

# TOWN OF LLOYD TOWN BOARD

## WORKSHOP MEETING

MAY 7, 2014

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

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

**Absent:** Councilmember Kevin Brennie

**4:00 PM** – Supervisor opened the meeting and led the Pledge of Allegiance.

Supervisor asked those present to remain standing for a moment of silence in honor of Sgt. Shawn M. Farrell, II, native of Accord, who was killed on April 28, 2014, while serving with the U.S. Army in Afghanistan.

Supervisor announced that this meeting will not be live-streamed on Channel 22.

### 1. REPORTS

**A. Finance** – Karen McPeck, Bookkeeper to Supervisor, said that the Supervisor's Report for April was emailed to everyone on May 2 and she will furnish a printout if anyone needs it. A letter was received from the Division of Homeland Security and Emergency Services requesting status of the changes that were made since the Single Audit. There is a resolution on the agenda to approve the modification to the cash receipts Policy and Procedures. It includes a section on Federal funds and when they are received that more attention is paid to the threshold of \$500,000 in expenditures. There is also a resolution on the agenda for NYS Retirement which is required for each new term of the elected officials. Each elected official in the NYS Retirement System needs to fill out a calendar of time worked to try to figure out days that are credited. She includes everyone each time it is done for continuity. After the Board adopts the resolution, it is posted for 30 days and then submitted to NYS Retirement System with the Town Clerk's certification. There are budget amendments on the agenda. The Police Department is going to use some of the Seizure funds for training. An unemployment bill came in for a former part-time police officer who resigned. Since we are the former employer, we are responsible for \$12.15 per week for the later weeks of unemployment insurance, which is \$109.00 for this quarter. The Highway Department received some money from Highland Central School District for the salt that they used over the winter which will be put back into the Highway budget. The Water and Sewer insurance line needed some extra funds to cover their flood insurance premiums.

Paladino said he was curious about where we were at for health insurance.

Karen McPeck responded that we are at about 50% of our maximum exposure; between the first year and second year there was a 30% increase in usage and between last year and year-to-date, two months shy of a full year, there is only a 16% increase and that included the Police Department. It is better this year. It is hard to say how much money is being saved as it is unknown what the premium would have been for the non-high deductible.

**B. Assessor** – Jennifer Mund – Supervisor said that the Assessor had another commitment and he read her report: This is a very busy time for office as the Tentative Assessment Roll was filed on May 1. Although I am usually here every day with the tax roll available anyway, the hours that I published for sitting with the roll as required by NYS are: May 8 and 13, 1 PM to 4 PM; May 14, 9 AM to 12 PM; May 16, 6 PM to 8 PM by appointment only, call 845.691.2197 to schedule an appointment. Grievance Day is Tuesday, May 27 between the hours of 4 PM and 8 PM, at Town Hall. I sent an email to all of the Board of Assessment review members reminding them of the date and time for Grievance Day. I updated the link on the Town Home Page to the 2014 Online Tentative Tax Roll as required by NYS. We will be preparing for Grievance Day and preparing for the completion of the final roll for the next month.

**C. Building & Zoning Department** – David Barton reported that as he mentioned at the last meeting, the insulation has been done in the attic of Town Hall; he emailed the report. He will provide a chart to Horodyski showing year-over-year, going back five years. There was a pre-construction meeting with Mountainside Woods yesterday which went very well and they expect to break ground next week. Sean Murphy was at the meeting and he is going to make sure all of the monies are in place. There will be a site work permit for them and they can start moving tree stumps; Shari Riley and Andy Learn will do the storm water piece.

The Planning Board would like to make changes and modifications on accessory apartments; they have finalized the accessory apartment language. It is a complete rewrite. This tightens the language and gives the Planning Board more ability and authority. This is the first time that the Board is seeing it so he does not expect a reaction at this meeting. If the Board wishes, a public hearing can be set for next month. There has been movement in the Gateway District; unfortunately, the Code-use table would not allow it so he was asked about amending the use table for the Gateway Zone and the GC Zone. He has a long form for the Board and the language that is in color shows the highlighted sections to be changed. This would allow second floor apartments in the GC Zone. He does not expect action tonight; it can be done later on. Next week, there are three Public Hearings on proposed rezoning actions: LB to R1/2; LB to GB and R1 to GB and he offered a map to anyone who would like to see it. He will attend the Regular meeting to talk the Board through the rezoning.

An addition or continuing the renovation work to the Town Hall has been discussed for a long time. They have obtained bids for replacement windows for the second floor. The insulation in the attic was important due to the ice and water damage and the problem should not happen again. The Board will have to answer to the space issue sooner than later; in addition to making the meeting room more hospitable for the Town Board and audience, there is a need for more storage space. Document storage has always been a problem. He would like the Board to consider what they want to do. Band-aid repairs can continue; one of which is the downstairs back door which is virtually open to the outside with a half-inch reveal around the base of the door, letting in cold air in the winter and cold air out in the summer. The windows downstairs are single hung and leak like sieves, most of them are not locked. It may be that some offices move elsewhere i.e. the Building Department used to be down the street. He doesn't think that is a good idea; the right idea is keeping the Town departments together. Mauri Associates sent a proposal to do a needs assessment study, give the possibilities of what can be done in the back of the building, renovations, and give direction and guidance.

The quote on the single hung windows for the second floor is \$6,500 with installation, \$208.00 per window, double pane, screens on the bottom, with a reflective coating on the outside. The top is fixed and there will not be top ventilation but the Building Department cannot open the windows because of bees. The screening is stapled to the inside trim as there were no screens for upstairs.

Paladino felt that \$6,500 was a good price.

Murphy asked if this would be one project because it can't be pieced.

Barton said that would be segmentation and the Board would have to look at the larger picture to go out to bid.

Supervisor said that Mauri would do the whole study, put it out for bid and all of the legwork; he would like input from the Board for the next meeting.

Barton discussed this with Rich Tompkins of Mauri Associates recently. Barton has done some sketch work for the addition that Tompkins could use for sizing and space needs so it is close to knowing what is possible. The addition to the back of the building could go to the T-wall, up three stories with an elevator, additional storage space on-grade on the first floor.

Horodyski asked if this was not something that was done during Ray Costantino's administration.

Barton replied that it was not pursued any further than talking about it.

Supervisor said that this has been a conversation for fifteen years when there was a Building Committee.

Barton advised that the Court is a standing-room-only space, which is a security issue; the whole building should have had sprinklers installed when the second floor addition was built.

Additionally, Shari Riley has prepared the stormwater report which is a year-long process in which she collects data, educates all year long, talks with contractors, all year long, and yells at them when they need it. Tonight she will report on the past activity and the goals for next year. He is requesting the Board to consider and approve a new line item in the next Union negotiation for a MCO/Stormwater Officer. He would like to reward her for the work she does every day for which he does not have the skill set or the time to do.

Supervisor asked if that is a Civil Service position.

Barton replied that he did not think that there was a title classification for the position. The Union is already aware. He stressed that Lloyd is the model for stormwater and other towns come to Riley for advice.

Shari Riley, Code Enforcement and Stormwater Officer for the Town of Lloyd, Certified Professional in Erosion and Sediment Control, reported:

#### **MS4 Annual Report – Year 11**

NYS DEC issued a new SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4's) [GP-o-10-002] that went into effect May 1, 2010 and expires April 30, 2015. By law, we are required to present this annual report to the Town Board in a public meeting setting to help keep the Town Board, other Town representatives and the public aware of the Town of Lloyd's efforts to comply with the mandated state and federal regulations pertaining to Stormwater Discharges from Municipal Stormwater Systems (better known as MS4's). The annual report must be recorded as part of the minutes as well as the number of people attending and questions and answers presented in the meeting.

The handout you have before you (the Town Board) is the Annual report encompassing March 10, 2013 to March 10, 2014 (Year 11). This report is to be filed with the NYS DEC before June 1, 2014.

A copy of this report is to be maintained on file at the office of the Town Clerk and available on the Town of Lloyd website for public access. After this meeting I ask that you please take some time to read this report and let me know if there are any issues that need clarification.

The Town of Lloyd is now one of 16 regulated municipalities in Ulster County that is required to establish an effective **Stormwater Management Plan (SWMP)** for MS4 compliance.

The term 'MS4' includes both municipal and non-municipal systems of underground pipes, and also systems of streets and roads with drainage, catch basins, curbs, gutters, ditches, man-made channels and storm drains, whether or not the system is owned by a municipality.

Federal and State laws required that an SWMP had to be fully developed and implemented in the Town of Lloyd by January 8, 2008. This effort started in 2003 when the Town filed a Notice of Intent with the NYS DEC to establish such a plan. On June 10, 2009, the Town Board adopted an updated Town Stormwater Management Plan. A copy of the SWMP must be maintained at Town Hall for inspection by USEPA and NYS DEC and the public.

A motion and vote of the Town Board is needed to accept this report and authorize its submission to the NYS DEC.

There is a strong foundation in place to have the Town meet all six minimum ongoing goals, which are:

1. Public Education & Outreach
2. Public Involvement & Participation
3. Illicit Discharge & Elimination
4. Construction Site Stormwater Runoff Control
5. Post Construction Stormwater Management
6. Pollution Prevention & Good Housekeeping

We are all responsible for meeting these Stormwater Management obligations:

- ~Town Board
- ~Building Department
- ~Fire Department
- ~Highland Central School District
- ~Highway Department
- ~Town Planning & Zoning Boards
- ~Town Attorney
- ~Town Engineer
- ~Water & Sewer Departments
- ~Environmental Conservation Council
- ~Recreation Department
- ~Contractors working in the Town
- ~Homeowners & Businesses in the Town
- ~The General Public

The 2013 Stormwater goals which have been met and new and continuing goals for 2014-2015 (Year 12):

- 1.A Resolution to appoint a representative from Morris Associates and Lawrence J. Paggi, PE, PC to sign SWPPP acceptance forms and NOT forms needs to be created and will be voted on at the May Town Board Meeting.
2. Mary Ivich invited me to speak at the annual Girl Scout event. I spoke about living in a watershed, our watershed, the Lower Hudson Watershed and with the generosity of Cornell Cooperative I used the Environscape table to educate them on Pollution Prevention and Good Housekeeping.
3. Handouts were distributed through the Water/Sewer bills again this year. Thanks to the cooperation of Chris Giangrasso, 1471 residents were educated on watersheds and pollution prevention.
4. Water and Sewer staff was trained on Illicit Discharge Detection and Elimination and a reporting form was created.

5. An Illicit Discharge Detection and Elimination process will be outlined on our new website with contact information and phone number. This will include - What to look for and who to call.
  6. Kevin Rizzo invited me to speak with his 8<sup>th</sup> grade class on water quality before this school year is complete.
  7. Drainage District discussions must continue to manage the maintenance of post-construction facilities and discussions held to visit the implications and procedures and determine the cost analyzes of the new practices. We are on our 12 year of the program and homeowners who are now responsible for the maintenance of the detention ponds and stormwater facilities on their lots will not be able to afford major problems that may come up as the systems are aging even with regular attention that our SWMP enforces.
- Once again, I would like to thank the Town Board and all the Department Heads and committee members for your support. It is truly a team effort.

Paladino said that at a recent Water/Sewer/Drainage Committee meeting which Franco Zani, Chairman, and Sean Murphy attended the members recommended a Town-wide drainage district rather than individual drainage districts.

Riley clarified that those drainage districts are not the drainage already done by the Highway Department as people feel that this is a fee on top of what is done for the drainage. These are private property detention ponds, different from the catch basins for Highway drainage. She is responsible to inspect 19 detention ponds; there are more that were built prior to the law going into effect that she does not inspect on a regular basis.

Horodyski asked what happens at subdivision or site plan approval regarding this and if the applicant is aware.

Riley answered that Mountainside Woods has its own drainage district. The Drainage Committee might recommend and the Town decides to do that moving forward; that fee is per lot within that sub-division and an engineer determines the cost of maintenance for each one.

Horodyski asked why that would not be better than the whole Town.

Paladino posed how it could be taxed and the amount.

Riley said that she is also asking about some that did not happen already.

Horodyski said that going forward there are specific drainage districts that are fixed for specific subdivisions.

Murphy said that there is only one now, Mountainside Woods; the other 19 that Shari Riley inspects is pursuant to the site plan approval.

Riley said that in addition to the detention ponds, there are infiltration systems and rocky swales; those costs are not that big but there are some that could be such as the filter systems on Carmella Road. The discussion needs to continue but they need to be aware so that a homeowner doesn't have a cost issue at the end of this.

Paladino said that there may be capital projects moving forward but there won't be a huge fund.

Horodyski said that these are capital projects on private property because the other one is going to be taken care of in the Highway budget.

Riley said that they all have easements around them so that the Town has an entrance; they are on private property but they do affect public parcels and roads when they fail.

Supervisor thanked Shari Riley for her work on this.

**D. Dog Control** – Andrew McKee is attending Agriculture & Market training; his report is available, if anyone would like a copy.

**E. Highway** – Richard Klotz, Highway Superintendent, reported that sweeping has been completed. They are working on Upper North Road drainage to get it ready for paving. Central Hudson has also work planned on the other roads that were to be paved and he is waiting for answers from Central Hudson. He was promised by Central Hudson that they would work on them first so that Highway can pave this fall.

Paladino asked when he anticipated paving Upper North Road.

Klotz answered that would be done in June, depending on when the drainage can be done; a lot of time is going into Upper North Road to keep it from breaking up.

He said that he has calls into Assemblyman Frank Skartados and Senator Cecilia Tkaczyk on the failure of Route 44-55/Vineyard Avenue at Vintage Village and a letter was sent to the State to show what a problem this is.

Supervisor displayed photographs to the Board that were taken by Matt Smith showing that the dirt under the building has washed away and another photo showing a gaping hole at 125 Vineyard Avenue.

Klotz said that he met with Tom Storey and the local NYSDOT officials and they said that it is beyond their control and direction has to come from Albany. He suggested that Barton & Loguidice might have documentation on the damage.

Supervisor said that he asked Sean Murphy, attorney to send a letter to NYS DOT to put them on notice.

Klotz noted that the Town is responsible for sidewalks along a State or County highway; however, those sidewalks are beyond the scope of repair because of the road washing out.

Murphy added that the wall to the NYS highway is being undermined, which is undermining the sidewalks. If the sidewalks were repaired, they would again collapse due to the lack of support.

Supervisor advised that Ethan Jackman, owner of Vintage Village on vineyard Avenue where the damage occurred, will be back in Town May 11.

Klotz said that the yard of the house on the corner of Van Wagner is collapsing again. He asked Murphy if he has had any word on the situation at Amanda Circle.

Murphy replied that he has not and thought that he gave them until the end of June to respond to his letter. If they did not finish the roadway, the Town would take the cash bond of \$293,000 and do the work.

Horodyski asked the cost to do the work.

Klotz replied that it would be pretty close and the Highway Department could do the paving and the rest of the work would have to be subbed-out.

Reynolds asked about the collapsing road at Vintage Village and if the other work was done further up.

Klotz answered that this started with Hurricane Irene and it has become progressively worse.

Supervisor said that he and Klotz met with them and explained the problem; at that time they were told that NYSDOT only had money to fix that piece and they were aware that there were other issues.

Reynolds asked if the DOT would be responsible.

Supervisor said that the Town felt they were responsible as they fixed the other part of the road.

Klotz added that it is to the point where the road is going to collapse.

Murphy asked if that was the same thing that happened on Milton Avenue and all concurred that it was.

Guerriero asked if this was one spot or the whole creek side of the road.

Klotz said that it is the whole area and there is a piece between there and what had been fixed that is also starting to go; the corner of Van Wagner is starting.

**F. Hudson Valley Rail Trail** – Raphael Diaz said that the Wounded Warriors Walk/Run is scheduled for May 18; some Board members will be there. He saw Congressman Chris Gibson at a Trails meeting and he wanted to come but he will not make it due to his schedule. The Annual Meeting will be June 7 at 9AM at the pavilion at 101 New Paltz Road, and a presentation will be made on the history of the cabooses and the plans for them.

**G. Justice** – Terry Elia/Eugene Rizzo were not in attendance.

**H. Police** – Chief Daniel Waage reported that the Police Department was fairly busy during the month of April and read his report statistics. On April 2, Town of Lloyd Police Department received the Pride of Ulster County Award; April 3, Officer Katherine Burns was given an award from STOP DWI for the second highest number of DWI's in Ulster County; April 3, Operation Safe Ride conducted by the Highland Central School District's Transportation Department in which the patrol cars would follow the school buses on the way to the schools and back, several tickets were issued to cars passing the stopped school buses. On April 5, members of Lloyd Police assisted in Clean Sweep; April 8, he and the Lieutenant went to a meeting with the Bruderhof Community and other Ulster County community leaders to speak about current events in the area. On April 9, Lloyd Police assisted URGENT task force with operation Spring Cleaning where over 30 subjects were arrested for sale and distribution of narcotics in Ulster County, as well as several arrests in the Town of Lloyd. On April 12 members assisted with the Easter Egg Hunt in the Hamlet; April 18, members assisted at Hannaford's for the Easter Egg Hunt and fingerprinting children; April 23 he held a mandatory department meeting as well as training. On April 25, Lloyd Police, Highland Fire Department, Mobile Life and Highland Central School District, held a mock DWI accident at the High School to stress the effects of drinking and driving.

Last week he met with the Downtown Business Association. Officer Plass confiscated nine knives and a Leatherman tool. Chief said that he has noticed that the numbers of the things confiscated at the Court has been dropping.

Supervisor said that he has been in contact with both Judge Elia and Judge Rizzo; they are please with the way that is going. He congratulated Sgt. Roloson and Officer Ventura who were given awards last night at the Ulster County Sheriff/Chiefs' Association. He will prepare a letter for both officers to put in their personnel files.

**I. Recreation/Buildings & Grounds – Frank Alfonso**

Supervisor said that Frank Alfonso is with the Highland Varsity Baseball Team in Red Hook.

**J. Safety Committee –**

**K. Town Clerk –** Rosaria Peplow reported the following:

*Tax Collection*

- \$253, 307.01 sent to the Ulster County Commissioner of Finance
- Reminder Notices were mailed April 30<sup>th</sup> to property owners whose tax bills were not paid.(353)
- Letter to Congressman Chris Gibson from Jason Lamote, US Post Office Government Relations Representative, regarding the delay property owners experienced in receiving tax bills. Sent copy of the letter to all the Town Board members. In her opinion, Lamote's letter said that they had to consolidate, a survey was done and they are working on it.  
Supervisor added that the US Postal Service is losing \$5-billion per year.

*Town Clerk*

- 515 Transfer Station permits have been issued to date.
- Attended the NYS DEC workshop at NYS Town Clerk's Conference. The new Accela system was discussed at length. The NYS DEC representatives explained that they had the same concerns as those who were selling the licenses. The program is being streamlined to eliminate duplicate screens and expedite the process of issuing licenses.
- Attended FOIL Workshop given by Robert Freeman, Director of the Committee on Open Government:
  - a) New legislation that anyone requesting a list of those who have received building department permits must sign a sworn statement that they will not use the list for solicitation or give the list to anyone for solicitation. If the list is used for solicitation it can go to the District Attorney.
  - b) A certificate of occupancy can be obtained under freedom of information for free  
There can be a charge for the certification of the accuracy of the content.
  - c) A meeting cannot be conducted by telephone but can be conducted using SKYPE, as long as each location is open to the public.

**L. Water & Sewer – Adam Litman**

**M. Supervisor –** reminded everyone that SpringFest is 11 AM to 8 PM on May 17 including bed race, waiters' race and music; signs are available if anyone would like to put one in their yard to help advertise. On May 8, at noon tomorrow there will be an observance of the 40<sup>th</sup> anniversary of the railroad bridge fire on the east bump out of the Walkway and to recognize the Highland and Poughkeepsie Fire Districts for their aide in that event. On May 12, there will be a Greater Walkway Experience Press Launch at Waryas Park in Poughkeepsie to introduce and unveil the new signs for the Walkway Gateway and following that, it will be at Johnson Iorio DiLorenzo Park. The new signs are installed at Johnson Iorio DiLorenzo, two at the Rail Trail and one at Haviland Road. The first graders are coming for a visit to Town Hall from the Highland Elementary School Beginning at 9:30 AM on Tuesday.

Kate Jonietz listed the sites of their they will visit: The Calvary Church Food Bank, Sawyer Savings, Brooks and Brooks, Highland Library and Pavese's Pizza; Justice Court, Building Department, Supervisor's Office and the Town Clerk's Office in Town Hall.

**2. OLD BUSINESS**

A. There was no Old Business to discuss.

**3. NEW BUSINESS**

A. Jonathan Millen, Land Surveyor – request for easement or right of way over HVRT near Highland Hose, Station II, New Paltz Road.

Millen said that Frank Ottaviano has a parcel of land that does not have access to Route 299 or New Paltz Road. He showed a map of the property and New Paltz Road and where they would like a 50-foot easement to cross the Rail Trail, the length to be determined so that Mr. Ottaviano can do something with his property. At one point there was a concrete bridge that allowed the stream to go through. In the past there was a logging road that was access in and out of the property.

Horodyski asked Mr. Ottaviano if it the property was landlocked when he acquired it.

Ottaviano confirmed that it was; however, he did have access underneath and there was another road on the right-hand side across from the firehouse where they were logging. When Station II was built he sold the access to Route 299 to the Fire District with the verbal agreement that he would have the right of way across the Rail Trail but that never happened. He has a potential buyer to subdivide for four to six houses which would be more tax money for the Town than the amount now paid in taxes.

Horodyski asked if the piece could be used under the Rail Trail.

Ottaviano replied that is completely blocked.

Millen added that it is not wide enough.

Horodyski said that there was a lot of potential for the development of the Rail Trail and does not have an issue but he would like to see how the on-grade crossing would look with the Rail Trail. He would like to help get access to the property

Murphy feels that it should be referred to the Rail Trail Association.

Millen said that Mr. Ottaviano also owns two parcels which straddle New Paltz Road; the Rail Trail may be interested in that. He has indicated that he would be amenable to donating these parcels to the Rail Trail. It is very wet right now but he was approached some years ago to make a wildlife sanctuary.

Discussion as to where the properties are located.

Ottaviano said that the people at Boughton Place approached him to make a park and he was going to donate it to them at the time but nothing happened; he would now donate it to the Town to be part of the Rail Trail.

Paladino offered that the Rail Trail Association had some concerns about development on the south side of the Rail Trail and access across it.

Horodyski pointed out that technically it isn't a Rail Trail right now.

Guerriero felt that the property would be useful for parking or a picnic area for the proposed Rail Trail.

Paladino considered that there could be six houses worth of traffic across the Rail Trail.

Supervisor added that eventually the Rail Trail will be extended to South Street.

Ottaviano said he was guessing at the number of houses.

Paladino suggested that the easement could be limited to only a certain number of houses.

Barton said the easement could be limited; however, they are looking to put in a 50-foot road and it would open up the properties behind it as well. The applicant would probably require an open-development area and he is forbidden to issue a building permit for construction without frontage on an approved NYS or Town road. Ottaviano may have access but not frontage. An Open-Development Area (ODA) waives the requirement for frontage.

Murphy said that there are other properties that are landlocked and who might want a road.

Millen said that he was going to mention that and pointed out the other landlocked parcels; one has access to Pancake Hollow Road.

Horodyski asked if the original access was by easement or under the Rail Trail.

Ottaviano said that it was under the railroad tracks; during the logging, they would go out where the firehouse is.

Murphy asked Ottaviano if he thought that he had a legal easement or just access.

Millen answered that he was unable to discover any evidence in the deeds that referred to an easement.

Raphael Diaz said that the Rail Trail in principal is not looking for any roads crossing the Rail Trail; one of the great virtues of the Rail Trail is that there are no crossings, except for the couple that have existed for years. He noted that the Rail Trail is going to be extended to the firehouse and Ulster County wants to extend the Rail Trail to South Street, continuing the project through New Paltz to the New Paltz Rail Trail. The Rail Trail would certainly not like to see any roads going across it.

Guerriero offered that one of the properties would have access to Pancake Hollow Road; however, not the Ottaviano property.

Millen said that the railroad came through and landlocked properties that the railroads had the right to do because of necessity and the power of transportation and freight. He discovered a couple of cases and some rulings stating that when the railroads went bankrupt they stopped paying taxes and the lands were taken over that the same rights that the railroad had do not transfer legally to the rail trails. The railroad had essentially landlocked Ottaviano's property.

Paladino said in those cases, he assumes that there is ownership on both sides of the rail bed.

Murphy said he is talking about easement access to the road. There is such a thing as easement by necessity; the property is landlocked. As Mr. Ottaviano said, now the Town is getting zero taxes because there is no use for the property so there is a public policy that the State does not like landlocked parcels but in certain cases, there are ways to get easement for landlocked pieces.

Paladino thought he was talking about when the railroad went through it took the property and divided it in two, now that the railroad is defunct; therefore, they get the property back as they own both sides. He does not own both sides.

Millen said that at one time the fire house was the same parcel, the railroad came through and split the two parcels and the road split it as well. The railroad removed the access to the road and he has researched there have been a couple of court cases where easement by necessity this land becomes of no use at all if there is no way to get on and off it. When the railroad came through they had certain rights that were very strong to just go through and take the land, according to his research, some of those rights are relinquished.

Horodyski said that there is no guarantee the land will be developed even if you get the easement because it still has to be deemed an open development area.

Diaz clarified that the land does not belong to the Rail Trail, it belongs to the Town; the Hudson Valley Rail Trail Association administers the Rail Trail for the Town.

Millen said that it read 'Rail Trail' on the deed.

Murphy added that the Rail Trail Association would make a recommendation to the Town Board and the Town Board has ultimate authority over that land.

Supervisor asked about the deed he saw with Hudson Valley Rail Trail on it.

Millen said that when he did the deed research and using the tax parcel at the County Clerk's Office and it says that it is Rail Trail. At the County Clerk's Office it read "lands of the Rail Trail" where it should have said, "lands of the Town of Lloyd". He has to look up all the adjacent owners and their deeds so when he got the deed for this piece it said the Rail Trail. It basically says 20-something miles of railroad right-of-way as shown on 30 maps, and he got the railroad right-of-way map.

Diaz thought they would have to see what the impact is going to be on the Rail Trail; this Rail Trail is a very small part of the Ulster County plan to establish a trail going all the way into the Catskills.

They then discussed the potential of opening up other landlocked properties for development.

Supervisor feels that more research has to be done and that it is more than evident that the Rail Trail Association does not want a crossing. He feels that the Town Board has to decide yes or no.

**B. Roadway Failure at Vintage Village, Vineyard Avenue**  
Discussed previously in the meeting

**4. PRIVILEGE OF THE FLOOR**

Jeff Anzevino thanked the Town of Lloyd for installing the Gateway signs which was a huge help to Scenic Hudson.

Supervisor said that they look great and remarked that he was at the one at 75 Haviland and about eight people were standing in front of the map, they were very impressed.

Anzevino stated that the surface of the sign is supposed to be graffiti proof. Alan Van De Bogart sent an email that Steve Oaks, Park Manager, told him that someone reported to him that he used the sign to get to the Hamlet where he had a nice \$18 lunch.

Supervisor said that bikers are starting to come in; there were three or four at Vigneto's Restaurant on Monday.

Anzevino said that this is the first wave of signs. When there is additional funding, the Discovery Zone signs will go up in the Hamlet, Berean Park, Franny Reese State Park



and the waterfront; then there are the round directional signs that will help people to get from the Walkway to these Discovery Zones.

Supervisor noted that Buildings and Grounds, Frank Alfonso, put up the signs.

Mark Reynolds asked when the Town Board would be responding to the letter from Scenic Hudson on the Winery project.

Barton replied that the Winery responds to the comments and then it comes back to the Town Board for a yes or no.

Supervisor said that at that point the Board may have some comments and he feels that is a couple of months away.

Franco Zani referred to the Mauri report for the expansion of Town Hall and asked if they were going to look at reconfiguring the current space.

Barton answered that Mauri would do a needs assessment and figure out what everyone needs first; they will then shoot all the corners of all of the rooms with electronic spacing and take the data back to the shop to determine options. This meeting space is not configured well and a new meeting room may be in the back of the building, upstairs. He feels that Mauri is very efficient and Barton has worked with the firm before.

## 5. MOTIONS AND RESOLUTIONS

**A. MOTION** made by Paladino, seconded by Guerriero, to appoint Kathryn Tallman to Environmental Conservation Committee at the recommendation of Jack Maguire, Chairperson.

**Four ayes carried.**

**B. RESOLUTION** made by Guerriero, seconded by Horodyski, to accept the quote from Fireworks Extravaganza in the amount of \$7,500.00 for the Town of Lloyd fireworks display for Independence Day to be held on Saturday, July 5, 2013, and authorize the Supervisor to sign the contract.

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

**Four ayes carried.**

**C. RESOLUTION** made by Horodyski, seconded by Guerriero,

BE IT RESOLVED, that the Town of Lloyd hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained or time sheets submitted by these officials to the clerk of this body:

| Title                           | Name              | standard work day hours/day | Term begins/ends    | participation in er's time keeping sys | days/month based on ROA | not submitted |
|---------------------------------|-------------------|-----------------------------|---------------------|--|-------------------------|---------------|
| Town Clerk                      | Rosaria Peplow    | 6                           | 1/1/2014-12/31/17   | N                                      | 27.78                   |               |
| Councilmember                   | Jeffrey Paladino  | 6                           | 1/1/2014-12/31/2017 | N                                      | 3                       |               |
| Councilmember                   | Michael Guerriero | 6                           | 1/1/2012-12/31/2015 | N                                      | 11.08                   |               |
| Councilmember                   | Kevin Brennie     | 6                           | 1/1/2012-12/31/2015 | N                                      | 11.45                   |               |
| Justice                         | Eugene Rizzo      | 6                           | 1/1/2012-12/31/15   | N                                      | 15.33                   |               |
| Highway Superintendent          | Richard Klotz     | 6                           | 1/1/2014-12/31/2015 | N                                      | 40                      |               |
| Dog Control Officer (appointed) | Andrew McKee      | 8                           | 1/1/2014-12/31/15   | N                                      | 14.22                   |               |
| Deputy Town Clerk               | Kathy Schoonover  | 8                           | 1/1/2014-12/31/2015 | Y                                      |                         |               |
| Deputy Town Clerk               | Rena Rizzo        | 7                           | 1/1/2014-12/31/2015 | Y                                      |                         |               |
| Bookkeeper                      | Karen McPeck      | 7                           | 1/1/2014-12/31/2015 | Y                                      |                         |               |
| Clerk to the Justice            | Lucy Davoli       | 7.5                         | 1/1/2014-12/31/2015 | Y                                      |                         |               |
| Clerk to the Justice            | Stacey Lopez      | 7.5                         | 1/1/2014-12/31/2015 | Y                                      |                         |               |

|   |                  |     |                     |   |  |  |
|---|------------------|-----|---------------------|---|--|--|
| Secretary to the Supervisor             | Kathleen Jonietz | 7.5 | 1/1/2014-12/31/2015 | Y |  |  |
| Secretary to the Highway Superintendent | Denise Rhoades   | 8   | 1/1/2014-12/31/2015 | Y |  |  |

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

**Four ayes carried.**

- D. RESOLUTION** made by Paladino, seconded by Horodyski, to approve modified Policy and Procedure for Cash Receipts as follows: This document has been developed by the Town of Lloyd Town Board in order to provide policies and procedures for Cash receipts received by the Supervisor's office.

**History**

In 2011, when the Town of Lloyd was audited by the State Comptroller's office it was suggested that a written policy be created to ensure that the funds are safeguarded and used the way they were intended. In 2014 the Single Audit report for the fiscal year 2012 was completed due to the Town of Lloyd expending more than \$500,000 of federal awards for the year ending December 31, 2012.

**Changes in Policy**

This manual supersedes all previous employee manuals and memos.

While every effort is made to keep the contents of this document current, the Town of Lloyd reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

**Policy Statement**

The Town Clerk is the Collector of Taxes for the Town of Lloyd and collects the Tax money from the Townspeople and distributes it to the Supervisor's office when requested. Once the Bookkeeper receives the funds they are then deposited into the appropriate fund's account. It is either deposited in the fund's investment account or the checking account depending on how the cash is needed.

The Town Clerk receives funds from the public and departmental income daily. At the end of the month, the Town Clerk writes a check to the Supervisor for the funds that are departmental income for the budget that corresponds with the monthly Town Clerk report.

The Bookkeeper for the Town of Lloyd records the revenues from the Town Clerk as a receivable at the end of the month before a check is received from the Town Clerk in the following month. Once the Town Clerk checks her report against the bank statement to check for returned checks or insufficient funds, a check is cut to the Supervisor. The Bookkeeper then deposits the funds in the appropriate account as the Town Clerk report dictates and makes any changes if need be from the receivable revenues that were recorded.

All checks that are received for Planning Board, Construction or Rezoning Escrow accounts are given to the Bookkeeper with a memo describing the name of the project and which account it belongs in. Then the Bookkeeper sends monthly statements to the department to show activity in Escrow accounts and to make sure the accounts agree with the department accounting.

Any other payments that are received by the Bookkeeper during a month are copied and recorded in the Bookkeeping Binder and deposited into the appropriate account for the payment then entered on the bookkeeping system software to also show the revenues. Chase Bank has given the Town a deposit machine that the checks can be deposited directly from Town Hall so the checks do not have to go to the Bank in New Paltz or Poughkeepsie to be deposited. When the checks are deposited the Bookkeeper writes the deposit date on the top of the check and staples it to the deposit ticket printed out. This saves time and money since a trip does not have to be made to the bank. M&T Bank and Citizens Banks are both in Highland, so deposits that need to be made with these banks is done at the bank in person.

At the end of each month a Supervisor's report is created using the Revenue and Expenditure Reports from the bookkeeping software to show where the budget stand at that time. This report is distributed to all Town Board members and all departments.

**Federal funds Received**

When a project is started that expects to receive funds from a Federal Government source, the information will be given to the Bookkeeper from the Supervisor, his

designee, or the grant writer in order for the Bookkeeper to be able to track the expenses for such project so it will be known if a Single Audit will be necessary under the guidelines of the New York State Division of Homeland Security and Emergency Services (DHSES) and budgeted accordingly. At this time, expenditures of over \$500,000 in Federal awards will require an audit.

The following is from the following website regarding requirements for Single Audits [http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133\\_revised\\_2007.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a133/a133_revised_2007.pdf) Circular No A-133 Subpart \_\_.205 Basis for determining Federal awards expended.

- (a) The determination of when an award is expended should be based on when the activity related to the award occurs. Generally, the activity pertains to events that require the non-Federal entity to comply with laws, regulations, and the provisions of contracts or grant agreements, such as: expenditure/expense transactions associated with grants, cost-reimbursement contracts, cooperative agreements, and direct appropriations; the disbursement of funds passed through to subrecipients; the use of loan proceeds under loan and loan guarantee programs; the receipt of property; the receipt of surplus property; the receipt or use of program income; the distribution or consumption of food commodities; the disbursement of amounts entitling the non-Federal entity to an interest subsidy; and, the period when insurance is in force.

#### **Segregation of Duties**

Because of limited staff of the Town of Lloyd there is no way that the deposit slip can be prepared by one person and deposited by another person in the Supervisor's office.

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

**Four ayes carried.**

- E. RESOLUTION** made by Paladino, seconded by Guerriero, to hire the following lifeguard and waterfront staff for the 2014 season at Berean Park: Carl Relyea, Waterfront Director at salary of \$4,410.00; Rory Becker, Assistant Director, \$14.00 per hour; Thomas Palazzo, Head Lifeguard WSI, \$13.50 per hour; Matthew Relyea, \$8.75 per hour; John Quinn, \$8.75 per hour; Lucas Canino, \$8.50 per hour; Kellie Hugo, \$8.50 per hour; Matthew Quinn, \$8.50 per hour; Amanda Rhodes, \$8.00 per hour; Katelyn Boesch, \$8.00 per hour; Brian Bolstad, \$9.00; Rebecca Bellis, \$8.00 per hour; McKenna Wood, \$8.00 per hour; Julianna Russo, \$8.00 per hour; Michael Canino, \$8.00 per hour; Mason Horodyski, \$8.00 per hour; Denise Rendon, \$8.00 per hour; Jamie Rogner, \$8.00 per hour; Katie Kurry, \$9.00 per hour; Michael Sweeney, \$8.75 per hour at the recommendation of Frank Alfonso, Recreation Director and the Recreation Commission.

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

**Three ayes carried.**

- F. RESOLUTION** made by Horodyski, seconded by Guerriero, to hire the following for the Arts & Crafts SummerFun Program at Berean Park: Lou Ann Judge, Arts & Crafts Director, \$3,500.00; Marissa Cina, Arts & Crafts, Assistant Director \$9.50 per hour. Counselors: Brianna Dunham \$8.00, Kaitlin Irvin \$8.00, Morgan Ivich \$8.00, Allison Jonietz \$8.00, Roseanne Lesser \$8.00, Evan Martensen \$8.00, Nevin Nudumthakady \$8.00, Megann Orton \$8.00, Melanieadele Orton \$8.00, Julia Quinn \$8.00, Daniel Russo \$8.00, Cynthia Trainor \$8.00 and Reina Vona \$8.00; all on a per hour basis. Counselors in Training: Frank Alfonso Jr., Jason Chlus, Amanda Dunham, Danielle Jonietz, Kathryn Russo, Nikayla Schlosser, at no salary.

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

**Four ayes carried.**

- G. RESOLUTION** made by Paladino, seconded by Guerriero, to hire the following for the Sports SummerFun Program at Tony Williams Park: Alissa Morano, Sports Director \$3,200.00; Christie Morano, Sports Assistant Director \$9.50. Counselors: Lindsay Chlus \$8.00, Alexandra Cipollini \$8.00, Jarrett DiStasi \$8.00, Travis DiStasi \$8.00, John Murphy \$8.00, Jayna Parker \$8.00, Victoria Pratts \$8.00, Anthony Smith \$8.00, Joseph Wildrick \$8.00, Paul Hansut, Jr. \$8.00, all on a per hour basis.

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

**Three ayes carried.**

**H. RESOLUTION** made by Paladino, seconded by Horodyski, to accept the resignation of Jacquelyn Daniels as part-time dispatcher effective May 23, 2014.

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

**Four ayes carried.**

**I. RESOLUTION** made by Paladino, seconded by Guerriero, to authorize adjustment for Account #10018, Elena Muscarella, 10 John White Road. Using the formula (subtracting average gallons used from high usage period and refunding half the difference) \$40.33 adjustment on water, as it meets the criteria as set forth by the Town Board at the recommendation of Adam Litman, Water and Sewer Administrator.

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

**Four ayes carried.**

**J. Resolution for May 21, 2014** to approve the following budget amendments to the 2014 budget:

**GENERAL**

|  |         |              |
|--|---------|--------------|
| Police FT PS   | 3120.10 | +\$1,427.32  |
| Police PT PS   | 3120.11 | +\$ 988.00   |
| Police Seizure   | 00-2771 | - \$2,415.28 |
| (Using Police Seizure funds for High Risk Stop Training) |         |              |

|                  |         |           |
|------------------|---------|-----------|
| Unemployment Ins | 9050.80 | +\$72.90  |
| Contingency      | 1990.40 | - \$72.90 |

**HIGHWAY**

|                                    |         |             |
|------------------------------------|---------|-------------|
| Snow Removal CE                    | 5142.40 | +\$1615.75  |
| HCSC                               | 01-2655 | -\$1,615.75 |
| (funds received for salt for HCSD) |         |             |

**WATER**

|                           |         |              |
|---------------------------|---------|--------------|
| Unallocated Insurance     | 1910.40 | +\$7,102.00  |
| Trans & Distrib Prof Serv | 8340.30 | - \$7,102.00 |

**SEWER**

|                           |         |              |
|---------------------------|---------|--------------|
| Unallocated Ins           | 1910.40 | +\$3,628.00  |
| Admin Prof Serv           | 8110.30 | - \$3,628.00 |
| (flood insurance premium) |         |              |

**MOTION** made by Paladino, seconded by Guerriero, to adjourn the meeting at 5:26 PM.

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk