

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

MAY 20, 2015

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

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

Absent: None

7:00 PM Supervisor opened the meeting and asked Councilmember Guerriero to lead the Pledge of Allegiance and a moment of silence in honor of Memorial Day.

Supervisor reminded those present that the meeting is live-streamed and recorded. It can be seen on Channel 22. He said that he watched the broadcast of the Tri-Board meeting of May 6 and that he felt that everyone had to do a little better job of talking into the microphones so that everyone at home can hear the proceedings.

Guerriero added that there is a volume control on the cable box and recommended turning it up all the way. The volume then can be controlled on the TV and broadcast can be heard more clearly.

1. REPORTS – Town Board Liaisons

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

ECC /Zoning Board – Councilmember Michael Guerriero reported that ECC, Adirondack Mountain Club and volunteers cleaned up Black Creek in the beginning of May; the driveway access is closer to being finished. There is a problem with the stairs that lead to the Black Creek from the Rail Trail that were dedicated to our three soldiers. The bottom steps are not sturdy when the water is low and they are looking for ways to raise money to correct the problem. The Zoning Board of Appeals met last week with Village View Assisted Living, Grove Street, who applied for an area variance but what they need is a use variance and it is a little more difficult to get approved. He recommended to the Town Board that PRD's should be reviewed and back to the Planning Board for comparison as to what they were to what they are now; it may be possible to make some improvements regarding buffer zones and setbacks. Citizens are concerned and he feels that the Town Board has to listen to them.

Supervisor agreed that can be done.

Highland Central School District – Councilmember Kevin Brennie announced that the School Board budget passed last night, June 19; the unofficial tally and pending absentee ballots, 610 to 294. It was a lower turnout than usual. He believes all of the budgets passed for Hudson Valley schools and feels that is positive for the area school districts. The School Board continues to work on the Capital Projects, which is in the development stage with architects. The schools are getting ready for the end of the year.

Planning Board – Councilmember Mike Horodyski said that Planning Board Workshop meeting is tomorrow, May 21; three of the six projects that will be reviewed are accessory apartments. Accessory apartments continue to be one of the topics that the Planning Board reviews; people are trying to make a little extra rental income. On the agenda there is a lot line revision between Torson St. Jude and Adonai Lodge; Valentino lot line revision at 188 Perkinsville and Cusa Holdings is subdividing portions of a third lot at 86-88 New Paltz Road, which would make three residential parcels.

Richard Klotz, Highway Superintendent, explained that Cusa Holdings would like to put in a driveway from the back of the property to South Chodikee Lake Road.

Police/Fire/Town Justice – Supervisor Paul Hansut reported that the tomorrow night, May 21, is the Chiefs of Police Association Awards Dinner in Kingston; he attended the Fire District's annual installation dinner which was very well attended. He said that an amazing number of fellows who have grown up in Highland have served as firefighters for 35, 40 and 50 years; it is impressive to see them get awards.

Water/Sewer/Drainage Committee – Councilmember Jeff Paladino said regarding Water and Sewer there will be a meeting with Ray Jurkowski of Morris Associates on May 22

to talk about the capital improvements for the Water District and they are doing due diligence on the Chapel Hill South extension to see if that could be a reality. Guerriero asked if that would be extending the Sewer District and who is going to fund it.

Paladino confirmed that it is the Sewer District and possibly the Water District to go down South Chapel Hill Road from Chapel Hill Road to Route 9W to pick up the houses on South Chapel Hill and the businesses, culminating with Foxx Pools, on Route 9W. The contributions to be made by those parcels will have to be determined; there are four or five commercial lots along 9W who would benefit by the extension.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

A representative was not in attendance to give a report.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park, reported that there have been big changes at the Park as there is now blacktop, curbing and the parking lot has been striped. The new driveways are in and there is a 24-car parking lot with spaces for two buses. Sun Up Construction has been great to work with and they did a beautiful job. The job cost went over the \$70,000 grant and he thanked Sun Up for donating the overage. He feels strongly that those who have helped build the Park should be thanked. For all of the prep work leading up to the blacktop job: Lenny Auchmoody, for his equipment, the screen plant and crushing up all of the concrete, driving the trucks; Bob Zammiello, heavy equipment operator, who worked many, many hours and Zammiello Construction, owned by his son, Kevin, for the loan of the excavator (single handedly wearing it out); Dave Magliato for his dump truck that he operated for several days and then loaned it and Lenny Auchmoody drove it; Jim Anzalone for his tri-axel dump truck which Lenny drove lots of miles; Erichsen Fuel donated fuel and gave us fuel at cost, which was in the thousands of dollars over the years; Highland Water Department for loaning equipment and Dave Campala and Kevin Klotz on their own time spent hours down there using the Water Department Equipment; Dave Toder of Bolder Architecture for his drawings and plans, Sal Cuciti for his help with the plans; Tim Marion, equipment operator, ran a dozer for miles, Mike Serini for loaning the bulldozer; Brooks and Brooks Surveyors, Rick and Patty Brooks, have done a lot of surveying work at no charge; Greg Axelson, a surveyor for NYS did some surveying on his own time at the Park; Town of Lloyd Highway, he borrowed the loader and kept it for about a year and apologized if he has forgotten anyone. There is now a first class parking lot, exit and entrance, along with 350-feet of trailer parking on the side of River Road. The picnic tables, charcoal grills and bike rack have been delivered. They will dig and put in forms for the concrete pads on which to install the tables. The floating dock will be put in tomorrow. The reinstallation of the memorial plaques will begin as well as the flagpole that was donated by the Rotary in memory of Leo Rizzo.

Paladino and Horodyski extended their congratulations.

Supervisor announced that there was a problem with the TV camera but it is on now and is recording

2. OLD BUSINESS

A. Supervisor stated that the Ulster County Supervisors had met with Ulster County Resource Recovery Agency yesterday. There are ongoing negotiations between the UCRRA and the towns that have transfer stations. UCRRA is now requiring towns to purchase the 40-yard containers that the garbage goes into at the Transfer Station for \$5,500 each to be paid for at \$80 per month per container for ten years. If the town decides to get out of the business for up to five years, the containers can be sold or pay off the \$5,500. Lloyd needs three containers.

Brennie asked if the \$80 per month was the lease charge, which Supervisor confirmed.

Paladino asked if that included the recycling container.

Supervisor replied that the UCRRA is going to give the recycling containers to the towns. He said that the charges begin January 1, 2016, and the first new container will be available somewhere within the first three years.

Horodyski posed that three containers are \$16,500; at \$80 per month, which would be \$240 or \$3,000 per year, the Town would have paid \$30,000 over ten years.

Supervisor agreed and said that came up but UCRRA calculated that they must buy 89 containers for 18 transfer stations. Their numbers do not work out to \$80 and it is

still being debated. Dave Gordon, a Town of Lloyd resident, is on the board of the UCRRA and he is going to ask him to come the Workshop meeting to try to explain the UCRRA's position on this.

Horodyski felt that it would be the same conversation that the Town Board had with the UCRRA executive director a year ago.

Supervisor said that his position is different from the Board of the RRA; however, he follows their directives.

3. NEW BUSINESS

A. Memorial Day Parade on Monday May 25, 2015, starting at St. Augustine's School at 9 AM.

B. Verizon Wireless contract, lease for water tower off North Riverside and Route 9W. Supervisor asked Sean Murphy to explain what has transpired.

Murphy explained that Verizon approached the town to affix a transmitter to the side of the water tower located on Water Tower Road. He is waiting for a clean copy of the contract. They would like an option for a year to see if it is feasible; if they exercise the option, it would be a five-year term with four or five year extensions.

Brennie asked how much the town would realize.

Murphy answered that it would start at \$1,000 per month.

Horodyski asked if they were requesting exclusive use of the tower. He felt that if Verizon was interested there would be other companies also interested.

Murphy replied that they were not. All the sites were different values and this site would fill a lot of gaps in the Verizon coverage and it is important to them. What they pay is site specific; they are paying more for sites north on the east side of the Hudson River due to more gaps in service, there are less gaps here. It is a ready-made site with access.

Horodyski added that there was no issue with height and does not affect a view shed because it is on the side of the water tower.

Matt Smith offered that he was involved in a repair project on the water tank in Hudson Hills several years ago. There are several transmission towers on it; at the time they welded a bracket on and burned the coating off on the inside and the water started to become rusty. He suggested that Verizon should be aware and responsible. The repair was very complicated and dangerous.

Murphy said that there is a clause in the contract that it will not impact the tower and he has spoken with Ray Jurkowski about it. He said that he will forward the clean copy of the contract to Town Board members for their review. He thought that he could get a representative of Verizon to come to the Workshop meeting. The payment would escalate every five years.

Paladino asked if they would be allowed to subcontract.

Murphy replied that they would not.

C. SpringFest

Supervisor thanked the Town of Lloyd Events Committee, Highland Business Association and everyone that participated in organizing SpringFest. The weather cooperated and there was an incredible turnout; it was a great day. Kate Jonietz, Events Chair, told him that with the donations from businesses and the collection of the vendors' fees, it cost \$400 out of the Events' budget.

4. PRIVILEGE OF THE FLOOR

Jack Maguire, Chair of Environmental Conservation Council, reported that they have a new member, JoyAnn Savino, and he would like to have her approved at this meeting. He confirmed what Guerriero reported that the Black Creek stairway is in a dangerous state of disrepair at the bottom. There is a footing that ties it into the creek bed at the bottom and around it is a 20-foot by 20-foot square landing that is gravel which originally had railroad ties and rocks around it. About half of that has eroded and the railroad ties are gone over the last eight years. The erosion is especially bad from the water to the first step. The first step is not anchored and you can shake the bottom of the stairway when the area is flooded. The water has subsided and things have solidified a bit. It is the bottom of the stairway and if it is not fixed, it will undermine the structure; it is already listing a bit. More regular maintenance would prolong the life of this structure which had cost \$35,000 and is a memorial. It was supposed to be taken care of by Parks and Recreation, out of that budget, but nothing has been done in the

last eight years. Last year the ECC took it upon itself along with the Boy Scouts to clean up the area.

Brennie asked if there has been an attempt to contact Buildings and Grounds.

Maguire replied that there has not but he brought it to the attention of the town.

Supervisor asked if he remembered who did the work; he read that Parrott Enterprises engineered the design.

Rosalie Peplow interjected that she had given Maguire the information on the creating and building of the project.

Paladino asked if a Boy Scout would be willing to do the work as his Eagle project.

Maguire said that the idea has been floated but not picked up; the ECC is pursuing grants for the possibility of having something more permanent rather than having it get worse.

Horodyski posed that he did not want stairs that are listing and moving.

Supervisor suggested going to look at the stairs.

Guerriero added that it is a memorial and worth repairing; he was concerned that people are using the stairs if it is dangerous.

Maguire said that it is not dangerous but it could become dangerous if care is not taken.

Mark Reynolds, reporter, asked about the FOIL issue reflected in Resolution O., as to what prompted the resolution.

Supervisor answered that currently the process is that someone can come in and ask for a FOIL and he has no idea who is asking or what they are asking for; he spoke to Sean Murphy about amending that. He said that he does not need to know about the accident reports but if someone is coming in and requesting information under the Freedom of Information law then he and the Town Board would like to know what is going on.

Guerriero said that it is Freedom of Information and anyone can come in and ask for information.

Supervisor said that he understood FOIL's; however, he believes that when someone comes in and files a FOIL, he should know who is filing and for what information they are looking.

Horodyski said that he does not have an issue.

Supervisor said that this is done through the Town Clerk's office.

Peplow explained that a person has the right to fill out a FOIL form and if that request is denied for some reason, they can appeal to the Town Board. The FOIL request may be made by email, fax or letter. She has attended many classes on this subject with Bob Freeman, Executive Director of the Committee on Open Government. If it is not clear what the person wants, they are asked to be more specific and for more details; we make the information readily available to anyone who wants it.

Horodyski asked if there was a log or spreadsheet on the FOIL requests.

Peplow showed him file of 2015 FOIL requests and said that this is the log, every request is filed when completed; anyone can ask to see the file. There is no need for a spread sheet, it would be rewriting everything that is already written and in the file. A lot of it is inquiries from engineering companies on different properties, a copy will be sent to the Building Department for information; the Assessor will receive it for anything that pertains to her office. They will either notify her that they sent the requested information directly to the applicants or return the requested information to her so that she can give the applicant the information. There is a record of everything that we do.

Guerriero asked if another record is going to be made.

Peplow offered to make a copy of each FOIL request and give each Board member a copy.

Horodyski said that as Chairman of the IDA he is made aware of every FOIL request and being apprised of it doesn't strike him as a crazy suggestion.

Peplow agreed and said that she wanted to make it clear that no one has complained that they have not had a response or that they were not properly helped. The Town Board does not have to appoint the Town Clerk as the Record Access Officer but it does make sense because by NYS law the Town Clerk is the Records Management Officer.

Reynolds said that the wording of the resolution talks about the Town Board being responsible for insuring compliance and asked if it was the Records Access Officer or the Town Board.

Murphy answered that the Records Management Officer, Rosalie Peplow, is appointed and she is responsible on a day-to-day basis so when a FOIL comes in, she makes sure that she understands what they want and makes sure where these records are and that office is aware of the request.

Horodyski said that the Board appoints Peplow to carry out that function.

Guerriero agreed and said that she is here throughout the day and the office is always open.

Horodyski said that he does not need copies of all of the FOILS but the Supervisor should have them and he can disseminate it to the rest of the Town Board.

Peplow said that because the Town Board is in this resolution she would be more than glad to copy the Board members.

Supervisor added that this is the era of technology and a simple email would suffice. There are foils being requested but the person can simply come in and ask a question. He feels that he should have a heads up as to what people are looking for, what is needed, or to follow up on something that someone is not getting, that way his office has an idea. Sometimes these foils lead to litigation so if there is an understanding in the beginning, it would help the process.

Guerriero posed that if someone was not getting the information they requested under the FOIL. Rosalie Peplow would take care of that and asked what the Supervisor would be able to do.

Horodyski interjected that the Town Board is ultimately responsible and if the person does not get what he needs from the Town Clerk, he tells the Town Board that he is not getting the information requested.

Guerriero said that in that case, the Board would hear a complaint.

Paladino felt that there was no downside.

Reynolds referred to the sign law, Section 2, #7, about billboards and said that in 2010 the Town Board adopted a local law to have a sunset for all billboards by the end of this decade. He asked what prompted the Town Board to reconsider that and adopt a new law that allows these billboards continue to exist.

Horodyski thought that the Town Board would not have the ability to enforce that.

Supervisor added that it was a question of litigation.

Reynolds asked if the Town Board has asked for a legal opinion on the issue.

Supervisor said that they are in the process of that and that Teresa Bakner is going to come to the Workshop or the Public Hearing to give her opinion.

Reynolds asked if any of the Board members have any interest in the properties on which the billboards are sited or a billboard company.

Paladino felt that Reynolds was asking about him and said that a partner of his owns 62 acres on Route 9W but he personally has no interest in it; the south side of the Mid-Hudson Bridge overpass is not his property and he has no affiliation. That company is K of Heron.

Reynolds said that Assessor has a 1.20 acre parcel owned by Paladino Properties.

Paladino replied that is on the south side of the town towards Perkinsville Road, which is on the north side of his property; he does not own that property. Another company owns the 11 acres north from his property going to the edge of Mackey Road and the billboard.

Reynolds asked if there was any other committee in the town who weighed in on or was it discussed to purchase the fountain.

Supervisor explained that the fountain was on display in the hamlet for SpringFest; he saw Reynolds and had a conversation about it. He spoke to the owner of Aztlan about putting the fountain where it is currently sited and installed. There is a resolution tonight to approve him to sign the contract. Councilmembers Horodyski, Paladino and Brennie were at SpringFest; he called Councilmember Guerriero and Tim Baker of Baker & Sons, landscaper.

Paladino looked at the fountain as it stood and Supervisor got a consensus of the Board that the fountain can be purchased for \$8,000.

Guerriero did not feel that he agreed to that price and that the issue to spend \$8,000 should have been brought to the Board. He was not in favor of purchasing the fountain as it was too much money; he saw the fountain on Monday morning and he called the Supervisor and asked if the fountain was being displayed but was told that the town bought it.

Supervisor said that it was purchased based on the phone calls and feels that Guerriero is telling him that he misheard the conversation with Guerriero. He further said that it was an opportunity as the fountain was in the village; to bring it before the Board tonight would have cost another \$1,500 to install it because the vendor would have remove it and then return to rebuild it on the new site.

Brennie feels that it is a nice addition.

Rose Sinagra asked how many bids the Board got on the fountain.

Supervisor answered that he called Tim Baker the landscaper, who has done work for the town, spoke to another landscaper and Paladino looked at it. The procurement policy

was not followed. He commented that this seems to be political and said that he had a conversation with Guerriero who does not remember the conversation; he did not want to enter into a debate on the matter. The resolution is on the agenda.

Guerriero feels that the conversation was clear, not misunderstood, that he said the \$8,000 was a lot of money.

Christina DeMaio, Highland Business Association, thanked Supervisor and the Town Board members who were at SpringFest all day, from sun up to clean up, emptying the garbage cans, helping the committees. Over \$700 was raised for SaraStrong. A member of the Highland Business Association, with a business in the town for the last 20 years, is the one who did the fountain. It is the first time he felt that his business was acknowledged. The social media pages are full of positive comments on the fountain. She understands the disagreement about the price and the procedure to procure it; she was appreciative of all the Supervisor does for the HBA.

Scott McCord, Cutting Edge Landscaping, commented that the fountain is a great asset to the town; he feels that the \$8,000 price is a generous price to the town. He would be glad to explain the pricing.

Guerriero replied that he never heard about the \$1,500, what was said was that there would be negotiations to reduce the price.

Reynolds asked about procurement laws.

Sean Murphy answered General Municipal Law 103 is about bidding and for a purchase of over \$20,000 the town has to go out to bid; if the town does not go out to bid and enters into a contract, it is a void contract. GML 104 is about procurement policy, there is no case law that says it is void. Under \$3,000 it is three telephone calls; between \$3,000 and \$19,999, it is three written requests for proposals. If it is over \$20,000 there is a formal bidding requirement and if the formal requirements are not followed, the contract is actually void. This is under \$20,000 and the technical aspects of the procurement policy this purchase would have been three faxed or written requests.

Reynolds asked if that was not done if the Board can approve it.

Murphy replied that the law reads if the policy is not followed inadvertently or mistakenly it does not rise to a level that it is void.

Reynolds said that the Town Board does know that the policy was not properly followed.

Murphy said that it is his understanding that it has been purchased and installed. It is further his understanding that the Board is going to ratify the agreement and the action that the Board took.

Horodyski stated that he feels that following the procurement policy is important. This was an opportunity to do something in the downtown area and feels this is a nice addition to the area. The maintenance is included and it is a fair price. He said that he has watched much more money go out on much less.

Murphy added that the Town Board has two options: ratify the action that the Board took or move to rescind it and go out and follow the policy.

Guerriero also had a concern about the new camera system installed in the Court.

Supervisor said that he did not have anything to do with that and it was the two Justices and it never came to the Town Board. The grant application was approved by the Town Board; they went ahead with the purchase and installation.

Guerriero asked if bids were obtained for the cameras.

Supervisor replied that was a question for the Justices to answer.

5. MOTIONS AND RESOLUTIONS

A. **MOTION** made by Paladino, seconded by Horodyski, to approve the minutes of the Regular Meeting of April 15, 2015.

Five ayes carried.

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

General	G312 to G378	\$88,103.46
Highway	H168 to H203	\$43,724.31
Miscellaneous	M58 to M71	\$32,033.87
Prepays	P156 to P205	\$80,370.60
Sewer	S117 to S237	\$15,216.29
Water	W141 to W167	\$15,376.33

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

Five ayes carried.

C. **RESOLUTION** made by Paladino, seconded by Brennie, to authorize the Town Clerk/Record Management officer, Rosaria Peplow to attend the New York Association

of Local Government Records Officers Conference. It will be held in Lake George June 8 - June 9, 2015. This is in the Town Clerk budget.

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

Five ayes carried.

- D. RESOLUTION** made by Horodyski, seconded by Brennie, to approve The Alex's Lemonade Stand Foundation to host Alex's Lemonade Stand at 75 Haviland Road in the area of the caboose on Sunday June 14 from 11:00 am to 3:00 pm at the recommendation of the Hudson Rail Trail Association.

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

Five ayes carried.

- E. RESOLUTION** made by Paladino, seconded by Guerriero, to authorize the use of the Rail Trail by Bike New York to host their Discover Hudson Valley Ride on the Hudson Valley Rail Trail from its connection with Walkway over the Hudson to Tony Williams Park on Sunday June 28, 2015 with the rail trail closed from 7:00 AM to Noon, unless otherwise determined, subject to the following conditions: co-ordination with Town of Lloyd Police Department regarding use of Town roads for that portion of the ride and co-ordination with Rafael Diaz, HVRT Safety and Courtesy Co-ordination regarding trail closure, signage, monitors, etc. at the recommendation of the Hudson Valley Rail Trail Association.

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

Five ayes carried.

- F. RESOLUTION** made by Paladino, seconded by Brennie, to authorize the use of the Rail Trail by SaraStrong Foundation and the Town of Lloyd Events Committee to host the SaraStrong/Team Hobie Walk for Sarcoma on the Hudson Valley Rail Trail on Sunday July 19 from 5:00 PM to 8:00 PM. The event will be staged at Tony William Park with the participants doing an out and back walk on the entire length of the Hudson Valley Rail Trail at the recommendation of the Hudson Valley Rail Trail.

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

Five ayes carried.

- G. RESOLUTION** made by Horodyski, seconded by Guerriero, to hire the following for the Arts & Crafts SummerFun Program at Berean Park: Julia Quinn, at \$8.75 per hour; Kaitlin Irvin, \$8.75 per hour at the recommendation of Frank Alfonso, Recreation Director.

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

Five ayes carried.

- H. RESOLUTION** made by Brennie, seconded by Paladino, to hire Joseph Pugliese as Part-time Seasonal Maintenance Worker for Recreation and Buildings and Grounds at the rate of \$8.75 per hour, effective May 13, 2015, at the recommendation of Frank Alfonso, Recreation Director.

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

Five ayes carried.

- I. RESOLUTION** made by Paladino, seconded by Brennie, to approve and file the Annual MS4 Report for Year 12 (March 10, 2014 to March 9, 2015) as presented by Shari Riley, Storm Water Officer, and dated May 6, 2015.

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

Five ayes carried.

- J. RESOLUTION** made by Brennie, seconded by Paladino, to appoint a representative from Morris Associates and Lawrence J. Paggi, PPC, to sign the SWPP acceptance forms and termination forms.

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

Five ayes carried.

- K. RESOLUTION** made by Paladino, seconded by Brennie, to amend the resolution adopted on May 6, 2015 approving the contract with Lime Energy for \$14,005.67 due to post-engineering review of Town Hall lighting projects to increase the overall Town portion by \$1,389.84 to include dark skies compliant fixtures to prevent light pollution

and stray lighting and installation of several fixtures that were initially missed at the Water Treatment Facility and the Hudson River Pump Station.

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

Five ayes carried.

- L. RESOLUTION** made by Brennie, seconded by Horodyski, to authorize the Supervisor to sign agreement with Aztlan Outdoor Living to install an outdoor fountain in front of 64-72 Vineyard Ave Town of Lloyd property. The installation, materials and maintenance are included in the price of \$8,000 (eight thousand dollars) which will be funded from the contingency line of the budget. The fountain was on display during the SpringFest event and the purchase with installation following the event reflects a cost savings of \$1,500 (fifteen hundred dollars).

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

Five ayes carried.

- M. RESOLUTION** made by Paladino, seconded by Brennie, 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 25, 2015 from 8:00 AM to approximately 11:00 AM.

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

Five ayes carried.

- N. RESOLUTION** made by Brennie, seconded by Horodyski, to amend the resolution adopted on January 21, 2015 to authorize the use of and the closing of the Hudson Valley Rail Trail for Walkway over the Hudson's "Walkway Marathon" Saturday June 13, 2015 to change the hours that the Rail Trail is closed from 10:00 AM to noon to 6:30AM to 1:30PM.

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

Five ayes carried.

- O. RESOLUTION** made by Paladino, seconded by Horodyski,

WHEREAS, the Town Board of the Town of Lloyd has appointed Rosaria Peplow, Town Clerk, as Records Access Officer, pursuant to 21 New York Code of Rules and Regulations, Section 1401.2; and

WHEREAS, the Town Board has determined that it would be in the best interest of the Town for the Supervisor to be advised of all requests for access to records made pursuant to New York State Public Officers Law Article 6, "Freedom of Information Law", to ensure that the Supervisor and the Town Board, as the governing body responsible for ensuring compliance with the regulations in 21 New York Code of Rules and Regulations, Part 1401, are aware of all such requests.

NOW, THEREFORE, BE IT RESOLVED that the Town Clerk, Rosaria Peplow, as Records Access Officer, provide copies of all FOIL (Freedom of Information Law) requests, excluding police accident and incident reports, to the Supervisor upon receipt thereof.

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

Four ayes carried.

- P. RESOLUTION** made by Horodyski, seconded by Guerriero,

WHEREAS, a local law, being proposed as Local Law F – 2015, was introduced at this meeting as follows:

Local Law F – 2015, a local law to amend the Code of the Town of Lloyd, Chapter 100, Zoning, Section 100-28, entitled "Signs".

WHEREAS, the Town Board of the Town of Lloyd has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the town, and the Board having declared its intention to assume lead agency to do all necessary reviews in this matter; and

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 the Town Board hereby is designated as lead agency to conduct all necessary reviews in this matter; and it is further

RESOLVED that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 17th day of June, 2015 at 7:00 p.m.; and it is further

RESOLVED that the Town Clerk is hereby directed to publish and post a notice of said public hearing in accordance with law and circulate pursuant to the Town of Lloyd Code and the New York State General Municipal Law to the Town of Lloyd Planning Board, the Ulster County Planning Board and any other interested agencies for response prior to the public hearing.

LOCAL LAW F-2015

**A LOCAL LAW TO AMEND CHAPTER 100, ZONING,
SECTION 100-28 OF THE CODE OF THE TOWN OF LLOYD**

Section 1 Purpose. The purpose of this local law is to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd. **Section 2** The Town of Lloyd Code, Chapter 100, Zoning, Section 100-28, entitled "Signs" be, and the same hereby is, amended as follows:

The second sentence of paragraph B. (2) is amended to change "... within 30 days ..." to "... within 60 days ..."

The first sentence of paragraph C. (6) is amended to change "... does not exceed two square feet" to "... does not exceed three square feet ..."

Paragraph D. (2) is deleted and replaced with "Billboards".

Paragraph D. (6) is deleted, and Paragraph D. (7) is renumbered D. (6).

Paragraph E. (2) a. iii. is deleted and replaced with the following:

"iii. An area of 10 square feet in business or agricultural districts, nor three square feet in residential districts."

Paragraph E. b. iii. is deleted and replaced with the following:

"iii. An area of 10 square feet per sign, six feet in height from grade to top of sign, and shall not be located nearer than 15 feet to any street or lot line or any building, unless attached directly to said building."

Paragraph F. (7) is deleted and replaced with the following:

"(7) Nonconforming billboards. No new billboards shall be erected in the town.

Existing billboards shall be allowed to remain, with required maintenance and repairs and façade changes allowed, but shall not be enlarged, further modified, or moved. If changed to a digital billboard, the section under digital signage shall apply."

Paragraph G. (1) is deleted and replaced with the following:

"(1) For each permitted Class I home occupation, one nonilluminated sign with an area of not more than three square feet per face."

Paragraph H. (2) is deleted and replaced with the following:

"(2) Designed Business District, General Business District and Highway Business District (HBD).

a. For lots with a single stand-alone business establishment, the following signs shall be permitted:

- i. Not more than two wall signs, which shall be located on the establishment's principal façade. The total sign area of all wall signs shall not exceed one square foot per three linear feet of the establishment's front building wall length or a maximum of 50 square feet, whichever is less.
- ii. Not more than one monument sign with a sign area no larger than 50 square feet per face and a height maximum of six feet (including the base). The sign must be set back 15 feet or more from the edge of pavement and must be fully located on the applicant's property.
- iii. One sign at each point of access to the lot, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet per face and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety and that any such on-site directional sign will be set back at least five feet from any public right-of-way or property line.
- iv. In the Highway Business District, additional standards are listed in the Design Standards for the HBD."

Paragraph H. is revised to add new Sections (4) and (5), as follows:

"(4) Off Premise Signage

- a. Off premise signage shall be allowed in any commercial district subject to the following conditions:
 - i. Application to the Planning Board with a Master Sign Plan for the desired signage.
 1. The Master Sign Plan should include multiple sign areas for different businesses.
 2. The remote location may be on private property. An easement shall be given to the Town of Lloyd for inspection and enforcement purposes, including removal, for the location of the sign. This easement shall be to the satisfaction of the Town Attorney.
 3. The Planning Board has complete authority over the colors, location, typeface, illumination, and any other elements of the remote sign as they see fit.
 4. Signage area for the parcel containing the remote signage shall be the amount allowed in the zone in which the parcel exists.
 5. Any changes, including changes of business name or façade changes, to the sign require reapplication to the Planning Board for their reconsideration and approval.
 6. Upon approval of the Planning Board, a building permit shall be applied for in the Building Department.

(5) Digital Signs / LED signs / Electronic Message Center

- a. Digital signs are allowed in the DB, GB, HBD, and Walkway/Gateway Zones subject to the following conditions:
 - i. Digital signs are limited to the number and maximum square footage allowed for the property in the zone it is located in.
 - ii. Digital signs shall have a minimum 19mm pixel pitch.
 - iii. Luminance limit for the digital sign shall be no greater than one-half candle power at the property line.
 - iv. Change of façade shall not occur less than twenty (20) seconds between changes.
 - v. Changes to the façade/lettering shall be “instant”; no scrolling, fading, or animation during changes.
 - vi. If the display malfunctions, the display must automatically go dark.
 - vii. Signs shall not flash, nor having moving images or flashing in their backgrounds.
 - viii. In no case shall a parcel with a digital sign on the premises have any temporary signs.
 - ix. No change to existing static billboards shall be made to alter them to digital billboards without removal of an additional billboard. Thus, for every new static billboard conversion to a digital billboard, one static billboard must be removed.
 1. A billboard is any sign structure larger than 20' x 10' (200 sq ft) in area
 - x. Digital signs shall have an automatic dimmer for evening and night hours. This dimmer shall be either photo sensitive or time programmed. Brightness of the digital sign should be keyed to the ambient light.
 - xi. Maximum of one digital sign per sign structure.
 - xii. Maximum letter size shall be no greater than 12 inches.
 - xiii. No segmentation of digital messages.
 - xiv. In the case where the sign malfunctions, it must be programmed to go black.
 - xv. The digital sign must be located no closer than 300 feet from a residential property, whether or not that property is currently being used for residential use.

The Planning Board shall have complete discretion to waive or vary any aspect of this section.

Section 3 This local law will take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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

Five ayes carried.

Q. RESOLUTION made by Horodyski, seconded by Guerriero, to approve the following Budget Amendments for the 2015 budget:

General

Beautification	8560.40	+\$8,000.00
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Contingency	1990.40	- \$8,000.00
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(Fountain in the center of town)

Highway

Snow Removal PS	5142.10	+\$10,000.00
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General Repairs PS	5110.10	- \$10,000.00
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Water

Unallocated Insurance	1910.40	+\$13,563.00
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Unexpended Balance		- \$13,563.00
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Sewer

Unallocated Insurance	1910.40	+\$7,333.00
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Unexpended Balance		- \$7,333.00
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Roll call: Hansut, aye; Paladino, aye; Horodyski, aye; Guerriero, aye; Brennie, aye.

Five ayes carried.

R. MOTION made by Paladino, seconded by Brennie, to appoint JoyAnn Savino to the Environmental Conservation Committee.

Five ayes carried.

MOTION made by Paladino, seconded by Horodyski to adjourn the meeting at 8:10 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk