

**TOWN OF LLOYD TOWN BOARD**  
**SPECIAL MEETING**  
**APRIL 29, 2011**

**Present:** Deputy Supervisor Nancy Hammond  
Councilmember Kevin Brennie\*  
Councilmember Herbert Litts, III  
Councilmember Jeffrey Paladino

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

**Absent:** Supervisor Raymond Costantino

**9:30 AM** – Deputy Supervisor Hammond opened the meeting and led the Pledge of Allegiance.

Rosaria Peplow, Town Clerk advised the Town Board that the Gunk Haus/ Scheckel Falafel, Inc., had to submit an alteration application to the NYS Liquor Authority because they had added a deck to their restaurant. She would like to give them the letter waiving the thirty day hold.

Litts stated that he would like the applicant that is asking for the thirty-day waiver to make the request in person at Town Board meeting.

It was agreed that the Town clerk should provide the letter.

**MOTION** made by Litts, seconded by Paladino, to meet with Sean Murphy, Town Attorney, for client/ attorney discussion at 9:40 AM.

**Four ayes carried.**

**MOTION** made by Paladino, seconded by Litts, to resume the meeting at 9:53 AM.

**Four ayes carried.**

Sean Murphy, Town Attorney, explained to the developer and his attorney that if the developer is willing to sign the proposed stipulation of declaration of restrictions right now and deliver it to the Town in recordable form and with the requisite filing fee, the Town Board will entertain a motion to accept that and file it today in consideration to allow the bond to elapse.

Robert S. Levine, Levine Levine, PC, counsel for Rhinebeck Savings Bank, said that the bank holds the mortgage on the property and has issued a letter of credit to the Town of Lloyd, will not allow the applicant, A&T, to do anything that will devalue the property and the bank believes the failure of the borrower to replace the letter of credit with a cash bond or some other letter of credit is another act of default with regard to the mortgage.

Rosalie Peplow offered to pull the subdivision map from the Town Clerk's Office.

Murphy said that Rick Duvall will bring back a check and he may need another filing form, the deadline is to have it filed today by 4:45 PM at the recording desk at the Ulster County Clerk's Office.

**\*9:54 AM** – Brennie left the meeting

Rick Duvall, attorney for the developer, A&T, stated for the record, "pursuant to the proposed resolution, the applicant has signed a declaration prepared earlier in the week; the applicant understands that the resolution will require a recording fee to be paid by the applicant and they will need a recording document and I am representing to the Town Board that immediately upon the conclusion of the meeting, assuming that the resolution passes, I will

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be back to the Town Hall within about one hour with the check and the recording document”.

Paladino read the following resolution:

**RESOLUTION** made by Litts, seconded by Hammond,

**WHEREAS**, Pleasant View subdivision roads, trees and drainage have not been completed in accordance with the agreement for improvements of the Town of Lloyd and the bond posted in a letter of credit from the Rhinebeck Savings Bank on April 29, 2009; and,

**WHEREAS**, Frank Lombardi, Highway Superintendent, and Wilfred A. Rohde, P.E., have inspected the roadway and find it totally incomplete and inadequate to support Building Department applications for construction in the subdivision or to support sales of the lots; and

**WHEREAS**, the Town Code requires that a subdivision be continually bonded or the roads completed; and

**WHEREAS**, Pleasant View has recorded in the County Clerk’s office a map showing the road and the other improvements, and is now in default on construction and will be in default on bonding very shortly when its letter of credit expires; and,

**WHEREAS**, in lieu of obtaining an extension of the current Letter of Credit, the Developer has offered to file a Declaration of Restrictions in the Ulster County Clerk’s office stating that, pursuant to Town Law Section 280-a, no building permits shall be issued for any of the lots as shown on the filed subdivision map, and further stating that the roadways as shown on said map are not town or public highways and that the Town of Lloyd has no responsibility or obligation to construct, install or maintain the roads as shown on said map.

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

1. The Town of Lloyd will allow the existing Letter of Credit with Rhinebeck Savings Bank in the amount of \$822,024.50, Letter of Credit Number 20703301, expire, as long as the Declaration of Restrictions, as attached hereto as Exhibit “A”, is filed with the Ulster County Clerk’s office on or before April 29, 2011. (See Attached)

**Roll Call:** Paladino, aye; Hammond, aye; Litts, aye.

**Three ayes carried.**

**MOTION** made by Litts, seconded by Brennie, to adjourn the meeting at 10:24 AM.

**Three ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk