

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

JUNE 19, 2013

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

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

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

Supervisor noted the exits and asked those present to shut off their cell phones or put them on vibrate; he then noted that the meeting will be live-streamed on Channel 22 of Cablevision, allowing those at home to see the meeting. He recognized new faces and welcomed them.

7:00 PM- Supervisor opened the Public Hearing on LOCAL LAW D of 2013, a local law to amend Chapter 100 entitled ZONING of the Code of the Town of Lloyd to create the Walkway-Gateway Zoning District and make other related changes.

Supervisor asked if there were any questions or comments; the public hearing will remain open.

Marlene Weidenbaum asked if the speed limit on Route 9W would be changed and the island constructed.

David Barton, Building Department Director, replied that he has worked with Jeff Anzevino and the committee. The artist's plan is purely conceptual and the NYS Department of Transportation cannot be forced to put the island in the middle or reduce the speed limit. The goal when the area gets built out is to reduce the speed limits, for them to realize that cars turning slows the traffic; ultimately, we would like the speed limit to be 35 MPH. They would probably not go any lower than that due to its proximity to the Mid-Hudson Bridge.

Weidenbaum asked if there would be designated bicycle lanes.

Barton said that would be a NYSDOT issue; the goal is a streetscape that is pedestrian friendly. The sidewalks will be wide enough for bicycles and pedestrians but he does not know if a bicycle lane would be in the roadway. About 25,000 cars go through this area every day and it would be difficult to share that road and this space now. Language in the law has been written to make the site bike friendly.

Weidenbaum noted that as a pedestrian on the Walkway, it is intimidating when bicycles whiz past.

Barton agreed and said that the Town has adopted a complete agenda and is making sure that there is a multitude of modes of transportation: walkers, strollers, bikes. This will be part of the ongoing lobbying with NYSDOT as the project unfolds.

Weidenbaum said that there is a parcel that abuts her property and asked why that has to be part of the mixed use as the only access to that property is a right of way across her property; it cannot be accessed from Mile Hill Road or Route 9W.

Barton responded that the easy answer is 'flatness' the pond itself will never be built as the slopes are very steep and that parcel is included because we wanted to get the philosophy

June 19, 2013

that forms the zoning all of the way down to Milton Avenue. It includes the whole parcel and the intent was to include the parcels toward Mile Hill Road, along the Rail Trail.

Jeff Anzevino offered that it fit the shape to the rest of the parcels.

Barton added that it is not just a five or ten-year plan but a 30-year or 40-year plan. It took Rhinebeck 25 or 30 years to reinvent themselves. Part of the intent was to allow an access road to the back and that may be part of that thinking as they did not want all of the cars to stack up on Route 9W and turn in. He gave the example of the access road behind the malls in Kingston which increased the activity for all of the stores in the front on Route 9W.

Weidenbaum asked if there was a possibility that there would be a change in the zoned area.

Barton said that the ultimate decision was the Town Board's; it is possible that the Town Board could adopt the law tonight. He suggested that she come to see him as it may be possible to make some adjustments.

Supervisor said that he thought that was discussed in the event that there were questions on the zoning.

Weidenbaum questioned if the abutting property owners should have been notified.

Barton said that there is no legal requirement for that but they have been having this discussion for a year.

Anzevino said that the first official meeting was in June 2012 and it has been reported in the local papers.

Raphael Diaz said that he has read that bicycles on sidewalks are a much more stringent situation and there are towns that ban bikes on sidewalks; it is even a stickier issue than it is on a multi-use trail.

Barton said that may be something that the Town could address in the planning stages.

Anzevino said that there is nothing in the zoning that says bikes should or should not go on the sidewalks but he understands that it is a big issue and does not believe the bikes belong on sidewalks. Bikes are permitted on all roads except interstate highways and expressways; bikes have the right to be on Route 9W. The Town could paint 'share the road arrows' such as those on Main Street in Beacon, NY, to let motorists know that bicycles may also be on the road. The Town believes that it is important to encourage the bicyclists to get off the Walkway over the Hudson and the Rail Trail and into other parts of the Town.

John Bordi asked about changing the speed limit on Route 9W and the number of lanes.

Barton repeated that the Town cannot change the speed limit but would have to lobby NYSDOT to reduce the speed limit to 35 MPH. Lanes are the prerogative of the DOT; a lobby effort would make it four lanes, two in both directions. The concept is to have four lanes and the middle lane made to be a landscaped tree lane plus a wider side lane, perhaps, for bikes or turning.

Paladino cautioned that is the decision of NYSDOT not the Town.

Bordi asked if that would necessitate taking property and what would happen to the remaining buildings, such as his.

Barton replied that would not be necessary as the right of way is wide enough. This is a concept that would open possibilities; it is not a building plan. The Town is not going to build and hope that someone comes in to use the site; it is hoped that a developer will see the possibilities and build what we would like to see. There is no discussion of eminent domain.

Peter Bellizzi questioned all of the temporary signs along Route 9W; there are so many at the entrances and exits, traffic cannot be seen.

Barton answered that there is a separate sign code, entry and exit and other directional signs are not addressed. The building department takes down the temporary signs and calls the owners to come in to get them. They put them back up; it is a regular occurrence.

Weidenbaum asked if the zoning would be voted upon tonight regardless of the issues she brought forth.

Barton replied that it can be approved and it is not unusual that an amendment be adopted at a later date.

1. REPORTS – Town Board Liaisons

Assessor – Councilmember Paladino

Audit – January 1 to June 30, 2012: Councilmember Litts Councilmember Brennie

July 1 to December 31, 2012: Councilmember Paladino, Councilmember Guerriero

Building Department – Supervisor Hansut asked David Barton for his written report; he said that he would make sure that the Supervisor receives one.

Dog Control – Councilmember Brennie had nothing new to report.

Environmental – Councilmember Guerriero reported that on June 18 the members of the ECC and the Adirondack Mountain Club cleaned up the Black Creek by canoe; they removed a lot of trash and debris.

Grants – Supervisor Hansut he met with representatives of the Rail Trail Association, Highway Department and the Town Planner this morning about grant opportunities. One is a Transportation Enhancement Program grant and there are consolidated funding applications to be considered. He said that they make it sound easy when they make these grant possibilities available; however, the applications are not easy to do requiring a lot of time and tedious work.

Litts offered that he received an email that there are guidelines from the Mid-Hudson Regional Economic Development for opportunity areas; they are looking for RFP's for June 28 and there is another one for August or September. He will pass the information along to the Supervisor. He and the Supervisor noted that the notice came out today and it is due by June 28th, remarking that is the problem and why they always have money left over.

Highland Fire District – Councilmember Paladino

Highland Central School District – Councilmember Paladino reported that he did not attend the school board meeting this month due to a date change of which he was not aware. He asked the Town Board if they were still interested in meeting with Dean Matus of Lionshead Energy regarding solar energy at the Transfer Station. Superintendent Haab would be interested in talking with the Town Board about setting up a meeting.

Litts would like some clarification on the legal ramifications as to leasing the property to someone who was going to realize a profit from municipal property. The solar company sells what they generate back to the electric company and gives the Town a discount.

Paladino understands that all of the Town-owned and school buildings are metered and whatever is generated, it goes back to them and they give a percentage discount.

Sean Murphy, attorney, felt that it could be done but it is subject to permissive referendum because this would be transferring an interest in that land.

Litts agreed and said that, for instance, anyone could say that they want to set up a store at the Highway Garage and use Town property to sell hot dogs.

Supervisor asked if Paladino and Guerriero would follow up on the meeting.

Murphy said that he would clarify Litts' question.

Highway/Transfer Station – Councilmember Guerriero reported that Rich Klotz, Highway Superintendent, is going to repave: Lower Grand Street, Christopher Avenue, Maple Avenue and Brinkerhoff Avenue next week.

Historian – Councilmember Guerriero reported that Mrs. Alfonso wrote, “We are going along and discovering history, presently trying to find out what happened to the eagle on the Civil War Monument, located in the Veteran’s Park on Route 9W. Old photo shows that the eagle – more recent snapshot shows the eagle falling over – not dated – that is why it is important to be identified by donor. History of the statue representing the Unit called, “The Mountain Eagles” and their mascot was a real eagle that went into battle with them. If anyone has photos of the statue with dates, we would be interested in a copy”.

Justice – Councilmember Litts said that there was nothing to report.

Lights – Councilmember Brennie said that there have been no changes.

Planning Board – Councilmember Guerriero read the following letter sent to the Town Board regarding Brad Developers and the PRD: “Generally, the Planning Board feels that it is a good location for a PRD zone. The Town Comprehensive Plan encourages higher density development in and near the downtown area. The site has municipal water and sewer connectivity and the conceptual layout appears to attempt to mitigate visual impact on the neighboring property and vehicles passing along Toc Drive. Further Sunnybrook has been a successful and attractive PRD development and is nearly contiguous with the proposed PRD. The number of units does not appear to have the potential to add significantly to any infrastructure or quality of life issues. There will be some traffic considerations that must be addressed as this project will add a number of cars to the Tillson, Toc and Vineyard Avenue intersection though not nearly on the scale of other projects locally. The Town Board should examine how much impact this additional traffic might have on the intersection. Also, should the Town Board approve rezoning, the project will have stormwater issues to deal with and the Planning Board will review that and other relevant issues in the review of the site plan.” He noted that Brad Scott has recused himself from the Board as the applicant is his son and Scott Saso has also recused himself as he has had business dealings with the applicant and may be involved in the project. There was concern about the number of two-bedroom apartments which would increase the population in that area; the zone is R1/4 acre and only eight houses could have been built in that area. The property is on Toc Drive, just before Ultra-Seal.

June 19, 2013

Police – Supervisor Hansut reported that the Police have had a busy month. The Police have asked that everyone keeps their vehicles locked and be alert for any suspicious activity in your neighborhoods. He asked that residents should never feel that their concerns are unimportant; they would rather check out the situation instead of finding out that someone's house have been broken into.

Recreation – Councilmember Brennie reported that summer programs are up and running; registrations are being accepted for SummerFun. Arts and Crafts camp is at Berean Park and Sports at Tony Williams Park from 9 AM to 12 PM each day; there are Friday field trips. Berean Park looks very nice and the improvements are in the second year and have been a positive step forward. Lawn care has been working out fine and he feels that there have been no issues. All the parks are being used seven days a week.

Water, Sewer and Drainage – Councilmember Litts said that he was not able to be at the last meeting as he was out of town.

Zoning Board of Appeals – Councilmember Litts related that he was also out of town for this meeting but reported that on tonight's agenda is the resignation of Armen Fisher and motions to appoint his replacement and two alternates.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

The Hudson Valley Rail Trail Association held its May 19th HVRTA & STRIDE Wounded Warriors Race/Walk on the rail trail at 75 Haviland Road. It was a cold and rainy day, but approximately 150 walkers and runners took part in the event. Surprisingly, about 30 participants registered the morning of the event with such inclement weather. That was amazing. Many local businesses provided sponsorships for the event which helped to make the event very successful. Susan Van De Bogart and her team did an outstanding job executing this event. The true testament of their success came when the timekeeper stated that if he didn't know it, he would never think this was first time Susan and her crew hosted a race event. It was outstanding. Susan is already gearing up for the "Move Your Caboose Fun Race/Walk" that will be held on Columbus Day October 14. The event will be staged from the Hudson Valley Rail Trail Depot at 101 New Paltz Road. The proceeds of this event will be used to refurbish the cabooses at 75 Haviland Road and 101 New Paltz Road.

The Annual Meeting of the association was held on National Trails Day – Saturday June 1 at the Hudson Valley Rail Trail Depot with a record number in attendance. Event and program chairman discussed current and future events giving everyone an overview of the activities of the association. Wendy Rosinski served as this year's breakfast chair providing the attendees with a wide assortment of delectable treats. Five directors currently serving on the Board as Directors were elected to three year terms to begin July 1.

The entrance at 101 New Paltz Road will very shortly be much more attractive with new plantings on each side of the entrance roadway. In addition, a new logo sign will also be installed as part of the enhancement project. The landscaping work will be performed by Baker & Sons Landscaping, who have always been and continue to be tremendous supporters of the rail trail.

We are preparing for our four day Columbus Day Weekend that will feature four events during the weekend: the Annual Moonwalk on Friday, the Annual "An Evening under the Stars! Gala on Saturday, HudsonFest on Sunday and the Move Your Caboose Fun Run/Walk on Monday. The Moonwalk will be chaired by Barbara Butler, the Gala by Wendy Rosinski, HudsonFest by Eric Norberg and the Move Your Caboose Fun Race/Walk by Susan Van De Bogart. It should prove to be a weekend that features something for everyone.

Just recently, we began our Trail Courtesy/Safety Program. The coordinator of the program is Rafael Diaz who is now going to share some details of the program with you.

June 19, 2013

Rafael Diaz explained that up until October 2010, this was a very sleepy trail; people couldn't even find it. Everything changed when the connection to the Walkway was made in 2010; slowly at first but it has been increasing. There is now a lot of bike traffic both local people and the spandex-clad cyclists. There are more and more close calls of cyclists rushing by pedestrians, not giving warnings and/or going too fast. There are also problems with pedestrians, people with strollers or an older person with a walker. We decided that an educational process was necessary aimed at both pedestrians and cyclists. Pedestrians have an obligation for their own safety; they need to look out and give room for the cyclists. It is a multi-use trail. He showed an example of courtesy rules that have been posted and on a card that is handed out on the Rail Trail. The basic problem seems to be that cyclists do not give adequate warnings to pedestrians. He is concerned that there will be an accident. Signs will be erected, 'Cyclists Go Slow, Must Warn Pedestrians'; which he feels will help. He wears a vest that says, "Rail Trail Official" when he is running and patrolling; he stops to talk to pedestrians. In one case, he recalls two women with double strollers walking toward him side-by-side in an open area and before he got near them, they fell into single file, which indicated that they knew the correct thing to do. In speaking with them they said that they were aware of the rules but also said that cyclists have been very rude to them. The cyclists have also made rude comments to him when he asks them to slow down.

John Bordi asked if he knew where the cyclists are from.

Diaz replied that they are from everywhere, locals, Poughkeepsie and there are sometimes large groups of bicyclists. While setting up the graduation for the Learn to Run program on Saturday, four groups of cyclists came through at about 20 MPH in single file and they seemed to be behaving. There is no speed limit on the Rail Trail and it has been suggested. It is something that we will look into if the courtesy program does not work; other towns have speed limits. The Town of Vestal had some people hurt and some sent to the hospital; their town board immediately set a 10 MPH speed limit.

Vivian Wadlin asked if the Rail Trail has considered a center line.

Diaz said that there are problems with painting a centerline in terms of directions, etc.; he has seen centerlines in the city. Dividing between cyclists and pedestrians is difficult because the cyclist will say 'that is mine I can do what I want'; it really narrows the trail too much. It works best if the cyclist gives warnings and slows down. Susan and Alan Van De Bogart helped him man the courtesy stations where they talked with people using the Rail Trail and most of the cyclists agreed with what we were saying and understood the problem. He feels that they have to reach out more. All of the signs are being paid for by donations. Fred Schaefer, one of the donators, has said that he would like to see a 10 MPH speed limit on the Walkway and suggests that for the Rail Trail also.

Bordi asked who would be liable if someone was injured on the Rail Trail.

Sean Murphy, attorney, replied that a claim could be against the Town if the Town was not managing the Rail Trail correctly or was aware of dangerous activity and did not do anything to curtail it.

Litts offered that as owner of the property, if there was a lawsuit, the Town would be named.

Supervisor responded to Bordi's suggestion in that case, there should be a speed limit by saying that first the educational component would be tried and that seems as if it is having a good result. He asked the local media to do a story in the paper addressing the problem, which may help. The bottom line is 10 MPH signs could be erected but he asked who would chase them and who would enforce it.

Diaz said that setting up the station looks very official and they have notified the Police that they are doing this.

Matt Smith offered his radar speed gun that Diaz could use just to see how fast the cyclists are going and Diaz said that he would like to borrow it.

June 19, 2013

Guerriero feels that bicyclists are becoming more aggressive now that there are more on the roads.

Diaz agreed and said that another problem is that people use the ear buds while walking and he thought that cyclists are supposed to have only one ear bid while on their bikes.

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

Smith said that he wanted to talk a little about the volunteers who have been working 10, 12 and 14-hour days, weekdays and weekends. Dave Campala leaves work and he stops by the Park and stays to help until dark. Lenny Auchmoody has hauled out material with Jimmy Anzalone's tri-axle truck and has been screening with his screening plant which has been down at the Park. The screening plant crushed 165 loads of material; he brought it to his place and then brought it back to the Park. Phil DiLorenzo removed the problem maple tree from the southwest corner of the park, removed poison ivy from and pruned the sycamore tree, and transported two loads of pilings to my farm. Rob Shapiro, ironworker, got his boss to loan us his welding truck and worked four days to build the platforms for mounting the docks and other steelwork on the bulkhead. He lives in Fishkill, retired once and couldn't stand it so he went back to work and has now rented a property in Highland to start a shop. He looked for a small farm in eastern Dutchess but now is going to buy a farm in Highland. Chris Erichson, donated almost all of the diesel fuel used on site. Bob and Kevin Zammiello loaned and operated the large Cat excavator; Matt McCluskey loaned us the mini-excavator, which he actually bought for use of the Park and when we are finished, he is going to sell it at auction. Bill Warren, an older gentleman who has been a general helper and has also helped with the dock work. We did have a problem as the dock were all in and beautiful but some kids pulled the pins on the docks and they were drifting back and forth. That has been fixed so that cannot happen again. Jimmy Anzalone loaned his tri-axel dump truck. Herb Litts hauled with his tandem dump truck and Dave Magliato helped haul with his tri-axel. He expressed his thanks to all of the volunteers.

We will be spreading crushed stone on the Riverwalk area and screened sub-base material on the south yard as we are trying to get ready so that people can walk on that yard for the July 4 fireworks celebration. We don't know if it will be done but it will not be for the lack of volunteers and trying.

One dock is finished, which will accommodate two boats. The other dock is floating, the ramp and platform will be finished this weekend.

There were 165 tri-axle dump truck loads of stone and concrete rubble removed over the past 1.5 months. Most of it was taken to Lenny Auchmoody's gravel bank to be crushed and brought back for use in the Park.

The boat launch ramp is being used heavily and people are delighted that the dock is fixed.

The fundraising continues and we are very close to reaching the \$75,000 goal for the boat launch ramp. The fundraising program to purchase plaques will continue and he urged people to participate. If plaques are ordered by this Friday, June 21, it will go in the first batch of plaques; it may be another six months before we are able to reach the quantity needed to order again.

Kit Cowan said that there are pictures of the work that is being done by the volunteers on the website: www.highlandlandingpark.org.

Anzevino commented that as an employee of Scenic Hudson, who helped procure the property, and also a resident of Highland, he thanked Matt Smith, Highland Landing Park Association and the volunteers. He said that as a boater he has been to almost every boat ramp up and down the River and if it is not the best, it is in the top five; further, Matt is a hands-on guy as he was there to help launch his boat and he appreciated it.

Smith then thanked Scenic Hudson who contributed \$275,000 toward the purchase of the Park.

2. OLD BUSINESS

A. Brad Builders petition for rezoning

Supervisor noted that Guerriero covered this in his Planning Board report previously in the meeting.

B. Church Street proposed one-way update

Supervisor said that he received a letter from NYSDOT dated May 21 acknowledging that they have received the Town's letter of request and that they would begin a study as to changing the Church Street to one way; NYSDOT will inform the Town of their conclusions at the completion of the study.

C. Comprehensive Plan Review

Supervisor said that he understands that the committee is at the last chapter.

Litts and Donna Deeproise said that there are three chapters that are very close to be completed and the others are done.

D. Walkway-Gateway Zoning

Supervisor felt that this has been covered previously in the meeting; however, he did receive a response from the Ulster County Planning Board which said, "The UCPB congratulates the Town of Lloyd in the development of these two overlay districts. The Walkway over the Hudson offers the community a tremendous economic development opportunity as a regional, if not international, draw that the Town is wise to take full advantage. The proposed location is a natural extension to the Hamlet of Highland area and occurs within the UCPB's draft priority growth area. Additionally, the proposed standards applied to the district are consistent with the policies the County's elements of the County's comprehensive plan and forthcoming Greenway Compact Design Manual. It is also consistent with New York State's 2010 Smart Growth Public Infrastructure Policy Act and Complete Street's Act. Overall, the UCPB recommends this proposal be, 'Approved'."

The NYSDOT wrote that "We are in receipt of a negative declaration adopted by the Town of Lloyd for amendments to the existing zoning law Chapter 100 Code of Town of Lloyd to create the Gateway/Walkway zoning district comprising of two sub-districts as follows: the Gateway mixed-use sub-district and the Gateway commerce sub-district. We have no objections to the proposed zoning changes however we would like to inform that anywhere proposed within the State right-of-way will require work permits."

3. NEW BUSINESS

A. Central Hudson proposed easement

Supervisor reported that John Allen of Central Hudson came to Town Hall and questioned an easement.

Murphy said that he spoke with Mr. Allen who indicated that there was a problem with an easement dating from 1994 that the Town gave to Central Hudson as a utility/maintenance easement off Haviland Road. The easement was done by his office. He called Allen as it looked to him that Central Hudson was given an adequate easement. Allen referred him to C. T. Male, a company in Albany who was

June 19, 2013

doing the drawings; there is a regulation that there has to be at least 50-feet on each side of the easement and there was a deficiency in this property but it was not the one in 1994. Allen believes that that they have lines going over properties where they have no easement. He is going to send the information that he has to Allen who will look at it and try to determine if there is an easement. He is not sure where the property is; he has a tax map number but he is asking Allen to clarify the property. The easement in 1994 was a reference to two deeds; he has to track down the deed for this property and how the Town took title to this property. Central Hudson is looking for is an easement under lines off Haviland Road that they need to maintain. Eric Crampton, C. T. Male, is going to get more information for Murphy; he feels that there is one parcel that they have a power line over that they need the easement to maintain that property. They have been maintaining it.

Supervisor reminded everyone that the July 4th Celebration and fireworks will be at the Village Field on July 5, beginning at 5 PM. The Events Committee and Downtown Business Association are calling it an "Old Fashioned Field Day and Fireworks Event". There will be live music by Touch of Rhythm, DJ Rick Knight; local businesses will be selling hamburgers, hot dogs and other refreshments; they have been asked to keep the price down so that families can come and enjoy the fireworks. St. Augustine's Bazaar is this Thursday, Friday, Saturday and Sunday.

4. PRIVILEGE OF THE FLOOR

Bob Hebel, Vineyard Commons, said that residents asked him to attend this meeting to ask the Town Board to lower the speed limit on Route 44-55, in front of Vineyard Commons. There have been three accidents over the past two years; the cars were totally demolished in two of the accidents and minor damage in the third one. There have been many close calls. The problem is in coming east out of the curve, the speed limit is 45 MPH and it takes 7 seconds to get to the driveway. He called NYSDOT and Dave Gallagher came on December 12, 2012. He had two recommendations (1) put a stop sign on private property which would not need a local law or approval from the Town. The residents thought about it and felt that they had to stop anyway before pulling out onto Route 44-55, it would not slow the speed of the vehicles on Rt. 44-55. (2) Request the Town to change the speed from 45 MPH to 35 MPH; along 44-55, the speed limit changes five or six times from Chapel Hill to the Hamlet. He is asking the Town Board to enact a local law to change the speed limit.

Supervisor stated that this is a State road and this is for NYS to change.

Litts interjected that the Town Board can petition for the speed change.

Supervisor added that he can send a letter to NYS DOT; he asked Hebel for the contact information and invited Hebel to come to the office when he calls DOT.

Hebel said that Dave Gallagher told him that the NYS DOT would be in favor of the change; however, there is no guarantee that people will slow down.

Litts said that a letter should be written to Bill Gorton, the regional director, at the Poughkeepsie office.

Bordi related that he has a house on Route 44-55; he was driving the speed limit the other day and a car passed him on a double line.

June 19, 2013

Hebel said that there are 18 driveways between Chapel Hill Road and Vineyard Commons and he feels that there are enough people living on the road who could request the lower speed limit.

Glenn Yanow, Vineyard Commons, noted that the speed limit changes seven or eight times within 1.78 miles between Chapel Hill and Tillson Avenue and offered a list of the speed limits and the suggested speed limits.

Jeff Anzevino, resident of Mile Hill Road, requested either enforcement of the speed limit or a speed level change as there is a lot of speeding cars on Mile Hill Road; he feels it is a combination of delivery vehicles going to Mariners, construction trucks and people in cars. There are a lot of people walking and bicycling. The road is narrow and with the increase of pedestrians, it might be wise to slow down the traffic.

Supervisor said he would relay this to Police Chief Dan Waage; he recalled that he read in the May report that the Police Department wrote over 155 moving violations in the Town so the issue is being addressed. He feels that we are living in a society that people just don't take responsibility for themselves and others.

Scott Saso, Planning Board Chairperson, asked to clarify the report that Guerriero gave regarding the one-bedroom and two-bedroom in that it had nothing to do with Brad Builders and he has no comment; actually, Bill Ogden, a Planning Board member, is questioning the accessory-use apartment that is in the current zoning. We allow them 650 feet, but we are allowing two bedrooms in 650 square feet. As we have been approving these we realize it is very difficult to fit two bedrooms, living room, bathroom and kitchen in 650 square feet. The recommendation of the Planning Board is to come to the Town Board and see if that could be changed to a one bedroom. The concept of accessory use is moving a parent, two parents or child back in one bedroom to the household, but not looking for additional people to have two bedrooms. That was the recommendation for two/one bedrooms, strictly accessory use.

Litts asked if there would be a threshold i.e. 650 square feet for a single bedroom and perhaps 900 square feet for a two bedroom.

Saso answered that he did not think so that he felt that the whole concept was to allow for a parent or child to move back in to help pay the bills.

Paladino clarified that this has nothing to do with the Brad Builders project.

Saso replied that he had no comment on that; this is strictly on the accessory use apartment zone that is not working for the Planning Board.

Litts suggested that is made as a formal request to the Town Board.

Saso said that it was written but he did not want the two confused as it was being presented.

Jim Katz, stated he had a two-family house at 324 Station Road. Marty Zimmerman owns the private road that is adjacent to his driveway and the road is in need of repair; he cannot afford to fix the road. One of Katz' tenants has health problems and on a fixed income; due to the disrepair of the road, she sustained damage to her car which she had to pay to have fixed. He asked if there is anything that could be done to get the road fixed.

Supervisor said that the key word is 'private' road.

Katz has heard that there is something on the books that says that if a private road cannot be fixed that it could be because he pays taxes.

Murphy asked how many people use the private road and if his property fronted on Station Road.

Katz answered that it would be his five tenants and Zimmerman's family using the private road. His property fronts on Station Road but his access to the property is on Zimmerman's property.

Murphy said that the Town is prohibited from improving private property. He explained that even if he does pay taxes, the Town is prohibited to fix the road as it would be a gift to Katz.

Litts asked if he was landlocked and if his property goes out to Station Road.

Paladino asked if he had an easement over the Zimmerman property.

Katz said that he did not know what an easement was but he has allowable use and that is the way it has always been. It is a 'community' drive and that was a term that Murphy did not know. He was looking for a legal way to get that help.

Guerriero had talked to both Katz and to Highway Superintendent Rich Klotz who said that he does have fill available.

Katz felt that Zimmerman has the equipment that could be used to get the fill from the Highway Department and it would be to Zimmerman's benefit to do the job.

Murphy asked if it was possible to get on and off Station Road without crossing Zimmerman's property.

Katz replied there was no access in any other way.

Bordi offered that there is usually a road maintenance agreement in the deed and suggested that Katz looks at his deed; the responsibility is on Katz if there is no such agreement.

Murphy agreed that a road maintenance agreement would show some obligations between Katz and Zimmerman.

Brennie asked if Katz had the ability to build his own driveway out to Station Road.

Katz said that there is no way to do that; the road needs to be graded and filled.

Supervisor summed up that by law the Town cannot fix a private road.

Yanow asked that the weeds be cut at the curve by Chapel Hill Road.

Supervisor said that Route 44-55 is a New York State road and NYSDOT is responsible and should be contacted.

Yanow said that he would and Guerriero gave him the telephone number to call for help.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Litts, to approve the minutes of the Workshop Meeting of May 1, 2013, Special Meeting of May 6, 2013, Regular Meeting of May 15, 2013 and Special Meeting May 20, 2013.

Five ayes carried.

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

General	G522 to G602	\$99,831.15
Highway	H194 to H240	\$79,414.51
Miscellaneous	M100 to M106	\$23,740.92
Prepays	P186 to P232	\$74,328.01
Sewer	S116 to S140	\$16,000.50
Water	W125 to W156	\$21,663.63

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

Five ayes carried.

- C. **MOTION** made by Brennie, seconded by Paladino, to close the public hearing on LOCAL LAW D of 2013, a local law to amend Chapter 100 entitled ZONING of the Code of the Town of Lloyd to create the Walkway-Gateway Zoning District at 8:16 PM.

Five ayes carried.

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

WHEREAS, proposed Local Law D of 2013, a local law to amend Chapter 100 entitled ZONING of the Code of the Town of Lloyd to create the Walkway-Gateway Zoning District and make other related changes, was introduced at a meeting of the Town Board held on the 15th day of May, 2013, at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 19th day of June, 2013, 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 D of 2013 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law amending Chapter 100 entitled ZONING of the Code of the Town of Lloyd to create the Walkway-Gateway Zoning District and make other related changes.

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

Five ayes carried.

- E. **RESOLUTION** made by Brennie, seconded by Litts, to authorize adjustment for Account #8097, Angela Bristol, 33 Cambridge Court for the December 1, 2012 bill. Using the formula, \$44.72 adjustment on water and \$36.83 adjustment on sewer for a total adjustment of \$81.55, as it meets the criteria as set forth by the Town Board.

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

Five ayes carried.

- F. **RESOLUTION** made by Brennie, seconded by Paladino, to authorize adjustment for Account #6900, Ori Brachfeld, 3541 Route 9W for the January 1, 2013 bill. Using the formula, \$278.18 adjustment on water and \$229.09 adjustment on sewer for a total adjustment of \$507.27, as it meets the criteria as set forth by the Town Board.

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

Five ayes carried.

- G. **MOTION** made by Brennie, seconded by Litts, to accept the resignation of Police Officer Christopher D. Swenson, effective July 1, 2013.

Five ayes carried.

- H. **RESOLUTION** made by Brennie, seconded by Paladino, to hire the following lifeguards for the 2013 season at Berean Park: Rebecca Bellis at \$7.35 per hour, Anna Bellis at \$7.35 per hour and Julianna Russo at \$7.35 per hour.

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

Five ayes carried.

- I. **MOTION** made by Brennie, seconded by Paladino, to approve special dimension vehicle access request of Ultra Seal Corporation and its sister company, Ultra Tab

June 19, 2013

Laboratories, for all truck combinations exceeding 65-feet in overall length utilizing a 48-foot or 53-foot long trailer, two 28½-foot trailers or certain specialized equipment such as a stinger-steered auto carrier as per NYSDOT Study #813-4024/File #51.00-SDV, on the following roads located within the Town of Lloyd: Woodside Place between Vineyard Avenue and Route 9W; Vineyard Avenue between Woodside Place and the beginning of Route 44/55 and Main Street; Toc Drive between Route 44/55 and their facility located at 50 Toc Drive and Upper North Road between CR15 and their facility located at 261 Upper North Road.

Five ayes carried.

- J. RESOLUTION** made by Brennie, seconded by Guerriero, to hire John DiValentino as a part-time seasonal employee at the rate of \$15.50 per hour, on an as-needed basis, by recommendation of Highway Supervisor Richard Klotz.

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

Five ayes carried.

- K. RESOLUTION** made by Litts, seconded by Brennie,

WHEREAS, the “Wallkill Valley Rail Trail & Hudson Valley Rail Trail Link Feasibility Study” (“Link Study”) was prepared in 2011 with financial assistance from the Hudson River Valley Greenway for the Southern Ulster Alliance, which was comprised of the Towns of New Paltz, Gardiner, Lloyd, Marlborough, and Plattekill, the Village of New Paltz, and the New Paltz Regional Chamber of Commerce; and;

WHEREAS, the Link Study examined design alternatives for linking the Walkway over the Hudson and Hudson Valley Rail Trail with the Wallkill Valley Rail Trail and creating safe pedestrian and bicycle connections between the Towns of Lloyd and New Paltz and Village of New Paltz; and

WHEREAS, the upcoming extension of the Wallkill Valley Rail Trail over the recently restored Rosendale Trestle to Kingston as well as the pending Ulster County proposal to develop a rail trail from Kingston to the Ashokan Reservoir have made the connection of the County’s rail trails into a world-class tourism destination a priority and realizable goal for the region; and

WHEREAS, the linking of the Walkway over the Hudson and Hudson Valley Rail Trail to the Wallkill Valley Rail Trail is a critical step in expanding and integrating the County’s trail network and will increase tourism to the region, expand small business and economic development opportunities, improve the area’s quality of life, enhance non-motorized transportation options, and provide significant recreational and public health to residents in the Town of Lloyd and throughout Ulster County; and

WHEREAS, a substantial portion of the critical link between the Walkway over the Hudson and Wallkill Valley Rail Trail lies with the New York State Route 299 right-of-way under NYSDOT ownership; and

THEREFORE, BE IT RESOLVED, that the Town of Lloyd does hereby urge the New York State Department of Transportation to assume responsibility for the timely implementation of that portion of the projects proposed in the “Wallkill Valley Rail Trail & Hudson Valley Rail Trail Link Feasibility Study” within the

NYS Route 299 right-of-way from Old New Paltz Road in the Town of Lloyd to the intersection of North Putt Corners Road in the Town of New Paltz,” and **THEREFORE, BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the State and Ulster County officials who represent the Town of Lloyd.

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

Five ayes carried.

L. RESOLUTION made by Brennie, seconded by Guerriero, to establish an additional position of Working Supervisor at the base rate of \$23.07 at the recommendation of Richard Klotz, Highway Supervisor.

Litts said that the question in the previous meeting was if it was budgeted.

Klotz replied that the position is budgeted and that he lost an employee this year.

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

Five ayes carried.

M. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS the Town of Lloyd Police Department has been accumulating funds in the account called Police Seizure funds

WHEREAS these funds have come from distributions from URGENT and Department of Justice for police related recoveries

WHEREAS the use of these funds is limited because of the way the funds are received

WHEREAS a permitted use of the funds is for law enforcement training and law enforcement equipment

NOW THEREFORE BE IT RESOLVED that \$6,681.00 of the funds from the Police Seizure account will be allocated to the personnel and contractual Police budget for the purchase of new holsters for the entire department and training for the use of the new holsters as well as active shooter training for all police personnel.

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

Five ayes carried.

N. RESOLUTION made by Brennie, seconded by Litts, to approve the following budget amendments to the 2013 budget

GENERAL

Police CE	3120.40	+\$2,269.00
Police FT PS	3120.10	+\$2,768.00
Police PT PS	3120.11	+\$1,644.00
Police Seizure Reserve		-\$6,681.00

Unallocated Insurance	1910.40	+\$42.00
Contingency	1990.40	-\$42.00

HIGHWAY

New Paltz Rd Bridge	5112.46	+\$140.00
General Repairs CE	5110.40	-\$140.00
Grand St	5112.47	+\$51,000.00
General Repairs CE (CHIPS project)	5110.40	-\$51,000.00
Maple Ave	5112.48	+\$27,000.00

June 19, 2013

General Repairs CE (CHIPS project)	5110.40	-\$27,000.00
Brinkeroff Ave	5112.49	+\$27,000.00
General Repairs CE	5110.40	-\$ 26,000.00
North Road (CHIPS project)	5112.40	-\$ 1,000.00
Christopher Ave	5112.50	+\$27,000.00
North Road	5112.40	-\$ 18,000.00
Unreserved Fund Balance (CHIPS project)	01-762	-\$ 9,000.00

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

Five ayes carried.

O. MOTION made by Guerriero, seconded by Litts, to accept the resignation of Armen Fisher from the Town of Lloyd Zoning Board of Appeals, with regrets.

Supervisor said that he was sad to put forth this resolution as Armen Fisher has ably and faithfully served the Town of Lloyd for over forty years.

Litts commented that Mr. Fisher had served the Town for more than forty years and a letter of appreciation should be sent to him.

Five ayes carried.

P. MOTION made by Litts, seconded by Paladino, to appoint Anthony Pavese to the Town of Lloyd Zoning Board of Appeals to fill the unexpired term of Armen Fisher which expires 12/31/2014 at the recommendation of Paul Gargiulo, Chairman.

Five ayes carried.

Q. MOTION made by Brennie, seconded by Paladino, to appoint Frederick J. Riley to the Town of Lloyd Planning Board as Alternate #2 with a term expiration date of 12/31/2013 at the recommendation of Scott Saso, Chairman.

Paladino commented the Riley will be a great addition to the Board as he has a great deal of expertise.

Five ayes carried.

R. MOTION made by Brennie, seconded by Litts, to appoint Paul Symes to the Town of Lloyd Zoning Board of Appeals as Alternate #1 with a term expiration date of 12/31/2013 at the recommendation of Paul Gargiulo, Chairman.

Five ayes carried.

S. MOTION made by Brennie, seconded by Litts, to appoint Peter Paulsen to the Town of Lloyd Zoning Board of Appeals as Alternate #2 with a term expiration of 12/31/2013 at the recommendation of Paul Gargiulo, Chairman.

Five ayes carried.

T. RESOLUTION made by Litts, seconded by Paladino,

WHEREAS, General Municipal Law, Section 53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and,

June 19, 2013

WHEREAS, General Municipal Law, Section 53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, Section 50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lloyd, County of Ulster, designates Rosaria Peplow, in her capacity as Town Clerk of the Town of Lloyd, to receive notices of claims served upon the Secretary of State by mail at 12 Church Street, Highland, New York 12528 and email at rpeplow@townoflloyd.com.

BE IT FURTHER RESOLVED that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

Murphy explained that there has been a change in the NYS Municipal Law as to the filing of claims which are now served upon the Town. The new procedure is that you can file a claim against the Town through the Secretary of State, which is similar to corporations and other legal entities. If the Town designates the officer to accept service such as the Supervisor, Deputy Supervisor, Town Clerk, and we file the certificate, there is a fee to file the notice of claim with the State and the Town would be entitled to half of it. The resolution appoints Rosalie Peplow, as Town Clerk, as she is the one that has been getting the service and has procedures in place to distribute to the necessary parties. The resolution authorizes her to file the certificate for the Town through the Secretary of State.

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

Five ayes carried.

MOTION made by Paladino, seconded by Litts, to go into executive session to discuss personnel and contracts at 8:25 PM.

Five ayes carried.

MOTION made by Paladino, seconded by Litts to come out of executive session at 9:10 PM.

Five ayes carried.

U. RESOLUTION made by Brennie, seconded by Paladino, to approve the new contract for Town of Lloyd Building Inspector and Code Enforcement Office David E. Barton II effective July 1, 2013 to December 31, 2018.

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

Five ayes carried.

V. MOTION made by Litts, seconded by Paladino, to accept the resignation of Tim Marion as representative to the Ulster County Planning Board.

Five ayes carried

June 19, 2013

MOTION made by Litts, seconded by Guerriero to adjourn the meeting at 9:15 PM.
Five ayes carried.

Respectfully submitted

Rosaria Schiavone Peplow
Town Clerk

DRAFT