

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

JULY 19, 2017

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

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

**Absent:** Councilmember Joseph Mazzetti

**7:00 PM** – Supervisor opened the meeting and led the Pledge of Allegiance  
He read the following proclamation:

### PROCLAMATION:

WHEREAS our senior citizens deserve every benefit due them by reason of their age and service to our community, state and nation; and

WHEREAS they are the forefathers of this generation and past generations;

NOW, THEREFORE, I, Paul J. Hansut, Supervisor of the Town of Lloyd, Ulster County, New York, do hereby proclaim August 2017 as “Senior Citizen Month” in the Town of Lloyd and ask all citizens to give them the honor they justly deserve.

Supervisor Hansut reminded everyone that the Annual Senior Citizens Breakfast will be on Wednesday, August 23<sup>rd</sup>, from 9:30 a.m. to 11:00 a.m. at the Bob Shepard Highland Landing Park.

**7:01 PM** – Supervisor opened the Public Hearing on Local Law E - 2017, a local law to add a new Chapter 64, to the Town Code of the Town of Lloyd entitled “Hotels and Motels” to promote the public health, safety and general welfare of the guests of hotels and motels located within the town and that of the general citizenry of the town.

Supervisor stated that a copy of the notice of a public hearing on the proposed local law was sent return receipt requested to every motel in the Town.

He asked if there were any questions.

There were none.

Supervisor thanked Mike Kilpatrick who told him that the Town of Colonie had a similar local law.

### 1. **REPORTS** – Town Board Liaisons

**Audit** –January 1 to June 30, 2017: Councilmember Brennie, Councilmember Mazzetti

July 1 to December 31, 2017: Councilmember Guerriero, Councilmember Paladino

#### **ECC/Zoning Board** – Councilmember Guerriero

Councilmember Guerriero reported that Neil Curri, Chairperson of the ECC, was unable to attend tonight’s meeting and he will give Mr. Curri’s report.

Mr. Curri had previously presented information to the Town Board about a funding opportunity from NYSDEC to purchase and install an electric vehicle charging station. The opportunity expired before the ECC could coordinate with the Town officials to apply but another round of funding will soon be announced. Neil Curri attended the EPA’s Public workshop on the status of cleanup of the Hudson River PCB Superfund.

ECC is requesting recommendations, from the Town Board, for potential participants, who they feel could articulate concerns, specific to the Town of Lloyd, in regards to waterway safety as a volunteer on the PAWSA (Ports and Waterways Safety Assessment) Committee.

On July 10<sup>th</sup> Curri attended a meeting coordinated by Riverkeeper and attended by several communities in the Mid-Hudson region who depend on the Hudson River as a drinking water source. Riverkeeper is seeking a commitment from the Town of Lloyd and other communities to participate in a Source Water Assessment for which there is no cost to the Town. One has never been completed for the Hudson River. Riverkeeper is contracting with the *Center for Watershed Protect* to complete this assessment.

Rebecca Martin, Special Projects Coordinator at Riverkeeper explained that Riverkeeper has launched an initiative to encourage intermunicipal cooperation on a broad range of drinking water related issues, facilitate communication that will give the communities a unified voice on issues that pose a threat to drinking water quality and complete Riverkeeper's Source Water Protection Scorecard, a tool to identify the degree to which drinking water supplies are benefiting from available tools, rules and regulations to protect source water quality using proven watershed-based approaches. There are seven municipalities, approximately 100,000 people, that use Hudson River water as their drinking water source. In some communities, it is their primary source or only source of drinking water. Riverkeeper is asking these communities to complete the Scorecard. She brought a sample of the scorecard and gave it to Ray Jurkowski, Town Engineer for Water and Sewer.

Supervisor stated that everyone realizes the importance of clean water; the Town, Ray Jurkowski and Adam Litman will cooperate fully.

Jurkowski asked when the scorecard would be returned to the Town.

Martin said they hope to have a draft done by October and a final by December.

Palladino asked how this project came about.

Martin responded that Riverkeeper realized there was a lack of communication between communities concerning clean drinking water. The scorecard was inspired by Newburgh and the water issue they recently had. The Clean Water Infrastructure Act of 2017 has a \$2.5 billion program that supplies municipal water and wastewater grants. The Assessments will benefit communities to prepare for applying for funding. She gave copies of the Grant opportunities.

Supervisor commented that Adam Litman's includes in his monthly reports the use of River water and how critical it is. He thanked Rebecca for coming and looks forward to working with Riverkeeper.

#### **Highland Central School District – Councilmember Mazzetti**

##### **Planning Board – Councilmember Paladino**

Councilmember Paladino reported that the Dunkin Donuts project, the Highland Self Storage and BCG (Barone Construction Group) building are progressing well. More building permits have been issued for Mountainside Woods, which means there is more interest in purchasing homes in Highland.

##### **Police/Fire/Town Justice – Supervisor Paul Hansut**

##### **Water/Sewer/Drainage Committee – Councilmember Brennie**

Councilmember Brennie reported that 3 (three) Water and Sewer issues have come up at the meeting. The property at 8 Sara Lane is having drainage issues. A private home on Christopher Avenue has had drainage issues for years and have asked the Town to help. It is private property and the Town does not have any easements on it and are not permitted to do work on these properties.

There was an unexpected change order for \$19,000.00 at the Water Plant for valves.

Brennie asked Ray Jurkowski to feel free to make comments.

Jurkowski commented that this is for 2 additional valves which were requested by the Department of Health for safety. It is not a design issue but it provides additional protection if there is a loss of power.

Supervisor Hansut thanked the Police Department and the Fire Department for their hard work during the storm last Friday. He thanked Richie Klotz and the Highway department for cutting and clearing trees so quickly.

##### **REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail**

Peter Bellizzi thanked Richie Klotz for cutting and clearing all the trees on the Rail Trail that came down during the storm.

The Rail Trail is working with Barton and Loguidice, Engineers, on a grant for repairing the original 2.1 miles of the Hudson Valley Rail Trail.

Supervisor asked how things were in regards to speeding bicyclists.

Bellizzi responded he has noticed the police patrols and it is only a few sporadic issues.

Mark Reynolds, reporter asked if Peter had an estimated cost for the repairs of the 2.1 miles on the Rail Trail.

Bellizzi responded that it was approximately \$230,000. They have walked the area just past Commercial Avenue to Tony Williams Field. There are drainage issues and blacktop repairs needed. There aren't a lot of grants available for maintenance.

Reynolds asked if they considered a CFA Grant.

Hansut responded that this was the third time the Town has applied for this grant; the first time in 2011 when Ray Costantino was Supervisor and in 2013 during Hansut's administration. The State had commented that the Town was close both times. There is a section in the grant that allows for maintenance of Rail Trails.

Reynolds asked if the estimate includes the Town share.

Hansut replied that it did not and he is not sure if it is an 80/20 or 70/30 share. The Town will have to put a line item for repairs and maintenance in the budget if the Town does not get the grant this time.

**REPORT – Leonard Auchmoody**

Leonard Auchmoody, manager of the Bob Shepard Highland Landing Park, reported that they have poured the concrete and finished 107 feet of the Riverwalk. The next section of 60 feet is ready and they will pour concrete early next week. They will then be within 60 feet of the north side of the boat ramp which has been modified and repaired. He is working alone this week as Hank Behr is on vacation. He thought it was wonderful to see how many people use the park; they are fishing, putting boats in the water or just enjoying it.

Supervisor said that Nancy Hammond had prepared a booklet about the funds needed to complete the Bob Park and she sent it to our state representatives. Last Thursday he got a call from Steve Gold, Chief of Staff for Assemblyman Skartados notifying the Town that they will receive \$125,000.00 to finish the park, i.e. the building, outdoor classroom, etc. The Town had also sent Ray Jurkowski's estimate to bring water and sewer to the park and Skartados will provide funding of \$250,000.00 for that project.

Donna Deeprose, Highland Landing Park Association trustee, said there has been so much construction at the Park the last couple of years that the Association has not been able to hold events. they decided to start sponsoring events once again This year. Starting with Tae Chi, every Tuesday evening at 6:30 through to the end August. Rosalie Peplow asked if there is a charge. Deeprose responded that they ask people to become a member of the Association for a nominal fee of \$15.00 and then the fee for the class is only \$4.00 per week. Peter Heidrick is the class instructor.

Brennie asked why membership in the Association is required in order to participate in the class.

Deeprose replied that it was part of a membership drive. The instructor gets the \$4.00 that is charged for the class.

**2. OLD BUSINESS**

**A. Tillson Ave Update**

Supervisor said he spoke to Tom Baird, Barton and Loguidice, engineers, concerning the Tillson Avenue Project. Baird said that the properties which are going to be affected by the project have been appraised and the property owners will now be contacted to discuss the project and how it will affect them. The plan is to go out to bid in October 2017 and shovel to ground in early 2018.

The Hudson Valley Rail Trail expansion final design has been presented to NYSDOT and the Town is receiving comments from the State. It is a slow process as they send one comment and after the Town responds they send another. The Town is hoping to go out to bid this Fall.

Supervisor reminded everyone that the County and the Town are paving in Highland and to please slow down and pay attention to the flaggers and the workers. New Paltz Road from the Hamlet to RT 299 is a County road. Complaints on the project should be directed to the Ulster County Department of Public Works and not the Town of Lloyd Highway Department.

**3. NEW BUSINESS**

**A. Neil Curri, chair of ECC – report with River Keeper**

See above Councilmember Guerriero, liaison to ECC gave report

#### 4. PRIVILEGE OF THE FLOOR

Rafael Diaz, Hudson Valley Rail Trail Association, stated that last month the Resolution Adopted by HVRT asking the town to enforce speeding restrictions on cyclists on the Rail Trail was presented to the Town board. It has sparked a lot of attention on Social Media. Larry Scarborough, who lives in Sunnybrook, brought up the problem to the HVRT a while ago and said he has had a lot of incidents on the Walk Way so he purchased a fluorescent green t-shirt and put on the back WARN WHEN PASSING.

Scarborough said he went to the Rail Trail Association concerning speeding cyclists because one day he was walking and a cyclist sped very close past him. He asked the cyclist to please give warning. The cyclist then made a U turn and came back and told him that he should get out of his way. Scarborough told him that was intimidation and the cyclist dropped his bike and shoved him. Larry reported it to the police and they told him to come to the police station and fill out a report, that they couldn't send anyone out. He is asking for some police presence, at least on the weekends.

The NYS Police were at the Walk Way because there is a sign that says "Dismount in Construction Area". Police were issuing tickets to anyone who ignored the sign.

Larry stated most cyclists are very respectable. There are a few that are not.

Palladino asked Peter Bellizzi what the philosophy is on striping the Rail Trail.

Bellizzi responded that he did paint some chevrons which say slow at the entrance.

Palladino asked what the Association thought of painting a bike lane.

Scarborough responded that the trail is not wide enough.

Hansut said the Town Police have been notified and will be out there as much as they can.

Claire Winslow mentioned that there is a problem with dogs running loose and charging onto the Rail Trail. Perhaps the Police could patrol in the morning when there seems to be the most issues.

Bellizzi mentioned that he spoke with Chris White, Ulster County Planning Board Deputy Director, Chris asked if the Rail Trail Association has considered widening the trail to 16 feet. He thought it was a great idea but the Town and HVRT Association do not have the funds.

Hansut asked about doing some weekend education sessions or distributing flyers.

Diaz said they did this several times a few years ago. They put up sandwich boards asking people to stop, had tables with information and engaged in conversation with them concerning safety and Rail Trail rules.

Mary Phillips mentioned that the Dutchess Rail Trail has a sign that says "Rail Trail is patrolled by Officers on Segway's". She has never seen them, but it gives some warning to bikers.

Hansut said that the community needs to be diligent, use your cell phone and take a photo. It is easier to build a case if you have a photo.

Supervisor told Mr. Scarborough that he would follow up with the Police Department on his phone call and find out why no one was sent to take his report.

Mark Reynolds, reporter, asked where the property referred to in Resolution C was located

Sean Murphy responded that it is on New Paltz Rd. across the street from Giangrasso Plumbing. Patty Brooks, surveyor will address resolution C tonight.

Reynolds ask if Hansut could elaborate on Resolution G.

Hansut said there was a presentation at a previous meeting in regards to the CFA grant.

The Town has applied for this grant before without success. This grant is to connect the four Scenic Hudson Trails on Illinois Mountain to the Mountainside Woods easement to the Hudson Valley Rail Trail to John Burroughs Black Creek Trail. The Town has partnered with Scenic Hudson, the Town of Esopus and John Burroughs Association to apply for this grant. The Grant is \$5,000.00 more this year than it has been in the past.

Charles Glasner, Chairman of the Economic Development Committee, said the last time the Town applied to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) under the Environmental Protection Fund for this grant, the Town scored very high but OPRHP felt that the Economic impact was very small. The thought behind partnering for the grant application was because this is now an eighteen-mile corridor of parks so completing this project would have a higher economic impact.

Glasner said the Economic Development Committee has updated their brochure and does so, every quarter. This quarter it is called a Walk on the Wild Side.

Hansut asked if there were any other comments or concerns.

There were none.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Guerriero, seconded by Paladino to approve the minutes Workshop Meeting June 7, 2017 and Regular Meeting June 21, 2017

**Four ayes carried.**

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

General	G-528 to G-606	\$ 40,599.65
Highway	H-286 to H-312	\$ 11,718.83
Prepays	P-350 to P-416	\$ 71,348.99
Sewer	S-131 to S-146	\$ 4,358.85
Water	W-190 to W-202	\$ 5,293.76

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

**Four ayes carried.**

Patty Brooks, Surveyor, Brooks and Brooks Associates distributed maps showing the location referred to in Resolution C. The property is directly across from Via Borgetto, a private road off New Paltz Rd. In 1997, Mr. Lombardi wanted to change access to his property, which was across the pedestrian bridge that crosses the now Rail Trail and still exists, to get access into the 48 acres in order to potentially sub divide the property. A right of way agreement was entered into with the town approving that a Town road be constructed wherever it was approved on the subdivision map. It was discovered in reviewing the agreement 20 years later that it was never stipulated that installation of utilities was included. It specifies a Town road and a Town road normally includes utilities. The Town Supervisor, Raymond Costantino, wrote a letter in 1999 stating that the agreement not only provided for ingress and egress but the right to install public utilities. The Town Board needs to make the agreement accurate to prepare for the future development or sale of the property. Michael Moriello, Attorney, has drafted a revised agreement.

Michael Moriello, attorney, said that the law on right of ways and easement, if not specifically stated, doesn't necessarily include installing utilities. He recommended to Mr. Engelke that he should amend the easement with the Town to make sure the agreement states that it includes installation of utilities, as was intended in the original agreement. There is no current plan to develop the property.

Sean Murphy explained that the Resolution is subject to Permissive Referendum and would not take effect for 30 days. The 1999 letter from the then Supervisor Costantino confirmed that it was intended to include utilities and he agreed that utilities were inadvertently left out of the original agreement.

Patty Brooks said the Mr. Lombardi had granted the Town access to the pedestrian bridge and a 10 foot right of way if they ever wanted to improve it.

Murphy stated after the resolution is adopted there is a thirty-day waiting period for a possible petition and then a resolution is prepared to amend the agreement to include utilities.

Hansut asked if a road needs to be approved by the Planning Board.

Brooks said it was approved in 1997 as a grade crossing.

**C. RESOLUTION** made by Guerriero, seconded by Brennie

WHEREAS, the Town of Lloyd has heretofore entered into an easement, right of way and maintenance agreement with Lombardi & Son Realty Corp. (hereinafter "Lombardi") wherein the Town granted Lombardi the right to use for the purpose of ingress and egress by vehicular, foot traffic, or otherwise a right of way over a portion of Town land currently being used as the Hudson Valley Rail Trail; and

WHEREAS, at the time of entering into said agreement and granting said easement and right of way, said document did not set forth the right of Lombardi to install utilities over and under said easement area; and

WHEREAS, Robert Engelke the successor in interest to Lombardi has requested that the Town Board of the Town of Lloyd agree to amend the original easement and maintenance agreement to include the right to install and maintain utilities over and under the easement area; and

WHEREAS, it appears that the omission of said right from the original easement agreement was inadvertent; and

WHEREAS, the Town Board of the Town of Lloyd feels it is in the best interest of the Town and citizens to grant said right to allow for future development of the Lombardi/Engelke property; and

WHEREAS, the Town Board of the Town of Lloyd has determined that this action is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and

WHEREAS, the Town Board of the Town of Lloyd wishes to approve the request to amend the existing Easement and Maintenance Agreement to include the right to install and maintain utilities over and under the easement area, which amendment is attached hereto and made a part hereof as Exhibit "A";

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1) The Town Board of the Town of Lloyd does hereby approve the request of Robert Engelke to amend the existing Easement and Maintenance Agreement to include the right to install and maintain utilities over and under the easement area.

2) This resolution is subject to permissive referendum, and the Town Clerk shall publish a notice containing the information required in Town Law Section 90 within ten days after adoption of this resolution in the official newspaper of the Town, which notice shall set forth the date of adoption of the resolution and a copy of said resolution or, in the alternative, an abstract of such resolution concisely stating the purpose and effect thereof and that it was adopted subject to permissive referendum.

3) This resolution is not final and shall not take effect until thirty days after its passage, provided no petition is filed with the Town Clerk, pursuant to Town Law Section 91, requesting a special election. If an election is so requested, the resolution shall not take effect until an affirmative vote is rendered by the voters entitled to vote, pursuant to the Town Law.

4) The Town Supervisor, is hereby authorized to execute said Amendment and Agreement, and all documents related to the filing thereof and the Town's Attorney is directed to provide for the filing of the fully executed agreement with the Ulster County Clerk. (See Attached)

**Roll Call:** Brennie, aye; Palladino, aye; Hansut, aye; Guerriero

**Four ayes carried.**

**D. MOTION** made by Paladino, seconded by Brennie to close the Public Hearing on Local Law E - 2017, a local law to add a new Chapter 64, to the Town Code of the Town of Lloyd entitled "Hotels and Motels" at 8:01PM.

**Four ayes carried.**

**E. RESOLUTION** made by Paladino, second by Brennie

WHEREAS, proposed Local Law "E" of 2017, a local law to add a new Chapter 64, to the Town Code of the Town of Lloyd entitled "Hotels and Motels" was introduced at a meeting of the Town Board held on the 21<sup>st</sup> day of June, 2017, at 7:00 P.M.; and

WHEREAS, the Town Board of the Town of Lloyd has determined that the within local law is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and

WHEREAS, a public hearing was scheduled for July 19, 2017 at 7:00 P.M., the Town Clerk published and posted a notice of said public hearing in accordance with law; and WHEREAS, a public hearing has been held thereon on the 19<sup>th</sup> day of July, 2017 at 7:00 P.M. at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, be it is resolved that Local Law "E" of 2017 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law to add a new Chapter 64, to the Town Code of the Town of Lloyd entitled "Hotels and Motels". (See Attached)

**Roll Call:** Palladino, aye; Hansut, aye; Guerriero; aye; Brennie, aye.

**Four ayes carried.**

**F. RESOLUTION** made by Brennie, seconded by Palladino to accept the resignation of Daniel Kopec, part time police officer effective 07/13/2017.

**Roll call:** Hansut, aye; Guerriero, aye; Brennie, aye; Palladino, aye.

**Four ayes carried.**

**G. RESOLUTION** to authorize the Supervisor to sign the letter of commitment for the CFA Grant application for the John Burroughs Black Creek Trail Phase I Implementation which includes the Illinois Mountain trail connection with the Town of Lloyd local share of \$57,990.00 and in-kind donations in the amount of \$32,510.00 if the grant is awarded.

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

**Four ayes carried.**

**H. RESOLUTION** made by Palladino, seconded by Guerriero to hire Joseph A. Cannelli as a part-time employee effective July 25, 2017 at the Laborer rate of \$19.22 per hour, as supported by the Highway budget, at the recommendation of Richard Klotz, Highway Superintendent.

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

**Four ayes carried.**

**I. RESOLUTION** to approve the following budget amendments to the 2017 budget:

**GENERAL:**

Tow Law Fees	1420.43	+\$1,668.30
Contingency	1990.40	-\$1,668.30
Celebrations	7550.4	+\$3,000.00
Flea Market Permits	00-2560	-\$3,000.00

**HIGHWAY:**

CHIPS N. Roberts Rd	5112.77	+\$28,000.00
General Repairs CE	5110.40	-\$28,000.00

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

**Four ayes carried.**

Franco Zani asked how many acres was the property on New Paltz Road referred to in Resolution C and what is the zoning on the property.

Murphy responded that it was 48 acres and they have to go in for Open Development if they are going to develop it.

Guerriero responded that the zoning map say R-1 but it does not mean that 48 houses could be built. They would take into consideration the slopes of the land, rock, etc.

**MOTION** made by Paladino, seconded by Brennie to adjourn the meeting at 8:07PM.

**Four ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk