

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

APRIL 16, 2014

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

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

**Absent:** None

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

Supervisor introduced Tom Baird, Barton & Loguidice, DPC who will update the Board on the status of the project at the intersection of Tillson Avenue, Toc Drive and Route 44-55.

Tom Baird showed slides of the proposed project to the Town Board; there have been multiple reviews by NYS DOT where they have pulled back the project scope and limited the funds to what can be used as to what was originally programmed. The Town of Lloyd and Ulster County Transportation Committee searched for funds to build the roundabout but the NYS DOT replied that they do not want a roundabout at that intersection, regardless of funds. The NYSDOT controls the funds through the Federal Highway Administration. The project scope was pulled back to a four-way intersection and through the rounds of comments, there is now a design direction; the approval processes comes next. After the approval process, there will be right-of-way acquisitions which will be discussed with the property owners.

He said that he would go through each section to show how the roadway would look. There was an 8-foot multi-use path in the original design for the northern side of Tillson; DOT wants only a 5-foot wide sidewalk as they do not want to encourage bicycles to be on Tillson Avenue.

Tillson Avenue intersection with Toc Drive will be relocated; this was one of the initial options. There will be a number of right-of-way acquisitions and temporary easements. This is a Federal appraisal process. The property owners will receive a reimbursement for permanent acquisitions for the value of the property. This is likely to occur toward the end of the summer.

Brennie said that he is often asked about the roundabout and asked Baird if he would explain why a stoplight won't be installed.

Baird said in order to improve safety at the intersection, the grade at Tillson Avenue was dropped 2 ½ to 3 feet from the point of Smith Terrace toward Route 44-55 and a landing area was created at the bottom of the Tillson Avenue hill to improve the area for stopping a vehicle going onto Vineyard Avenue (Route 44-55). Retaining walls will be constructed along Tillson Avenue up to the second Smith Terrace. Earthwork will be done and there will be permanent easements for the retaining walls. The lawns will be restored at the end of construction. There will be little work on the north side of Tillson Avenue as there will now be a 5-foot sidewalk and the work will be done within the highway boundary. There will be small temporary easements to allow the contractors to go on property but the compensation to the property owner will be at a lower scale than if the property were taken by acquisition. There is a series of temporary easements and fee takings along the south side of Tillson. There will be permanent easements for retaining wall reinforcements toward Route 9W. NYS DOT will not pay toward Route 9W and the roadwork will stop with this project unless there are other funds. The road will be resurfaced but not reconstructed. The sidewalk will continue to 9W.

He tried very hard to get the roundabout at the intersection; NYSDOT has indicated that traffic volumes at this intersection going forward do not warrant a traffic signal. Baird and his company disagree with that opinion and are working toward getting the light; however, the intersection will be constructed with areas that will allow traffic signal poles to be installed when the NYSDOT finally realizes that it is necessary.

Horodyski asked if DOT is aware of the potential development that is happening in that area.

Baird said that they do know about the development potential. There is a series of traffic signal warrants and a majority have to be satisfied. Some are satisfied and some are not which puts the project in a gray area; DOT insists that it will be stop signs for now. It is hoped that between now and when it is constructed they can be shown or convinced that it really needs a traffic light. There will be empty conduits in the road and enough area that signal poles can be put in if it is shown that it is needed in the future. The signal poles could be put in ahead of time but DOT will not pay for that foundation. It would be worth

doing even if the Town would have to pay for what is called 'betterment shares'. It should be constructed so that there is an ease of installation if it is decided that a light should be there.

Guerrero asked what would warrant a traffic light.

Baird answered that it would be a lot more traffic. DOT also feels that the traffic analysis is skewed and not as bad as the study says it is. B&L disagrees with that as well but they are at a stalemate. B&L feels that it is best to get it done and avoid more delays in the construction and to try to work through other issues as the project moves along.

Mark Reynolds, reporter, asked what the traffic number is and what the number is to trip the installation of a light.

Baird said that there are several numbers and that they are in the Draft Design Report. He offered to send them to him. It is not just warrant, there are eight or nine, some are satisfied and some are not which puts the project in a gray area. It is their strong opinion and experience with this type of intersection and traffic that a traffic light is needed. They are going to continue to try to get a light.

Supervisor interjected that the NYSDOT is also aware of the new apartment project.

Baird asked to have that information so that can be addressed.

Member of the public asked if there were design deficiencies or costs that drove the decision on the roundabout.

Baird replied that one of the issues with DOT is that the roundabout should not have this type of grade and that Tillson Avenue is too steep going into the roundabout. He questioned if one would rather slide through a Stop sign with 45 MPH traffic or slide through a Yield sign with 15 MPH to 20 MPH traffic in the roundabout. He does not see the logic; one of the main reasons the roundabout is good is because potential accidents can be reduced. NYSDOT did not want a roundabout on their road as they did not feel that there was enough of a safety benefit. DOT would not provide any NYS funding; the cost of a roundabout was another 1.5-million dollars. B&L tried to design the best that it could be for the funds that Lloyd has.

He said that they hope to be out for bids in the fall of 2015, the right-of-way process through NYS DOT Region 8 takes approximately a year and they have to wait for the right-of-way process to be completed. The design can be done in three months. The funding for the project is shown to be allocated for the year 2015, which starts October 1, 2014 to September 30, 2015. There is a year and three months to get it authorized for construction which will be Spring of 2016.

Paladino asked if there would be any traffic calming on Vineyard Avenue, other than striping.

Baird answered that would depend on the budget; DOT has indicated that the Federal share of the project is 80% of the funds, the Town share is 20% of the funds of which the State subsidizes 15% with Marchiselli funds and the Town share is 5% of that. The State has indicated that they will not contribute the 15% for any work done on Vineyard Avenue, therefore, the Town's responsibility would be 20% for the work on Vineyard Avenue. They are trying to minimize the amount of work done on Vineyard Avenue to provide the least amount of financial exposure to the Town. The creek is there and the sidewalk has to be replaced as Vineyard Avenue is going to be raised slightly. They do not want to get into the Twaafskill because that raises the price significantly. Since we are doing work on DOT's road and they are not contributing, he does not feel that it is a good idea, especially with the problems that can come up with that wall. There are problems on the north side of the wall on the other side of Tillson. We don't want to get into it on the south side of Tillson, any more than necessary; it could get into a situation that could escalate the cost.

Guerrero asked about the effect on the driveways of the people living on Tillson Avenue.

Baird replied that some of the lengths of the driveways will be reduced but not the widths. Some of the driveways are short and they did not want to go into the north side as in some of them opening the tailgate or backdoor of a vehicle, an arm could be in the sidewalk area or road, hence, everything was moved to the south side. Not constructing the 8-foot path eliminated the impacts of the shorter driveways on the north side of the street.

Reynolds asked for an estimate of the cost of the project.

Baird replied that the estimated cost is \$3-million for the construction and approximately \$4-million total. Construction inspection is a major component and runs between 10% and 12% of the construction costs; the State requires full-time inspection and there will be at least two people full-time through the duration of the construction. The idea is to build quickly to reduce the amount of inspection time required and to keep the costs down. That is another reason why the construction will be on the south side of Tillson, traffic can be run on the north side of the street while the work is being done.

Reynolds asked the amount of the Barton and Loguidice fee.

Baird replied that the fee would be approximately \$375,000.

Murphy asked if the \$4-million includes the acquisition costs.

Baird said that it did not and that was another \$300,000. It is hoped that it is not necessary to use the entire amount, which they will know in three or four months. The unused funds will be moved into the construction funding but that has to be worked out with Ulster County Transportation Committee and the NYS DOT. Construction will be done in one season, starting in the spring of 2016 and ending, hopefully, before school starts. Clauses to have the project done quickly can be added to the contract but sometimes add to the cost; however, some contractors have special equipment or expertise to get the job done more quickly and they usually get the bid. The downtime is difficult in the area although there are different routes that may be used. The intersection can be open the whole time while the new intersection is being built, which is to the south of the existing location.

There were no further questions.

## 1. **REPORTS** – Town Board Liaisons

**Audit** – January 1 to June 30, 2014: Councilmember Horodyski, Councilmember Brennie  
July 1 to December 31, 2014: Councilmember Paladino, Councilmember Guerriero

**ECC /Zoning Board** - Councilmember Mike Guerriero said that he had nothing to report on the ZBA but introduced Jack Maguire, Chair of the Environmental Conservation Council, who would like to make a statement about the Hudson Valley Wine Village project.

Jack Maguire said that he wanted to express the concerns the ECC had about the Hudson Valley Wine Village, as it is currently proposed. He did submit a letter as part of the public hearing on the project and noted that he did not intend to speak at length on the subject at this meeting. The ECC is concerned because the Blue Point Diversity Area, which is another name for that area, is one of the environmental treasures of Lloyd. The area is recognized by NYS Department of Environmental Conservation and the Metropolitan Conservation Alliance which is part of the U.S. Fish and Wildlife Agency. The Master Plan for the Town of Lloyd says to give special attention to these areas that are designated as scenic and important for the environmental health of our Town. The ECC is concerned about the large scale of the development and the fact that it is a risky development on one of our natural treasures. The ECC would like the project to be safe environmentally and economically; specifically, they are concerned about the storm-water runoff from so many rooftops, considering the flooding problem in our area. There is 60% open space, which is good, but it is not functional as open space because there is development in every quadrant of the property. There will not be a bio-diverse habitat anywhere on the property and it will be avoided because there are no passage ways through the development. There will be noise and light pollution. The concerns of the ECC are all stated in the letter and if anyone would like a copy he would be glad to furnish it.

Horodyski said that he felt that as a MS4 community that storm management is taken seriously and more so than other communities that are not subjected to MS4 requirements.

Maguire responded that is why he is surprised that this risk is even being entertained.

Horodyski said that he didn't think it would be a risk as it has to be mitigated. His issue is that the comments in regard to scale say that it is too big but then he asked what would be the right number. He agrees that this is a very ecologically diverse area but it is also a very picturesque area and it is a very marketable area. It is an unbelievably marketable community in the sense that the Wine Village hotel will be there and there is no argument that there are a lot of houses. He said that he did not know what the right number of houses is. When he read the letter from ECC, he got the sense, 'well, it is really big' with no necessary scale to it.

Maguire replied that the matter is of priorities; environmentally speaking, there should not be development there as it is one of our treasures. Anything that impacts the environment there affects other places. He agrees that it is marketable and desirable on a lot of levels but he is speaking from the view of the Environmental Council.

Horodyski agrees but from the standpoint of risky economics, which is his understanding from the letter.

Maguire said that the project was referred to as a 'three-legged stool' and it was stated that if one part of the project does not materialize, the other two won't materialize. We just had one of those in our community, which was Highland Square. He asked why not

something more appropriate. The ECC has no problems with light industry or something to enhance the developments already there. He questioned why a huge residential swath was needed and why it covers every quadrant of the property.

Horodyski said that he understood because he has heard the same argument from Scenic Hudson, almost verbatim; it is almost uncanny how consistent the argument is with Scenic Hudson's argument.

Maguire asked if he was accusing him of something and said that anyone concerned about the environment will have the same argument.

Horodyski said that he was not accusing him but it is consistent with what he has heard from Scenic Hudson that they would like to see a more contiguous area of open space.

Maguire asked if there was a problem with that.

Horodyski replied that his comments were welcome.

Maguire reiterated that people concerned about the environment are going to have the same argument, whether they come from Scenic Hudson, the ECC or someone who grew up here and loves to hear the spring peepers, anyone who enjoys the wildlife, all of which will be compromised; especially, when there is development in the most sensitive areas. He felt that the word 'uncanny' and the remark that his comments were 'consistent with Scenic Hudson' were hostile.

Horodyski said that he did not mean to be hostile to Maguire or the ECC.

Supervisor thanked Maguire for his comments and his passion toward the project.

**HCS D** – Councilmember Kevin Brennie reported that the School Board is working toward the 2015 budget and they have just filled a committee to study potential capital improvements. There was good news in the NYS budget as there is extra money that will be received by the school district prior to the budget although it is still millions of dollars short the pre-2008 number. They are going to keep the same services, try to bring back some things that were unnecessarily cut and to make some security upgrades, which is a high priority.

**Planning Board** – Councilmember Mike Horodyski said that he was unable to make the March meeting but there are a couple of subdivision projects before the Planning Board in April. The topic of discussion has been the Scott project on Toc Drive.

**Police/Fire/Town Justice** – Supervisor Paul Hansut reported that on May 6 Ulster County Association of Police Chiefs will hold a dinner and present awards to Sgt. Roloson and Officer Ventura. He attended the annual dinner of Highland Hose Company. He had nothing to report from the Town Justices.

**Water/Sewer/Drainage Committee** – Councilmember Jeff Paladino said that the meeting was postponed last month to May 1 at 3:30 PM. Adam Litman said that Aqua Logistics updated the system panel; the estimate was \$25,000 to \$30,000 and it is coming in at \$16,500, at a substantial savings. They are now able to operate automatically.

**REPORT – Hudson Valley Rail Trail Association** - Susan Van De Bogart reported that they are having a busy spring. The Learn to Run Program has started; there are nine more weeks and one can still sign up. All that is needed is a membership: \$15 individual or \$20 for a family. Many graduates have gone on to be marathoners and runners. It is held each Saturday. She said that her favorite event of the season is the May 18 Run for our Warriors race; it is a 4-mile timed race or 2-mile walk. It benefits the Wounded Warriors project and raises funds for developing the Rail Trail. She invited the Board to come to the race on May 18; registration begins at 8 AM, race at 9 AM and the walk at 9:15 AM. On June 3 will be the Annual Meeting.

Supervisor asked if she had any information about the donation of the sculpture.

Van De Bogart replied that the Association is getting answers to the questions that were raised; Claire Costantino has approached the artist and is waiting for a response.

Supervisor said that it was mentioned to him that someone spoke to the Town's insurance provider and that is not true.

**REPORT – Bob Shepard Highland Landing Park** - Matthew Smith, Manager, reported that he has had no answer from the contractors on the damaged dolphin. He said that he is going to stick to his guns as the dolphins are of the exact same design as the dolphins they replaced; the only variable being the length and that was left up to the pile drivers to know how far the pilings should be driven. He believes that they were not driven in far enough and the ice pushed them over. The old dolphins were there for 50 years-plus and they were not damaged by ice; 50 years ago the ice was a lot worse than it is now. He will keep the Board updated.

Smith said that over the last month he met with the volunteer contractors who will be coming to work; they will be phased-in as needed. Chris Erichsen will complete the HVAC work on the building; Matt Serini, International Brotherhood of Electrical Workers, will complete the electrical work and that is almost done; Steve Schmidt, Timberline Homes, carpenter, will come in after that. He will be meeting with Patti Brooks of Brooks and Brooks on finishing the grade work and Lenny Auchmoody is ready to spread the rest of that material that was screened. Baker & Sons Landscaping has been very helpful and they have done some work already; they are going to do all of the spreading of the topsoil, planting the grass and mulching plus the rain gardens and the swales to control the runoff.

The boat launch is already seeing a fair amount of use by fishermen as striper season is approaching. This coming weekend, they will be installing one of the docks; there was a workday to make some modifications to one of the docks and Bob Shapiro Welding on Chapel Hill Road helped with that. There is another day scheduled to work on the other dock.

## **2. OLD BUSINESS**

A. Tillson/Toc/Vineyard Update – Tom Baird, Barton & Loguidice, spoke at the beginning of the meeting.

## **3. NEW BUSINESS**

A. There is no new business to discuss.

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

Reynolds asked about the tax certiorari on Resolution I.

Murphy answered that is CVC Capital and it is for the land that is north of the Mobil gas station on the east side of Route 9W, just before Lumen Lane. It is vacant land and it was purchased a few years ago with the intention of putting radio towers on the property. The Assessor looked at it and there are some topography, access and wetland issues. It was reduced from \$210,700 to \$140,300; adjustments were made to be the same as the adjacent properties.

Ruth Dapp had questions about the Scott development on Toc Drive and noted that the impact is just not Toc Drive. There will be apartment buildings 20-feet from her property and it is hard to accept that. She asked why they did not get letters about the zoning change. She did know that Brad Scott was going to ask for the zoning change because Supervisor Hansut and Brad Scott spoke to the Dapp's. They never received information on setbacks. She asked why that is not explained to the layperson who does not know what questions to ask. She did receive a certified letter about the public hearing; however, it has been her experience that every time there is a public hearing the decision has already been made. At a public hearing regarding the Rail Trail, they had reservations and questions but the decision had been made. She asked who does the final approval for a site plan.

Horodyski replied that it is his understanding that it is the Planning Board.

Ruth Dapp said that she spoke to the secretary of the Planning Board and said that she wanted to see the new site plan because the walking path was going to be removed and it had dawned on her that a new site plan would be needed. She asked if she could be notified when the new site plan is available. She does not want to go to a Planning Board meeting as they had been very rude to her and her husband.

Supervisor recalled that one of her letters asked if there would be another public hearing; in talking to legal counsel, the only changes were to the walking path.

David Barton confirmed that the walking path from Commercial Avenue Extension has been removed.

Supervisor asked if that would justify having another public hearing.

Barton replied that was part of the approval, some of the additions involved storm water and it is back and forth between Morris Associates and the developer's engineer.

Supervisor clarified that the site plan has not reached approval from the Planning Board.

Barton replied that it has.

Ruth Dapp contended that was wrong and that they did not even know that it was approved; they were at the meeting and they had no idea, no one told them anything was approved.

Supervisor said that he was not at the meeting and he did not know what was said.

Horodyski said that typically they call for a vote.

Ruth Dapp said that they did not and that she has the minutes of that meeting.

Brennie said that it cannot be approved without a vote.

Murphy asked about the certified letters she received.

Ruth Dapp said that they got certified letters in the mail.

Murphy said that letter would have advised of a public hearing before a vote was taken; he is not clear on what meeting she attended, in order to be approved, there had to be a vote.

Ruth Dapp responded that she went to the February 27 public hearing and there was no vote; the residents from Toc Drive were also there and no one had a clue that there was a vote.

Supervisor offered to check on that as the minutes were not available at this meeting.

Ruth Dapp commented that none of this seems right. She does not feel that they were treated properly at that meeting of March 27. She answered Brennie's question about the meeting and said that at first she felt that they were ignored. At a certain point in the meeting the Chairman remarked that he saw that there were some people in attendance and at that time Brad Scott said that they should recuse themselves. Chairman Scott Saso said 'no, we are going to close the meeting'. They then closed the meeting and told her that she could talk off the record. She then asked a question of Brad Scott who was gracious and started to answer the question when a member of the Planning Board stood up and said that he did not have to listen to this and walked off. She questioned if that was the way that she should be treated.

Horodyski agreed that she should not be treated in that manner and said that as liaison he was not able to attend the March meeting. In his opinion the Planning Board is very knowledgeable and they are level-headed. Referring to the public hearing, at some point there will be different sides of a decision regardless of what the decision is but it does not take away from the fact that all of the comments are taken under consideration. At some point a decision will be made and he personally makes a decision that will be best for the Town.

Supervisor felt that it worked out well, as due to the comments the walking path has been removed from the site plan.

Ruth Dapp contended that she also asked for a fence because people will walk through there and there will be 3-story buildings 10-feet from her property line. Looking at the site plan, it is huge; she asked the Board to stand in her backyard and see the neon marker from the surveyor 10-feet from her property. She was originally told that the buildings would be townhouses and that was bad enough. She asked what happens with the new site plan.

Horodyski said that he understood that said depending on the severity or the issues that may or may not be removed, they would just be conditioned in the final map signing so the acting Chair will be signed the map. Scott Saso almost certainly will not sign the map as he has been recused from the discussion and deliberations.

Ruth Dapp posed that it is now beyond the possibility of moving the buildings further from her property and asked if there was anything she could do.

Horodyski said if the site plan has been approved, and it sounds as if it has been, it is probably where those building will be sited. He said that he did not believe that there was anything to do at this point about the building sites. He said that he does not know what other recourse would be available.

Reynolds asked if Scott Saso participated in discussions.

Supervisor said that he left the room and Horodyski added that in one of the meetings, he sat with Saso and Brad Scott in the kitchen for about 20 minutes.

Ruth Dapp explained that at the Planning Board meeting Brad Scott was answering her question until people got up and said that they did not have to listen to this.

Supervisor said the meeting was adjourned at that point.

Horodyski said that he thought there were discussions between Ruth Dapp and Brad Scott prior to the meetings.

Ruth Dapp countered that it was not about what he has now and those discussions were completely different.

Supervisor clarified that the PRD zone change, the other side of Toc Drive going toward Cambridge is all PRD, so it was not as if a PRD was placed where it should not have been placed. It was Light Industrial on the Commercial Avenue Extension side and was changed to PRD so it fit with the rest of the area.

Ruth Dapp said that the houses on her side are one-family houses.

Supervisor said that on the other side of the street, if somebody decided to put in cluster housing, they could do that through the PRD; Tano Drive is PRD, which he feels that people do not understand.

Barton clarified that it was just Toc, Sunnybrook, Cambridge Court, the back of Tano.

Ruth Dapp said that is the reason she asked why the adjoining landowners are not informed of setbacks, the rules and regulations that go with the different zones.

Guerriero asked Barton that if the people in the surrounding area have to be notified whenever there is a zoning change made.

Barton answered that his understanding is that only people who are impacted directly by the zoning change are required notification so abutters would not. That is a Town Board action, only the Town Board can change zoning. On the Planning Board side, we also do abutters because the zoning action has no impact other than potential impact. The potential structure site plan requires the need for notification and that is where the impact lies and therein the need for notification.

Guerriero posed that a property owner has their life savings involved and the zoning is going to be changed is not going to be notified. He asked the question because there was a gentleman who spoke at the last hearing and said that he was not notified.

Barton said that everyone is notified because we notify by the newspaper. He said that he has been with the Town seven years. He recalled that a high school teacher told him that to be a citizen, you have to participate. Part of participation is being aware of what your government is doing to you as it is never doing for you; meaning, reading the paper and the public notices. If you don't want to buy the paper, both local papers are available at the Town Clerk's Office and at the library. It is his opinion that people are noticed, they are not individually noticed until it gets to the Planning Board because there is only a potentiality impact for something like a zoning change; even then, a notice occurs in the paper.

Guerriero contended that if there is a zoning change, there is an impact as when it goes to the Planning Board they already have the zoning change and there is a result.

Murphy said that statutorily you don't have to notice for a zoning change but the certified letters went out from the Planning Board; however, he understood Guerriero's point that there is always a potential significant impact.

Ruth Dapp said that for the rest of her life, she is now 63 years of age, she will have three 3-story buildings with six apartments in each looking in her backyard which has been private since the time that her grandparents owned the house and they have been there for the next 31 years. The impact to her family means nothing and she feels that they do not matter.

Supervisor feels that in her particular case she does matter because when Brad Scott started this project several months ago, she met with Brad Scott and the Supervisor. He stressed that Town Board meetings are live-screened on Channel 22 and it is in the paper. He wished there were more people who would come to see what was going on instead of waiting until it is done; by law, the statute of law was satisfied of the zoning change.

Ruth Dapp said most people she has spoken to tell her to sell the property. It has been her family's home for four generations. Brad Scott does not want to buy it, he wants to trade it.

Supervisor explained that on the advice of legal counsel that as to noticing a zoning change, if the policy is changed and every property owner is noticed and if someone is missed or did not get the notice, the Town is open to a lawsuit. People are saying that they did not get noticed for the Planning Board public hearing; he said that the certified mail card is in the Building Department for some of those people.

Ruth Dapp swore she did not hear that it was approved and they were at the whole meeting.

Supervisor said that he would check in to it and invited her for coffee tomorrow.

## 5. MOTIONS AND RESOLUTIONS

A. **MOTION** made by Horodyski, seconded by Paladino, to approve the minutes of Workshop Meeting of March 5, 2014 and the Regular Meeting of March 19, 2014.

**Five ayes carried.**

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

General	G258 to G353	\$46,346.35
Highway	H146 to H186	\$22,539.58

Miscellaneous	M58 to M68	\$43,341.21
Prepays	P79 to P115	\$66,555.61
Sewer	S75 to S108	\$ 8,882.93
Water	W107 to W149	\$16,290.00

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

**Five ayes carried.**

**C. MOTION** made by Brennie, seconded by Guerriero, to close the following streets for SpringFest on Saturday May 17, 2014 from 8:30 AM to 9 PM: Elting Place southerly to and including Main Street, Church Street, Vineyard Avenue, northerly to Woodside Place; with no overnight parking permitted on said streets starting Friday May 16, 2014. There will be no parking in the parking lot at the Town Hall; vendor parking only in the Municipal lot and a limited amount of handicapped/elderly parking in the Biancardi parking lot on Milton Avenue.

**Five ayes carried.**

**D. RESOLUTION** made by Paladino, seconded by Horodyski, to approve and authorize the Supervisor to sign the contract for Town of Lloyd Police Chief Daniel Waage.

*Guerriero asked if it has all been agreed upon as it was not signed.*

*Horodyski said that it is basically the old contract with those changes.*

*Supervisor said that currently the Lieutenant is making a \$1,059 less than a Sergeant so they had come in and asked for a percentage about the Lieutenant and a percentage above the Sergeant. We felt more comfortable making a flat salary increase. The Lieutenant will be increased to \$8,000 over the base salary of the Sergeant and the Chief will be \$10,000 over the base salary of the Lieutenant.*

*Reynolds asked what the annual totals were.*

*Horodyski said that basically is it going to be somewhere around \$90,000 and \$81,000 for the Lieutenant.*

*Supervisor offered to get the numbers for him and copies of the contract.*

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

**Five ayes carried.**

**E. RESOLUTION** made by Horodyski, seconded by Brennie, to approve and authorize the Supervisor to sign the contract for Town of Lloyd Police Lieutenant James Janso.

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

**Five ayes carried.**

**F. RESOLUTION** made by Guerriero, seconded by Paladino, to appoint Police Officer Christopher Miller for on-call, as-needed, part-time Court Officer at his regular hourly rate of \$21.75 to be paid from budget line 1110.1, effective immediately, at the recommendation of Chief Waage.

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

**Five ayes carried.**

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

**WHEREAS** the Town of Lloyd Police Department has been accumulating funds in the account called Police Seizure funds

**WHEREAS** these funds have come from distributions from URGENT and Department of Justice for police related recoveries

**WHEREAS** the use of these funds is limited because of the way the funds are received

**WHEREAS** a permitted use of the funds is for law enforcement training and law enforcement equipment

**NOW THEREFORE BE IT RESOLVED** that \$2,415.28 of the funds from the Police Seizure account will be allocated to the personnel and contractual Police budget for High Risk Stop Training on April 23, 2014.

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

**Five ayes carried.**

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

**WHEREAS**, the Town Board has previously received information from the Highland Water and Sewer Administrator indicating that it is necessary to complete modifications, and replacement of the last Hudson River Raw Water Pump; AND,

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, has prepared bid documents, along with proposed request for proposal documents, and have



delineated the project labeled as the Hudson River 3<sup>rd</sup> Pump Replacement, for repairs and/or replacement of the piping, pumps and electrical components at the pump station; AND,

**WHEREAS**, the Highland Water District has publicly advertised the project with confirmation from multiple contractors that they received the advertisement; AND,

**WHEREAS**, the Town received a formal bid on or before April 4, 2014 from a single contractor for the construction of the work as called for by the bid documents; AND,

**WHEREAS**, the Town Board has reviewed the bid price and the apparently low bidder's qualifications; AND,

**WHEREAS**, the Engineer noted a potential overage between the budgeted costs and bid price and confirmed that such an overage may be paid for through the Unexpended Fund Balance should it be needed; AND,

**WHEREAS**, the Town received a recommendation from Morris Associates, P.S., L.L.C., Engineering Consultants, regarding the award of the bid,

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

1. This Town Board awards the project known as the Hudson River Pump Replacement, for replacement of the third pump, piping and electrical components at the Town's Hudson River Pump Station, to Harkins Mechanical Inc., for the amount of \$ 136,700.00, and authorizes the Supervisor to sign the Notice of Award and enter the town into contractual obligations;

2. This is a repair project and it is exempt from further SEQRA action, being a Type II action consisting of a repair and/or replacement in kind on the same site which did not exceed the threshold of Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary;

3. Morris Associates, P.S., L.L.C. Engineering Consultants, be, and they hereby are, authorized to oversee and inspect the construction for compliance with the contract documents.

4. The project shall be funded from the 2014 Highland Water District Budget item as allocated by the Water and Sewer District Administrator; with any overages paid through the Unexpected Fund Balance from the Water District 2014 Budget.

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

**Five ayes carried.**

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

**WHEREAS**, there is presently pending against the Town of Lloyd a tax certiorari proceeding commenced by CVC Capital Retirement Fund to review the assessment of a parcel of real property located within the Town of Lloyd on the final Tax Assessment Roll adopted in 2013 as such parcel is set forth and described in the attached copy of proposed Consent Judgment with respect to said petition.

**NOW, THEREFORE, BE IT RESOLVED**, that settlement on the terms set forth in the annexed Consent Judgment is approved and Sean Murphy of Di Stasi Moriello & Murphy Law PLLC, attorneys for the Town of Lloyd, be and hereby is, authorized on behalf of the Town of Lloyd to execute the within Consent Judgment, and that said settlement be submitted to the Ulster County Supreme Court for final approval and entry of the Consent Order directing adjustment of the affected tax rolls and payment of appropriate refunds.

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

**Five ayes carried.**

**J. RESOLUTION** made by Horodyski, seconded by Brennie,

**WHEREAS**, the Town Board having previously scheduled a public hearing for proposed Local Law A of 2014 known as the "Amendments of Chapter 100 of the Town of Lloyd Zoning Code"; and

**WHEREAS**, the Town Board is in the process of considering revisions to said proposed local law, which is to be introduced as Local Law B of 2014; and

**WHEREAS**, the Town Board intends to proceed with a public hearing on proposed Local Law B in place of Local Law A and wishes to cancel the public hearing previously scheduled on Local Law A.

**NOW, THEREFORE**, be it resolved that the Town Board hereby cancels the public hearing previously scheduled by the Town Board for Local Law A to be held at the Town Hall on the 21<sup>st</sup> day of May, 2014 at 7:00 p.m.

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

**Four ayes carried.**

**K. RESOLUTION** made by Brennie, seconded by Horodyski,

**WHEREAS**, a local law being proposed as Local Law B of 2014 was introduced at this meeting as follows:

**WHEREAS**, the Town of Lloyd Town Board is in receipt of a local law known as the “Amendments of Chapter 100 of the Town of Lloyd Zoning Code”, the purpose of which is to amend the Zoning Map along Route 9W on the southern end of the town; and

**WHEREAS**, the Town Board is empowered to adopt local laws to amend the Town Code; and

**WHEREAS**, this is a Type I action under SEQRA and the Town Board wishes to declare its intent to act as Lead Agency and to conduct all necessary reviews in this matter.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby declares its intent to act as lead agency, and it is further

**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 21st day of May, 2014 at 7:00 p.m., 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.

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

**Four ayes carried.**

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

**WHEREAS**, a local law being proposed as Local Law C of 2014 was introduced at this meeting as follows:

**WHEREAS**, the Town of Lloyd Town Board is in receipt of a local law known as the “Amendments of Chapter 100 of the Town of Lloyd Zoning Code”, the purpose of which is to amend the Zoning Map south of Bridgeview and around Macks Lane; and

**WHEREAS**, the Town Board is empowered to adopt local laws to amend the Town Code; and

**WHEREAS**, this is a Type I action under SEQRA and the Town Board wishes to declare its intent to act as Lead Agency and to conduct all necessary reviews in this matter.

**NOW, THEREFORE**, be it resolved that the Town Board hereby declares its intent to act as lead agency, and it is further

**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 21st day of May, 2014 at **7:00 p.m. 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.

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

**Four ayes carried.**

**M. RESOLUTION** made by Brennie, seconded by Horodyski,

**WHEREAS**, a local law being proposed as Local Law D of 2014 was introduced at this meeting as follows:

**WHEREAS**, the Town of Lloyd Town Board is in receipt of a local law known as the “Amendments of Chapter 100 of the Town of Lloyd Zoning Code”, the purpose of which is to amend the Zoning Map along South Gate Drive and Chapel Hill extension; and

**WHEREAS**, the Town Board is empowered to adopt local laws to amend the Town Code; and

**WHEREAS**, this is a Type I action under SEQRA and the Town Board wishes to declare its intent to act as Lead Agency and to conduct all necessary reviews in this matter.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby declares its intent to act as lead agency, and it is further

**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 21st day of May, 2014 at 7:00 p.m. 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.

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

**Four ayes carried.**

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

**WHEREAS**, at a meeting of the Ulster County Town Clerks and Tax Receivers Association held on February 20, 2014 at the Town of Esopus, Ulster County, it was discovered Townships and Villages throughout the region are having serious problems with mail delivery, including the timely delivery and receipt of annual tax bills: and

**WHEREAS**, delays in the delivery of tax bills, official mail, utility bills and important notices with deadlines impede governmental functions and responsibilities; and

**WHEREAS**, it was decided to contact Local, County, State and Federal elected officials, and invite them to a meeting of the Ulster County Town Clerks and Tax Receivers Association to bring this serious problem to their attention and to seek their assistance to address it; and

**WHEREAS**, Local, County, State and Federal Officials named below were each invited to attend the March 20th meeting of the Ulster County Town Clerk's and Tax Receivers Association:

Town of Woodstock Supervisor, Jeremy Wilber  
Ulster County Legislator, Donald Gregorius  
Ulster County Legislator, Chairman, John Parete  
Ulster County Executive, Michael Hein  
New York State Senator, Cecilia Tkaczyk  
New York State Senator, Terry Gipson  
New York State Senator, James Seward  
New York State Senator, John Bonacic  
New York State Senator, William Larkin  
New York State Assemblywoman, Claudia Teney  
New York State Assemblyman, Frank Skartados  
New York State Assemblyman, Peter Lopez  
New York State Assemblyman, Kevin Cahill  
United States Senator, Kirsten Gillibrand  
United States Senator, Charles Schumer  
United States Congressman, Chris Gibson  
United States Congressman, Patrick Maloney

**WHEREAS**, members of the Ulster County Town Clerks and Tax Receivers Association held its regular meeting on March 20, 2014 at the Town of Woodstock offices; and

**WHEREAS**, Officials unable to attend or send a representative requested minutes of the meeting; and

**WHEREAS**, the Ulster County Town Clerks and Tax Receivers Association members enumerated to the gathered body the many instances where delays in the delivery of mail caused serious problems for Ulster County Town Clerks and Tax Receivers; and

**WHEREAS**, it is the opinion of the Ulster County Town Clerks and Tax Receivers Association problems with the timely delivery and receipt of mail began to worsen from the time local mail processing was transferred from Kingston to Newburgh and then to Albany; and

**WHEREAS**, the problem impedes governmental functions and responsibilities, thus angering and confusing constituents; and

**WHEREAS**, Ulster County Town Clerks and Tax Receivers Association considers this problem to be of the utmost importance; therefore,

April 16, 2014

**BE IT RESOLVED**, the Ulster County Town Clerks and Tax Receivers Association calls upon our County, State and Federal Representatives to take the steps necessary to rectify these problems and improve the timely delivery and receipt of mail; and

**BE IT FURTHER RESOLVED**, that certified copies of this resolution be sent by each of the Ulster County Town Clerks and Tax Receivers to the Ulster County Executive, and to the State and Federal officials named herein; and

**BE IT FURTHER RESOLVED**, that the Town of Lloyd Town Board **HEREBY** fully supports their efforts in resolving all issues involving the US mail for the benefits of our Town residents, and

**BE IT FURTHERED RESOLVED** that Said resolution be in the spread upon the pages of the Official Record of the Town of Lloyd and forwarded to ALL of the Elected Representatives listed above.

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

**Five ayes carried.**

Barton explained that a couple of years ago as part of the Gateway zoning directional signage was made in conjunction with Scenic Hudson and included both sides of the River as a result of the connection to the Walkway. On the big map which is going on all the signage throughout the Town Poughkeepsie was in the foreground and Highland in the background. We wanted something for just Highland/Lloyd so the same artist was commissioned to do a map. Kate Jonietz has been working on this for over a year. He feels it is a great map and the entire photo shop file is going to be provided so adjustments and labels can be made. This will be used for tourism and directional signage. There is now a map that can be called Highland's map.

Supervisor suggested that when you are out and about and you see friends who live in these areas, tell them about the public hearings.

Peplow said that the local laws are on the website so you can see the properties involved.

Supervisor stated that last month representatives of two companies each gave presentations on saving energy costs: Ben Miller and Fred Stewart, Veridian Energy and Jerry Burfeindt, Ambit Energy. Veridian sent the up-to-date kilowatt cost and for six months it was .08 and for 12 months it is .081, 24 months is .078 and 36 months it is .0768. The longer that you are locked in, the cheaper the rate. Right now, Central Hudson is just over 12. He would like to see how the trends for the next few months as he does not want to get locked in and then the Central Hudson rate go down. The City of Hudson is using Veridian; the City and the Town of Poughkeepsie are considering. He would like to look at the rates again next month before the Board considers a decision.

**MOTION** made by Horodyski, seconded by Paladino, to adjourn the meeting at 8:15 PM.

**Five ayes carried**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk