to be \$8,285,000.

Supervisor explained that the agreement negotiated with the Environmental Facilities Corporation was that the first half of the construction loan, \$3.5-million, was interest free for three years and the second half of the loan was at 1% interest, which would expire after three years. After that, bonds would be sold for the full-time mortgage at a 2.5 point credit. If the bonds were sold at 5% or 6%, our permanent financing would have a discount of 2.5%.

Jurkowski said the total cost for a typical residential property with an assessed value of \$300,000, including the usual costs of operation and maintenance fees would be \$550.00 per year, roughly \$20.00 more than was previously anticipated. That figure is below the \$870.00 threshold for NYS Audit and Control to get involved with the financing. The Town is saving \$4.5-million over the life of the 30-year bond by getting the funding from Environmental Facilities Corporation.

Pamela Krimsky, 419 North Riverside Road, asked what the problem is with the sewer plant that needs to be solved.

Jurkowski answered that the existing sewer plant was running near its capacity. The plant was sized for 1.25-million gallons per day. The wastewater treatment facility approached 1-million gallons per day and sometimes over that. NYSDEC indicates that once the

03.09.2011

capacity of the plant is at 80%, plans have to be made for the future to expand the facility i.e. updating the existing equipment and keeping up with the increased flows.

Anthony Puccio, Brescia Boulevard, stated that at a previous meeting, infiltration and inflow (I&I) was identified as an issue and decision made to fix the leaks and prevent stormwater from coming into the sewer plant.

Jurkowski answered that the cost of the construction for the improvements to the facility was determined according to the 2009 numbers. The Town has had requests for sewer extensions and there is a contribution required of a developer of \$10.16 per thousand gallons of anticipated flow going into the sewer plant. Vineyard Commons contributed over \$400,000 for their sewer extension. The Town may use this money to offset debts or to make improvements. The Town chose I&I, based on a study that was done. Once the slip-lining of the sewer pipes was completed, the flow rate into the wastewater facility was reduced by 50,000 to 60,000 gallons per day; other areas have been identified that need to be slip-lined to reduce the I&I; the Town proposes to deal with those areas through contributions of developers as the sewer district expands. This expansion will allow for 500,000 gallons additional flow to be treated at the sewer facility. The developers pay their share of the plant expansion.

Puccio suggested that I&I should be determined before the plant is expanded.

7:20 PM – Brennie arrived at the meeting.

Jurkowski replied that the Water and Sewer Committee has identified those additional areas for the second phase; however, the contributions must come in to fund that I&I.

Supervisor added that the plant is designed for 1.2-million gallons, but during these recent storms the flows through the plant have increased tremendously per day. The infiltration is an impact on the sewer plant but the sewer plant has worn out and that is why it is being rebuilt; the life expectancy of the plant was 20 years and that was known in 2001. Phasing the expansion was discussed over the years. The Town is always looking at where debt can be retired and to take on new debt so there is no impact.

Litts offered that the Town has to comply with New York State standards on the release so there were upgrades that were necessary to the plant.

Susan Bacchi, Grand Street, said the notice for the public hearing stated that this expansion would project 20 years into the future; however, in reading the map, plan and report, it says that the plan is good until 2020, nine years to the future.

Jurkowski said that updated information has been provided to the Water and Sewer Committee and to the Town Board, pertaining to the anticipated close, which pertains to Mr. Puccio's question about I&I. It was projected out and past the additional 20 years of life expectancy, based on the anticipated flows and full build-out of the district.

Bacchi said that she does not have Town sewer but pays on 10% of assessment for sewer and sewer capital charges; she did not know about the bond until she received the postcard and asked what the impact would be to her.

Supervisor responded that she would still pay the 10%.

Ellen Heptinstall, Smith Terrace, said that as a taxpayer she is tired of financing future developments and asked how the \$8,000,000 would help the existing taxpayer.

Jurkowski answered that since upgrades are being done at the facility, it makes fiscal sense to expand upon that facility since construction is already being done. 'Expansion' is adding another 500,000 gallons per day to the present 1.25-million gallons for which the plant is designed. He has not broken down how much the amount of the \$8.5-million is for improvements to the equipment versus increasing the size; the pump or motor replacement is figured for the larger capacity; he does not have a breakdown bringing it up to the old

03.09.2011

standards versus bringing it up to a larger capacity. The Town recognized that a contribution to the district must be made by developers before any district extension is provided. They also pay taxes once they are in the district. The Town has no obligation to extend the district if the developer does not make the contribution.

Litts explained that this money will only be used for the contract for the work that is underway at the existing sewer plant; this is nothing to do with extending the infrastructure on any Town road. The Town has the bond for the \$7,475,000; the \$8,285,000 is to cover the additional construction costs that were not covered under the \$7,475,000.

Paladino added that this it is fiscally responsible to increase the improvements for the future while the construction is in motion.

Bacchi asked why it is so much more if the estimate was \$6.5-million on the original plan.

Litts answered that the actual cost was more than \$7-million but the Town was given \$1-million and needed to borrow only \$6.4-million.

Krimsky feels that taxpayers are strapped economically.

Supervisor noted that properties in the water/sewer districts have had almost a zero increase in taxes over the last three years. The Town is not an entrepreneur and is not taking risks. The technology improvements at the sewer plant are prudent investments. Highland Square, a project at the corner of Route 9W and Route 299, is 70,000 gallons a day times \$10 which makes their contribution over \$700,000.

Jurkowski said that the money or mortgage from the developer is in hand before the Town Board actually votes on expansion of the water or sewer district.

Alan Barone, Tillson Avenue, asked why the project did not move forward when the project was initially bonded.

Jurkowski replied that there were delays with the overall project during the review phase based on the Department of Environmental Conservation; the Town Board, Water and Sewer Committee and his office delayed the project because of the potential for funding. Prior to funding being received, the Town Board bonded for the project in its entirety in 2006 based on the original amount without a low interest loan or subsidized loan funding process. The additional financing did not come until 2009.

Barone stressed that the Town was paying interest on those bonds that were not used for five years.

Supervisor explained that it was a BAN (bond anticipation note) and permanent financing was not pursued, a loan for \$7-million was deposited. When he became Supervisor he gave back the money and the BAN's were cancelled because the Town was not ready. Environmental Facilities Corporation would loan the money at a cheaper rate.

Barone, a trustee of the Highland Central School District, asked what the per-thousand gallon rate impact would be on the two schools in the water and sewer district. He feels that there should be a per thousand gallon rate established for properties and available at the public hearing.

Jurkowski answered that he did not have the number with him but he would furnish that information to him and that the schools would be paying a rate per thousand as everyone else.

Supervisor said that the first public hearing was for financing of the \$7.5-million at 0% interest, this is the second public hearing as the amount is being raised by \$700,000.

Litts offered that if a school is assessed at \$20-million, it is about \$36,000.

Steve Spor, Main Street, asked Jurkowski why the estimate is so far off, causing it to go so much higher, and what percentage the firm is returning to the Town for the error. He then asked if the schools and churches in the district contribute to the financing of the plant.

Supervisor answered that ten years ago it was realized that the schools and churches were not exempt from capital costs or use fees, they pay both. The Bridge Authority is tax exempt

03.09.2011

and they do not have to pay tax even on capital but an agreement was negotiated and they pay in lieu of taxes so they also contribute to the taxes.

Jurkowski explained that during the design process there was some scope creepages in the project based on input from the operators of the facility and the Water and Sewer Administrator on additional work that should be looked at in addition to the original scope of work. There was a lapse in time of five years including design process, funding and tie-up with NYSDEC during the review process, resulting in escalation of cost.

Spor asked if the Town Board is comfortable that the scope of the work changed.

Jurkowski concurred that the Town Board and the Water and Sewer Administrator were informed that there were some scope creepages in the overall project.

Supervisor added that at 0% interest the first year and then 1%; the District saved \$4.5-million by refinancing. If the cost of the project went up \$1.5-million, the district is still ahead by \$3-million; in hindsight, it was smart to delay it. The project did not move forward as it was in the NYSDEC approval process for two years.

Jurkowski confirmed that the NYSDEC did not review it as they did not have the staff and so it was reviewed and approved by Environmental Facilities Corporation.

Gary Pregno, Sterling Place, asked if NYSERDA has been involved and what percentage in energy savings is returned to the Town.

Jurkowski answered that NYSERDA was contacted during the design process. The use of high efficiency replacement motors was already anticipated; however, they did provide guidance and they were kept involved in the process by cursory review. There is no money coming from NYSERDA.

John Lindauer, Mayer Drive, remarked on the problems with the sewer plant.

Jurkowski said that the facility has been aging and has outlived its useful life; the trend has been that it is reaching its capacity. It was best to make the improvements prior to it going over capacity and thereby going into a consent order with the DEC. The consent order, could incur fines levied against the Town and/or the sewer district; these fines would be paid ultimately by the district. The average daily flow now is about 1-million gallons a day, close to the 20% target to look at the capacity issue. After the I&I project, that dropped down consistently during dry-weather flow to below 1-million gallons per day, roughly 925,000 gallons.

Lindauer asked if a moratorium on extensions would help.

Jurkowski responded that people within the existing district have already been paying debt and taxes on a facility for a period of time. It may be problematic from a legal standpoint to tell them that there is a moratorium.

Sean Murphy, Town Attorney, offered that a district cannot be extended if the facility is at capacity but it would be improper not to let the people in the district hook up if they apply.

Jurkowski said that the NYSDEC would be involved if the Town moved forward with that type of moratorium. It would involve a consent order and provide a plan to lift the moratorium, which would ultimately mean taking care of I&I and increasing the plant capacity.

Supervisor related that there have been great employees at the sewer plant who have band-aided the plant and the processes for years. The bio-discs, the igloo-looking structures, have a life expectancy of 10 years and they are at 25 years; shafts had begun to snap, bearings needed to be rebuilt and motors were going bad.

Barone suggested on an average dry-day flow of 925,000 gallons that it would have been more economical to upgrade the aging sewer system going to the plant as the stormwater is increasing the capacity to almost maximum. He asked if there is no more development, where will the money come from to upgrade the system.

03.09.2011

Jurkowski said that the Town Board has consistently looked at the bonds that are being paid off on the water and sewer district projects and as those bonds are paid off, considers funding a project at that level so there is no tax increase to the users. This is if no additional development comes into the system. Highland Square is close to moving forward and could bring in close to three quarters of a million dollars to make improvements.

Pregno asked if the alarms go off when the system is at 80% capacity.

Jurkowski answered that they do.

Litts remarked that Lloyd would be where the Town of Newburgh is now with an order to consent at a cost of \$27-million.

Jurkowski pointed out if that happens, the upgrade must move forward; the DEC will dictate the schedule and will not allow the Town flexibility to delay the project and benefit from low interest financing that ultimately saves the taxpayer money. The project contractor is moving forward and anticipates that the major components of the facility will be up and running by the fall of 2011 and the final project close out in the spring of 2012.

Supervisor added that the contractor worked all winter to meet that deadline and that will save on engineering and inspection fees; Morris Associates gave a worst-case scenario price, at a year and half completion. If the project can be completed in a year, that much money will be saved. It was fortunate to get a good contractor, he has worked diligently and the project is running in the black. There have been four change orders, three on the plus side and one on the negative side. The law says we have to give the worst case scenario of what it may be and \$8.25-million is the worst case. If that is not done, the 0% financing would be lost.

Susan Lindauer, Mayer Drive, asked how it will be funded if the people do not vote on getting the extra money and the work is already being done.

Supervisor answered that the Town Board is not asking for a vote.

Litts explained that it is a Town Board action.

Mark Reynolds, *Southern Ulster Times*, asked what those property owners outside of the district pay.

Jurkowski replied that there is no cost to those people; the cost is borne by those in the benefit districts.

MOTION made by Paladino, seconded by Hammond, to close the public hearing at 8:00 PM.

Five ayes carried.

SIXTEEN ACRES

Paladino recused himself from the discussion as he is a partner in the project.

Richard Olson, McCabe & Mack, attorney for the applicant, Sixteen Acres, LLC and Cay of Heron, LTD, and introduced the design engineers, Andrew Fetherston and Justin Dates. They have submitted a petition seeking a PUD re-zoning designation on approximately 62 acres in the Sewer District, three of the parcels within the acreage are not serviced by the Water District and a petition will have to be filed so that the project will have both municipal sewer and municipal water.

The reconfiguration of Mayer Drive will be part of the project and they will ask the Town to abandon the existing road; if the project is approved, the road will be reconstructed to meet the intersection with the light. They are asking the designation of the Town Board as lead agency for SEQR purposes and further review by the Planning Board; further, a positive declaration under SEQR.

Justin Dates, Maser Consulting, stated that all seven tax lots within the 62 acres are in the Sewer District. The three lots along Route 9W are not in the Water District and an

03.09.2011

extension will be needed. The property is bounded by Route 9W to the east, Vineyard Avenue to the west, Mayer Drive to the south.

Supervisor noted that the property is across Route 9W from Bridgeview Plaza and the Tractor Supply Store.

They are requesting a PUD district for approximately 39 acres; the current zoning is a combination of GB and R½.

Dates displayed the concept plan that aligns Mayer Drive to the traffic light and a commercial road and residential roadways. They are proposing a combination of 132 square feet retail and 6600 square feet office space; 76 residential dwelling units with two bedrooms and a clubhouse, pool and tennis court. At the far north of the project, a hotel of 110 rooms; five pad sites on Route 9W.

He is proposing roadway cross connections into Mayer Drive and Apple Lane for access to the 9W intersection; there is no access proposed to Vineyard Avenue as the Twaafskill Creek crosses the property and there are wetlands which will not be disturbed.

Andrew Fetherston believes that the wetlands will be under Federal jurisdiction and they will ask for a jurisdictional determination from the Army Corps of Engineers but feels that the project can be facilitated without disturbing the wetlands.

David Barton, Building Inspector, pointed out the retention ponds in the plan and asked if they were aware of the new stormwater regulations.

Fetherston said that he was aware the new manual went into effect and that runoff reduction is a new requirement; they intend to provide stormwater facilities based on the new NYSDEC design manual and have the area available to do so. They are also considering green technologies that are now required by DEC. He said that they did the work at Goldenview, Argent Drive, with a greatly reduced amount of subsurface piping.

Brennie remarked that the single-family houses are high and the topography appears to be flat.

Fetherston said that the property will be tiered; they will work with the contours of the property and grading is being considered. The pad sites will be entry level, right in and right out, off Route 9W. The retail section in the center of the property may have one level in the front and then higher and opening to the second floor to the rear. The highest peak of the property is where the clubhouse will be located. The project is a number of years away from approval and he cannot project right now considering the downturn in the present market; it will be discussed in the full environmental impact statement. He feels that it is an incredible location.

There are three entrances to the site: the primary will be across from Argent Drive (at the light); secondary off Mayer Drive and a third off Apple Lane which will go through residential lots and will connect to their residential road.

Supervisor noted that in considering properties in Lloyd for Smart Growth with infrastructure of water, sewer and highway, this property meets the criteria. The internal roads keep down the traffic in and out of Route 9W. He feels this is the kind of development that the water and sewer districts need; this development will contribute to the capital costs to help pay down the \$8-million sewer bond.

Reynolds asked if the project exceeds 5% of the PUD.

Barton replied that the town is looking at the PUD overlay district.

Liz Weisz asked the size of the hotel and if this project will continue to be discussed.

Fetherston answered that the proposed hotel is three stories high with 110 rooms. They understand that the viewsheds will be a major consideration. He explained that a viewshed is how the project appears from a particular site and they will have to do photo renderings as to how it will look. There will be multiple public hearings with the Town Board and the Planning Board.

Krimsky asked if this project is in compliance with the present zoning.

03.09.2011

Supervisor stated that it is not at this time but if it were built out the way it is zoned, it would be a larger impact to the school district as there would be more residential units. We all want commercial and industrial but a blend is needed; if no one lives in the Town of Lloyd, there will be no one to work in these places or support them.

Fetherston added that in the R½ zone there could be four and five bedroom houses. This project is proposing two bedrooms, targeting seniors who are downsizing and wants to stay in the area or first-time home buyers.

Supervisor added that the Town Board has received a draft study that was done for the Walkable Hamlet. In a 20 minute drive time trade area, there is 'leakage' of \$65-million on restaurants, meaning residents are going outside of the 20 minute drive time area to go to dinner. This study also addresses other types of retail leakage.

Weisz asked about the impact of the new homes on the people who are trying to sell their homes.

Supervisor replied that this has been a planned community from its infancy. The residential may not be built until the market improves and, perhaps, by that time these people will be able to sell their houses.

Hammond asked if there has been a market study and if there is an idea as to what kind of businesses may be interested in the development.

Fetherston answered that the client would hire a consultant to do a study; in this case, this is a well-educated developer/applicant that has been approached by interested parties.

Olson said due to the housing market, the approval process will have to be phased and the commercial development is what we would seek first.

Fetherston feels that they are going to do a Generic Environmental Impact Statement (GEIS), which would lock in the sewer capacity and water capacity, traffic and stormwater, putting limitations on the development. The final development agreed upon by the Town Board and Planning Board as the best for the Town may change the concept.

Supervisor said that the present zoning would allow 50-60 houses and they have the right to do that but by changing the zoning and working with them for more commercial and less housing the impact will be lessened.

Krimsky feels that the hospitality component would create a great deal of traffic and air pollution.

Supervisor replied that the people who stay at the hotel will be dining in local restaurants, buying in the stores, buying gas and paying sales tax here in Ulster County; people are visiting the Walkway and leaving because there is no place to stay overnight.

ORCHARDS AT LLOYD

Vincent Bettina reviewed the particulars of the project that had approval years ago. The proposed development has a community center, features St. Francis Home Care Services; modular homes; 189 units for seniors 55 years of age and older on 73.69 parcels, approximately 3 houses per acre. The houses will be constructed offsite in a modular factory, delivered and permanently set on a concrete foundation. Price will be affordable and families earning 80% medium income should qualify to purchase a house. Houses are single family detached ranches of 1100 to 1500 square feet of living space, designed with handicapped accessible features. As the residents age and need assistance, they can contact the resident home care services. The Community center will be secure with access code for residents, rooms for fitness, arts and crafts, library/computer, community, card/game, billiards and salon. Houses are Energy Star and green technology, environmentally and handicapped friendly; cable ready, equipped with washers and dryers, fire sprinklers, and state-of-the-art emergency systems.

03.09.2011

Bettina said that the cost of owning a house is \$179,000, two or three bedroom units and he distributed cost comparisons to other senior developments. The mortgage on a house is \$1700 per month, at 5% down payment, with the use of a community center; snow plowing and lawn maintenance included. The resident owns the home and may decide to sell it or will it to a family member but in order to live there you must be 55 or over. The 'ground lease' makes the house more affordable by not having to include the price of the land in the value of the house; initial term of the lease is 99 years at the end of the lease the home owner can extend the lease or offer it to the community to purchase.

He explained the differences between mobile/trailer, stick built and modular houses. Trailers are transported on non-removable steel chassis which remains as a structural part of the house, has a Federal identification number, have a different lending category and are considered removable and relocate-able. Modulares are built at a factory, transported by a truck, the transporter frame is not part of the home/chassis, must be placed on a foundation, constructed to state and local codes (Vulcan ICC Codes), inspected by a Building Inspector and certified; it is treated as single family home for standard loans and mortgages, permanent structure and not relocate-able.

Larry Paggi said that a letter has been submitted to the Town outlining what the project would require for zoning. They are looking for something comparable to the Town's former PRD overlay. The lots will be 5000 to 6000 square feet; they are proposing coverages that would conform to the original PRD requirements.

Town Board members were given documents showing an item-by-item comparison of the existing prior PRD zone and what the requirements are for this project relative to those zones.

Paggi stressed that the project is intended for the aging community to afford a home in a village-type setting and remain in the area; services for elders will be available should the need arise. The project was devised to help seniors age with dignity.

Bettina said that they have studied all of the local senior communities and found them all to be very expensive.

Weisz asked for clarification that St. Francis Home Care, as an outside entity, will provide service for these people at an additional cost.

Bettina agreed that the benefit of providing it in the community is that if someone needs occasional care with meals or medication, an aide can go from house to house and services can be shared. He feels that one person may need 24-hour care but living next to others needing the same service where 24-hour care may not be needed.

Paggi said that other communities are being paid for independent living, other services are additional; with this project it is a significant savings because you can select the service that is needed. This service could be paid for by a long-term care policy.

Brennie asked for the information on the taxes that will be paid to the Town.

Bottina said that they will furnish that to him and that Recreation fees will also be paid.

Reynolds asked what the present zoning is and where the entrance is located.

Bettina answered that there are three different zones now. There are two entrances on Route 44-55. The 52-feet between the two brick houses is the emergency access and 200-feet away is the gated entrance.

Litts asked if the roads would be built to Town standards.

Paggi answered that they would like to work with the Town standards as there is a new design manual from the NYSDEC that tries to minimize the width of paving to minimize the amount of pervious coverage to minimize the amount of stormwater runoff.

Litts said that he does not have a problem with that but what happens down the road, 15 or 20 years, everyone goes away and the Town inherits the road, sewer and water systems. If it

03.09.2011

is not built to standard, we have problems. He suggested making roads a little wider to accommodate those walking through the community.

Paggi said that the only thing that they would look for would be some reduced widths and they were considering 18-20 feet.

Supervisor asked if there would be sidewalks and they answered that they will look at that and it may be more beneficial to just use the roadway.

Hammond suggested a walking lane.

Paggi replied they will consider that and thanked the Town Board for their time.

Ray Jurkowski, Morris Associates, referred to Resolution E on tonight's agenda and asked if there were any questions.

Paladino asked if this is an application for a grant.

Jurkowski answered that this is an application to get on a list to potentially get low-interest financing. As it would develop, normally you would have to get onto the intended use plan. The Environmental Utilities Corporation advises the Town at some point that it is now above the funding line; a point scoring system takes place and we have identified the point scoring system as to what we feel we can gain. The line drops as they fund projects every year. It is now at 150 points and anyone above the 150 is eligible for financing. Once the details are worked out as to the impact to the district, EFC then works with the municipality to see if it is low interest loan or potential grants.

Brennie clarified that this amount of money will have to be spent to do all the things Jurkowski mentioned.

Jurkowski concurred and added that this is indicating that the Town wants to be placed on the intended use plan to see if there is financing available; the Town is no way obligated to move forward with any type of a plan nor to spend money.

Paladino noted that it could be assumed that at a 95% recapture rate, the return on the investment could be huge. Money might be spent but may come back in X-number of years.

Jurkowski said that is one of the components. The fact has also been identified that there are disinfectant by-products that need to be in compliance. Currently it is in compliance based on a weighted average; The Water Department goes out and gathers samples throughout the system over the term of the year to see what the disinfectant by-products are within that system. They are testing for trihalomethanes and haloacetic acids. The Highland Water District is meeting them currently but the EPA has started to look at not doing it on a weighted average but each sample or each round would have to pass. Potentially, we could fall below that.

Brennie likes the idea of getting a return on this and he would like to know what it would be if \$6.5-million is spent.

Jurkowski said that this is the pre-application form and one of the requirements is for the Town to have an engineering report if the Town moves forward and before the EFC says that it is financing the Town's project. EFC has a spring round and a fall round but if you are not on the list, you will not get the opportunity to finance. As the funding line drops, the Town could project that it may be at a funding line within the next two years. At that point the Water and Sewer Committee may come to the Town Board and request to do a detailed study; technologies may change. Resolution E. requests that the Town Board authorizes the Supervisor to sign the pre-application form so that the Town can be put on the list.

Paladino asked how much it is going to cost and how long is that application valid.

Jurkowski it is valid until it is either updated or you take yourself off the list.

Hammond asked if it factors in the median income. The Town did not qualify on a previous application because median income in the Town was too high.

03.09.2011

Jurkowski answered that there are several ways that they look at it; first, the financing if you were not above that funding line, you could get bonding. Once above the funding line, there is a low interest loan. They also look at the impact, the median household income, the capital cost as well as the operation and maintenance and they provide a formula to see if it is going to cause a hardship based on the amount of money to be spent and the median income, that you are above a threshold based on their formula. At that point, there may be a 0-interest loan.

Hammond said that the Town actually got penalized because John Jankiewicz, former Water and Sewer Administrator, did such a good job at running the water and sewer plants.

Jurkowski said that if the Water District starts to run into violations, the Town gets points for that.

Litts said that their funding level right now is at 150 or 160 and our guesstimate right now for the Town is about 80 and he asked how far out that would be for the Town.

Jurkowski answered a minimum of five years, depending on the funding available.

1. REPORTS from Town Board Department liaisons.

Assessor – Councilman Litts

Audit – January 1 to March 31 – Councilmember Hammond

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond

Events – Supervisor Costantino

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino

Highland Central School – Councilmember Hammond

Highland Landing – Supervisor Costantino

Highway

Historian – Supervisor Costantino

Hudson Valley Rail Trail – Supervisor Costantino reported that he has received a use form from Claire Costantino; a fee will be charged to use the Rail Trail and the fee received by the Rail Trail Association.

Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino

Police – Councilmember Hammond

Personnel – Councilmember Brennie

Recreation - Councilmember Brennie

Safety – Supervisor Costantino

Shared Services – Councilmember Paladino

Water and Sewer – Supervisor Costantino

Transfer Station/Recycling – Supervisor Costantino

Zoning Board of Appeals – Councilmember Litts

2. OLD BUSINESS

Zoning amendments ~ David Barton

David Barton, Building Department Supervisor, explained the changes in the new proposed zoning laws. The modifications were derived from the suggestions of the Town Board, the Planning Board and the Zoning Board of Appeals. The proposed

03.09.2011

changes to the Zoning Map reflect the discussion at a previous Town Board meeting. He would like the Town Board to set public hearings on these proposed local laws.

Rosaria Peplow, Town Clerk, stated that she did not have the formal resolutions setting the public hearings, the legal notices to place in the newspaper nor copies of the proposed law laws to be circulated and referred to the Ulster County Planning Board, etc.

Sean Murphy agreed to contact Terresa Bakner, attorney, and provide the needed documents.

3. NEW BUSINESS

Tanzi Water Adjustment

Supervisor asked the Board to review the documents from the Water Department.

4. PRIVILEGE OF THE FLOOR

5. RESOLUTIONS

A. **MOTION** made by Hammond, seconded by Litts, to approve the minutes from of the Workshop Meeting of February 2, 2011; Regular Meeting of February 9, 2011; Special Meeting of February 22, 2011.

Five ayes carried.

B. **RESOLUTION** made by Brennie, seconded by Hammond,

WHEREAS, A&T Property Holdings, LLC has received final site plan approval to construct a subdivision at Station Road and South Street, Town of Lloyd, New York; and,

WHEREAS, pursuant to and in accordance with the final site plan approval of the Town of Lloyd Planning Board for this project, the developer has entered into an agreement dated July 17, 2007 with the Town Board of the Town of Lloyd to provide for the developer to build and dedicate the areas described as public roadways in the Town of Lloyd in connection with the development of said lots on said map; and

WHEREAS, pursuant to said agreement, the developer has provided security to ensure the prompt and faithful performance of the construction of said public roadway; and

WHEREAS, the original letter of credit provided as security for said agreement was amended and restated on April 29, 2009 and is now scheduled to expire as of the close of business on March 30, 2011; and

WHEREAS, the parties wish to modify and extend the Road Improvement Agreement to provide for a modification and extension of the security provided therein.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Lloyd hereby agrees that the Road Improvement Agreement entered into between A&T Property Holdings, LLC and the Town of Lloyd dated July 17, 2007 shall be modified and extended upon the execution of an agreement between the Town Board of the Town of Lloyd and A&T Property Holdings, LLC.
2. The Developer agrees that the improvements set forth in the Road Improvement Agreement between the parties dated July 17, 2007 shall be commenced within 18 months of the date of this agreement.
3. The Developer shall furnish, as security for the original Road Improvement Agreement, as extended by this Agreement, and the faithful completion of the

03.09.2011

requirements of the same, a renewed letter of credit in the amount of \$822,024.50. Such security shall be in a form acceptable to the Town Board and its attorneys.

4. All other terms, conditions and obligations of the Road Improvement Agreement entered into between the parties and dated July 17, 2007 shall remain in full force and effect.
5. The Supervisor and the Chairman of the Planning Board are hereby authorized to execute said agreement in the form attached hereto and made a part hereof as Exhibit A. (See Attached)

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

Five ayes carried.

C. RESOLUTION made by Litts, seconded by Brennie,

WHEREAS, a local law, being proposed as Local Law No. A – 2011, was introduced as follows: Local Law No. A – 2011, a local law to revise Chapter 100 of the Town Code entitled “Zoning” to amend provisions for expiration of Planning Board approval of a site plan.

WHEREAS, this Board desires to hold a Public Hearing with respect to the adoption of the said local law; and,

WHEREAS, this is an unlisted action under SEQRA and a short form EAF has been prepared on behalf of the Town Board with the Board assuming lead agency to do all necessary reviews in this matter.

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 13th day of April, 2011 at 7:30 p.m.; and it is further

RESOLVED, that this local law shall be referred to the Town Planning Board and the Ulster County Planning Board by the Town Clerk, who shall also post and serve a notice of the hearing to all surrounding municipalities and publish the notice in the Town’s official newspaper at least ten (10) days before the public hearing.

TOWN OF LLOYD LOCAL LAW A- 2011

A LOCAL LAW TO REVISE CHAPTER 100 OF THE TOWN CODE
ENTITLED “ZONING” TO AMEND THE PROVISIONS FOR EXPIRATION
OF PLANNING BOARD APPROVAL OF A SITE PLAN

Section 1. Purpose

The purpose of the proposed Section 100-53 (F) (6)(a) is to extend the time period that an applicant has to submit a site plan for stamping and signature by the Chair of the Planning Board and, further, to extend the time periods for which the Planning Board may grant extensions to the time period for an expiration of approval of a site plan, as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town.

Section 2.

The Town of Lloyd Code, Chapter 100, Article VIII, Section 100-53 (F) entitled “Procedure”, subsection (6)(a), is deleted and replaced as follows: “(6)(a) The site plan is not submitted for stamping and signature by the Chair within one (1) year of the Planning Board’s resolution of site plan approval, with or without modifications. Upon prior written request to the Planning Board, including a statement of justification for the requested time extension, the time period for an expiration of approval may be extended for a maximum of one (1) year, on two occasions, at the discretion of the Planning Board.”

Section 3:

03.09.2011

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

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

Five ayes carried.

D. RESOLUTION made by Paladino, seconded by Litts,

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

03.09.2011

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, on the basis of the information given at such hearing, it is hereby

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated maximum cost of \$8,285,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer heretofore retained by the Town Board shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$8,285,000 bonds of the Town, and the costs of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem especially benefited by said improvements, in the same manner and at the same time as other Town charges, to pay the principal of and interest on said bonds as the same shall become due and payable; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Ulster County within ten (10) days after adoption thereof.

DATED: March 9, 2011

TOWN BOARD OF THE TOWN OF LLOYD

Hon. Raymond Costantino, Supervisor

Nancy E. Hammond, Councilperson

Herbert Litts, III, Councilperson

Kevin Brennie, Councilperson

03.09.2011

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.

RESOLUTION made by Paladino, seconded by Litts,

RESOLUTION OF THE TOWN OF LLOYD, NEW YORK,
ADOPTED MARCH 9, 2011, AMENDING THE BOND
RESOLUTION ADOPTED JULY 29, 2009 RELATING TO THE INCREASE AND
IMPROVEMENT OF FACILITIES OF
HIGHLAND SEWER DISTRICT

Recitals

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

03.09.2011

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 adopted a bond resolution on July 29, 2009 authorizing 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 amend the bond resolution adopted on July 29, 2009 by increasing the estimated total cost of the Project and to increase the amount of serial bonds authorized to pay for such increased costs, and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Town Board) **AS FOLLOWS:**

Section (A) The bond resolution of the Town of Lloyd duly adopted by the Town Board on July 29, 2009 entitled:

"BOND RESOLUTION OF THE TOWN OF LLOYD, NEW YORK, ADOPTED JULY 29, 2009, APPROPRIATING \$6,475,000 IN ADDITION TO THE AMOUNT HERETOFORE APPROPRIATED FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HIGHLAND SEWER DISTRICT AND AUTHORIZING THE ISSUANCE OF \$6,475,000 SERIAL BONDS OF SAID TOWN, TO FINANCE SAID APPROPRIATION" is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF LLOYD, NEW YORK, ADOPTED JULY 29, 2009 AND AMENDED ON MARCH 9, 2011, APPROPRIATING \$810,000 IN ADDITION TO THE AGGREGATE AMOUNT OF \$7,475,000 HERETOFORE APPROPRIATED FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HIGHLAND SEWER DISTRICT AND AUTHORIZING THE ISSUANCE OF \$810,000 SERIAL BONDS, IN ADDITION TO THE \$7,475,000 SERIAL BONDS OF THE TOWN PREVIOUSLY AUTHORIZED FOR THE PROJECT, TO FINANCE SAID ADDITIONAL APPROPRIATION

Section 1. The Town hereby appropriates the amount of \$7,285,000, in addition to the \$1,000,000 heretofore appropriated for the increase and improvement of facilities of the District, as authorized by and more particularly described in the recitals hereto, including all necessary furnishings, equipment, machinery, installations, appurtenances, accessories and related engineering and other costs (the "Project"), all in accordance with the map, plan and report prepared by Morris Associates, P.S. L.L.C., an engineer duly licensed by the State of New York, dated May 2005 as supplemented by the addenda dated July 2009 and February 2011, on file in the office of the Town Clerk and hereby approved. The estimated maximum cost of said specific object or purpose, including preliminary costs and costs incidental thereto and the financing thereof, is \$8,285,000. The plan of financing includes the issuance of not to exceed \$8,285,000 serial bonds of the Town to finance the total appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem

03.09.2011

specially benefited by such increase and improvement of facilities in the same manner and at the same time as other Town charges, to pay the principal of and interest on said bonds.

Section 2. Serial bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$7,285,000, in addition to the \$1,000,000 serial bonds previously authorized for the Project pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- (a) The period of probable usefulness of the Project, the specific object or purpose for which said bonds authorized by this resolution are to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of said \$7,285,000 bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law, and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law, and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds having substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes, and Section 50.00 and Sections 56.00 to 60.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing their terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said notes, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

03.09.2011

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby directed to publish this bond resolution, in summary, in substantially the form set forth in Exhibit "A" annexed hereto and made a part hereof, in the "New Paltz Times" and the "Poughkeepsie Journal," each having a general circulation in said Town and having been designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

EXHIBIT A
(NOTICE AND SUMMARY OF BOND RESOLUTION
TO BE PUBLISHED AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on the 29th of July, 2009 and amended on the 9th day of March, 2011. The validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Lloyd, in the County of Ulster, New York is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this notice, or such obligations were authorized in violation of the provisions of the constitution.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LLOYD

Dated: March 9, 2011, Highland, New York

ROSARIA PELOW, Town Clerk

BOND RESOLUTION OF THE TOWN OF LLOYD, NEW YORK, ADOPTED JULY 29, 2009 AND AMENDED ON MARCH 9, 2011, APPROPRIATING \$810,000 IN ADDITION TO THE AGGREGATE AMOUNT OF \$7,475,000 HERETOFORE APPROPRIATED FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE HIGHLAND SEWER DISTRICT AND AUTHORIZING THE ISSUANCE OF \$810,000 SERIAL BONDS, IN ADDITION TO THE \$7,475,000 SERIAL BONDS OF THE TOWN PREVIOUSLY AUTHORIZED FOR THE PROJECT, TO FINANCE SAID ADDITIONAL APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of Highland Sewer District.

The amount of obligations to be issued is \$7,285,000, in addition to the \$1,000,000 serial bonds previously authorized for the Project.

The period of probable usefulness is forty (40) years.

A complete copy of the Bond Resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 12 Church Street, Highland, New York.

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

Five ayes carried.

E. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, the Town Board, as Commissioners of the Highland Water received from its Town Engineer information indicating that the Highland Water District Pump and Treatment Facility are in need of capital improvements to replace aging equipment, and to continue to perform in compliance with regulatory water quality and infrastructure requirements; and,

03.09.2011

WHEREAS, the Town Board has previously received information from the New York State Environmental Facilities Corporation regarding potential funding opportunities to fund infrastructure improvements to public water supplies within New York State under its Drinking Water State Revolving Fund (DWSRF) program; and,

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have prepared a DWSRF pre-application form and provided a presentation to the Highland Water and Sewer Committee as well as the Town Board regarding the funding program and an overview of the proposed improvements Highland Water River Pump Station and Treatment Facility.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

The Town Board authorizes the Town Supervisor to sign and submit the Drinking Water pre-application form for the purposes of becoming listed on the State's Intended Use Plan (IUP).

The Town Board understands that by listing a project on the IUP does not obligate the Town to move forward with the project or enter into a financing agreement with the NYSEFC.

Submission of the pre-application form is exempt from further SEQRA action, being a Type II action, which did not exceed the thresholds of Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary;

Morris Associates, P.S., L.L.C., Engineering Consultants, shall be, and they hereby are, authorized to prepare necessary correspondence and supporting documentation for in support of the pre-application form for submission to NYSEFC.

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

Five ayes carried.

F. RESOLUTION made by Paladino, seconded by Brennie, to authorize the payment of vouchers as audited by the Audit Committee:

General	G225 – G316	\$ 77,195.04
Highway	H92 – H166	\$ 96,396.15
Miscellaneous	M29 – M50	\$ 751,482.21
Prepays	P35 – P62	\$ 18,313.97
Sewer	S45 – S69	\$ 11,627.57
Water	W57 – W83	\$ 21,391.74

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

Five ayes carried.

G. RESOLUTION made by Hammond, seconded by Litts,

WHEREAS, a local law being proposed as Local Law B of 2011 was introduced at this meeting as follows: LOCAL LAW B of 2011, a local law to revise Chapter 100 of the Town Code as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town. The Town Board has prepared a proposed local law known as the "Amendments of Chapter 100 of the Town of Lloyd Code: Zoning", 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;

03.09.2011

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 13th day of April, 2011 at 7:00 p.m. 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 NO. B OF 2011

SECTION ONE. TITLE.

This local law shall be known as the “Amendments of Chapter 100 of the Town of Lloyd Code: Zoning.”

SECTION TWO. PURPOSE.

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

SECTION THREE. AMENDMENTS TO TOWN OF LLOYD TOWN CODE.

CHAPTER 100: ZONING.

The Town of Lloyd Zoning Ordinance is hereby amended by deleting text in the format ~~striketrough~~, and adding text in the format <<+additional text+>>, as follows:

§100-8

BUILDING COVERAGE – That percentage of the lot area covered by the combined area of all buildings <<+or structures+>> on the lot.

<<+ **COMMERCIAL VEHICLE**—Any vehicle over 10,000 pounds used for commercial purposes. Tractors, front loaders, excavators and other equipment used exclusively for personal use to maintain the residential property where they are stored are not considered commercial vehicles.+>>

Comment [TMM1]: What about agricultural equipment?

HOME OCCUPATION – An occupation, trade, profession, or other business activity that is clearly a customary, incidental, and secondary (subordinate) use of an owner-occupied residential dwelling unit or accessory building by one or more family members residing within that dwelling unit, and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations shall be divided into the following classes, subject <<+also+>> to the provision of § 100-33:

A. Class I: a home occupation which, including storage of materials or products, does not occupy more than five hundred (500) square feet of gross floor area or twenty (20) percent of the gross floor area of the principal building, whichever is less, and which does not employ any person <<+at the property in which the home occupation is conducted+>> other than the resident of the dwelling unit who has this dwelling as his/her primary residence.

<<+ **YARD SALE** – A temporary and periodic sale by the property owner of personal items on a property.+>>

§100-9

03.09.2011

A. District classifications. The Town of Lloyd is hereby divided into the following types of districts:

District Label	
A	Agricultural
AB-O	Agricultural Business Overlay*
AU-O	Adult Use Overlay*
CB	Central Business
DB	Designed Business
GB	General Business
HI	Heavy Industrial
LB	Local Business
LI	Light Industrial
PRD	Planned Residential Development*
PUD	Planned Unit Development*
MUD	Mixed Use Development*
TND	Traditional Neighborhood Development*
R-¼	Single-Family Residence, one-quarter acre
R-½	Single-Family Residence, one-half acre
R-1	Single-Family Residence, one acre
R-2	Single-Family Residence, two acres
TR-1	Trailer-1 acre
TR-½	Trailer- ½ acre
SC-O	Stream Corridor Overlay*
TRR-F	Tourism/Recreational Resort Floating
WBO	Waterfront Bluff Overlay*

§100-14(A)(1)

To allow adequate area for buffering between the flag lot and the conforming lot, <<+the lot(s) furthest from the road frontage shall have an increased front yard setback to 60 feet and the house location on the lots shall be offset, to the left or the right, the width of the house closer to the road frontage plus 15 feet.+>> ~~minimum area of flag lots shall be twice the lot size otherwise required for the applicable zoning district. The area of the accessway (i.e., the "flag pole") shall not be included in the calculation of the required minimum lot area for the flag lot.~~

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§100-15

A. Buildings, uses and lots.

8. Commercial vehicles. On residential parcels, a maximum of one commercial vehicle with a gross weight of 10,000 pounds (five tons) or less may be parked, or stored per lot, provided that it is not parked or stored in a front yard. <<+See "Commerical Vehicle" under Definitions.+>>

<<+10. Dumpsters, garbage cans, and other refuse containers shall not be permitted to be placed in the front yard on any lot except for the 16 hours prior to and 24 following refuse pickup. All refuse containers of any kind shall be set back or screened from the 33 neighboring properties, public spaces, and roadways in such a manner to sufficiently block them from view.

03.09.2011

11. No excavation shall occur on any property that does or might impact neighboring properties, unless the edge of excavation shall have such protection against erosion or settling so as to protect the neighboring properties.

12. Yard/Garage Sales

- A. Garage sales must be conducted on the premises of a single-family or multifamily dwelling.
- B. At least one seller shall be a resident of the premises or an authorized agent of the estate at which the garage sale is conducted. The sale of goods shall be limited to those items belonging to the seller conducting the sale which were acquired by the seller for his or her own use, whether or not such goods were actually used by the seller. Garage sales shall not include goods, new or used, specifically acquired by the seller for resale.
- C. No more than three garage sales shall be conducted at the same premises or by the same person in any one twelve-month period.
- D. Garage sales shall be no longer than three consecutive days.
- E. Garage sales shall only be conducted between 8:00 a.m. and 6:00 p.m.
- F. The person conducting the garage sale shall be responsible for the maintenance of good order during the hours of the sale. .+>>

B. Yards, yard improvements, building projects and setbacks.

10. Animal Husbandry. Animal husbandry shall be permitted in the A, R-1 and R-2 Districts for personal use only, provided that:

<<+In Residential Zones:+>>

- a. The lot ~~or lots~~ shall be a minimum of five (5) acres in size.
- b. A minimum twenty-five (25) foot buffer shall be provided on all sides of the lot boundaries.
- c. ~~Fences or~~ corrals must be a minimum of twenty-five (25) feet from all lot boundaries.
- d. The following schedule shall be adhered to: one horse per two (2) acres; or one (1) cow per two (2) acres; or one (1) sheep per acre; or one (1) goat per acre; or a 36 total of any combination of twelve (12) fully grown chickens, ducks, geese or other fowl or birds of any type per acre. Roosters are forbidden in R zones.

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§ 100-16. Regulations Applicable to Accessory Buildings and Structures in Residential Districts

A. The provisions of this Chapter applying to residential districts shall be subject to such exceptions, additions or modifications as are herein provided by the following regulations applicable to accessory buildings and structures:

1. Location.

- a. No accessory building shall be located within a front yard.
- b. An accessory building <<+with a gross floor area less than 250 square feet+>> may be located within and/or outside the parameters of the required side yard setback or required rear yard setback provided that such accessory building shall be set back five (5) feet from any lot line, and all such accessory buildings, in the aggregate, shall not occupy more than 30 percent of the area of the required rear or side yard. <<+Accessory buildings larger than 250

03.09.2011

square feet must comply with the setbacks of the zone in which they are located. +>>

§ 100-17. Non-conforming Uses, Structures and Lots.

C. Nonconforming uses of structures.

6. Notwithstanding the above requirements, a trailer or manufactured home which legally exists as a nonconforming use and is used as the principal residence of a family may be removed or replaced with another manufactured home, provided that the Code Enforcement Officer determines that such replacement trailer or mobile home is of better quality and otherwise in a more safe and healthful condition than the existing one, and that such replacement trailer or mobile home complies with all other applicable structural and health department requirements, <<+and other zoning requirements such as area coverage and setback requirements. +>>

§ 100-21. Stream Corridor Overlay District

- D. Setbacks: Within the SC-O District, no structures shall be located within 100 feet of the top of the bank of a water course or within 50 feet of the 100-year flood elevation when there is no clearly defined bank <<+except for those structures approved by the Planning Board after Site Plan Review. +>> This setback shall not apply to docks, piers, bridges and other structures which by their nature must be located on, adjacent to or over the water course. For purposes of defining setbacks, measurements shall be horizontal distances measured from the top of bank or 100-year flood elevation, as appropriate. For lots in existence as of the effective date of this Zoning Law and for any project for which an Environmental Impact Statement has been prepared, the Planning Board may modify these setback requirements, provided that the Planning Board finds that the proposed construction will comply with subsection E.3., below.

§ 100-29. Off-Street Parking, Loading and Vehicular Access

- A. Purpose. The purpose of this section is to ensure that off-street parking and loading facilities are treated as accessory uses, are adequate to serve design day needs, do not predominate the site, are placed so as to minimize their visibility from public roads, and feature quality landscaping to reduce the visual impact of glare, headlights, and parking lot lights from roads and neighboring properties. Off-street parking areas should ~~complement~~<<+complement+>> the buildings on a site, improve the appearance of the Town of Lloyd, protect the character of residential, business, institutional, and natural areas, and conserve the value of land and buildings on surrounding properties.

N. Schedule of off-street parking and loading requirements.

1. Minimum parking and loading requirements for residential uses.

	Minimum Off-Street Parking Spaces	Loading
Use		
<i>Residential</i>		

03.09.2011

Single-family dwelling	2 for each dwelling unit	None
Accessory Apartment	1 for each apartment	None
Assisted living facility	1 for each 4 beds, plus 1 per employee	None
Nursing home	0.33 for each resident	None
All other residential uses	1½ for each dwelling unit with one bedroom 2 for each dwelling unit with two or more bedrooms	None

(a) The above requirements may be reduced for dwelling units of less than 1,000 sq. ft. of floor space, senior citizen housing, mixed-use development, <<+within 500 feet of a municipal parking lot,+>> or other appropriate circumstances if the Planning Board determines that such reductions are warranted.

§ 100-31 Adaptive Reuse Buildings.

F. Site Design Standards.

1. Off-street parking and loading shall be provided for the proposed uses as required by § 100-29 of this Chapter.
2. Signs shall be permitted in accordance with the allowable signage for the Central Business and Waterfront Business Districts in § 100-27H.1 of this Chapter.
3. Outdoor lighting shall comply with the provisions of § 100-27 of this Chapter.
4. Sidewalks shall be provided along the frontage of the subject lot(s) <<+where practicable+>>.

§ 100-33. Home Occupations.

B. Use Regulations. ~~If permitted by the Use Table in § 100-12,~~ Class I home occupations are permitted ~~as of right,~~ provided they are in ~~strict~~ compliance with the criteria and standards of this section, and Class II home occupations require a Special Use Permit and Site Plan approval.

§ 100-38. Performance Standards for Non-Residential Uses

This subsection shall be deleted in its entirety.

§ 100-40. General Requirements and Standards

D. Required Site Plan. Where a site plan is required for a Special Use Permit, a site plan conforming with the requirements of Article 8 shall be submitted to the Planning Board. <<+The Planning Board shall determine the requirements of the submitted site plan on a case by case basis.+>>

§ 100-47. Manufactured Home Parks

D. Dimensional Standards.

1. The minimum park area shall be 15 acres.
2. Manufactured home site area. The maximum number of manufactured homes to be permitted in any manufactured home park shall be determined as follows:

03.09.2011

- a. Determine the buildable acreage of the parcel(s) in accordance with § 100-13A of this Chapter.
- b. Divide the resultant area by the minimum lot size for the district. <<+In the TR-1 district, divide the buildable acres by eleven thousand (11,000) square feet. In the TR-1/2, divide the buildable acres by seven thousand five hundred (7500) square feet. +>> Fractional units of .5 units or less shall be rounded down and fractional units greater than .5 shall be rounded up.

<<+8. Maximum combined building and impervious surface coverage shall be forty (40) percent. +>>

§ 100-49. Multifamily <<+and Two Family+>> Dwellings.

<<+1) +>> Multifamily dwellings shall be allowed by special use permit in the R-¼, R-½, and CB Districts, provided that:

<<+2) Two Family Dwellings: Two-family dwelling by conversion or new construction, where it requires authorization by special use permit, provided:

- A. The two-family dwelling (by conversion) shall occur only through conversion of a one-family residence legally existing at the time of adoption of this chapter.
 - (i) The one-family residence is, at the time of conversion, on a single lot with lot area and lot width of no less than the minimum specified for the zoning district in the Schedule of Area and Bulk Regulations. The lot may not be an existing nonconforming lot of less than the prescribed lot area or lot width.
 - (ii) Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Lloyd and the Ulster County Department of Health.
 - (iii) Expansion of the existing one-family residence (by conversion) to accommodate the second dwelling shall be limited to a maximum of 750 square feet of gross floor area in the CB, R1/4 & R1/2 District and 1,000 square feet in other districts.
- B. The two-family dwelling (by new construction) shall be considered a permitted use in all residential districts where it requires authorization by special use permit. In all residential districts:
 - (iv)The two-family dwelling (by new construction) requires site plan approval in accordance with Article 8 of this chapter.
 - (v) The two-family dwelling (by new construction) shall resemble a single-family dwelling in its outward appearance.
 - (vi)Adequate water supply and sewage disposal facilities shall be demonstrated to exist in accordance with the requirements of the Town of Lloyd and the Ulster County Department of Health.
 - (vii)Expansion of the existing one- or two-family residence to accommodate the additional dwelling units shall be limited to a maximum of 1000 square feet of gross floor area per unit.
 - (viii)Off-street parking shall be provided in accordance with Section 100-29 of this chapter.+>>

§ 100-53. Site Plan Review.

03.09.2011

C. Required Information for Site Plan. An application for Site Plan approval shall be accompanied by plans and descriptive information sufficient to clearly portray the intentions of the applicant. Site Plans shall be prepared by a licensed professional engineer<<+, or licensed surveyor.>>

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

Five ayes carried.

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

WHEREAS, a local law being proposed as Local Law C of 2011 was introduced at this as follows: LOCAL LAW C of 2011, 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. The Town has prepared a proposed local law to amend the zoning map of the Town of Lloyd, 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 13th day of April, 2011 at 7:00 p.m. 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 NO. C OF THE YEAR 2011

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 consistent with the Zoning Map attached hereto as Appendix 1, as follows:

The LB zone is deleted.

The LB zone on North Elting Corners Road and Old New Paltz Road is changed by: south of Old New Paltz Road it converts to DB; north of Old New Paltz Road it converts to R ½.

The LB zone at Pancake Hollow Road and New Paltz Road is changed by: south of New Paltz Road it converts to R1; north of New Paltz Road it converts to R ½.

The LB zone at Chapel Hill Road and Route 9W is changed by: total conversion to GB.

The GB zone is extended from Haviland Road along both sides of Route 9W to

03.09.2011

the previous southerly edge of the LB zone, which is converted to GB.
The LI zone on which Phoenix Cable sits is extended to abut Route 9W.

SECTION THREE. SUPERSESSON.

This local law shall supersede all prior inconsistent local laws.

SECTION FOUR. EFFECTIVE DATE.

This local law shall take effect upon filing with the Secretary of State.

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

Five ayes carried.

I. RESOLUTION made by Paladino, seconded by Brennie, to approve a credit of \$512.25 water charge plus \$51.23 penalty charge for a total of \$564.48 for account #10010, Patricia Tanzi, 3333 Route 9W.

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

Five ayes carried.

Supervisor showed the Town Board a Rail Trail use form that Claire Costantino, President, Hudson Valley Rail Trail Association, had prepared and suggested a charge for the use of the trail. The form could be adapted to be used for the Bob Shepard Highland Landing Park and the fees collected would go to the Rail Trail Association or the Highland Landing Park Association.

MOTION made by Brennie, seconded by Paladino, to go into executive session to discuss personnel with Sean Murphy, attorney, at 10:20 PM.

Five ayes carried.

MOTION made by Hammond, seconded by Paladino, to come out of executive session at 10:42 PM.

Five ayes carried.

J. RESOLUTION made by Brennie, seconded by Hammond, to accept the resignation of Franco Zani, Senior Wastewater Treatment Operator, effective March 31, 2011, with regrets.

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

Five ayes carried.

MOTION made by Hammond, seconded by Litts, to adjourn the meeting at 10:45 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk