

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

MAY 18, 2016

Present: Supervisor Paul Hansut
Councilmember Michael Guerriero
Councilmember Joseph Mazzetti

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

Absent: Councilmember Jeffrey Paladino *
Councilmember Kevin Brennie *

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

7:00 PM – Supervisor opened the Public Hearing on Local Law D – 2016, a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development.”

Dave Plavchek, Planning Board Chairman, stated that the Town Board had asked the Planning Board to recommend new verbiage for the code on Planned Residential Development. They examined what the criteria is in other towns and some of the problematic issues in trying to improve the code. Local Law D amends the code by setting minimum setbacks, buffers, etc. as well as allowing the Planning Board the capability of preserving the character of a neighborhood by their ability to deviate from the code in certain instances. They now have the capability to increase but not decrease certain minimum standards for setbacks, buffering and spacing between buildings. The Planning Board determines the density in a particular area; they cannot increase the density but they can recommend a decrease.

Guerriero inquired about recreation areas in high density areas.

Plavchek responded that only seventy percent of any property can be covered by the PRD. They have allowed for open space on parcels as well as commercial uses that are intended for the residents of the PRD. He felt the changes that were made are helpful in permitting the Planning Board to act more as a veritable entity.

Fred Pizzuto, Planning Board member, reiterated the modifications to the PRD law and agreed that the changes made are beneficial to the Board as well as to the Town.

Supervisor said the public hearing will remain open for a month and will close at the June 2016 Regular Town Board Meeting.

Mark Reynolds, Southern Ulster Times, asked if the Planned Unit Developments were being looked at.

Supervisor said they were not because it does not seem to be an issue at this time.

Supervisor read the following email that was sent by Ruth Dapp concerning Planned Residential Development:

March 21, 2016

05.18. 2016

I would like to pose a suggestion as you all review and make changes in the PRD zoning code. I have been watching the meetings on TV and listened to your discussions. None of you have been impacted in the manner which my neighbors on Toc Drive and on my right of way continue to be affected. My neighbor and I have done extensive research since this project became known through a public hearing only for the subdivision and not the rezoning. Below you will find an excerpt from the code that was in place in 2011 for PRD. Much of the prior code still contains value even today not just for the developer but also for the tax paying residents. Setbacks, minimum acreage, road frontage, buffers, character of the neighborhood etc. Please take time to refer to the excerpt below. I am also including a few photos to show the impact, which can be clearly seen in the pictures privacy is gone.

Thank you,

Ruth and Ed Dapp

4 Commercial Ave Ext.



7:00 PM Supervisor opened the Public Hearing on Local Law E – 2016, a local law to temporarily suspend a land owner's ability to obtain approvals for the installation of commercial solar panels, equipment and structures within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town's current planning and zoning laws, and to bring them into harmony with the Town's comprehensive plan which was recently updated. The local law will impose a moratorium for the period of six (6) months following the date of adoption of this local law. The law provides that the moratorium may be extended by two (2) additional periods of two (2) months each by resolution of the Town Board upon a finding of the necessity for such extension.

Supervisor asked if there were any questions.

There were none.

1. REPORTS – Town Board Liaisons

Audit – January 1 to June 30, 2016: Councilmember Brennie, Councilmember Mazzetti

July 1 to December 31, 2016: Councilmember Guerriero, Councilmember Paladino

ECC /Zoning Board – Councilmember Guerriero

Guerriero reported the Zoning Board received an application for a variance from Community Car Wash for the height and size of their sign which was denied by a vote of 3 to 2.

The ECC will be having a cleanup of Black Creek on 05/21/16 at 10AM and all are welcome to volunteer to help out.

Donna Deeprose was awarded “Service Above Self” by the Rotary Club for all the volunteer work she has done for the Town. She has served on various committees in the Town as well as written, applied for and received 1.2 million dollars in grant money for the Town. He praised Deeprose and all the volunteers in the community and said they make the Town a better place in which to live.

Deeprose thanked everyone and said she felt lucky to live in such a wonderful community.

Highland Central School District – Councilmember Mazzetti

Mazzetti presented the highlights of the Highland Central School District in the last month.

The school budget was voted down; 56% of the voters were in favor but they needed a super majority of 60% to pass it. He will provide information next month on what options the School Board will have to move forward with the budget.

The high school valedictorian is Alfred Worrada who has a GPA of 102.3 and plans to attend Clarkson University to study chemical engineering. The salutatorian is Michelle Pirrone with a GPA of 101.78 and she plans to attend SUNY New Paltz where she will study mechanical engineering.

The Highland High School academic awards for 9th-11th grades were presented this evening and Senior Award Night will be held on 05/25/16 at 6:30pm. Highland High School was recognized by the Washington Post as one of the most challenging high schools in America. This is a major accomplishment for the school as only three other schools in the region were acknowledged. The varsity athletics sports awards will be on 06/01/16 at 6:30pm and the high school spring concert will be on 06/06/16 at 6:30 pm. The Highland Middle School will induct forty 7th grade students into the National Junior Honor Society on 05/23/16 and the 306 Middle School students made the honor roll. Highland Elementary School had their annual ice cream social on 05/16/16 and the kindergarten classes had their alphabet concert on 05/16 and 05/17. The fifth grade classes went on a trip to the Museum Village in Monroe, NY and the first grade classes went on a community field trip to local businesses in Town where they visited the Town Hall, Justice Court, and the Police Department. Kindergarten screening will be held on 05/19/16 and the third annual Husky 5K Challenge will take place the same day on the Hudson Valley Rail Trail at 5:30PM.

Planning Board – Councilmember Paladino

Police/Fire/Town Justice – Supervisor Paul Hansut

Water/Sewer/Drainage Committee – Councilmember Brennie

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

Claire Costantino reported that The Hudson Valley Rail Trail Association is gearing up for very busy summer and fall season. The summer season kicks off with the Annual Meeting on Saturday June 4 at 9 AM at the Hudson Valley Rail Trail Depot at which time the membership and guests will be updated on upcoming events and planned improvements to the trail.

The highlight of the morning will be information about the Rails to Trails Conservancy's nomination of the Hudson Valley Trail Network which includes the Hudson Valley Rail Trail, Walkway Over the Hudson and the Dutchess Trail into the Rails to Trails Conservancy Hall of Fame. We are one of five rail trails that have been nominated for this honor. The inductee will be determined in June by nationwide voting. Instructions will be shared regarding the voting procedure to help the Hudson Valley Trail Network become the 30th inductee into the Rails to Trails Conservancy's Hall of Fame. Every vote is important so we will be sharing voting information as soon as it is available.

The Hudson Valley Rail Trail participated in the 2015 Parks and Trails New York Trail Users Count. The counts were performed on three evenings and one Sunday in August 2015.

From the counts, Parks & Trails New York determined the following usage from the reported counts: 38% walkers, 13% joggers and 49% cyclists of which 55% wore helmets. The National Bike and Pedestrian Documentation Project Methodology was used by Parks and Trails New York to calculate the estimate of yearly use. From the count forms submitted which included only those people on the rail trail, not people who parked in the parking area at 75 Haviland Road and went directly to Walkway or those people who left the Walkway and went directly to the parking area. From those counts it was determined that 543,008 people access the Hudson Valley Rail Trail on an annual basis.

As you will remember, about a year ago, we gave a presentation regarding a master plan for site improvements at 101 New Paltz Road. During 2016, we plan to make improvements along County owned New Paltz Road to better accommodate overflow parking at daytime and evening events. Included will be improvements to the shoulder and the lawn areas. We will coordinate with the Ulster County Highway Department and the Town Highway Department to accomplish this improvement. We also plan to make improvements to Mae Lane to improve crossing safety, access and to increase parking accommodations.

At 75 Haviland Road, we plan to install a Gateway Arch welcoming the visiting public to the Hudson Valley Rail Trail, to provide handicap parking and to provide some traffic calming efforts on the trail in the vicinity of the entrance and around the caboos.

One of the main attractions on the rail trail is the caboos at 75 Haviland Road. Last year Rafael Diaz and Donna Deepröse gave the caboos new life by refurbishing the inside and adding historical data and photos to the caboos. Last summer, there were over 5,000 visitors to the Caboos most of whom had never had an opportunity to visit a 1926 caboos. This year the caboos will be open weekends from Memorial Day to Columbus Day. We plan to install plaques at each of the caboos site to provide historical data about each caboos.

A major cleanup of the slopes on either side of the Route 9W overpass was accomplished in April. The project was spearheaded by HVRTA Director Vera Lawrence along with Henry Schwandt and Ken Morgan. This was a major undertaking and one sorely needed.

The Ulster County Realtors held their 2nd annual event – Realtors for Clean Trails on May 14th when they then collected trash along the entire length of the trail. Their efforts are greatly appreciated.

The Highland Middle School PTA will host their annual Huskies 5K Challenge. The trail will be closed from the Hudson Valley Rail Trail Depot to Tony Williams Park from 5:30 to 7:30 PM on Thursday May 19th.

The Town of Lloyd Events Committee will host the Semper Fi Parents of the Hudson Valley 5K Walk/Run. The trail will be closed from Black Creek to Vintage Village. The rail trail will be closed from 10 AM to 11:30 AM on Saturday May 21st.

On June 12th, Friends of Walkway will host their Annual Marathon on the trail from its eastern terminus to the Route 9W overpass. This section of the trail will be closed from 6:30 AM to 1:30 PM.

On June 26th, the Discover Hudson Valley Ride will take place on the entire length of the rail trail. The rail trail will be closed to the public from 7:30 AM to noon.

These events require coordination between the hosting organization and our Trails Safety Coordinator Rafael Diaz. It requires a ride through with the hosting organization of the requested use of the sections of the trail to determine placement of barricades, cones and monitors. In addition, it requires the creation of signage announcing the trail closures, placement of barricades and traffic cones prior to the event and on the day of the event along with coordination of monitors as well as removal of the barricades, cones and signage at the end of the event. Notices are placed in the kiosks, on the Hudson Valley Rail Trail website and Facebook announcing trail events and trail closures.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park

Donna Deeprise gave the report for Matt Smith who was unable to attend.

Deeprise reported that Matt Smith and others are preparing the engineering specifications for the Historic Riverwalk which is a high priority as there are very few extensions left to utilize on the grant. They cannot get bids or estimates on it until the engineering specs are completed. The Riverwalk will be a wooden structure. They had considered other materials but felt a wooden boardwalk supported by I beams welded to the bulkhead was the best decision. A new canoe-kayak launch site will be constructed. The former natural site was suitable but the river has washed it away leaving a large drop at the launch. Pre-fabricated concrete steps with a non-slip surface have been completed and need to be installed. They are hoping that will be done soon and they would like to thank Hank Behr for his all his help on the work that he has done on the steps and will do to install them. Deeprise praised Matt Smith for his efforts in enticing volunteers to help work on and donate to the park.

The compass rose is being worked on and should be completed very soon.

Deeprise thanked Claire Winslow, local resident and business owner, for chairing the “Glad Day” event which will be on 08/13/2016 from 5-9PM. Fashioned after an event that took place over 100 years ago in the Town of Lloyd, “Glad Day” celebrated the installation of the brick paved road to the river. After viewing old photographs and receiving sponsorship from the Highland Business Association, they would like to emulate the event in a present day style. Plans for the day include a tasting event by local food vendors, a reenactment of the parade, live music, fireworks, antique cars and horse drawn carriages on display at the park. The event will also feature a cannonade firing from the park out across the river.

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This was considered after old cannonballs were found on the Bob Shepard Highland Landing Park site that had been shot across the river.

*7:40PM Councilmember Jeffrey Paladino arrived

Supervisor read the Town of Lloyd Historian April report:

Thanks to Gail Russell and Grace Phillips for helping with the exhibit of fine china and linens used through the late 1800's through 1900's. Mostly flowers and bird patterns were used. Paper plates, cups and napkins were not used in those days. Meals were all shared with family members present.

Interest in Historical Office has increased because many new residents are moving into the area seeking information on newly purchased property. Having recently toured the Highland and Lloyd areas we can justify the activity within the schools, downtown and many entrepreneurs opening up shop surrounding the village

Having had meetings with journalists who are interested in the area, perhaps one of these days we will be reading about points of interest in our area.

We are trying to keep interest alive to inform residents and visitors of our heritage. The office is open on Thursdays, 10am-4pm and also by appointment.

JUST A REMINDER

The Wallkill Valley Land Trust will be conducting their Annual Historic House Tour on June 4th, 11am-4pm. "Sherwood's Forest: Rural Lloyd from the Wetlands to the River.

For information or to register please visit: www.WallkillValleyL.T.org

Respectfully submitted,

Elizabeth Alfonso

Expenses: \$.00

P.S. We thank all planning and working on the Springfest! Need a ray of sunshine!

Supervisor recognized MaryBeth Maio, Ulster County Legislature Majority Leader, in the audience.

Supervisor reminded everyone that the Town of Lloyd "Springfest" will be in the village on Saturday 05/21/16 from 11-8pm. There will be food, shopping, games, 5K race, live music, various races, carnival, local vendors, etc. He encouraged everyone to come out and join in the festivities. They will also be showing the aerial video of the "Greater Walkway Experience" at 1pm in the old Sawyer Savings building on Vineyard Avenue in the Hamlet. Ulster County Transportation will have shuttle buses transporting to and from the Walkway.

05.18. 2016

Supervisor read the following letter from Assemblyman Frank Skartados:

Dear Supervisor Hansut and Lloyd Town Council,

I would first like to commend you and the Lloyd Town Council on consistently demonstrating a commitment to the town's wellbeing and progress.

As part of New York's policy to return to communities what they have contributed to the State, I am pleased to announce that I have advocated on your behalf to secure \$125,000 in capital project funds for the Town of Lloyd.

These grant funds can be applied to town projects of your choosing, as long as they meet the few requisite conditions stipulated by the State.

The grant funds that I am now presenting can be used to finance a project that will help improve the town's infrastructure, to construct buildings or purchase new vehicles.

Included with this letter are the grant nomination form and relevant terms and conditions to help you decide which pursuits would best meet the town's needs. Please return the nomination form to our office. Ways and Means will review the project to determine its eligibility. If approved, you will receive a Preliminary Application. You will then receive an application from the state agency that manages grants. (The Dormitory Authority usually handles capital grants.) This process may take up to a year; however, the grant agency will typically reimburse you, should you decide to initiate the project before you receive the grant funds.

Respectfully,

Frank Skartados
104th Assembly District

Supervisor said there are guidelines that have been set up for the grant funds. He will have a copy available for everyone and to please let him know if there is a project that fits into the criteria. He has a call into the assemblyman because under the funding guidelines it states that one of the capital funding recommendations is that it must be at

least \$500,000.00. He wanted to clarify if they can get \$125,000.00 toward a \$500,000.00 project.

Guerriero inquired as to whether the Rail Trail extension would fit the criteria.

Supervisor responded that the way the criteria is worded is confusing so they will speak with the Assemblyman Skartados' office to clarify.

2. OLD BUSINESS

- A. Tom Baird, Barton & Loguidice: Update ROW phase and final Design Tillson/Toc.
Baird was unable to attend the meeting.

3. NEW BUSINESS

- A. Discussion- Adam Litman request to end giving credit on Water and Sewer Bills.

Litman reported that as a courtesy, former water/sewer administrators (starting with John Janiewicz) would issue credits when the water bill usage was extremely high as a result of a leak etc. Litman gave a brief explanation of how technicians access water usage. Meters are read in two different ways; by reading the meter on the side of a house or it is sent through a transmitter via a hand held device. The information is obtained on a three-month basis and is part of the billing software that generates the water/sewer bills. The billing software also allows them to see discrepancies in normal water usage. When they see an inconsistency they send a letter to the customer in with their regular water bill so they can address an issue if there is one. The water /sewer department also can generate from the report very high consumptions of water. Typically, they do not notify the customer of that for various reasons such as an increase in seasonal warm weather water usage. If a customer would call and complain about their water usage they would set up an appointment to check the dwelling for leaks and address the issue. The customer could request a credit and they would receive fifty percent off that bill if it were approved by the Town Board. It could be a very time consuming process and most municipalities do not issue credits for leaks or pool fills. It has become an issue because the Town then ends up paying for most of the bills with water consumption issues. Litman feels that it would be better not to issue any more credits for water consumption and had his secretary generate a letter stating that.

Mazzetti asked if pool fills were getting a bill for sewer.

Litman replied that is how it is generated. He explained the disparity on the amount of money being credited to customers and the time it takes to rectify the issues. He feels credits to customers are not worth the time, effort and cost.

Guerriero said he is concerned about senior citizens who live on a fixed income and may be unaware that they are living with a water consumption issue.

Paladino asked Litman if there are repeat customers requesting a credit.

Litman replied that he was not sure and would have to check his records.

Mazzetti reiterated that a credit would only be issued for the quarter it was detected and not if the issue continued beyond that.

Litman responded that was correct. If a customer has an issue and it continues and is not addressed into the next quarter they will not issue a credit.

Mazzetti felt it was not fair if there was a major water issue, such as a broken pipe, in dwellings that are vacated in the winter.

Litman said the water bills state that if you vacate your property for a significant period of time to contact the water department.

Paladino asked what kind of water consumption issues were considered the Town's liability and if it had ever been the Town's equipment that had malfunctioned to show more water usage.

Litman said typically when there is a meter issue it is at the low end of the consumption where the meter is not working at all. There has never been a meter issue where the malfunction showed more water consumption.

Mazzetti asked what the typical credit range is.

Litman said it could range anywhere from five to fifty dollars. There have been a few instances where they issued a credit of fifty percent which was several hundred dollars. In one case the property was being neglected but they had to recommend a credit because that is what they had done in the past.

Litman said he realizes that it could be a financial strain on some residents but feels the Town Board needs to make a decision and adopt a resolution to reinstate it or abolish giving credits.

Mazzetti said he would not like to put hardship on a resident even if it was only for a small amount of money. He felt there needs to be credit for people who receive a high bill for something like a broken pipe.

Supervisor said the problem is that they have to pay the bill before the credit is approved. He felt there should be further discussion on the topic.

*7:50PM Councilmember Kevin Brennie arrived

B. Highland Self Storage, 3663 Route 9W, Highland – request for water district extension

Adam Litman stated that it was brought to his attention by the Water and Sewer Drainage Study Committee that Rte. 9W Highland Self Storage would like a water district extension. He and the committee recommend that they become part of the water/sewer district prior to an extension.

Mazzetti asked where the water ended and if Highland Self Storage would be paying for the extension.

Litman said the water ends at the corner of the property as it is going south. They would have to pay for the district extension and the extension would have to exceed their property at the south end. There would be no cost to taxpayers. It would also open up the door for other out of district parcels to come into the district and extend that water main for service.

Mazzetti inquired as to whether the current water system could handle the additional extensions.

Litman responded yes.

Supervisor asked what the daily capacity of the water department is and what the capability was.

Litman said they produce roughly a half a million gallons per day and the capability is about two million gallons per day. The full capacity would be about four million gallons. They have three high rate sand filters and each one has the capability at new conditions of two million gallons per day in a twenty-four-hour period. They utilize two filters and the third is always there for redundancy. Litman stated that it really puts the

maximum capacity at two million gallons per day taking into consideration the age of the plant.

Patti Brooks, Brooks and Brooks Surveying, who represents Highland Self Storage, brought maps that showed where the water district is now, where the parcel is situated and a map of what they are proposing to do at the site.

Mazzetti asked if all the people living just before where the pipe stops are in the water district now.

7:55PM Paladino recused himself as he is a partner in this business.

Litman said that was a district expansion for the NYSDOT and the Mid-Hudson Bridge approach.

Brooks explained that the water district goes around the parcel in question. They want to extend the water line and include the parcel.

Mazzetti asked if anyone contacted some of the surrounding properties to see if they would like to be part of the extension.

Litman said he had not.

Supervisor asked Murphy if he was going to draft a resolution in conjunction with what had been discussed about the extension by the Water/Sewer Drainage Study Committee for next month.

Murphy said he would prepare the resolution.

Fred Pizzuto, Planning Board, asked if they have ascertained what the cost would be.

Brennie said it would be zero.

Brooks stated that her client would pay all the expense of the water line extension. They also prepare the map, plan and report for the extension.

Supervisor reminded everyone that the Memorial Day Parade in Town Monday is 05/30.

4. PRIVILEGE OF THE FLOOR

Fred Pizzuto, 49 Brescia Blvd, asked if the Town Board would instruct the Highway Superintendent to look at the intersection of Toc Drive and Brescia Blvd. Since the construction of an additional development in the area to the north of Brescia Blvd drivers are coming down from the reservoir and coming straight through his lawn. There is presently one stop sign there. He would like the Highway Superintendent to install two additional stop signs. He believes there needs to be three way stop to rectify the situation.

Mazzetti asked Richard Klotz, Highway Superintendent, if he could go there and inspect the area.

Mark Reynolds, Southern Ulster Times, asked if the Town Board could give an update or the solution to the Town of Lloyd's towing rotation issue.

Guerriero said in the past tow operators were causing many disputes by racing to accidents to be first in line for the tow. The Town adopted an ordinance years ago to make it fair and had tow operators put on a rotational list. Things have changed and there is an imbalance on the list. The application for a DOT number requires the tax ID number on

the application. There is one operator that is using one DOT number to operate three other businesses and that is against federal and state laws. He felt that since the Town is regulating the towing with the ordinance the Town could be liable for a lawsuit if there were an accident and anyone was hurt. One tow company on the police tow list does not have a business address; the address is a residential address. There are inconsistencies and the Town towing code needs to be updated and possibly the operator without a business address needs to be removed from the tow list.

Brennie added that he and Councilman Guerriero felt they should move immediately on removing certain tow companies from the list. They spoke to the other board members and after discussion felt they needed an update from the police department. They decided to wait because according to the code, the chief will report back to the Town Board on May 18th of each year. They received something from the chief recently and he asked the chief to present it to the Town Board this evening but the chief had a prior commitment. Chief Waage will present the information at the Town Board Workshop meeting in June with the officer who helped him perform the audit. They discussed this with the lawyers, who felt that there is no provision in the code for DOT numbers so it would not trigger the removal of an operator for inconsistencies. He is concerned about the issue of the Town being liable in a situation where someone got hurt etc. if a tow business is operating illegally.

Mark Reynolds asked if the Town does not have it in their code, do the state and federal regulations supersede it.

Brennie responded that, according to the lawyers, there is no provision in the code that says inaccurate numbers are a cause to remove someone from the towing list. They are working on if the Town does not have it in their code, do the state and federal regulations supersede it. There are still issues with the code that need to be updated in order to meet some of the criteria. They are moving on a parallel path with two different issues.

Reynolds asked if there was a provision in the code that stipulates anyone on the towing list has to have a fenced in yard and whether the police are responsible for keeping track of everything. Reynolds asked if the police are responsible for making sure each tow operator has a fenced in yard.

Brennie said the chief picked one officer to do the audit and that is what is in the code.

Paladino said the officer is Sergeant Kalimeras.

Guerriero said he has a letter from the building department that states Direct Recovery, one of the tow companies on the list that was inspected, does not have a business at their address.

Brennie said that is why a fresh audit would be important.

Guerriero asked Brennie if he had read the letter from the building department. The towing business, Direct Recovery, was inspected and approved even though it only has a residential address.

Paladino asked Guerriero and Brennie if they had found anyone in violation of state and federal laws on the list.

Guerriero said yes because when someone applies for a DOT number they have to give their sales tax number. There are four different companies but they are all using the same DOT number. He felt that according to state and federal law they are in violation.

Brennie said there is only a violation if someone notices it and right now there is not a provision in the Town code that would trigger an operator being removed for such a

violation. Someone could have violated state and violation laws but according to the code nothing would trigger them being removed. He felt it was an oversight.

Guerriero presented a letter to Town Board members from Attorney Peter O'Connell, counsel to the Empire State Towing and Recovery Association.

Guerriero said one company, Autos by Joseph, has a DOT number for that company and the same number for another DBA, Nicky D's Towing. Both have a spot on the towing rotation list and he felt they should not, because they use the same DOT number. There are also two other companies making it altogether four businesses using the same DOT number.

Paladino asked if the Attorney General's office should be involved in this issue.

Supervisor said that the DOT number is attached to the truck. The DOT numbers that are appearing on his vehicles are with Autos by Joseph. He had a conversation with an employee of NYSDOT in Albany and was told that if Autos by Joseph has a DOT number on his truck and a sticker from New York State he is legal. He is subcontracting for Direct Recovery and Pete's Collision. Those two companies do not need DOT numbers if they do not have a truck; the DOT number is for the truck.

Guerriero said when someone applies for a DOT number they have to apply for their business.

Supervisor said he did and asked Guerriero if he had contacted DOT for an explanation.

Guerriero said no but he has spoken to several attorneys.

Supervisor said Guerriero should call someone from the DOT because they explained it differently. He asked the tow operators in the audience if they have a DOT number that appears on their truck and they subcontract for someone else does the subcontractor need a different DOT number.

Jerry Erichsen, Erichsen's Auto Body, said if it is a separate business it needs a different DOT number and that the DOT number is for the truck.

Supervisor felt the problem is in the Town law and they should make the appropriate changes. If someone is going to be on the towing rotation list, they need a tow truck and they need a secure facility on their property. He feels they should look at and emulate New Paltz's towing list.

Erichsen clarified If the Town of Lloyd's local law were amended to reflect the New Paltz code it would be one turn on the towing rotation list per business. If a tow operator has a garage, they are allowed only one rotation.

Brennie felt that is the direction in which they are headed in, everyone recognizes that they have to update the code so it is fair.

Reynolds said that one stipulation in the code is that each tow operator has to have a fenced in yard and asked if the building department will check if they are abiding by the provision.

Brennie said that would be the job of the police department.

Supervisor said the code does not state that the fenced in area has to be on tow operator's property or site. A tow operator could use someone else's secured facility.

Brennie suggested that all operators will follow all state and federal DOT guidelines needs to be written into the code. The unfair practice with the towing list will eventually end.

Guerriero referred to section 110-5, paragraph C of the code which states:

“Sergeants and superior officers: In April, schedule inspections of the towing agencies' facilities which are on the Town's towing list:

- 1) Schedule these inspections with the owners of the agencies at least two weeks in advance.
- 2) During these inspections, check the following items and ensure that they are valid and/or adequate:
 - a) DMV shop registration, if the agency is a repair shop.
 - b) Each towing vehicle's registration, inspection and insurance card.
 - c) The secure storage area used by the towing companies.

Guerrero reiterated that a police officer has to inspect the towing companies' storage area.

Supervisor asked if it is a violation if a tow operator takes a vehicle to a facility owned by another tow operator on the list. It does not say anything about that in the code.

Erichsen said it is not his business.

Guerrero said that is where the Town is liable for a lawsuit.

Fred Pizzuto, Planning Board member and resident, said the towing issue was dealt with thirty-five years ago. They thought they settled it at the time and put in the code that there should only be one business, one tow truck and one yard for each turn on the rotation. They thought the issue was rectified.

Supervisor said the first opinion they received from Kyle Barnett, attorney for towing issue, is that there is a loophole.

Guerrero and Pizzuto both said that was not necessarily so.

Guerrero reported that the attorney the Supervisor hired for the towing issue is actually known as a matrimonial lawyer.

Supervisor stated that the lawyer he got was from VandeWater and VandeWater was the one that Councilmen Brennie and Guerrero met with.

Guerrero stated that he and Brennie had to force a meeting with the attorney that the Supervisor was referring to. They should obtain the services of someone with experience in that type of issue to fix the towing ordinance. He wants to avoid a lawsuit being brought against the Town.

Pizzuto said Guerrero was absolutely correct.

Erichsen stated that they want to make the towing rotation fair because it is not right that one company monopolizes the tow list in Highland. Many people have asked how the Town Board has allowed this to go on for so many years. He feels if an operator has one garage they should only get one turn on the list. He said that allowing someone to circumvent the law hurts everyone.

Paladino asked if Erichsen would agree that the only way to truly rectify the situation is to revise the code.

Erichsen agreed and said that is the only way all the tow operators would be protected. He added that the tow operator in question would never be able to do what he is doing in Lloyd in New Paltz as New Paltz would never allow it.

Brennie felt that perhaps sub-contracting should be banned.

Erichsen agreed.

Guerrero stated the code does not say subcontracting is allowed or not allowed. It does, however, say at the end of the code, “All members/employees will abide by this policy and not create their own personal adaptation of the procedure and guidelines.”

Erichsen stated that he has been on the tow list for forty years; it always worked fine until this issue came about.

Paladino asked what caused it to come about.

Erichsen said the tow operator in question found a loophole and went for it.

Paladino said the code needs to be changed and updated. He felt that New Paltz is the template to consider for a towing rotation code.

Supervisor said they need to go through the entire process of rewriting, a public hearing, wait a month for comments, so in three months they could have the new law in place.

Erichsen suggested that the "heavy duty" part of the rotational schedule should be addressed as well. A tow operator should not be automatically on the list if they have a truck for heavy duty. There are other factors involved. They need to be certified and have more than one heavy duty truck to do the job properly. It is imperative that the operator knows what they are doing. They need to protect the operators with safety issues.

Guerrero told the tow operators who were present that he would appreciate their input in making changes to the code.

Erichsen said he would be happy to do so.

Troy Tortarella, Troy's Auto Body, suggested that maybe they should abolish the existing list. He would like to see all the operators have to reapply with the new guidelines.

Paladino suggested that when the code/law is rewritten that there should be a grace period to comply with the new guidelines. They would need to go out and do an entire new set of inspections and whoever does not comply has to be removed from the list. He did not feel they needed to completely eliminate the existing list.

Tortarella was concerned that some operators may believe they are grandfathered into the existing code if they do not completely abolish it.

Paladino said it is a good code but there is a loophole that one of the operators is exploiting. He feels it needs to be corrected.

Brennie said the code should be comprised of concepts not just words.

Guerrero stated the intent of the code was to make it fair for everyone. The existing code is good but would need to be updated.

Tortarella suggested that to make it even more fair they should have two tow lists, an impound list and an accident list. The impounds should be handled by the police department and the vehicles brought to the Town yard and have the Town make money on it. He felt the towing operators make enemies doing the impounds.

Paladino inquired whether New Paltz had an impound list.

Guerrero said to be on the regular list you have to be on the impound list.

Gary Gulino said that New Paltz has five lists.

Supervisor said they hope to have more information next month.

Reynolds asked how far back from the road the hot dog stand on Route 299 near New Paltz Road should be.

Supervisor asked Mazzetti if he had spoken to Dave Barton, Building Inspector, about it.

Mazzetti said he believes the stand should be approximately 75 feet from the white line of the road.

Supervisor said it appears as if the owner of the stand is not back the footage that was agreed upon. Dave Barton will go out and speak with the owner. They would check on how far back the stand is.

5. MOTION AND RESOLUTIONS

A. MOTION made by Mazzetti, seconded by Guerriero to approve the minutes of the Workshop Meeting April 6th, 2016 and Regular Meeting of April 20th, 2016

Five ayes carried.

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

General	G-474 to G-563	\$ 63,536.25
Highway	H-210 to H-250	\$ 21,804.49
Miscellaneous	M-115 to M-133	\$ 43,314.18
Prepays	P-137 to P-180	\$ 65,960.62
Sewer	S-104 to S-142	\$ 15,745.72
Water	W-164 to W-216	\$ 23,807.57

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

C. MOTION made by Brennie, seconded by Mazzetti to close the Public Hearing on Local Law E – 2016, a local law to temporarily suspend a land owner’s ability to obtain approvals for the installation of commercial solar panels, equipment and structures within the Town while the Town considers and adopts changes to its land use regulations to address new circumstances not addressed by the Town’s current planning and zoning laws, and to bring them into harmony with the Town’s comprehensive plan which was recently updated. The local law will impose a moratorium for the period of six (6) months following the date of adoption of this local law. The law provides that the moratorium may be extended by two (2) additional periods of two (2) months each by resolution of the Town Board upon a finding of the necessity for such extension.

Five ayes carried.

D. RESOLUTION made by Paladino, seconded by Brennie

WHEREAS, proposed Local Law “E” of 2016, a local law to establish a moratorium on the approval for use of or installation of commercial solar panels, equipment and structures within the town, was introduced at a meeting of the Town Board held on the 20th day of April, 2016, at 7:00 p.m.; and,

WHEREAS, the Town Board of the Town of Lloyd, having determined that this matter constitutes a Type 2 action under the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and

WHEREAS, a public hearing has been held thereon on the 18th day of May, 2016, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, it is resolved that Local Law “E” of 2016 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to establish a

moratorium on the approval for use of or installation of commercial solar panels, equipment and structures within the town.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

- E. RESOLUTION** made by Brennie, seconded by Guerriero to amend the working hours of the Town of Lloyd Highway Department from the current hours of 7AM– 3:30PM to Summer Hours of 6:00 AM to 2:30 PM effective May 31st, 2016 until September 6th, 2016 at the recommendation of the Highway Superintendent, Richard Klotz.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

Mazzetti inquired whether everyone in the Highway Department's hours would be changed and how that would affect overtime hours if necessary.

Supervisor said the change in hours are recommended every year so the employees who work outside do not have work in the hottest part of the day. He does not believe it has any effect on overtime hours. Most municipalities change their hours in the summer to accommodate the increase in outside temperatures.

- F. RESOLUTION** made by Brennie, seconded by Guerriero to amend the 284 Agreement for 2016, previously approved at the 4/20/16 Town Board Meeting, to amend item "(f)" paving project to be known as South Ohioville Road at a budget supported amount of \$47,000 per the recommendation of Rich Klotz, Highway Superintendent.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

- G. RESOLUTION** made by Paladino, seconded by Mazzetti to hire the following lifeguard and waterfront staff for the 2016 season at Berean Park: Thomas Palazzo, Head Lifeguard WSI, \$14.00 per hour; Rebecca Bellis, \$9.75 per hour; Emily Boesch, \$9.25 per hour; Katelyn Boesch, \$9.75 per hour; Michael Canino, \$9.75 per hour; Attilio CrimiVaroli, \$9.25 per hour; Michael Doxey, \$9.25 per hour; Taylor Farino, \$9.25; Mason Horodyski, \$9.75 per hour; Harrison Pietrzak, \$9.75 per hour; Denise Rendon, \$9.75 per hour; Juliana Russo, \$9.75 per hour; and McKenna Wood, \$9.75 per hour.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

- H. RESOLUTION** made by Paladino, seconded by Mazzetti to hire the following as Arts & Crafts Counselors for the SummerFun Program at Berean Park: Assistant Camp Director - Justine Marsh, \$10.25 per hour; Kathleen Bodendorf, \$9.00 per hour; Brian Donahue, \$9.00 per hour; Kayla Feo, \$9.00 per hour; Carolyn Gordon, \$9.00 per hour; Kaitlin Irving, \$9.00 per hour; Danielle Jonietz, \$9.00 per hour; Margarita Katsaitis, \$9.00 per hour; Roseanne Lesser, \$9.00 per hour; Nevin Nedumthakady, \$9.00 per hour; Dhruv Odedra, \$9.00 per

hour; Melanie Orton, \$9.00 per hour; Julia Quinn, \$9.00 per hour; Kathryn Russo, \$9.00 per hour; Nikayla Schlosser, \$9.00 per hour; Jonna Watkins, \$9.00 per hour; and David Wood, \$9.00 per hour.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

- I. RESOLUTION** made by Paladino, seconded by Mazzetti to hire the following as Sports Counselors for the SummerFun Program at Tony Williams Park: Frank Alfonso, \$9.00 per hour; Kevin Brennie, \$9.00 per hour; Jason Chlus, \$9.00 per hour; Alexandra Cippolini, \$9.00 per hour; Travis Marnell, \$9.00 per hour; John Murphy, \$9.00 per hour; Jayna Parker, \$9.00 per hour; Michaela Raffaele, \$9.00 per hour; and Joseph Wildrick, \$9.00 per hour.

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

Four ayes carried.

- J. MOTION** made by Brennie, seconded by Mazzetti to approve and file the Annual MS4 Report for Year 13 (March 10, 2015 to March 9, 2016) as prepared by Anthony Giangrasso, Deputy Building Inspector, and dated May 18, 2016.

Five ayes carried.

- K. MOTION** made by Mazzetti, seconded by Guerriero to close the following streets: Phillips Avenue north to New Paltz Road easterly to Main Street, along Vineyard Avenue south to Milton Avenue to Van Wagner Avenue to Vineyard Avenue north into the hamlet of Highland for the Memorial Day Parade on Monday May 30, 2016 from 8:00 AM to approximately 11:00 AM.

Five ayes carried.

- L. RESOLUTION** made by Brennie, seconded by Paladino

WHEREAS Rev. Thomas Lutz from St. Augustine's Church has requested use of the Hudson Valley Rail Trail on Saturday, June 18, 2016 as the launching site for their fireworks display for the St. Augustine's Annual Bazaar, and

WHEREAS the Town Board has granted St. Augustine's Church's request to launch fireworks from the Centennial Garden location of the Hudson Valley Rail Trail in previous years;

NOW THEREFORE, be it resolved that the Town of Lloyd Town Board approves St. Augustine's Church use of the Hudson Valley Rail Trail on Saturday, June 18, 2016, to launch fireworks from the Centennial Garden location with the stipulation that St. Augustine's Church abide by the following:

1. They carry appropriate insurance and file proof of such with the Town.
2. They have an ambulance on site in the event of an emergency.
3. They have the Fire Department on standby on site in case of emergency.
4. They clean up and dispose of all debris resulting from the fireworks from the Rail Trail and the lawns of the adjacent property owners by 8 AM on the morning of June 20, 2016.

5. There shall be no alcoholic beverages on the Rail Trail.

6. They shall abide by all other Hudson Valley Rail Trail regulations.

Failure to comply with these regulations may result in denial of permission for the granting of future requests by St. Augustine's Church.

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

M. TABLED RESOLUTION

WHEREAS, Indian Ridge, LLC and Leonard J. Auchmoody entered into an agreement with the Town of Lloyd to allow the construction of a roadway with the signing of the subdivision map to build the road instead of bonding it; and,

WHEREAS, Indian Ridge, LLC and Leonard J. Auchmoody, in paragraph 8 of the said Road Improvement and Drainage Agreement dated November 5, 2005, set forth a completion date of thirty (30) months from the commencement of construction. The commencement of construction occurred approximately July of 2006 and, to date, the road has not been completed, as set forth in the agreement; and,

WHEREAS, the developer Leonard J. Auchmoody and Indian Ridge, LLC wishes to amend the agreement to provide, in paragraph 8, that the time set forth in the first sentence shall be "one hundred thirty-two (132) months" instead of "thirty (30) months" of the date the construction is commenced; and,

WHEREAS, three earlier amendments allowed the developer to obtain one building permit for a lot located on a public roadway, and this is the fourth amendment to the said Road Improvement and Drainage Agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Agreement of November 5, 2005 is amended to provide, in paragraph 8, that the developer shall complete the road within "one hundred thirty-two (132) months" of the date the construction of the roadway is commenced;
2. The Building Department is advised that no permits other than the one allowed under the first amendment to this agreement are to be issued in this subdivision until the road is completed and approved by the Town's Highway Superintendent and engineer, and dedicated to the Town of Lloyd, without further agreement between the Town, Indian Ridge, LLC and Leonard J. Auchmoody.
3. The Developer may not obtain permits or C.O.'s or sell any lots without dedicating or bonding the road.

Guerriero questioned if 132 months would set a precedence.

Murphy suggested if the Town Board were to pass it they have some kind of memorandum agreement filed with the Ulster County Clerk that there would be no permits issued on the lots. The danger is in someone buying a lot and not being able to build a house because there is no road to access the parcel.

Supervisor suggested they table the resolution until the next regular Town Board meeting and get clarification of exactly what the resolution entails. He asked Murphy to speak with Dave Barton, Code Enforcement Officer, as to what the verbiage of the resolution should be.

N. RESOLUTION made by Brennie, seconded by Paladino to approve the following budget amendments for the 2016 budget:

GENERAL

Unallocated Insurance	1910.40	+\$826.00
Contingency	1990.40	-\$826.00

Police Equipment	3120.20	+\$32,855.89
Insurance Recoveries	00-2685	-\$31,326.25
Contingency	1990.40	-\$1,529.64

HIGHWAY

CHIPS –Weeds Mill Rd	5112.63	+\$35,000.00
CHIPS – S Ohioville Rd	5112.64	+\$47,000.00
General Repairs CE	5110.40	-\$82,000.00

(First paving projects for 2016 as requested by Richard Klotz, Highway Superintendent)

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye; Mazzetti, aye.

Five ayes carried.

MOTION made by Paladino, seconded by Mazzetti to adjourn the meeting at 8:55PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk

05.18. 2016