

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

JUNE 8, 2011

Present: Supervisor Raymond Costantino **Also present:** Sean Murphy, Attorney
Councilmember Kevin Brennie* Rosaria Peplow, Town Clerk
Councilmember Nancy Hammond Wendy Rosinski, Secretary
Councilmember Jeffrey Paladino

Absent: Councilmember Herbert Litts, III

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

7:00 PM – Supervisor opened the Public Hearing on Local Law No. D – 2011, a local law to amend the Town Code by adding Chapter 75 to regulate activities at the park along the Hudson River known as The Bob Shepard Highland Landing Park

Supervisor asked Matt Smith, Project Manager, to give the background of the proposed law.

Matt Smith said that they have been working on variations of the law for quite some time; this is a law that makes sure that everyone can enjoy the Park without incurring problems. Some items were specific to the Park i.e. the marine safety segment and jet-ski protocol. The jet-ski protocol started because Scenic Hudson would not give money to a park that allows jet-skis; he did speak with Scenic Hudson and convinced their board to change their position on this issue. He looked at laws and regulations from other towns and pointed out that this law specifies that jet-ski operators must wear a life jacket that is rated for the speed of the machine.

Paladino asked about the boat launches and Smith answered that two launches are proposed: the canoe/kayak launch is roughed in and available now; a site will be built to launch a powerboat at the south end of the park. In this area there is a cove and boats will be out of the main current of the River for a safer launch. Also in the interest of safety, the launch sites are separate.

Smith said that the sign with the regulations will be erected as soon as the law is adopted.

There were no further questions.

1. REPORTS from Town Board Department liaisons

Assessor – Supervisor Litts

Audit – April 1 to June 31 – Councilmember Brennie

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond reported that the ECC would like to arrange a meeting and organize another Town committee for an open-space plan.

Supervisor indicated that he spoke with Jack McGuire, Chairman of ECC, and feels that it is a good idea; however, he cautioned McGuire that ‘open space’ often is indicative of ‘no development’ so they discussed different names for the committee and design standards; in these hard economic times, the Town cannot be ‘non-development’. He feels that they will also need professional help and is confident that Barton and Loguidice would be interested in design studies.

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Hammond added that she would like to see a cross-section of people involved on the committee for broad input and noted that McGuire needed to speak to the Supervisor and then the Town Board with the ECC proposal.

Events – Supervisor Costantino

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino reported that the firemen recently held their chicken barbeque, which was well attended.

Highland Central School – Councilmember Hammond reported that the activities are winding down for the school year and she is looking forward to meeting again in September.

Highland Landing – Supervisor Costantino

Matt Smith, Park Manager, Bob Shepard Highland Landing Park, read the following report:

Our neighborhood yard sale at the Park drew a good number of vendors and shoppers.

We have “Crafts in the Park”, an arts and crafts event coming up on Saturday, June 18.

Tai-Chi is starting again on July 5 and run Tuesdays at 6:30 PM for eight weeks. We work with the Recreation Commission on this, thank you. It was immensely popular last year and we are already getting many calls about it; it looks as if it is going to go over big again!

We have a volunteer graphic designer/marketing consultant, Kelly Anderson, who has developed a new logo for the Park (distributed to the Board). It is great! Thank you, Kelly!

We are completing the re-finishing of the picnic tables on Saturday and will be taking them back to the Park. Thank you, again, to Jeff Paladino for donating the necessary materials, and Dan McLaughlin, Dick Hardman and Chris Sidwick for their volunteer labor in sanding and varnishing the tables.

We have a new grant from a 2008 application which at the time we were told was un-funded. We have done much of the work that the grant originally covered but are now finalizing a new scope of work and budget with the grantor’s approval. We will get out a press release about it soon. The grant is for \$100,000!

Things are still ‘on slow’ with our United States Army Corps of Engineers permit for the bulkhead/dock/boat launch project. We have furnished all of the requested information and are awaiting a decision any day now. I believe we will soon have our permit.

I worked on the last exterior door frame this past weekend and will finish that this Saturday. The carpenters will be working inside the building this coming week.

With passage of the rules and regulations for the Park tonight, we will be putting up our new sign at the Park posting the rules and regulations.

We ordered all of the signs that the Park will be required last month as part of a grant from Greenway. All of the signs will be reimbursed 100% by Greenway as we have the local match covered by our volunteer labor. The cost of the signs was almost \$1,500.00.

Mark Reynolds, *Southern Ulster Times*, asked if the hours of operation are dawn-to-dusk and the number of signs that were ordered.

Smith answered that it is dawn-to-dusk, in correlation with the other Town parks and the signs that have been ordered indicate parking for boat trailers, handicapped parking, entering and exiting, no motorized vessels, boat launch, stop sign, etc., as they tried to anticipate need.

Supervisor asked who was working inside the building and Smith answered that it was Manny Bougades and Larry Streeter; Steve Schmidt helped with the roof. The electric has to be installed in the building before the Clevis Motrum tanks are installed.

Highway

Historian – Supervisor Costantino

Rosalie Peplow, Town Clerk, read the May report of the Historian, Elizabeth Alfonso, and noted that the report does not reflect all of the work that she has accomplished for the office:

Weekly editions of *The Southern Ulster Times* are featuring “yesteryear” photos of the Town of Lloyd.

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On May 14th, Gail Russell and I attended the Ulster County History Conference at BOCES in Port Ewen.

I have received inquiries pertaining to the Deyo-Gaffney house and the Aaron Rhodes house.

Expenditures: Membership
 Association of Public Historians.....\$35.00

Hudson Valley Rail Trail – Supervisor Costantino reported that the Hudson Valley Rail Trail Association annual meeting, Breakfast on the Black Creek, was held last Saturday, June 4. Lloyd received a \$42,000 check from Ulster County sales tax. He feels the amount increased because of the HVRT and Walkway.

Paladino asked if there was a schedule of events for the Rail Trail.

Supervisor answered that he did not know the schedule. He noted that the Boy Scouts did a great job on the campsite at Berean Park and they were given the old flagpole that was in front of the Town Hall. Dave Roehrs, Roehrs Construction, offered to supply a new flagpole for in front of the Town Hall.

Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino reported that as of this month, the time of the Planning Board Workshop Meeting has been changed from 4:30 PM to 5:30 PM. The time change will accommodate the majority of the board members. Public hearings this month were: lot line revisions on Chapel Hill Road and New Paltz Road; Anthony Pezzo subdivided the Elms Apartments (Main Street) and the Laundromat property. There were no comments from the public on either. Comments were stated at the public hearing on the Joe Valentino property at the corner of Haviland Road and Mile Hill Road: residential neighbors were concerned about the type of businesses, if there would be odor, garbage and how the traffic would be handled. He felt that the Planning Board answered the questions; the residents left satisfied and the public hearing was closed.

There were general questions on the River bluff overlay district requirements. Public hearing was set in June for the Mountainside Woods Development on Toc Drive.

Matt Smith approached the Planning board regarding a new tenant for his Commercial Avenue parcel who would like to open an automotive paint shop. Some of the members questioned Smith and he will put together a site plan, as requested.

Police – Councilmember Hammond reported that the new signage at the park sites will help the Police in enforcing the laws at the parks.

Personnel – Councilmember Brennie

Recreation – Councilmember Brennie

Safety – Supervisor Costantino

Shared Services – Councilmember Paladino

Water and Sewer – Supervisor Costantino

Transfer Station/Recycling – Supervisor Costantino reported that NYS has passed a new law that if electronics are taken for recycling, the public cannot be charged and they can no longer be put in a dumpster. There are companies that can be contracted to take away the computers. On this agenda is a resolution to approve WeRecycleLLC, which is the company used by Ulster County Resource Recovery Agency. WeRecycleLLC provides the container for storage and will haul it away when it is full, at no charge to the Town.

Zoning Board of Appeals – Councilmember Litts

***7:30 PM** – Brennie arrived at the meeting.

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Hammond asked for a draft copy of the Ethics Law.

Sean Murphy, Attorney, will contact Hammond about the length of terms of office for the Ethics Committee..

Hammond asked him to email the law to her and she will forward it to Wendy Rosinski to share with the Town Board.

Supervisor commented that there has been an ongoing discussion about signs, with Brennie and Paladino, regarding what it will say and how to highlight the Hamlet versus the rest of the Town. He also spoke to the Town of Lloyd Historical Preservation Society and that is why it became the 'Historic Hamlet of Highland'. The theory is to entice those completing the Walkway over the Hudson to go to the Hamlet for food and drink. Brennie had asked for a sign at the parking lot with all the businesses listed, which did not seem appropriate. Supervisor spoke with Scenic Hudson and the businesses about the sign. It was decided to use the back of the Hudson Valley Rail Trail sign, which is now blank, to say, "Historic Highland Hamlet" with an arrow, "Right at Light", and another at Route 9W and Haviland Road, directing people to turn right at that light. Another sign is needed at the traffic light at Milton Avenue and Route 9W, on the corner of the Memorial Park. There is a small sign but it is hard to read. He feels that the Hamlet could share a sign with the American Legion and indicate "Highland Historic District" to direct people to turn into the Hamlet. Peplow is concerned that people using the Rail Trail do not have their bearings in relationship to the Hamlet and asked where the signage would be placed.

Supervisor answered that he has been negotiating with Ethan Jackman to open up an entrance on Linwood Avenue and Jackman has offered to allow people walk at their own risk and Jackman has asked for help from Matt Smith about opening the gate so people can get through it. A sign will indicate the direction of the Hamlet to people at the Commercial Avenue Extension.

Smith said that the gate will open enough so two people or a bicycle can go through but not wide enough for a car to pass through.

Supervisor feels it will be difficult to find an appropriate spot for the sign at the corner of Route 9W and Milton Avenue; the committee is going to attend an American Legion meeting to try to get permission. The sign at Route 9W and Haviland Road for Johnson-Iorio Park needs to be repaired. He has asked Vito Dispensa, Commander, to get volunteers to refurbish the frame and the Town will furnish a new sign. Dispensa would like to add Ray DiLorenzo's name to the sign and the Supervisor has asked him to get approval from the American Legion to do that and to draft the wording for the new sign.

2. OLD BUSINESS

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

5. RESOLUTIONS

A. MOTION made by Hammond, seconded by Brennie, to approve the minutes from: Workshop Meeting of May 4, 2011; Regular Meeting of May 11, 2011; Special Meeting of May 13, 2011 and Special Meeting of May 25, 2011.

Four ayes carried.

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B. MOTION made by Paladino seconded by Brennie, to close Public Hearing Local Law No. D – 2011, a local law to amend the Town Code by adding Chapter 75 to regulate activities at the park along the Hudson River known as The Bob Shepard Highland Landing Park at 7:50PM.

Four ayes carried.

C. MOTION made by Brennie, seconded by Paladino, to authorize Town of Lloyd Police Department to close the following streets on Thursday, June 23, 2011 from 5:00 PM to 6:30 PM for the St. Augustine Bazaar Parade; from St. Augustine’s School: Eltings Place to Main Street to Vineyard Avenue to Commercial Avenue and back to St. Augustine’s School.

Four ayes carried.

D. MOTION made by Hammond, seconded by Paladino, to accept the resignation of Building Inspector Joseph Daidone, effective June 2, 2011, with regrets.

Four ayes carried.

E. MOTION made by Brennie, seconded by Paladino, to accept the resignation of Part-time Police Officer Matthew Eckert, effective June 10, 2011.

Four ayes carried.

Hammond asked if the Town or the Police Department is now doing exit interviews, as had been done previously; the Board members were not aware that exit interviews are being conducted.

F. RESOLUTION made by Brennie, seconded by Paladino,

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

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

WHEREAS, this is a Type I action under SEQRA, and Part I and Part II of a Full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming lead agency to do all necessary reviews in this matter, and the Town Board having examined the EAF and considered the environmental effects of this amendment to Chapter 100, and finds, as lead agency, that there is no environmental impact, hereby issuing its Declaration of Non-Significance; and,

WHEREAS, the public hearing was closed on May 11, 2011, at which time a resolution was adopted passing Local Law B, as attached to said resolution as Schedule “A”; and,

WHEREAS, it has been determined that Local Law B, as set forth in Schedule “A” to the resolution of the Town Board dated May 11, 2011, was not in the form required by the Secretary of State for filing; and,

WHEREAS, the Town Board now wishes to adopt Local Law B in the form attached hereto as Schedule “A” to correct the formatting of said local law to comply with the requirements for filing with the New York Department of State.

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

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

G. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, proposed local law No. D – 2011, a local law to amend the Town of Lloyd Code by adding Chapter 75 to govern the use and enjoyment and to regulate activities at “The Bob Shepard Highland Landing Park” by the public, consistent with the terms of its Conservation Easement, was introduced at a meeting of the Town Board held on the 11th day of May, 2011 at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 8th day of June, 2011 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and,

WHEREAS, the Town Board of the Town of Lloyd has determined that the within local law is an unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the Town Board, with the Board assuming lead agency to do all necessary reviews in the matter, and the Town Board having examined the short form EAF and considered the environmental effects of this local law, adding Chapter 75 to the Town Code, finds, as lead agency, that there is no environmental impact, hereby issuing its Declaration of Non-Significance.

NOW, THEREFORE, BE IT RESOLVED that Local Law D – 2011 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to add Chapter 75 to the Code of the Town of Lloyd.(See attached)

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

H. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, the Town Board has adopted Local Law D – 2011, a local law to amend the Town Code to govern the use and enjoyment and regulate activities at “The Bob Shepard Highland Landing Park” by the public, consistent with the terms of its Conservation Easement; and,

WHEREAS, said local law provides at Section 3 (v) that “The launching of personal water craft vehicles (PWC) shall be permitted subject to the terms of the Vessel Safety Regulations and Jet-Ski Protocol adopted by the Town and amended from time to time.”; and,

WHEREAS, the Town Board wishes to adopt the Vessel Safety Regulations and Jet-Ski Protocol, as set forth in said local law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lloyd hereby adopts the “Vessel Safety Regulations and Jet-Ski Protocol”, as set forth in Local Law D – 2011 at Section 3 (v), in the form attached hereto as Schedule “A” as fully as if set forth herein.

Schedule A

Vessel Safety Regulations and Jet Ski Protocol

The use of jet skis, also known as personal watercraft vehicles (hereinafter “PWC”) shall be permitted at the park subject to the following rules and regulations. All State regulations must be obeyed.

1. PWC use shall only be allowed from sunrise to sunset.

2. When launching from the park facilities, all motorized craft, including PWCs, shall be launched only from the concrete boat ramp.
3. Fueling or refueling of PWCs in water or in The Bob Shepard Highland Landing Park confines is strictly prohibited.
4. Upon launching, an operator of a PWC or other vessel shall maintain a maximum speed of no more than 5 mph whenever the vessel or PWC is within 300 feet of the Town of Lloyd shoreline, and within 100 feet of any dock, float, pier or anchored boat.
5. All operators and passengers of PWCs must wear personal flotation devices (hereinafter "PFDs") at all times. PFDs must be impact-rated to match the speed capacity of the PWC.
6. Inflatable PFDs are not allowed.
 - A. Noise shall not exceed 75 db by any PWC when measured from the shoreline in accordance with the testing standards provided in SAE J1970 or 90 db in accordance with the testing provided in SAE 2005. No engine exhaust modifications are permitted.
 - B. No vessel shall exceed 75 db within 100 feet of shore.
7. All operators and passengers must obey all New York State Laws pertaining to the use and operation of PWC or any other vessel.
8. The operation of any vessel or PWC while under the influence of drugs or alcohol is strictly prohibited.
9. No unsafe maneuvers of any vessel, including PWCs, shall be allowed.
10. There shall be no mooring or anchoring of PWCs within 100 feet of The Bob Shepard Highland Landing Park.
11. PWCs are not permitted within 100 feet of canoe/kayak launch at the mouth of the Twaalfskill Creek.
12. Harassment of wildlife is strictly prohibited.
13. Proof of PWC Liability Insurance is required to be on board at all times.
14. PWC operators must be at least 16 years old to operate alone. All 14 to 15 year old operators must be licensed in accordance with all applicable New York State laws and accompanied, on the same PWC, by an adult 18 years old or older holding a PWC license.
15. Serious and/or repeated offenses of any of the rules or regulations may result in the suspension and/or revocation of owner's and/or operator's permission to use said facilities or water.

Roll Call: Costantino, aye; Brennie, aye; Hammond, aye; Paladino, aye.

Four ayes carried.

I. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Hudson Valley Rail Trail Association, Inc. owns a parcel of land adjacent to the Town's Rail Trail identified as Parcel No. 4019 page 82 in the Ulster County Clerk's Book of Deed; and

WHEREAS, the Donor, Hudson Valley Rail Trail Association, Inc, agrees to give to the Town of Lloyd for no consideration that parcel of land identified in the previous paragraph; and

WHEREAS, the parcel for purposes will be identified by a metes and bounds description annexed hereto as "Exhibit A"; and

WHEREAS, the parcel consists of unused land on which the Donee has contributed a parking lot, and can be utilized by the Town of Lloyd for any municipal purpose, including parking or other public purposes, but the gift is to be a gift that is not to be earmarked for any specific public purpose.

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NOW, THEREFORE, it is resolved as follows:

1. The gift by Hudson Valley Rail Trail Association, Inc., as described in "Exhibit A" annexed hereto, be, and the same hereby is, accepted.
2. The contract annexed hereto as Exhibit "B" be, and the same hereby is, approved.
3. The Supervisor is authorized in conjunction with DiStasi Moriello & Murphy Law PLLC, attorneys to the Town Board to finalize and sign the contract and closing documents and to purchase title insurance for the closing.
4. The Town Board is appointed lead agency for any environmental review of this transaction.
5. Title will close and deed will pass at the law offices of DiStasi Moriello & Murphy Law PLLC at 10:00 a.m. on July 20, 2011. (See Attached)

EXHIBIT A

All that piece or parcel of land, situate, lying and being in the Town of Lloyd, County of Ulster and State of New York, being more particularly bounded and described as follows:

Beginning at a point along the easterly line of the lands of now or formerly Krikelis, said point being the intersection of the easterly line of the lands of now or formerly Krikelis and the southwest corner of the herein described parcel, thence in a northerly direction along the easterly line of the lands of Krikelis, NORTH 00-12-38 WEST 430.00 feet to a point along the easterly line of the lands of now or formerly Roseanne Realty Corp., thence in a easterly direction along the lands of now or formerly Consolidated Rail Corp., NORTH 89-59-03 EAST 65.95 feet to a point, said point being distant 84.11 feet measured at right angles from the centerline station 2461+25.48, thence in a southerly direction along the lands of now or formerly Consolidated Rail Corp., the following courses and distances, SOUTH 07-12-38 EAST 375.00 feet to a point being 38.34 feet measured at right angles from the centerline station 2457+53.28, thence, SOUTH 82-47-22 WEST 23.00 feet to a point, thence SOUTH 00-12-38 EAST 74.22 feet to a point along the southerly line of the herein described parcel, thence in a westerly direction along the southerly line of the herein described parcel, NORTH 72-21-38 WEST 62.81 feet to a point and NORTH 89-48-38 WEST 29.04 feet to the point of beginning.

BEING the same premises conveyed by George W. Pratt & Son, Inc. to SHW Realty, Inc. by deed dated August 6, 1993 and recorded in the Ulster County Clerk's Office on August 16, 1993 in Liber 2310 of Deeds at page 156.

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

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J. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, on March 29, 2011 this Town Board resolved to purchase a 50 foot stretch of property SBL 95.12-1-46 on Mayer Drive; in the Hudson Summit subdivision (formerly Hudson Hills) for \$529.41 of unpaid taxes; and,

WHEREAS, the Ulster County Department of Finance sent the Town Attorney, Lewis C. Di Stasi, Jr., a FAX that there is required the sum of \$839.41 for miscellaneous fees, and there may be more owed because that was for the month of April; and

WHEREAS, the Town Board is still interested in purchasing the lot and any additional interest would not be substantial for the rights acquired.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board approves purchase of the lot for the sum of \$839.41 and approves payment by the Supervisor to the County of Ulster in order to obtain the lands desired.
2. The Supervisor shall also pay any title insurance, recording fees, etc. due, and the Town shall pay any taxes due on the lot until it can be transferred to the Town's title on March 1, 2012.

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

K. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, Consumers, as defined in the NYS Electronic Equipment Recycling and Reuse Act (Article 27, Title 26 of the Environmental Conservation Law) (the "State E-Recycling Program"), of the TOWN/COUNTY generate certain materials generally referred to as Electronic Waste ("E-Waste"), including Covered Electronic Equipment ("CEEs"), as defined in the State E-Recycling Program, and non covered electronic equipment ("Non Covered Equipment") (CEEs and Non Covered Equipment, collectively, "Materials");

WHEREAS, Pursuant to the State E-Recycling Program, Manufacturers, as defined in the State E-Recycling Program, are required to provide for the collection of discarded CEEs generated by Consumers within New York State, which requirements may be satisfied by delivering such CEEs to collective electronic waste acceptance programs registered with the New York Department of Environmental Conservation ("NYDEC");

WHEREAS, WeRecycleLLC (WRL) has expertise in the proper recycling of Materials in compliance with local, state, federal and international regulations;

Whereas the Town of Lloyd would like the transfer station to collect electronics for FREE recycling as a FREE service to its residents and

WHEREAS, WRL has registered with the NYDEC as a collective electronic waste acceptance program ("Collective") pursuant to the NYDEC requirements (Sections 27-2605 and 27-2613); and

WHEREAS, WRL and the Town of Lloyd wish to enter into this Agreement to establish a system of collection, removal and recycling of Materials generated by Consumers within the Town of Lloyd;

NOW, THEREFORE be it resolved, Town of Lloyd approves and authorizes Supervisor to sign agreement with WeRecycle!LLC to collect, remove and recycle materials generated by residents of the Town of Lloyd at no cost to residents, taxpayers or the Town. (See Attached)

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

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L. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, the New York State DEC has required that the Upper Grand Street sewer main and the pump stations along Route 9-W be repaired after a break occurred two years ago; and,

WHEREAS, upon inspection, there were several properties that were not serviced directly from the main in the street on Upper Grand Street; and,

WHEREAS, the Town Law Section 198(1)(j) gives the Town Board authority to establish charges and fees for work performed for a special benefit of any individual parcel within the Sewer District; and,

WHEREAS, in December 2010 the property of Brian and Laurabeth Childs at 120 Grand Street had to be disconnected from the adjoining sewer for a parcel owned by Preferred Properties of Highland, Inc. and extended directly into the main on Upper Grand Street; and,

WHEREAS, the work was done by the Highland Sewer District's work force for a cost of \$5,359.00, as set forth in the worksheet attached hereto; and,

WHEREAS, an agreement with the said owners to hook up to the Sewer District's main in the street was approved by both the owners and the Town Board in their December meeting, with a procedure to be followed that there would be annual installments on the tax bill of Mr. and Mrs. Childs to cover the cost of installation that the Sewer District had to absorb; and,

WHEREAS, the Highland Sewer Department and the Town Supervisor have calculated that the total cost to the District which benefited the said property was \$5,359.99; and,

WHEREAS, this Board desires to hold a public hearing with respect to the adoption of the Benefit Assessment Charge to be placed on the tax bill of Mr. and Mrs. Childs.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The total cost of \$5,359.00 shall be paid in seven (7) installments by making a special benefit assessment against the premises annually in the amount of \$766.00.
2. The amount to be transmitted by the Town Clerk as a special benefit assessment for the assessment roll for the 2012 tax bill shall be \$766.00.
3. The Town Board and Town Clerk shall annually prepare a benefit assessment for the tax bill for this property, regardless of who the owner may be, as future owners are on notice due to the recording of the agreement between the Highland Sewer District and Mr. and Mrs. Childs.
4. This resolution shall authorize a levy to the County of Ulster, to be transmitted by the Town Clerk with the levy for unpaid water and sewer bills in October of each year, on similar forms.
5. A public hearing shall be held by the Town Board at the Town Hall on the 20th day of July, 2011 at 7:00 p.m. with respect to the adoption of the Benefit Assessment Charge to be placed on the tax bill of Mr. and Mrs. Childs.
6. The Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

M. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, for many years Dutchess Community College, with offices at 51 Pendell Road, Poughkeepsie, New York, a public institution of higher learning as authorized by the State University of New York, has had to traverse across lands of the Highland Water District for

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the purpose of maintenance of a UHF television translator/low power television (LPTV) station located on lands nor or formerly owned by AT&T; and,

WHEREAS, the said translator/LPTV station is operated for the public good, as a non-commercial broadcast device, and re-broadcasts on UHF Channel 42, television station WMHT Channel 17, Schenectady, New York, with some locally originated programs from the College; and,

WHEREAS, the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, and Dutchess Community College have entered into previous agreements with renewals expiring April 30, 2011, and the said Dutchess Community College has applied to renew the agreement, increasing the annual rental payment from \$500.00 to \$600.00 per year and extending all of the other terms and conditions for another five (5) year period from May 1, 2011 to and including April 30th, 2016.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The agreement annexed hereto as Exhibit A and all terms and conditions therein be and the same hereby is approved, for a period of five (5) years;
2. Raymond J. Costantino, Supervisor, is authorized, on behalf of the Town Board of the Town of Lloyd, acting as Commissioners of the Highland Water District, to sign the said agreement. (See Attached)

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

N. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS the Town of Lloyd Town Board authorized the Supervisor on May 4, 2011 to sign an agreement with July 4 Ever for fireworks display to be held on the Town Field on July 2, 2011 and;

WHEREAS July 4 Ever has been delayed in receiving their ATF license;

WHEREAS Fireworks Extravaganza has worked with July 4 Ever for many years and has the list of what was shot off last year and has guaranteed that our show will be the same or better than last year;

NOW, THEREFORE BE IT RESOLVED the Town of Lloyd Town Board approves and authorizes Supervisor to sign contract with Fireworks Extravaganza for July 2, 2011 at the cost of \$4,000. (See Attached)

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

O. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, an easement was accepted by the Town of Lloyd from David and Marie Bernier; and,

WHEREAS, the attorney for David and Marie Bernier has requested that there be added to the deed the obligation for permanent maintenance of the pipes and grates installed on the property to assist in the drainage; and,

WHEREAS, the Town Attorney has prepared an Amended Drainage Easement Deed; and,

WHEREAS, the Highland Central School District has approved the receipt of water from the easement procedure and its attorney has sent an agreement regarding the same.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The permanent maintenance obligation be added to the Easement Deed, and the Superintendent of Highways maintain the pipes and grates and other matters set forth in the deed.
2. The Town of Lloyd Supervisor, Raymond J. Costantino, is authorized to sign any and all necessary documents to record the Amended Drainage Easement Deed in the County Clerk's Office.
3. The Town Board approves payment of any recording fees or other County Clerk fees applicable to a Transferee, and authorizes the Supervisor to pay all closing costs and any and all real property taxes until March 1, 2012 when the parcel ownership will be transferred on the Town's Assessment Roll to the Town of Lloyd.
4. The Easement Agreement proposed between the Highland Central School District and the Town of Lloyd be, and the same hereby is, approved, and the Supervisor is authorized to sign it. (See Attached)

Roll Call: Costantino, aye; Brennie, aye; Hammond, aye; Paladino, aye.

Four ayes carried.

P. RESOLUTION made by Brennie, seconded by Paladino, to approve the following Budget Amendments:

General Fund

Claims – Article 78 Highland Square	00-01-1950-41	+\$50,000.00
Contingency	00-01-1990-40	-\$50,000.00
(To pay Article 78 bills paid out of Planning Board Escrow for Highland Square Project)		

Water Fund

Unallocated Insurance	20-01-1910-40	+\$1,591.00
Administration PS	20-07-8310-10	-\$ 1,591.00
(Insurance payment went over budget)		

Sewer Fund

Consultant/Engineering	30-07-8110-30	+\$11,000.00
Administration PS	30-07-8110-10	- \$11,000.00

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

Q. RESOLUTION made by Hammond, seconded by Paladino, to approve the vouchers as audited by the audit committee

General	G637 – G732	\$ 196,742.95
Highway	H259 –H297	\$ 97,264.63
Miscellaneous	M139 – M170	\$ 571,475.18
Prepays	P125 – P149	\$ 6,724.79
Sewer	S 145 –S168	\$ 17,288.86
Water	W175 – W207	\$ 214,773.48

Roll call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, abstain (Audit Committee)

Three ayes carried.

V. RESOLUTION made by Paladino, seconded by Brennie,
WHEREAS, the Town of Lloyd uses high speed internet for Electronic Banking,

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NOW THEREFORE BE IT RESOLVED the Town Board approves Town of Lloyd Policies and Procedure Electronic Banking as follows:

**Town of Lloyd
Policies and Procedures
Electronic Banking**

June 6, 2011

This document has been developed by the Town of Lloyd Town Board in order to provide policies and procedures for Electronic Banking.

History

In 2003, when the Town of Lloyd first brought high speed internet to the Town Hall, the option for Electronic Banking has been present. This way of banking has made banking more efficient and less time consuming.

Changes in Policy

This manual supersedes all previous employee manuals and memos.

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

Policy Statement

In order to take advantage of the time and monetary savings associated with Electronic Banking, the Town of Lloyd allows interfund transfers within the same bank, as well as wires to other banks, which include payments for Bonds and BANs and under some circumstances, to a vendor in order to get something paid quickly or to avoid late fees and penalties. Employees have the option to have their paychecks sent via ACH to their personal bank accounts through direct deposit.

The Bookkeeper for the Town of Lloyd has the confidential access to the bank accounts to initiate the transfers listed above and transmits the transactions.

Who will approve electronic transactions and how?

Segregation of Duties

Because of limited staff of the Town of Lloyd and the need to keep as few people as possible with the information to transfer funds, the bookkeeper is the only employee with the access codes to the accounts.

The confirmations that are sent via US mail are opened and reviewed by the Supervisor's office.

An employee other than the Bookkeeper reviews the bank reconciliations each month, which shows all the transactions in each bank account.

Banks

Currently, we work with three main banks, M&T Bank, Citizens Bank and JP Morgan Chase. Each of these banks has safeguards in place to help protect the Town of Lloyd. M&T and Citizens Banks have secure id tokens that are random number generators linked to the bank that are needed in order for wires to be created and released. Chase bank only allows wires to banks that are set up with a bank representative that verifies the information about the bank account to which the funds are going. An email or US postal service confirmation is created by all of these banks when they send or receive wires from the accounts.

There are written agreements with all banks to the extent and permission of transferring and wiring funds.

Electronic Check Images

Most banks no longer provide cancelled paper checks to their customers, they instead offer electronic check images online, printed out or on CD. This Board accepts these images as acceptable forms of copies of checks. This saves time, space and is less costly to the environment.

Roll Call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.

Four ayes carried.

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Supervisor stated that Mike Barnett, developer, Highland Square, said that the Article 78 bills would be paid by Highland Square after the lawsuit and since September his office has been looking at building it into the final fees. He spoke with Terresa Bakner, attorney, about the legality of Barnett paying the fees, so they looked at the agreement that Fred Straub signed in January 2008, and that application does not say that he has paid legal fees other than the fees for his subdivision. There was never a zoning change escrow account form, it was the standard Planning and Zoning review form and it isn't expected to pay legal fees out of that other than defense. From those emails back in September and between Lew DiStasi and Terresa Bakner, they asked to see the agreement that he signed and so the agreement was revised – an agreement was created as there was no rezoning escrow agreement and the bottom line is that if any litigation commences in direct result of the application, “the applicant agrees to hold account harmless from all costs associated with such litigation and reimburse the Town for any costs incurred by the Town”. Anyone looking to rezone in the Town needs to fill out this rezoning application and not use the standard application for Planning and Zoning.

Brennie said that the bill for the Town to defend the lawsuit involving Highland Square was \$48,000 and he would like everyone to know that the Town is not going to pay for that as it will be reimbursed to the Town by Highland Square.

Supervisor said that has been corrected and the money was never at risk as there was money in the account.

Reynolds asked about the \$49,000-plus in consultant fees, there was no money in the accounts and the engineers continued to work throughout the winter; the Zoning Code says that the work is supposed to be stopped. It is his understanding that the consultant is still not paid.

Supervisor replied said that it says, “we shall ask for more money” but we “may stop”.

Wendy Rosinski said that she and Karen McPeck, Bookkeeper, are making sure that their numbers match. The Planning Board came out at \$11,000 and they are still working on the engineering. McPeck had invoices submitted but not paid so they are still working on those numbers.

Reynolds asked how the Town catches that, as bills are submitted a month or two months later, and how the Town knows when it is time to add more money from the developer.

Supervisor said that between Rosinski and McPeck, everything that comes in is tracked; looking at the history of that project, Rosinski took it over November of 2008, it was minus \$2000.00 and the account was increased and has remained in the black. He asked how it is possible to anticipate a bill for \$40,000 when the Town had to defend itself.

Rosinski said that each month the Planning Board, Dave Barton, gets a printout of the escrow accounts; they are not allowed to appear before the Planning Board if their escrow accounts are not up to date and will be taken off the agenda. Depending on how large the project is, she will begin emailing to let them know the project is running out of escrow money and will ask for more money. It has worked well and people have been taken off the agenda for this reason.

Brennie stressed that nothing is being done deviously.

Supervisor agreed and said that the developer said he was going to pay the bill and they were going to pay almost \$2,000,000 in fees as part of the agreement.

Murphy said they have been working on numerous versions of the agreement over the winter. Ray Jurkowski, Morris Associates, had to look at the infrastructure and the bond amounts for the infrastructure, which pays the inspection fees.

Supervisor added that the Morris Associates bills were separate, they were not rezoning or subdivision; they were water and sewer, a separate account that the project agreed to pay Morris \$75,000 to do a map plan and report and engineering for that project. There are four letters in the

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developer's folder telling him to stop work until there is more money in the account. In hindsight, this should have been considered but all along, it was felt that the developer would pay this according to the agreements.

Going forward, the new rezoning application has been created which includes Article 78 or any legal battles. He has spoken to DiStasi about putting more money in the attorney's budget.

Reynolds asked if there was a date set for the closing.

Supervisor replied that there was not and noted that there are many copies of the agreement and all included some sort of payment for the legal fees, there was never an indication that the bills would not be paid.

Supervisor said that he received notice today from Governor Cuomo's office that the Highland Residential Center, Chodikee Lake Road, is reducing the number of beds from 183 to 80; they have been budgeting for 180 beds and they were housing only 114. Staff will also be reduced.

Supervisor added that the local CSEA will vote tomorrow on the contract. He clarified that after the Town pays the \$5,000 or \$10,000 deductible on the new health insurance plan, MVP pays the rest. The employee does not pay the deductible or co-pay. If CSEA passes the contract, there will be a tentative Town Board meeting on Friday at 9:30 AM. The new plan will take effect July 1.

Jeffrey Mitchell, Cambridge Court, complained of the sound emanating from the Ultra Tab building on Toc Drive and asked if anything is being done to modify the sound.

Supervisor answered that they are installing new mufflers and baffling. Dave Barton, Building Department Supervisor, had reported that the bearings in the motor were bad resulting in a high-pitched squeal and Ultra Seal is working on it.

Mitchell said that he knew that Ultra Tab was working on the problem but he wanted the Town Board to know that it has been going on for about six months and would like to know how much longer it will continue.

Supervisor asked Mitchell to leave his phone number with Wendy Rosinski and she will have Barton call him.

MOTION made by Paladino, seconded by Hammond, to adjourn the meeting at 8:20 PM.

Four ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk