

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

MAY 11, 2011

**Present:** Supervisor Raymond Costantino  
Councilmember Nancy Hammond  
Councilmember Herbert Litts, III  
Councilmember Jeffrey Paladino

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

**Absent:** Councilmember Kevin Brennie\*

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

Supervisor stated that the Public Hearing on Local Law C, a local law to amend the Zoning Map of the Town of Lloyd, would remain open.

### 1. LIAISON REPORTS

Assessor – Councilmember Litts reported that has been working on the re-assessments and they have been mailed out; each property owner should have received a notice.

Audit – April 1 to March 31 – Councilmember Brennie

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond introduced Jack Maguire, Chairman of ECC,

Maguire reported that there was a clean-up of Black Creek on Saturday; seven people helped and the youngest was one and a half. They cleaned out fallen logs using kayaks and canoes. They collected a list of people at the Community Expo who expressed interest in membership. The group is reading other Open Space plans in the region to get background for the plan that they might put together.

Events – Supervisor Costantino

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino reported that there has been a change in staff and congratulated John Gallagher, Chief; Peter Miller, 1<sup>st</sup> Assistant Chief; James Anzelone, 2<sup>nd</sup> Assistant Chief and Mike Gaffney, 3<sup>rd</sup> Assistant Chief; Everett Erichsen, Captain; Kyle Bragg, 1<sup>st</sup> Lieutenant; and Kevin Rizzo, 2<sup>nd</sup> Lieutenant. He reminded everyone of the chicken barbeque on May 22 at Station II.

Highland Central School District – Councilmember Hammond

Councilperson Hammond stated that she will attend a meeting with the school district on May 25, 2011 and she hopes that she will have a report at the June meeting.

Supervisor asked if she had any influence with the School District to get them to sign on with the MS4 requirement. It is a simple matter of filing the report and then they can be included in the Town's report as a shared service.

Hammond offered to set up a meeting with the School Superintendent and Shari Riley and invited Board members to attend.

Highland Landing – Supervisor Costantino

Matt Smith, Project Manager, gave the following report:

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We are continuing to work on getting our permit from the Army Corps of Engineers for the bulkhead/dock/launch ramp project. Sal Cuciti has done a tremendous job on redoing the survey to meet their requirements. We have surveyed a new 'mean high-water mark' and plotted it on the map/plan. We re-surveyed the existing bulkhead on closer intervals and plotted them; Sal calculated cubic footages of fill to be placed, he re-drew the dock and did a number of other things they requested. Everything has been re-submitted and we should get our permit soon.

The contract was (finally) emailed to the Town last Monday, May 2, so we should be ready to start soon.

Supervisor noted that he has not received this contract and Peplow asked if he would like her to forward it to him and he confirmed that he would

Donna Deeprise also did a lot of work on renewing that contract as it had expired before they ever sent it to us.

Our thanks to both Sal Cuciti and Donna Deeprise for their tireless efforts on these jobs.

The Town received the \$18,000 reimbursement for the composting toilets on Monday, May 9. This was a 50/50 grant and we matched the entire \$18,000 with donated labor (mostly for the building).

Dan McLaughlin and I finished the new Bob Shepard Highland Landing Park rules and regulations; they were submitted to the Town Attorney for corrections. The Town Board will set the public hearing at this meeting for approval at next month's Town Board meeting. Our Town attorneys, DiStasi, Moriello and Murphy, are doing the legal work as a donation to the Park. Thank you, Lew DiStasi and Sean Murphy; our Park could not progress without community-minded people like you.

The signage (rules/regulations, etc.) have been ordered for the park. This expense has been covered with a grant we obtained from Greenway. The signs should arrive just about the time the Town Board passes the new rules and regulations local law.

The volunteer carpenters will be putting in another day later in the month, possibly finishing the interior framing. I have started drilling all of the holes in the framing where Vito Dispensa (Marada Electric) wants them for the wiring. Vito is donating his labor for the electrical work. The parts were paid for by a member-item grant from Sen. Larkin.

The contractor doing the sewer plan renovations has limed, fertilized, planted grass seed and mulched the parks entire lawn as a donation. Thank you, Mike Bagley from Kingsley Arms Construction Company.

The picnic tables will be refinished by Boy Scouts and we will bring them back to the Park by the end of May.

The Spring Yard Sale will be held at the Park on May 21 from 10 AM to 4 PM, rain date is Sunday May 22; flyers are available at Town Hall. He also announced that a square dance will be held in his barn, a \$5 donation to benefit the Draft Horse Club on Saturday, May 14, beginning at 6 PM; he extended an invitation to come out and enjoy the pot luck dinner and dance.

Supervisor explained that the Town fronted the \$18,000 to purchase the composting toilets; the reimbursement from the grant has been received and is back in the Town funds.

Highway

Historian – Supervisor Costantino

Hudson Valley Rail Trail – Supervisor Costantino

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Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino reported that the May agenda will contain six new public hearings which are relatively minor as they are lot line changes and/or subdivisions for single lots.

The Valentino property at the corner of Haviland Road and Mile Hill Road is still under discussion and a public hearing will be held at the May Planning Board meeting.

Supervisor interjected that the zoning change for this piece of property is to be a template for what can be done in the Rail Trail Overlay District. He will send out an email to schedule a joint meeting of the Town Board, Planning Board and Zoning Board of Appeals as there has been a flurry of activity and he would like to bring the Boards together in the discussions instead of after the fact. There have been requests for rezoning, there is the Rail Trail Overlay District and to consider how to get an economic advantage from the Walkway and Rail Trail, along with utilizing the blighted buildings such as the old hardware store and Vintage Village. Vintage Village, the old Pratt's Lumberyard is now zoned residential.

Mark Reynolds, *Southern Ulster Times*, asked the status of the parking issues at the Valentino property.

Paladino answered that it is still being discussed as to what the parking requirements are on Haviland Road.

Supervisor added that the north side of Haviland Road has been designated as a linear parking lot. If a business in the Central Business district, is within 400-feet of a municipal parking lot; that is the designated parking. The question is if parking requirements are changed in the General Business zone to allow them to park in the municipal parking lot.

Paladino posed if there is a municipal parking lot available; the zoning is split between General Business and Light Industrial.

Police – Councilmember Hammond announced that the Police Department received a \$727.00 grant which was intended to cover approved cost of equipment purchased during the time period of July 1, 2001 and June 30, 2012.

Personnel – Councilmember Brennie

Recreation – Councilmember Brennie

Safety – Supervisor Costantino

Shared Services – Councilmember Paladino

Water and Sewer – Supervisor Costantino

Transfer Station/Recycling – Supervisor Costantino

Zoning Board of Appeals – Councilmember Litts reported that there has not been a meeting in the last three months.

## **2. OLD BUSINESS**

**A.** Bond Resolution rescinding authorized/unissued debt (Resolution I.).

## **3. NEW BUSINESS**

**A.** Sewer Treatment Plant Engineering Contract Amendment

Ray Jurkowski, Morris Associates, said in October 2010 a request for additional fees for sewer plant design and administration, was tabled because the Town Board was unsure of the overall cost of the project. At the March 9, 2011 meeting, the Town Board authorized a cap on the bond limit amount and the additional engineer services

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were covered in that resolution. Information was submitted to the Environmental Facilities Corporation, the funding agency for the project, and they requested a letter from the Supervisor authorizing the additional fees; hence the resolution on this agenda.

**B. Woodside Place/Hillside Place Inflow and Infiltration (Resolution Q.)**

Jurkowski said that this resolution is a request to move forward on the I&I. The Vineyard Commons developers made a substantial contribution to the Sewer District for the right to have the sewer districted extended to the project. The Town Board and the Water and Sewer Committee decided to use the contribution for an I&I project which reduced the waste water to the sewer plant by 60,000 gallons. There is a little over \$100,000 remaining of the contribution; the Water and Sewer Committee and the staff at the waste water plant identified Woodside Place/Hillside Place for I&I work. This resolution is a request for authorization to use the remaining funds for this project.

Litts asked what Jurkowski felt the amount of reduction of I&I will be from this area.

Jurkowski replied that would be hard to say but there is a great deal of ground water and root infestation in the pipe; it is hoped that the Inflow and Infiltration project will provide another 10,000 gallons per day. As that line comes down North Road, it is susceptible to large increases of flow during wet weather; the reduction may not be noticed during the 12-month period but will be seen during the spring wet weather.

Supervisor added that there were problems getting the sewer into the pipe because of the infiltration of water, water was coming out of the manholes on Woodside Place.

Jurkowski gave credit to the sewer department staff that looked for ways to make improvements. Dave Campala recommended putting in an overflow, which was a great idea.

Supervisor said there is also a problem on Reservoir Road/Roberto Avenue.

Jurkowski agreed that there is a lot of root infestation and said that North Road and other areas need attention. The age of the system is the reason for these issues. The majority of the system is clay-tile pipes and the joints are not water tight. The tree roots look for the nutrients and work their way into the pipes, creating gaps.

Supervisor asked if there would be enough money to do Roberto Avenue.

Jurkowski replied that there will be some money left and that work would be targeted on North Road, there is a manhole and a 6-inch clay tile pipe adjacent to the Twaafskill crossing that is running full of ground water, not from the residences. Dave Campala considered using two abandoned laterals and a manhole that can be replaced with a concrete manhole.

Paladino asked if cameras will be used to see the actual problems.

Jurkowski confirmed that would be done.

**C. St. Augustine's Fireworks, Friday, June 24**

Supervisor received a letter from St. Augustine's Church asking for permission to have fireworks on the Rail Trail in conjunction with the annual bazaar. The Rail Trail Association is having a meeting next Tuesday and they will make their recommendation to the Town Board. The fireworks went smoothly last year.

**D. Opening of New Paltz Road May 13**

Supervisor said that he had a meeting this morning at Highland Fire Station II with Arris Contracting who is doing bridges on New Paltz Road over the Rail Trail, Fire Chief Gallagher, Highway Superintendent Frank Lombardi, Lloyd Police and Mobile One, to talk about the detour that will affect the residences at the second bridge site.

He announced that the first bridge will be opened Friday afternoon May 13<sup>th</sup> and the Rail Trail under the bridge has been paved and is open. The second bridge on New

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Paltz Road will be closed on Tuesday, May 17. There are two residences between Kisor Road and the bridge; the residents will have to drive through the construction site to get to their houses. Kisor Road is *One Way* and there is a resolution on this agenda to resume two-way traffic on Kisor Road, local traffic only, to service these residences. Signage and traffic light at Lily Lake Road and Route 299 were discussed. The Town has to work within the NYSDOT parameters. The second bridge is scheduled to reopen mid-September.

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

Kit Cowan asked if the package from Cablevision regarding a grant to televise the meetings had arrived at the Supervisor's office.

Supervisor replied that he has not seen it.

Cowan said that she spoke to Cablevision who offered to send it to the Town.

Supervisor related that when the new Cablevision franchise was negotiated, he made sure that option was in there if it was wanted and he questioned Cowan's authority to speak with Cablevision in behalf of the Town.

Cowan said that she talked with Cablevision, not knowing anything about it. She then spoke with the Supervisor who said that he did not want her to talk with them and she stopped talking to them. When she did speak with Cablevision she was told that they were going to send the package to the Town Hall and she wanted to know if it had arrived. She felt that she did not need permission to speak to them, any citizen could; she decided not to do the Cablevision but she would like to 'stream' it. The package contains a camera for streaming, as is now done for the School board meetings. She does have a copy of a law that states that a citizen may film public meetings.

Supervisor again asked on what authority she had to go to Cablevision on behalf of the Town and he feels that the Board should have been contacted first to see if they wanted to do this.

Cowan replied that she did not know anything about it in the agreement and came to the Supervisor after she had spoken to Cablevision.

Supervisor said he was not objecting to filming; in the discussions about the franchise there was a grant of \$10,000. He offered to get more information from Cablevision and felt there is a lot to discuss before the meetings are filmed including the parameters.

Cowan said that streaming is live and there will be no editing; it has been working very nicely at the school board meetings.

Secondly, she has created a Facebook page called, "What is Best for Highland", as an arena for people to talk about ideas to help Highland.

Supervisor thought that was a great idea and a lot of suggestions are received but no participants.

Cowan said, thirdly, the study on senior housing that was done was interesting and offered statistics to the Board. The subsidized facilities are filled and have waiting lists but they were not part of the study. She noted that the facilities felt that they were in competition with each other for Medicaid and Medicare money. The study indicated that the developments are having a difficult time filling the space.

Paladino cautioned that Woodland Pond and Vineyard Commons are victims of the economy and he asked the point of the study.

Cowan replied that the concerns are: affect on existing businesses; affect on employment and affect on the community. The survey indicates that there is an over-saturation of senior housing and health care facilities; creating a glut of competition for existing facilities and the competition could lead to close of businesses, increased unemployment, vacant buildings and a loss of tax revenue.

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Paladino remarked that these are very different markets and contends that Wingate at Ulster has no bearing on Woodland Pond as the residents are different clientele.

Supervisor feels that the statistics need to be more finely tuned and broken down into categories.

Hammond suggested that Goldenview should be included in the statistics if more work is to be done on the survey.

Paladino said that the same developer of Goldenview is opening a new facility in Milton and there is already a waiting list, indicating a high demand for subsidized senior housing.

Cowan said that the three properties her group was talking about were Mountain View, Falcon Ridge and Orchards at Lloyd. The Orchards developer is asking for a change to PUD, 189 houses on 73 acres.

Paladino noted that Orchards at Lloyd offers a different type of housing and à la carte services (as presented) than Vineyard Commons.

Hammond interjected that developers can propose anything but as an elected official, she would like to know what is lacking and what is needed by the seniors; perhaps it is more affordable housing so that seniors can stay in Highland.

Elise Viola said that she spoke to one of the administrators who felt more Medicaid-subsidized housing was needed, which is affordable housing. The concern is that the private, non-subsidized housing for seniors that cannot be filled by seniors will then be opened to families with children and the burden is on the school taxes.

Supervisor asked if they intend to revise the report and if they would come back with more information.

Fran Raucci added that there is an agency in Poughkeepsie to help senior citizens stay in their own homes with outside help. She does not feel that Highland Square will be affordable for seniors.

Michelle Raucci asked if the vision for the Town is that it will be full of affordable senior housing because the seniors can no longer stay in their own homes or is the vision to create the types of things that will generate revenue and keep the tax base low so that seniors can stay in their own homes.

Paladino feels that there will be a market ultimately and the developer is going to say what they envision, on which they will base their investment. Referring to saving taxes, a commercial base has to be developed to reduce taxes.

M. Raucci contends that the Board is taking commercially zoned property and creating housing units in the case of Highland Square.

Paladino said that Highland Square is quasi senior housing as it is a medical facility and does not feel that can be counted as senior housing; it is predominantly a commercial tax base.

Paladino clarified that he feels that each development on board and proposed addresses different elements: income; level of affordability; forms of assisted living and markets for each.

Hammond also clarified that she feels that as the study progresses, it needs to be known what more is needed and what there is too much of; for instance, the waiting lists for subsidized senior housing. She would like the group to look into this.

Paladino said that the process to get a subsidized project approved through NYS takes years and more difficult than it was five years ago.

Resident asked the status of Highland Square as there are rumors that they are going bankrupt and there is no activity.

Supervisor replied that there is ongoing dialogue with Highland Square about payments, fees and building permits; he said that he has also heard the rumors. He referred to

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comments made by M. Raucci and the goal of the Town Board is to be able to live and stay in Highland. He referred to M. Raucci's comments and said that there has been a zero increase in taxes for three years; however, the school tax is twice the land tax. He reiterated that the zoning regulations that stipulate a PUD requires a percentage of housing in order to build the commercial portion should be amended. Orchards of Lloyd development has been there for 20 years, it is zoned for 160 houses on 80 acres. In order to protect the mountain and not have houses on the mountain, the trade off is to put the houses on the low land. The developers of Mountainside Woods will put the development at the bottom of the mountain. That developer proposed 400 rental units; the Town Board and the Planning Board told them that the PRD originally part of Sunnybrook was void because it lapsed. The developer is coming in with small lot, small house, front porch, side walks and trees, building a community out of the wetlands and vernal pools, not on the mountain, 150 houses; he offered to give the Town the mountainside property to continue the trails from the Gaffney Farm.

Cowan asked how developers can consider projects under this economy.

Paladino answered that the developments are different targeted market and believes these developments are a niche that can be filled; the services that are being offered encompasses another niche.

Supervisor explained that Vineyard Commons received HUD financing which means they borrowed \$47,000,000 and they had to build the whole development; normally one building is constructed and filled at a time. They borrowed the money and they are on responsible for it, not the Town. There will probably be HUD financing for the assisted living piece at Highland Square.

Paladino said that the developer takes a gamble on the future; the process could take three years or twenty years.

Barton agreed that most of the developers are talking about taking five to fifteen years to build out the project.

Paladino noted that south on Route 9W there is a property called Applewood Estates that was owned by his family and the planning began in 1985; the family sold it to the current owner and 26 years later there is sits. There is a tremendous amount of money being spent with no return on it.

Cowan said that the perception is that the Town will change its plan for the poor developer.

Paladino replied that perception irks him and he felt that the current zoning is not always what is best for the vision of the Town. If Highland Square was not there, it could be a Wal Mart type store with over 300,000 square feet, for which the property is zoned. He said it bothers him that people think that he is trying to help the developer deviate from what is allowed; he feels he works with them in a fair manner. It creates a tax base within reason. What it was zoned may not be the best thing for the property and clustering may create a better situation than what was allowed. The Town Board and Planning Board tweak the project into what they feel is best for the Town.

F. Raucci feels that the zoning change for Highland Square was a very big change and the people on Laretta Drive should have been informed of it.

Paladino apologized and said that he did not understand how they missed the information as it was very well publicized and even Ulster County Planning replied that it was smart growth.

Supervisor said the 400-unit apartment project was on the Planning Board table for three years and no one have the courage to say that it was not wanted; it was an allowed use. The PRD was no longer in force and he asked the developer to come back with something else. The zone was changed to allow accessory units; apartments could be made in the garage for added income.

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He is concerned about the 2012 budget because new development is not coming in to pay for the services. A contract was negotiated with CSEA and the employees were very generous, he tried to get some concessions for the next two years and asked for a two-year contract.

Paladino cautioned that businesses are not going to come to Lloyd if there aren't enough 'rooftops'; Highland is still considered a small to mid-size market and not large enough to support the kind of traffic to warrant the amount of money that they have to invest.

Cowan does not agree.

Elise Viola suggests that there are businesses that require a rural small town setting i.e. spas, horse farms. She asked if there has been a committee to seek these people and aggressively pursue.

Paladino replied that it is up to the land owner, he has the right to develop his land; the Town has never refused that type of business.

Litts feels that some landowners want the land to remain as it is; he would be taken aback if someone showed up at his door and suggested a business for his property. Those who wish to sell or develop their property want to do it at the highest profit level possible.

Supervisor said that he has worked with Scenic Hudson who understands that jobs are important, along with the environment, recreation and keeping down the taxes. Shovel ready sites need to be developed. The Water and Sewer Committee has discussed rebuilding the constructed wetlands at Zumtobel that could be used by the industrial area up there. Ulster County is pushing development; 50 years ago the County identified Saugerties and Highland the best for development because of the proximity to the Thruway, Route 299 and Route 9W and Lloyd is lagging behind.

Referring to taxes, as a landlord he cannot pass the taxes onto his tenants and is protecting himself as well as other taxpayers in keeping the taxes down; however, he needs to finish the Rail Tail, finish the development, finish the downtown plan and that is why he came back.

**\*8:50 PM** – Brennie arrived

Female resident stated that she was concerned about the quality of life and the strip malls that may arise on Route 299 but understands that development is needed for tax relief; she likes the small-town feeling.

Supervisor assured her that strip malls will not happen as most of Route 299 is swamp and mountain; the available properties are on the corner with water and sewer and can be developed. Central Hudson has taken their property at the intersection of South Street off the market. All of the Town employees deserve good salaries and raises. Improvements to the infrastructure must continue to be made; the Town needs ratables to pay the difference. The other commercial property to be developed is on Route 9W across from Hannaford.

Viola asked if the impact on infrastructure of a proposed project is discussed.

Paladino answered that is part of the Environmental Impact Statement.

Supervisor added that the comments from the public hearings are addressed in the EIS.

M. Raucci asked if there would be tax relief from the lowered assessments.

Litts explained that a re-assessment had to be done because the state of the economy devalued properties; it is not right to have a half-million dollar house that cannot be sold for \$320,000. It was done equitably based on sales in the Town of Lloyd. The reality is that a certain amount of dollars is needed to run the Town. If the assessment is reduced, the rates will go up.



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M. Raucci does not feel that is necessarily true.

Litts explained that expenses to run the Town have continued to go up. The bills have to be paid and the Board has to stretch the available money.

M. Raucci asked if the residential versus commercial tax revenue to the Town are known. She feels that information would help people to understand why commercial development is needed.

Litts stated the average residential tax does not come close to paying the costs of the amenities they receive from the Town; that is why smart growth is needed and ratables from commercial projects. Commercial enterprises use very little of the resources for the amount of taxes paid.

Further there are a finite number of properties that are taxable; if a developer builds on a portion of the property and gives a portion to the Town to be forever green it removes it from the tax rolls. That property given to the Town reduces the tax base. It can still be forever wild, deed restricted, and remain on the tax rolls.

Supervisor contends the developer will then go to the assessor and complain that the property is worthless.

Litts feels there is no zero assessment in the Town and the \$500 assessment per acre puts some tax money back to the Town.

Michael Dunn, 33 Tillson Avenue, concerned about Resolution G. of this agenda, revision of zoning law, LL B-2011, particularly Section 100-38, Performance Standards for Non-Residential Uses, which provides standards on noise, dust, vibrations, smoke, waste, etc. This section will be struck from the law in this revision that is being considered. He does not understand and would like to know the benefit or rationale, to remove a section of the law that protects residential property owners.

Barton answered that there is a financial consideration and the Town already has a noise ordinance. Further, Section 100-38 cannot be enforced by his department as written; the noise level is measured by octave band. This section was sent to Teresa Bakner, attorney, for review along with the other zoning changes. We were advised by Todd Mathis, of Bakner's office, that the Town already has a noise ordinance that is enforceable by the Town Police.

He explained the 100-38 is a guideline for the Planning Board and design standards for a project that goes forward. A certificate of occupancy locks in the performance standards, which his department enforces. Mr. Dunn's complaint is the Gateway Diner which has no CO and pre-exists zoning; no conformance standard has been set.

Regarding the noise under Section 100-38, if someone calls at 11 PM and quotes this section, the Town would have to pay him to travel from his home. The equipment is expensive to purchase and the inspector has to be certified to use it; if the certification is lapsed, the case would be thrown out of court. Counsel advised striking the section as there is a reasonable noise standard in the Code, Chapter 75, to which the Police will respond.

Barton added that he and Mr. Dunn discussed taking some of the standards from 100-38 and apply them to Chapter 75; the Police have meters that register decibels.

Brennie asked Dunn to explain the situation.

Dunn said that about a year ago, he started to hear a humming sound at his house from 7 AM to 11 PM during the week and on the weekend it is 7AM on Friday to about midnight on Sunday from the Highland diner which is about 1000 feet from his house. This sound can be heard with doors and storm windows closed; it is difficult to sleep at night and it is impossible to open windows in the summer. He understands that exhaust fans were replaced at the diner and they generate the sounds.

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He called the Police Department who declined to get involved and he was referred to the Building Department. He hired an independent engineering firm who measured the level to be about 12 decibels over the maximum permitted level; the higher the frequency, the further the sound carries. He is trying to get some relief so that he can enjoy his home.

Barton feels that the Police Department is now aware of the problem. He served papers on the diner.

Litts asked if there was a practical solution.

Barton replied that he has had multiple conversations with the owner of the diner. These are high velocity fans; the installer rechecked the fans.

Supervisor said that there has to be a tag with the manufacturer's name; he feels that the manufacturer could be called and told that this was not working for our town.

Litts asked if the speed of the fan could be changed and Barton replied that he did ask that question and said that a damping mechanism could be placed on it.

Brennie asked if the Police could follow up with a citation.

Barton said that the Police do not need to look at this as it is 'reasonable determination' and Dunn asked what is 'reasonable'.

Sean Murphy, attorney, said that the statute says, "unreasonably interferes" with someone's use of their property. A reasonable standard is a matter of case law, what a reasonable man will think. That law was challenged because it was an indefinable standard and it was upheld; there are many laws that are the 'reasonable-man standard'. Barton seems to think that there is some mitigation technique that is not unreasonable for him to take.

Barton said that there is and gave the example of Ultra Tab, Toc Drive, who has a great deal of air to evacuate and they have to de-pressurize the room to keep it clean. There is a muffler which failed and he demanded that it was replaced. They have remedied the problem by building a stockade sound-attenuating enclosure it could be as simple as that, some pressure treated plywood. He has had that conversation multiple times.

Murphy said that some of the standards that were in the zoning code could be put into Chapter 75. As Barton said, enforcement with a decibel level needs someone who is trained and certified, the meter has to be calibrated; reading can be taken under certain optimum conditions. The evidence will be challenged in court, so it is very expensive. The reasonable standard and either a judge or jury will decide if it unreasonably interferes with Dunn's property.

Supervisor asked why the testimony of the expert could not be used.

Murphy offered that would only be if the CO for the diner was based upon those standards.

Dunn feels that even as the law stands now, it provides an objective measure.

Barton feels that Chapter 75 is the better place to put these standards for Police enforcement and expand their training to a noise meter.

Litts said that a complaint can be filed, the Police will come to the property and they use the reasonable-man standard and agree that it is objectionable; papers then are served on the diner. The owner of the diner will understand that is reasonable when he realizes that it will cost \$6,000 to \$7,000 instead of the \$600 to put containment on the fans,

Matt Smith recalled the remedy of a similar situation by using rubber bushings under the old housing and glued foam on the inside.

Murphy said that the law on the books is enforceable

Supervisor would like to help the owner and asked Barton to call the manufacturer and apprise them of the situation; he feels that the company has the wherewithal to fix it. The owner will have to take the consequences if he does not want to work with the Town.

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He asked what should be done with the code and should standards be put in the new one. Barton feels that the Town should.

Brennie feels that the Town should not if it entails spending several thousand dollars and asked if this is a large enough problem for the expense.

Supervisor said that they are not expecting to certify or purchase equipment, the concern is reasonable-man standards.

Litts said those standards are in place, however, if it is changed to decibel readings that require band widths, the equipment will have to be purchased.

Dunn elaborated that this tone is an E-flat, Middle-C, which is aimed at his house and is penetrating.

Paladino feels that the Board may be able to talk with the proprietor to correct this problem.

Barton would like Board members to go with him when he speaks with the owner; Paladino and Hammond volunteered.

Mark Reynolds, *Southern Ulster Times*, Resolution M. noted that in the contract, G. DanRos was to hire a person to do a survey at his expense at the completion of the project. He asked if G. Dan Ros paid or Hudson Land Design paid for it.

Supervisor said that he did not know but he said that the contract says that he has to supply as-built drawings.

## 5. RESOLUTIONS

**A. MOTION** made by Hammond, seconded by Brennie, to approve the minutes from: Workshop Meeting of April 6, 2011; Regular Meeting of April 13, 2011; Special Meeting of April 26, 2011; Special Meeting of April 29, 2011.

**Four ayes carried.**

**Litts abstained as he hadn't read the minutes.**

**B. MOTION** made by Hammond, seconded by Brennie, to close Public Hearing on Local Law No. B – 2011, a local law to revise Chapter 100 of the Town Code entitled "Zoning" to incorporate various technical corrections in a law adopted in the Spring of 2010 to supplement the official Zoning Map of the Town at 9:30 PM.

**Four ayes carried.**

**Paladino abstained-he is a partner in a development that might be affected.**

**C. MOTION** made by Hammond, seconded by Litts, to authorize the Town of Lloyd Police Department to post *No Parking* signs along the May 30<sup>th</sup> Memorial Day Parade route and to enforce to the best of their ability.

**Five ayes carried.**

**D. MOTION** made by Hammond, seconded by Paladino, to authorize Supervisor to sign Engineering Contract Amendment from Morris Associates for Additional Engineering Fees for the Highland Wastewater Treatment Facility Upgrades as outlined in the October 29, 2010 request from Morris Associates and as included in the revised Bond Resolution of March 9, 2011.

*Litts asked the value.*

*Jurkowski answered that it would be approximately \$86,000; \$25,000 for additional design services and \$61,000 for contract administration services.*

*Supervisor said that the numbers reflect a worst-case scenario.*

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**Four ayes carried.  
(before Brennie arrived)**

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

**WHEREAS**, the Town of Lloyd Town Board established a one-way regulation westbound on the portion of Kisor Road between New Paltz Road (CR12) and Weeds Mill Road, for traffic from the east on April 9, 2003, **AND**

**WHEREAS**, Ulster County Department of Public Works has notified the town that they will begin the required replacement work on New Paltz Road County Bridge #206 BIN 3224270, **AND**

**WHEREAS**, the county will be closing Old New Paltz Road, Co Rd #159 just west of South Riverside Road and Kisor Road between Kisor Road and Weeds Mill Road and Kisor Road and New Paltz Road to all through traffic effective Tuesday, May 17, 2011,

**THEREFORE**, the Town Board hereby resolves to temporarily, for the duration of the County Bridge Reconstruction, make this section of Kisor Road open to two-way traffic for emergency access and residents only.

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

**Five ayes carried.**

**F. RESOLUTION** made by Paladino, seconded by Brennie, to allow Arris Contracting, Inc., use of the Town Railroad Right of Way for temporary staging and access while performing the required replacement work on New Paltz Road County Bridge #206 BIN 3224270. Arris Contracting will include the Town of Lloyd as an additional insured while work is being performed and agrees to indemnify and hold the Town of Lloyd harmless in conjunction with work being performed. Any areas disturbed by their work will be restored to its original condition and to authorize Supervisor to sign agreement. (See Attached)

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

**Five ayes carried.**

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

**WHEREAS**, a local law being proposed as **Local Law B of 2011**, a local law to revise Chapter 100 of the Town Code entitled "Zoning" to incorporate various technical corrections in a law adopted in the Spring of 2010 to supplement the official Zoning Map of the Town by amending, among other things, several definitions, the area for buffering between a flag lot and a conforming lot, the various uses of buildings, the regulations applicable to accessory buildings, along with non-conforming uses of structures and lots, off-street parking, adaptive re-use of buildings, home occupations, required site plans, manufactured home lots, multi-family and two-family dwellings and site plan review, was introduced at a meeting of the Town Board held on the 9<sup>th</sup> day of March, 2011 at 7:00 p.m.; and,

**WHEREAS**, a public hearing has been opened on the 13<sup>th</sup> day of April, 2011 at 7:00 p.m. and continued on the 11<sup>th</sup> day of May, 2011, at which time all interested persons were given an opportunity to be heard thereon; and,

**WHEREAS**, this is a Type I action under SEQRA, and Part I and Part II of a Full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming lead agency to do all necessary reviews in this matter, and the Town Board having examined the EAF and considered the environmental effects of this amendment to Chapter 100, and finds, as lead agency,

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that there is no environmental impact, hereby issuing its Declaration of Non-Significance.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law B – 2011 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to revise Chapter 100 of the Town Code entitled “Zoning”. (See Attached)

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

**Five ayes carried.**

Councilperson Paladino recused himself and left the meeting room.

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

**WHEREAS**, a Petition to rezone to GB and PUD tax map parcels 95.12-1-5&15 and 95.2-2-3.21, 6.1, 9, 10&34.1, as shown on the proposed Map enclosed with the Petition was submitted for a project known as 16 Acres on November 19, 2010 to the Town, accompanied by Part 1 of the Full Environmental Assessment Form;

**WHEREAS**, the Petition, as confirmed by the information provided in the EAF and the Concept Plan, is a type I action pursuant to the New York State Environmental Quality Review Act and its regulations at 6 NYCRR Section 617.4 (b)(3)&(6) as “the granting of a zoning change, at the request of an applicant, for an action that meets or exceeds one or more of the thresholds given elsewhere in this list;” with the threshold being exceeded as a “project or action that involves the physical alteration of 10 acres” for non-residential purposes;

**WHEREAS**, the EAF identifies the following involved agencies in addition to the Town Board: the Planning Board; the Ulster County Health Department; the New York State Department of Environmental Conservation; and the New York State Department of Transportation;

**WHEREAS**, the US Army Corps of Engineers, the New York State Office of Parks Recreation and Historic Preservation and the Ulster County Planning Board are all interested agencies; and

**WHEREAS**, for the SEQRA review of all type 1 actions the SEQRA regulations require that the establishment of lead agency be coordinated with all involved agencies;

**NOW, THEREFORE BE IT RESOLVED** that the Town Board hereby declares its intent to be lead agency for the SEQRA review of this Type I action and directs that the necessary coordination take place with all other involved agencies as required by the SEQRA regulations.

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

**Four ayes carried.**

Paladino returned to the meeting room.

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

**WHEREAS**, the Town Board of the Town of Lloyd, in the County of Ulster, New York (hereinafter sometimes in this resolution called the “Town”), has heretofore adopted on April 14, 2004 and on December 28, 2006, the several bond resolutions hereinafter described (hereinafter sometimes called the “Prior Bond Resolutions”), authorizing the issuance of serial bonds to finance various projects in and for the Town; and

**WHEREAS**, the Town Board has determined that no obligations shall be hereafter issued for certain projects authorized by the Prior Bond Resolutions and it is therefore in the best interests of the Town and in the public interest to repeal and

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revoke all or a portion of the serial bonds authorized to be issued pursuant to the Prior Bond Resolutions;

**NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK** (by a favorable vote of at least two-thirds of all the members of said Town Board),

**HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** Pursuant to the provisions of Section 41.00 of the Local Finance Law each of the following bond resolutions is hereby repealed and revoked, except to the extent that any indebtedness shall already have been contracted or encumbrances made thereunder for the object or purpose for which said respective bond resolutions authorized the issuance of obligations:

(i) the bond resolution of the Town adopted on April 14, 2004, entitled:

“Bond resolution of the Town of Lloyd, New York, adopted April 14, 2004, authorizing the construction of drainage and erosion control improvements throughout said Town; stating the estimated maximum cost thereof is \$2,000,000; appropriating said amount therefore, including any grants or other funds received from the State of New York and/or the United States and authorizing the issuance of not to exceed \$2,000,000 serial bonds of said Town to finance said appropriation.” which authorized the issuance of \$2,000,000 serial bonds of the Town for the construction of drainage and erosion control improvements throughout the Town, \$1,000,000 in obligations having been heretofore issued pursuant to the above-referenced bond resolution;

(ii) the bond resolution of the Town of Lloyd, New York, adopted on December 28, 2006, entitled:

“Bond resolution of the Town of Lloyd, New York, adopted December 28, 2006, authorizing the construction and installation of various improvements in connection with the Tillson Avenue Reconstruction Project in the Town, stating the estimated maximum cost thereof is \$1,875,000, appropriating said amount therefore, authorizing the issuance of \$1,875,000 serial bonds of said Town to finance said appropriation, and authorizing any funds to be received from the United States of America, the State of New York or any other source to be expended towards the cost of said object or purpose or redemption of the Town’s bonds or notes issued therefore or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds or notes.” which authorized the issuance of \$1,875,000 serial bonds of the Town for the construction and installation of various improvements in connection with the Tillson Avenue reconstruction project in the Town, no obligations having been heretofore issued pursuant to the above referenced bond resolution;

(iii) the bond resolution of the Town of Lloyd, New York, adopted on December 28, 2006, entitled:

“Bond resolution of the Town of Lloyd, New York, adopted December 28, 2006, authorizing the construction of improvements to curbs and sidewalks in the Town, stating the estimated maximum cost thereof is \$390,000, appropriating said amount therefore, authorizing the issuance of \$390,000 serial bonds of said Town to finance said appropriation, and authorizing any funds to be received from the United States of America, the State of New York or any other source to be expended towards the cost of said object or purpose or redemption of the Town’s bonds or notes issued therefore or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds or notes, “which authorized the issuance of \$390,000 serial bonds of the Town for the construction of improvements to curbs and

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sidewalks in the Town, no obligations having been heretofore issued pursuant to the above referenced bond resolution; and

(iv) the bond resolution of the Town of Lloyd, New York, adopted on December 28, 2006, entitled:

“Bond resolution of the Town of Lloyd, New York, adopted December 28, 2006, authorizing the installation of a traffic signal device in connection with the Tillson Avenue Reconstruction Project in the Town, stating the estimated maximum cost thereof is \$190,000, appropriating said amount therefore, authorizing the issuance of \$190,000 serial bonds of said Town to finance said appropriation, and authorizing any funds to be received from the United States of America, the State of New York or any other source to be expended towards the cost of said object or purpose or redemption of the Town’s bonds or notes issued therefore or to be budgeted as an offset to the taxes for the payment of the principal of and interest on said bonds or notes.” which authorized the issuance of \$190,000 serial bonds of the Town for the installation of a traffic signal device in connection with the Tillson Avenue reconstruction project in the Town, no obligations having been heretofore issued pursuant to the above referenced bond resolution.

**Section 2.** This resolution shall take effect immediately.

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

**Five ayes carried.**

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

**WHEREAS**, Lloyd Nine LLC (Applewood Estates) subdivision roads, trees and drainage have not been completed in accordance with the agreement for improvement with the Town of Lloyd and the Subdivision Improvements Performance Bond posted with the Agreement dated May 14, 2009 for \$452,000.00, expiring May 1, 2011; 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**, Lloyd Nine LLC 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 bond of Developers Surety and Indemnity Company, #776681S, expires; and,

**WHEREAS**, Lloyd Nine, LLC has submitted to the Town a new bond, as set forth in Exhibit “A” annexed hereto, to replace Developers Surety and Indemnity Company, bond no. 776681S, which will expire.

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

1. The Developer has submitted a new bond annexed hereto as Exhibit “A”, which shall be held as security for the agreement to extend the time for construction of the roadway to May 1, 2013.
2. In the event that the roadway is not completed and accepted as a public roadway by May 1, 2013, the attorneys, Engineer and Highway Superintendent may move to obtain the proceeds of the bond to complete work on the roadway without having to make a separate resolution of this Town Board.

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

**Five ayes carried.**

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**K. RESOLUTION** made by Hammond, seconded by Brennie, to authorize Rosaria Peplow, Town Clerk/Tax Collector, to attend the New York State Association of Tax Receivers and Collectors Annual Training Seminar in Lake Placid, NY from June 13 – June 15, 2011.

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

**Five ayes carried.**

**L. RESOLUTION** made by Brennie, seconded by Paladino, to approve Joseph Pugliese as part-time maintenance worker for Recreation on the recommendation of Frank Alfonso, Recreation Director, at the prevailing minimum wage of \$7.25 per hour.

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

**Five ayes carried.**

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

**WHEREAS** the engineer; Hudson Land Design, and the Town Recreation Department have done a final site visit to the Tony Williams Park project and determined that all items that were G. Dan Ros & Sons responsibility, as discussed at the October 6, 2010 site meeting have been completed in satisfactory conformance with the plans and specifications and find the project to be substantially complete and recommend that the remaining retainage be released to G.Dan Ros & Sons, the Town Board shall authorize payment to the Contractor in the amount \$2,279.00.

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

**Five ayes carried.**

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

**WHEREAS**, the Town Board has previously authorized the funds necessary to complete the replacement of two (2) pumps and ancillary equipment at the Hudson River Pump Station for the Water Department; and

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Hudson River Pump Replacement, and is authorized to inspect and administer the work of the Contractor;

**WHEREAS**, during such inspection and administration work an additional change order has been requested by the Contractor on an approved form deducting an allowance cost not incurred during construction;

**WHEREAS**, the additional third change order awaiting approval will adjust the contract price down to \$205,040.42, resulting in a savings of \$1,959.58 as compared to the original contract price;

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants has reviewed the information and finds it reasonable and justifiable and has taken no exception to its approval;

**NOW, THEREFORE,**

1. The Town Board shall authorize the Supervisor to sign the additional Change Order for this project.

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

**Four ayes carried.**

**Brennie not present**

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



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**WHEREAS**, the Town Board has previously authorized the funds necessary to complete the replacement of two (2) pumps and ancillary equipment at the Hudson River Pump Station for the Water Department; and

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Hudson River Pump Replacement, and is authorized to inspect and administer the work of the Contractor;

**WHEREAS**, the Contractor and Engineer are in agreement that the project is substantially complete and have both signed a Certificate of Substantial Completion that requires the Town to also sign;

**WHEREAS**, the Contractor has submitted the Application for Payment #1 complete with Voucher and certified payrolls, OSHA compliance cards; and is requesting payment for the entire project inclusive of all change orders approved;

**WHEREAS**, approval and signature of all the submitted information will allow the project to be considered complete and the Contractor will be paid in full;

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants has certified the payment request, and reviewed the other submitted information and finds it reasonable and justifiable and has taken no exception to its approval;

**NOW, THEREFORE,**

1. The Town Board shall authorize the Supervisor to sign the Certificate of Substantial Completion.

2. The Town Board shall authorize payment to the Contractor in the amount of \$205,040.42 as certified by the Engineer and as specified on the Voucher.

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

**Four ayes carried.**

**Brennie not present**

**P. RESOLUTION** made by Hammond, seconded by Brennie, to approve and file the Annual MS4 Report for Year 8 (2011), as presented by Shari Riley, Storm Water Officer, and dated May 4, 2011.

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

**Five ayes carried.**

**Q. RESOLUTION** made by Hammond, seconded by Brennie, to authorize a representative from Rohde, Soyka and Andrews or Barton & Loguidice to sign SWPPP acceptance forms and authorize submission to the NYSDEC.

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

**Five ayes carried.**

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

**WHEREAS**, a local law, being proposed as Local Law No. D – 2011, was introduced at this meeting as follows: Local Law No. D – 2011, a local law to amend the Town Code by adding Chapter 75 to regulate activities at the park along the Hudson River known as The Bob Shepard Highland Landing Park. (copy of Local Law attached)

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

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 8<sup>th</sup> day of June, 2011 at 7:00 p.m.; and it is further

**RESOLVED**, that the Town Board of the Town of Lloyd has determined that the within local law is an unlisted action under the State Environmental Quality Review

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Act (SEQRA) and a short form EAF has been prepared on behalf of the Town Board, with the Board assuming lead agency to do all necessary reviews in the matter.

Town of Lloyd, Ulster County, New York  
Local Law No. D of the Year 2011

A Local Law to amend the Town of Lloyd Code by adding Chapter 75 to regulate activities at the park along the Hudson River known as The Bob Shepard Highland Landing Park

The following chapter is added to the Town of Lloyd Town Code, as follows:

**Section 1. Purpose**

The purpose of this local law is to govern the use and enjoyment of “The Bob Shepard Highland Landing Park” by the public, consistent with the terms of its Conservation Easement.

**Section 2. General**

The park shall provide for the recreational needs of town residents and the general public alike. No person shall be prohibited from access to and enjoyment of the park without just cause, and no admission fee will be charged for general use of the park. The Town Board may establish and charge a reasonable fee for the docking, loading or unloading of passenger vessels.

**Section 3. Hours**

The park shall be open from dawn to dusk or hourly equivalent, as established by the Town Board, except:

- (i) the Town Board may keep the park open past normal closing hours for special events or occasions;
- (ii) the park may be temporarily closed to the public when weather or other conditions outside of the Town Board’s reasonable control dictate;
- (iii) emergency use of the boat launch ramp and/or dock shall be permitted at any time;
- (iv) except for loading and unloading, the parking of boat trailers on the site shall be prohibited except for an area adjacent to River Road approximately 82.5 feet in length;
- (v) The launching of personal water craft vehicles (PWC) shall be permitted subject to the terms of the Vessel Safety Regulations and Jet-Ski Protocol adopted by the Town and amended from time to time.

**Section 4. Dog Restrictions**

- (i) No person who owns, possesses or harbors a dog shall allow or permit such dog to run at large in The Bob Shepard Highland Landing Park unless effectively restrained by a non-retractable leash not exceeding six feet in length. Such dog shall be in “full control” (restraint by a non-retractable leash) at all times, which will prevent the dog from bothering, worrying, annoying, chasing or barking at any person or animal. Permitting a dog to damage property shall be prohibited, and no person who owns a dog shall permit or

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suffer such dog to damage or destroy property of any kind except its own owner's property.

- (ii) Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any portion of The Bob Shepard Highland Landing Park shall immediately remove all feces deposited by any such dog, and do it in a sanitary manner. The feces removed from the areas of The Bob Shepard Highland Landing Park shall be disposed of by the person owning or in charge of any such dog, in a sealed, non-absorbent, leak-proof container. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary, or in any body of water.
- (iii) Keeping of a persistently barking dog is prohibited. No person shall keep, suffer or permit to be kept on the premises any dog which, by its continued barking, howling or whining, or other frequent or long continued noise, shall unreasonably disturb the comfort or repose of any person in The Bob Shepard Highland Landing Park.
- (iv) The provisions of this section shall not apply to a guide dog, hearing dog or service dog accompanying any person with a disability.
- (v) In case a dog is unattended, information secured by an enforcement officer from a license or tag secured to said dog shall present a rebuttable presumption that the owner identified by such license or tag is the owner or person in charge of said dog.

#### **Section 5. General Use Restrictions**

- (i) No person shall use The Bob Shepard Highland Landing Park from dusk to dawn except to participate in a supervised program of the Town or to quietly sit and enjoy the river and view.
- (ii) No person shall annoy, harass or otherwise harm any other person or damage any wild life.
- (iii) No person shall damage, destroy, remove or misuse any property or plant life.
- (iv) No person shall leave, deposit or throw any litter or throw-aways. Anything carried in will be carried out.
- (v) Any pet or dog taken into The Bob Shepard Highland Landing Park shall be on a non-retractable leash no longer than six feet. The leash in use shall not interfere with the safety and enjoyment of other users.
- (vi) There shall be no recreational motor driven vehicles or all-terrain vehicles permitted in The Bob Shepard Highland Landing Park.

#### **Section 6. Discharge of firearms and other hazardous items**

No one shall discharge any firearms, fireworks or bows and arrows within The Bob Shepard Highland Landing Park, except as part of a Town-sponsored event for which the Town Board has approved all activities.

#### **Section 7. Alcoholic beverages**

No one shall possess or partake of any alcoholic beverage except in a facility duly licensed to serve alcoholic beverages or at a Town-sponsored event for which the presence of alcoholic beverages has been specifically approved by the Town Board or its designee.

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**Section 8. Encroachments**

No person shall create a barrier or place or construct within The Bob Shepard Highland Landing Park, or the body of water adjacent to the said park, any structures, building materials or natural materials which would in any way encroach upon or block the path or any part of the way utilized by the Town and by the public for public purposes, or encroach in any way or barricade The Bob Shepard Highland Landing Park, excepting those structures or other improvements to be constructed by and for the Town for the public good, which have been approved by the Town Board.

**Section 9. Waivers**

The Town Board can, for good reasons, issue limited temporary exceptions and waivers to the activities allowed and prohibited in The Bob Shepard Highland Landing Park.

**Section 10. Fires**

No person shall set, create, cause or maintain a fire of any type within The Bob Shepard Highland Landing Park, except as provided by permit or waiver.

**Section 11. Swimming**

No swimming will be permitted to, or from, or within The Bob Shepard Highland Landing Park without a permit or a waiver.

**Section 12. Fishing**

Fishing shall be permitted in The Bob Shepard Highland Landing Park in designated areas only.

**Section 13. Penalties**

Violations of this local law shall constitute an offense under the laws of the State of New York, which shall be punishable by a fine of up to \$250 or 15 days in jail, to be determined by the Justice Court of the Town of Lloyd or any other court with jurisdiction.”

**Section 14.**

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

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

**Five ayes carried.**

**S. RESOLUTION** made by Brennie, seconded by Paladino, to accept the resignation of Amy Shuman, Clerk to Justice, effective May 20, 2011.

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

**Five ayes carried.**

**T. RESOLUTION** made by Hammond, seconded by Paladino, to approve closing of driveway at Methodist Church from Vineyard Ave. to Municipal Parking lot on Saturday, May 28, 2011 from 8 AM to 5 PM for a rummage sale as part of the Southern Ulster 5-Towns Yard Sale.

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

**Five ayes carried.**

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**U. RESOLUTION** made by Paladino, seconded by Hammond, to approve an adjustment for Water Sewer account #8085, Gopalakrishnan, 32 Cambridge Court. Mr. Gopalakrishnan is seeking an adjustment for the December 1, 2010 bill. Using the usual formula (subtracting average gallons used from high usage period and refunding half of the difference) this would give Mr. Gopalakrishnan a \$113.58 adjustment on water, and a \$90.83 adjustment on sewer, for a total adjustment of \$204.36, as the request meets the criteria for an adjustment.

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

**Five ayes carried.**

**V. RESOLUTION** made by Paladino, seconded by Brennie, to approve an adjustment for Water Sewer account #6011, Louis Pappas, 19 Maple Avenue. Mr. Pappas is seeking an adjustment for his February 1, 2011 bill. Using the usual formula (subtracting average gallons used from high usage period and refunding half of the difference) this would give Mr. Pappas a \$39.52 adjustment on water, and a \$31.61 adjustment on sewer, for a total adjustment of \$71.13, as the request meets the criteria for an adjustment.

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

**Five ayes carried.**

**W. RESOLUTION** made by Paladino, seconded by Hammond,

**WHEREAS** the Water and Sewer Committee and Sewer Department Personnel have met to address serious issues that continue along Hillside Place and Woodside Place regarding Inflow and Infiltration, and

**WHEREAS** there is approximately \$101,802.00 remaining from previous I & I Abatement efforts as part of the Vineyard Commons contribution, and

**WHEREAS** anticipated project cost is approximately \$86,532.00 for constructions and \$15,270.00 for soft costs,

**NOW THEREFORE** be it resolved that the Town Board authorizes Morris Associated to proceed with coordinating DEC and Town personnel, prepare Contract Plans and Specification, administer inspection of construction and submit the contract documents to the Town Attorney for review prior to placing the project out to bid.

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

**Four ayes carried.**

**Brennie not present**

**X. RESOLUTION** made by Paladino, seconded by Hammond, to approve and direct the Bookkeeper to establish a Capital Project Fund for Hillside Place I & I Abatement. The total estimated cost of this project is \$101,802.00. Funds are from reserve funds; remainder of the contribution from Vineyard Commons Project to Sewer District.

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

**Five ayes carried.**

**Y. RESOLUTION** made by Paladino, seconded by Hammond, to approve the following budget amendments:

**General Fund**

Assessor CE	00-01-1355-40	+\$2,000.00
Contingency	00-01-1990-40	-\$2,000.00

(Cost of envelopes and postage due to the decision to change assessments this year)

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Building Dept Equip 00-07-8010-20 +\$6,636.17

Contingency 00-01-1990-40 -\$6,636.17

(For lease payment on new Building Dept truck)

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

**Five ayes carried.**

**Z. RESOLUTION** made by Paladino, seconded by Hammond, to approve

the vouchers as audited by the audit committee:

General G527– G636 \$ 106,612.26

Highway H221– H258 \$ 16,679.49

Miscellaneous M 98 – M138 \$ 629,011.07

Prepays P101 – P124 \$ 18,156.70

Sewer S 112 –S144 \$ 18,750.53

Water W129–W174 \$ 26,211.59

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

**Five ayes carried.**

**MOTION** made by Litts, seconded by Hammond, to adjourn the meeting at 9:50 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk