

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

July 3, 2013

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

Also present: Rosaria Peplow, Town Clerk
Kate Jonietz, Secretary

Absent: Councilmember Kevin Brennie

4:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance. He asked for a moment of silence in memory of the nineteen firefighters that lost their lives in the fire in Arizona on Sunday.

Supervisor asked that cell phones are either turned off or switched to vibrate. He noted that this is a Workshop meeting for the Town Board and is the meeting in which department heads address the Town Board, updating what is going on in their individual departments. A few time-sensitive resolutions will be addressed in this meeting.

1. REPORTS

A. Finance – Karen McPeck, Bookkeeper to Supervisor, was not able to attend this meeting.

B. Assessor – Elaine Rivera thanked the Board for the amendment to her contract. She explained that her appointment as Assessor expires September 30, 2013 and she will not be asking for consideration for another six-year term as Assessor, instead after 38 years she will retire effective September 30. Elaine Rivera said that it has been a privilege to be a public servant to the Town of Lloyd and she is grateful to have had the opportunity. Supervisor thanked her for her service as Deputy Supervisor, Assessor, Budget Officer, as well as other duties for the last 38 years.

Guerriero said that she will be missed and thanked her very much. Those assembled joined in applause for Elaine Rivera.

Supervisor said that although it is not part of the agenda, he interviewed Michael Dunham, Kingston, NY, currently a part time assessor in Plattekill and Rosendale who comes highly recommended by many of the assessors throughout the County. He is interested in the full-time position as Town of Lloyd Assessor. We talked about a starting salary of \$62,500 annually and his contract would have to be worked out with Wallens, our labor attorney. The problem is that the Town of Plattekill is prepared to appoint him at their Town Board meeting tonight. He would like to make a resolution to hire Michael Dunham and appoint him to the six-year term as full time assessor for the Town of Lloyd, pending his contract negotiations. Supervisor has his resume and Dunham is very qualified; it is not on the agenda because he was able to interview him today and he is asking the Board to appoint him at this meeting tonight. He would like to give him the peace of mind that he is appointed starting October 1, 2013, and to allow him to let his current supervisors know that he is no longer available for service.

Paladino asked if he would like a resolution on that.

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Litts asked the time of his interview today and commented that he would have liked to attend the interview.

Supervisor answered that it was at ten o'clock and if the Board would like to table it, he would be happy to make an appointment with Dunham to talk with them.

Guerrero said that he thought that would be a good idea.

Litts asked if Dunham actually worked for the Town in 2005, 2006 and 2007.

Supervisor answered that he does the re-valuations. The Town would be getting an Assessor and someone who can do the re-val's. Instead of having to pay \$35,000 for the re-val's, he would do that as part of his duties as assessor.

Paladino clarified that he is currently part-time in the Town of Plattekill and in the Town of Rosendale and has been there for a substantial amount of years.

Supervisor concurred and said that he is currently president of the Ulster County Assessors' Association. He asked Councilmember Paladino, the liaison to the Assessor, to sit in on the interview but he was busy this morning. This moved fast because Elaine Rivera let him know that she was retiring. He asked Elaine Rivera to return to the Meeting Room and asked her to give background on Mike Dunham.

Rivera said that Michael has been an assessor for fifteen to twenty years; he is currently the president of the Ulster County Assessors' association, he is the contractor who does the re-val's so he knows the Town, he is familiar with most of the Town's commercial properties, he knows the valuation system that all the assessors use. She added that if the Board is asking her if she would recommend him she definitely would. She said that knowing that Michael is going to take her position makes her feel much better about leaving.

Supervisor asked if he is correct in stating that there are four or five assessors who are leaving their positions.

Rivera replied that the assessors from the Towns of Esopus, Marbletown, Lloyd and Hurley are retiring. There will be openings in Rosendale and Plattekill if Michael comes to Lloyd.

Supervisor said that his concern is that if the Board does not move on this tonight, someone may make him an offer and he would not be available. He conducted the interview as Supervisor of the Town and asked the questions that he thought had to be asked. It would be pending a contract prepared by Bill Wallens, labor attorney, but he would like to entertain a motion to appoint Michael Dunham as, Assessor, beginning October 1, so that Lloyd does not lose him. If the Town waits and he is not available, the Town will have to go through the whole system. The Board would appoint him tonight and all of the other matters are negotiable between Bill Wallens and Dunham.

Rivera said that every assessor in New York State is up for reappointment on October 1; so from around the State assessors moving will happen in the next ninety days.

Supervisor offered that if anyone on the Town Board would like to sit in on his negotiations, he would be happy to have them but he is asking for a motion to appoint him to a six-year term.

Paladino said that he had no problem going forward with this and he would move the motion, subject to contract negotiations.

RESOLUTION made by Paladino, seconded by Hansut, to appoint Michael Dunham as Town of Lloyd Assessor, starting October 1, 2013, for a six-year term per NYS requirement.

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Rivera said that she would do a separate resolution at a later date for approval of the contract.

Supervisor added that this is an appointment if we can get the contract done by the Regular meeting or next month, there will be another resolution approving the contract.

Paladino said that if Dunham did not agree to the terms, then there is no appointment.

Guerriero felt that the Town Board should take a step back and not rush into this.

Paladino clarified that because several assessors were leaving their positions and creating vacancies, that it may be difficult to fill Rivera's position.

Supervisor said that he would vote yes. He spoke with Rivera and with other assessors about this spoke.

Litts added that this is the second or third highest paid position in the Town and he has never met the man, shaken his hand nor had the opportunity to interview him.

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

Two ayes; two nays

Motion failed.

Rivera suggested that Michael Dunham be interviewed by the Board as soon as possible since there is a 2/2 split.

Supervisor offered to make copies of his resume and the Board could set up an interview with Dunham.

Guerriero felt that would be a good idea and that the Board had to be careful to try to get someone as good as Elaine Rivera.

Litts felt that what could have been done tonight was to make a motion to extend the opportunity to hire the man upon a successful interview and negotiations. He said that he took this office to do what he felt was good for the Town. He felt for him to vote for someone he does not know to hire him for one of the highest level positions in the Town is unfair to the people.

Supervisor said that he has to be appointed and then the contract is negotiated.

Paladino felt that the Board could go through the process and interview and in the contract negotiation, the Board may decide that it is not going to work out and it is null and void. An appointment does not mean that anyone is being hired. The contract has to be agreed upon by both.

Rivera suggested putting a motion on the floor to begin the interview process and the Board can move forward.

Paladino thought that was the resolution to interview and negotiate.

Supervisor said that the resolution was to appoint him to a six-year term, locking him in and then negotiating with him and adopt another resolution to approve the contract. If the Board was not happy with the contract, he would not be appointed.

Paladino asked if it was inaccurate to say that the Board could move forward under the constraints that there will be an interview and negotiation but we want to appoint.

Litts said that in his experience in working for New York State, people are brought in and interviewed, the job offered and then you appoint; it is not done the other way around.

Paladino felt with the time constraints flexibility is needed.

Litts agreed that this gentleman may be the best in the area but there may be other qualified people out there if this gentleman decides to go to a different town other than

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Lloyd. He believes that it is clear to Dunham that the Board is looking to hire him as the assessor.

Paladino asked if under the appointment that the Town has the flexibility if a contract is not agreed upon.

Rivera answered that the Board appoints him for serves a term of six years; if the Town and Dunham do not come to terms on the contract, his could resign and he would be crazy to do that because he would have to wait six years to get an appointment to another position. The Board might want to make a contingent offer of employment based on the outcome of the interview. She feels the Supervisor is looking for a positive nod to Dunham that the Board is interested in him. She is sure that he would not go to his employer until he was sure that he had another job.

Paladino said that an interview will be set up for Dunham to meet with the Board.

Supervisor asked they let him know when they want him to put it on the agenda.

C. Building & Zoning Department – David Barton reported that during the week he was on vacation there was a fire at Bridgeview in which a structure of two single-family units burned; one side was a total loss and will probably be bulldozed, the other side suffered serious damage. There were no injuries. Anthony Giangrasso responded as fire inspector; the phone call came about 1:45 AM and he was on the scene until about 6:00 AM. he went over the 50 hours that were agreed to due to the fire and in this situation extra hours are unavoidable; a fire is serious and requires a fair amount of work dealing with the after effects. He wanted the Board to know that his time card for that week reflects the overage in hours. He complimented Giangrasso on his work and he handled the scene at the fire well.

Supervisor added that Giangrasso has a desk-full of complaints to handle.

Barton agreed by saying this is the worst year his department has had regarding complaints which range from civil complaints, trespass and un-mowed lawns. The lawn at 15 Mayer Drive was just mowed; New York State law requires that banks maintain the properties they foreclose on. There are three other properties that they are going to mow. There are three abandoned buildings which are in serious dilapidated condition which need to be boarded up so that kids cannot get inside the buildings. One house on Mile Hill Road looks as if the people just walked away from it and now there is an inch of mold on every surface due to a waterline break. He distributed his monthly report to the mailboxes and commented that it was a good month for the department. There is a revised agreement for Mountainside Woods on the agenda which reflects an updated development agreement; the Planning Board has done an amendment to their approval to subdivide the conservation subdivision to take the first phase and divide it into Phase 1A and 1B. This does not change any numbers; it does not change the payment schedule.

Guerrero asked if there would be any changes to the detention ponds.

Barton said that the ponds will be built to specifications; they will take care of the water that they influence so if they have a road the pond will be the size that it needs to be to maintain the water on site.

Guerrero said that the detention pond is supposed to be built first and to the size specified in the agreement.

Barton said that it will be; he wanted the water to be pushed out the back but it will be taken care of on site. They will do some clearing, some roads, some structural work

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up front; they are negotiating bond amounts which are reflected in this agreement. There will be 26 houses up front.

D. Dog Control – Andrew McKee reported that he and the Deputy went to a class on investigating animal cruelty, a chemical immobilization course given by Cornell University and a two-day Agriculture & Markets course in Albany. They researched what other cities and towns do regarding their records on animal control and dog bites and then they made up forms and came up with a protocol to follow for each complaint. Each of the closed cases will be kept in a binder in the Supervisor's secretary's office which will be useful if information is needed in the future. He has run into a couple of situations where there is no record to tell him what has happened in the past. There has been very little activity with stray dogs this year but there are a number of possible dangerous dog hearings coming up; one was successfully completed last night in Court.

E. Highway – Richard Klotz

Supervisor stated that Richard Klotz was not at the meeting because it was with his workers as they are paving Christopher Avenue, Brinkerhoff Avenue and Maple Avenue. He and Guerriero visited the work site today and there were approximately 20 different trucks from Ulster County DPW, Gardiner, Esopus, New Paltz, Marbletown; a really good example of shared services.

F. Hudson Valley Rail Trail –

G. Justice – Terry Elia/Eugene Rizzo

H. Police – Chief Daniel Waage reported that June was a busy month for the Police Department: 590 calls; 304 other than public service; 38 traffic accidents; 103 parking and traffic tickets; 60 total arrests; foot patrol by Officers or Sergeants was 125 hours in the Hamlet as well as 25 hours in the schools; he and the Lieutenant put about 35 hours in the Hamlet and 10 hours in the schools. On May 30, the department made 13 arrests for narcotic trafficking and prostitution in or around the Town of Lloyd; June 2 was the First Annual Wiffleball Tournament approximately \$1,700 was raised for St. Jude's Children's Hospital. Some of the members took part in the 2-mile NY Empire State Special Olympics Torch Run on June 11. He said that his 'normal' athletes took part as well as Lt. Janso and said that he was proud of him. On June 12 there was a meeting with the residents of North Chodikee Lake Road, officials of Camp Stolin Torvath, and Town officials. Some of the issues that were discussed were quality of life issues for the residents, parking, noise, etc.; he does not feel that all of the problems will be solved at once but that there has been significant progress. All department officers took part in an active shooter training course which was an 8-hour training at the Middle School. The Orange County Sheriff paid for the two instructors out of his budget which was well received. , the department and all emergency services were honored with an appreciation award from St. Augustine's which was presented at the Bazaar on June 20th. Justice Court recovered three knives this month.

Supervisor said that he recently spoke with both judges and they are pleased with Jim Plass, Court Officer, and the way that he is conducting himself.

Supervisor then expressed the condolences of the Town Board to Sgt. Roloson whose mother recently passed away.

Supervisor related that there have been complaints of suspicious activities in the Hamlet and he spoke to Chief about that and there have been extra patrols.

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Chief said that he wants the officers to be seen and to walk those alleys and behind buildings; they are finding hypodermic needles in the alleyways and they will continue to patrol until it is cleaned out.

Supervisor added that at budget time, they will consider money to curtail drug activity and the influences of Poughkeepsie, Newburgh and Kingston in Lloyd.

I. Recreation/Buildings & Grounds – Frank Alfonso was not in attendance as he was refereeing basketball games at Tony Williams Park.

J. Safety Committee –

K. Town Clerk – Rosaria Peplow reported that she successfully settled the warrant with the Ulster County Commissioner of Finance on June 13; in the month of June, \$669,679.87 was paid the Commissioner. To date, 662 Transfer Station permits have been issued. The money from the summer programs has been coming in; Berean Park passes \$3,725.00; SummerFun has realized \$22,795.00 and they will continue to register children on a weekly basis; Swimming Lessons, \$2,430.00 has been turned in. She successfully completed a National Incident Management System Introduction Training, which was given by Ulster County Deputy Sheriff Cpl Joseph Decker and Lt. Charles J. Polacco III, in Kingston on June 13. The Town Clerks are going to look into taking the next training class. She continues to go through old records and found some that were no longer necessary to be retained in the Town Clerk's Office. She passed them along to Liz Alfonso, Town Historian, and she found some to be worthwhile to keep as a record of the history of the Town.

L. Water & Sewer – Adam Litman, Administrator, reported that to date the Water Department is making 100% water from the Reservoir; with the rainfall that we have had we will be able to continue for the next month or so. Last month, Andy Paccione had finished the water quality report and submitted it to Rosalie Peplow, Town Clerk, so that it could be published in the newspaper and distributed to those who are interested. The chlorine residual meter that was purchased for the Water Plant has been in service for approximately two weeks. He said that it is a great instrument to have in processing the water and explained that the water goes from the Water Plant into the clear well prior to going into the distribution system and the tank has to have a proper chlorine residual before consumption. The chlorine residual meter reads the residuals throughout the entire water-making process so that as the cylinders become empty, no water is discharged into the clear well without the proper residual. It is working well and has been tested. The meter shuts down the plant at either a high or low residual; the operators do not have to run back and forth to monitor the tanks as they run out. The tanks can be sometimes hours or days for them to run out and in situations where there is only one operator, they have to shut the Plant down if they need to go out and check the different systems; this was a time consuming and wasteful practice. He thanked the Board for approving the meter purchase. The Sewer Plant continues to run normally. He met Andy Seidel, Morris Associates, to review some of the ongoing issues with the ultra-violet and gas methane systems for the digesters. There are ongoing issues at Staff Lighting reed bed; secondary pumps were purchased and introduced new secondary aeration to keep the plant within the permit for removals. He feels that is successful but not at 100% and has allowed the facility to discharge as of the end of June. In the future, upgrades and introduction of new beds will have to be discussed. Deeding the property to the Town had been considered so that new beds can be

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constructed and the existing beds redone as they are reaching the end of their life expectancy. The Road Crew has been working on a few different projects. Matt Smith, Bob Shepard Highland Landing Park, donated some extra rock and material from the Park. Dave Campala and Frank Palmateer have begun to dump the materials off the sides of the dam on Reservoir #4 to build ramps so that they can build a secondary road behind the Reservoir and in the future it will help with maintenance and inspection. He thanked Matt for the materials. They have been working with the Highway Department. After the milling of Grand Street, Christopher Avenue and Maple Avenue, manholes were located that were paved over through the years. Rich Klotz, Highway Superintendent, allowed the Crew to pull up the manholes and re-brick them to raise them to a proper grade after paving. This is a plus for both departments; the roads will have a better road surface and there will be better accessibility to the manholes. He thanked Rich and his crew for allowing them to do the work. He requested approval to hire a part-time laborer, using money that was budgeted in the 2013 budget. He explained the importance of hiring a laborer and training him alongside Campala and Palmateer is that their knowledge is not replaceable. He also needs someone trained in that department and a laborer trained in Sewer Plant and Water Plant operations and have an understanding of the water metering systems, backflow and billing.

Supervisor said that he has spoken with Litman about this and found out that there are actually five vacancies within the Water and Sewer Departments; this is budgeted.

Litman said he needs to talk with the Supervisor about the hiring process as he needs a laborer that fits the criteria. This position would be 50% split between Water and Sewer.

Supervisor explained that this would be a part-time position split between Water and Sewer; however, for the 2014 budget it would be a full-time position so that the person would learn the work from Campala and Palmateer.

Litts suggested that a letter should be sent from the Water/Sewer/Drainage Committee to the Town Board requesting hiring a laborer. He asked if this hourly rate in line with what is paid with the other laborers in Town.

Elaine Rivera, Budget Officer, said that the starting rate for a laborer is \$17.25 per hour.

Supervisor said that he was confused at the reasoning to go through the Water/Sewer/Drainage Committee as the Town Board will ultimately hire.

Litts said that all Water/Sewer/Drainage issues should be presented through the Committee; the next meeting would have been tomorrow but due to the July 4 holiday, it was cancelled.

M. Supervisor –

2. OLD BUSINESS

A. Solar Energy follow-up with Dean Matus, Lionshead Energy

Matus distributed information on sample projects.

Paladino asked for an overview and if the Town Board decides to proceed, he would like Matus to also speak to the Highland School Board.

Matus said that he works with municipalities and commercial property owners installing solar photovoltaic systems on the roofs of facilities or on large ground facilities such as landfills; they also do lighting efficiency and other energy efficiency measures. This is an opportunity for the Town to install a PV system that will generate a strong

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majority, very close to 100%, of all the power that the Town facilities are using at no expense to the Town, utilizing a PPA (Power Purchase Agreement). This is a third-party financier who will purchase the system on behalf of the Town and they will take advantage of various State and Federal incentives, the majority of which are tax incentives that non-profits and municipalities would otherwise not be able to benefit from. In turn, they will sell power to the Town at a discounted price that the Town is currently paying to the utility. This is green, clean power at a discount that the Town would otherwise be purchasing from the utility company. NYSERDA (New York State Energy Research Development Authority) has become very aggressive over the last 12 months offering incentives that make it attractive for these investment groups to come in and finance these projects.

Paladino asked if Matus could show the energy used, the energy generated by the solar panels and the potential net savings along with the incentives from NYSERDA.

Matus said that it would be a 10 to 20% discount to the current rates; they would cap that so that in no point in time would the Town ever be buying power for more than the Town is paying the utility company so the Town is hedging all risk, minimizing the chance of buying power for more than what is currently paid. Basically, guaranteeing savings.

Paladino asked about capping at the current rate.

Matus said that over time the cost of the utility continues to increase and there will be a fixed increase in the cost of the PPA; the contract will never be greater than the utility so with the cap in place, it provides a sense of comfort.

Paladino posed that they are talking about doing this at the Transfer Station site and asked Rich Klotz if he has had any sit-downs to talk about the program.

Rich Klotz said that he was trying to find out who has control of that land. the contract with Ulster County Resource Recovery Agency is due in a year or so.

Paladino said that the Town owns it and it would be a lease; he did not know if there was a maintenance agreement in place.

Matus said that this will be more widely seen because it is driven by incentives both on the State and Federal levels. You will see solar everywhere when driving through New Jersey, because New Jersey was more progressive than other northeast states in offering financial benefits. New York and Gov. Cuomo has put \$180-million toward this new incentive; there are Federal tax credits to all purchasers of these systems as well as giving accelerated appreciation to make it attractive. Utility companies are on board as this supplements utility companies who are moving away from generation and into handling distribution.

Paladino asked what happens with this multi-million dollar investment when if in three years the Town realizes that it is not making the savings that was promised.

Matus clarified in the PPA, the Town is just agreeing to purchase the power at a fixed rate with a fixed annual escalator for a fixed period of time. It is budget-able and the Town will know what the expenses will be moving forward. On Day #1, you will know the cost per kilowatt hour will be 5, 7, 10 or 12 years down the road. Only in the event that the utility prices decline would that be a controlling measure in the expenses of the Town. Lionshead Energy as the installer is being supported by a third-party investor who has consented to build the system and is getting paid by the price per kilowatt that the Town pays, they are making sure that Lionshead keeps

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that system running efficiently and effectively to generate energy. There is a big brother who made that multi-million dollar investment looking over your shoulder to make sure that system is running as efficiently as possible to maximize the generation and maximize the Town's savings.

Paladino asked if the contract is assignable if his company, Lionshead, goes bankrupt or out of business for some reason.

Matus replied that the contract is between the Town and financier. If the Town decided to forego the Federal tax incentive credits and purchase the system, that would be fine by him.

Paladino recalled that the Town has no responsibility for maintaining any equipment whatsoever.

Matus said all of the permitting, applications, procurement of equipment, installation expenses, insurance, on-going maintenance, is all handled by Lionshead and the investment group that purchases this. The Town is responsible for land lease with the caveat that the Town is responsible for buying the power generated.

Litts said that he would like to see NYSERDA contacted and have NYSERDA supply the Town with whatever rules and regulations that govern the sale of the additional power because that is for profit.

Matus said that NYSERDA requires a full-blown energy audit of the energy used over the last 12 months. A system cannot be build that supplies more power than has been used over the historic 12 months. The system for the Town would be designed so that there is no excess generated power. It would just supplement the Town's power. Any differential would be purchased at the current rates. At the end of the day, the economics when power is overproduced, the utility doesn't give you the retail value of the kilowatt hours, they buy it back wholesale; they charge you 12-cents, they buy it back at 4-cents. There is no incentive to generate more than is needed. What it does allow is generate on one site and distribute to multiple locations.

Litts said that because this is a municipality they are not required to buy any of it; if you are an individual, the power company is required to buy at wholesale whatever you produce above and beyond what is used but that law does not pertain to municipalities. The ultimate would be to build a system that would take care of future needs.

Matus said to design the system with the intention of expanding it, NYSERDA does have certain limitations; they don't let you generate more than 2.5 megawatts of power. NYSERDA has an upcoming funding opportunity this summer, Public Offering Notification 2589. In anticipation of that he would like to do all of the pre-engineering analysis which requires talking to the utility company further and he would like authority from the Town Board to talk to the utility.

Paladino said that he assumed the Police/Firehouse would be qualified as a Town building.

Matus agreed and said that and the Highway Garage that has a good southern exposure. There are a number of smaller facilities as well as the Landfill and that is a different NYSERDA program.

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Paladino said that he and Guerriero would like to set up a meeting with the school board. He asked Klotz to investigate the service agreement with UCRRA and asked Peplow to furnish a copy of the agreement.

Harv Hilowitz, Lionshead Energy, thinks that under NYSERDA regulations, the school district would be a separate project from the Town project and asked if the firehouse was also a separate entity or part of Town government.

Matus said that for each individual address he would be required to file an application even though the projects may be pulled together, technically each is its own project.

Paladino felt that fire departments across NYS were separate from Town government.

Paladino and Guerriero will follow up on this proposal.

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

Supervisor moved the Privilege of the Floor to the end of the meeting so that the Board could address the Motions and Resolutions.

5. MOTIONS AND RESOLUTIONS

A. RESOLUTION made by Paladino, seconded by Guerriero, to hire Erin Litts as part-time dispatcher with a starting pay of \$13.75 per hour upon successful completion of her pre-employment physical at the recommendation of Chief Daniel Waage.

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

Three ayes carried.

B. RESOLUTION made by Litts, seconded by Hansut, to hire Kathryn Cohan as part-time dispatcher with a starting pay of \$13.75 per hour upon successful completion of her pre-employment physical at the recommendation of Chief Daniel Waage.

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

Four ayes carried.

C. RESOLUTION made by Litts, seconded by Hansut, to hire Kyle Esposito as part-time police officer with a starting pay of \$17.75 per hour upon successful completion of his pre-employment physical at the recommendation of Chief Daniel Waage.

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

Four ayes carried.

D. MOTION made by Paladino, seconded by Litts, to approve the use of the northeast corner of the municipal parking lot by Ulster County Community Action on Wednesday July 31, 2013 from 3 PM to 8 PM for their chicken BBQ fundraiser.

Four ayes carried.

E. RESOLUTION made by Litts, seconded by Guerriero, to accept and approve the amendment to the contract of Elaine Rivera, Assessor, effective October 1, 2007 through September 30, 2013.

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

Four ayes carried.

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F. Resolution to hire Scott Scribner as laborer at a rate of \$17.25 effective July 8, 2013 to satisfy New York State Retirement benefits requirements and accept his resignation effective July 9, 2013.

Resolution was not brought to the floor.

G. RESOLUTION made by Paladino, seconded by Guerriero, to appoint Anthony Ventura as a full-time Police Officer from the Ulster County Civil Service list of eligible's effective immediately with a salary of \$39,488.00 as per the contract at the recommendation of Police Chief Daniel Waage.

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

Four ayes carried.

H. RESOLUTION made by Paladino, seconded by Litts, to accept the resignation of Michael Morgan as Heavy Equipment Operator, effective July 8, 2013.

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

Four ayes carried.

I. RESOLUTION made by Paladino, seconded by Guerriero, to appoint Michael Morgan to the position of Working Supervisor at the base rate of \$23.07 per hour effective July 8, 2013.

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

Four ayes carried.

J. RESOLUTION made by Paladino, seconded by Litts,

WHEREAS, Mountainside Woods, LLC, Sycamore Creek, LLC and The Falls at Lloyd have received final conditional subdivision plat approval from the Town of Lloyd Planning Board for a Conservation Subdivision off Toc Road and Vista Drive; and,

WHEREAS, pursuant to and in accordance with the preliminary subdivision plat approval of the Town of Lloyd Planning Board for this project, the Developers are obligated to construct certain roadways, storm water control facilities and storm water conveyance facilities, install water mains in the roadway, install sewer mains in the roadway, provide landscaping within the Town right of way, install sidewalks adjacent to the roadways located within the subdivision, and install fencing in identified areas, and provide a plan and bonding for the site plan improvements; and

WHEREAS, Mountainside Woods, LLC, Sycamore Creek, LLC and The Falls as Lloyd, as "Developers", and the Town of Lloyd, including the Town Board as Commissioners of the Highland Water and Sewer Districts, have heretofore entered into a Developer's Agreement to address the issues set forth above; and

WHEREAS, the Developers have obtained approval of a modification of the final conditional subdivision plat approval whereby the first section and construction phase of the plan is divided into two sections/phases, namely sections/phases 1A and 1B; and

WHEREAS, representatives of the Developers have met with the Town Building Department, the Town Engineers, both Water and Sewer, the Town Attorney and other representatives of the Town, and there has been a revised Developer's Agreement drafted to address the issues set forth above as modified by the Planning Board's amended final conditional subdivision plat approval; and

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WHEREAS, the Town Board desires to approve such agreement in order to move the proceedings toward final approval and the Planning Board Chairman's signing of the site plan map in the near future; and

WHEREAS, the Developer's Agreement shall be utilized by all parties to facilitate the improvements and other conditions required in the Planning Board's approval; and

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The "Revised Developer's Agreement" by and between Mountainside Woods, LLC, Sycamore Creek, LLC and The Falls at Lloyd, as "Developers", and the Town of Lloyd, including the Town Board as Commissioners of the Highland Water and Sewer Districts, annexed hereto as Exhibit A, be, and the same hereby is, approved.
2. The previous Developer's Agreement approved by the Town Board on May 15, 2013 is rescinded and replaced in its entirety with the Revised Developer's Agreement attached hereto as Exhibit A.
3. Supervisor, Paul J. Hansut, and Planning Board Chairman Scott Saso, be, and they hereby are, authorized to sign said agreement.
4. The Developers are to post such security as required by this Agreement and pay such fees as required by the Agreement by transmittal of the security to the Town Attorney and Town Supervisor, in accordance with the Agreement. (See Attached)

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

Four ayes carried.

K. RESOLUTION made by Paladino, seconded by Guerriero, to hire McKenna Wood at \$7.35 per hour and Mike Canino at \$7.35 per hour as lifeguards for the 2013 season at Berean Park.

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

Four ayes carried.

L. RESOLUTION made by Paladino, seconded by Guerriero, authorizing the Bookkeeper to pay wages to Keith Garbounoff from Highway Funds for hours worked and approved by Richard Klotz, Highway Superintendent.

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

Four ayes carried.

Ray Jurkowski, Morris Associates, reported that Gov. Andrew Cuomo has made \$500-million available for hazard mitigation for any incident associated with hurricanes Irene, Lee and Sandy; during that time frame they initially anticipated and required that any letters of intent for any municipality interested in obtaining grants through that program submitted by July 5. As of yesterday, they extended that deadline to August 1 so the Town has some additional time to submit letters of intent for various potential projects. The grant is 75% covered by NYS and FEMA, 25% covered by the municipality.

Litts interjected that he had heard that Gov. Cuomo was pushing to have the State pick up that 25% so it would be a 100% grant.

Jurkowski said that has not happened as of this date; it is still a 25% match by the local municipality. Hazard mitigation goes above and beyond the repairs that were done during the event and this is actually to stop those hazards from occurring in the future. In speaking with the Water and Sewer Departments and the Highway Superintendent, potential projects have been identified. First and foremost on the Water the issue is the

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lack of back-up generator power. Currently, the River pump station and the filter facility do not have back up power. In the last major storm associated with Irene, the Water District was hours away from losing the availability of water to feed the entire system. There are areas concerning Highway, Water and Sewer that are prone to flooding. The most significant has to do with Lower River Road in the area adjacent to the Sewer Plant and the two culverts just south of there. The Sewer Plant, roadway and residences had significant amounts of damage all due to the flooding of that area associated with the stream, culverts, and that particular project would look at actually re-diverting that stream, increasing the size of the culverts and eliminating at least one of the culverts. This would eliminate the possibility of blockage and flooding. Part of that may be obtaining land of the residences that are currently not occupied. That is all fundable under this particular program. In speaking with the Highway Superintendent, there is additional slope stabilization on River Road that needs to be done. In the past some of the mitigation work that was done by FEMA could not be funded because the Town did not own the property. This particular program gives a bit more flexibility allowing the Town to go beyond its own boundaries. It gives the opportunity as part of the program to obtain the necessary easements and letters of understanding to allow those projects to move forward as part of the program and project. Previously that was not allowed as pure mitigation as far as repairs are concerned. They have also identified the existing culvert that restricts flow at the intersection of Vineyard Avenue and Grand Street, as well as, the culvert that is on Vineyard Avenue just north of Reservoir Road. That is the one that flooded and caused the water running down through the Hamlet as seen on the You Tube videos.

Supervisor commented that it was close to flooding again in the last storms.

Guerrero said that the problem was a clogged storm drain at the south end of Toc Drive. The creek was down but the road had flooded; he feels that people should be aware and if storm drains are clogged, it should be reported. Denise Rhoades, Secretary to the Highway Superintendent, called NYSDOT who fixed the problem and when he went by an hour later, it had cleared up.

Jurkowski said that for the proposed letters of intent he would like to put in for at least one project associated with the water system and four projects associated with the roadway and culvert system. One of the other items to look at is a generator for the Town Hall; from a communications standpoint, that would be a fundable project. He will submit those letters of intent on behalf of the Town; one of the things to be considered is the cost benefit analysis. Lower River Road is a perfect candidate for the grant because of the amount of damage that was done; they are gathering information on that to show just cause. Between the municipality and the residences there was probably \$2.3-million to \$5-million in damages, in the Irene alone.

Supervisor asked David Barton the status of the Comprehensive Plan and Review.

Barton replied that he met with Liz Weisz and Brad Scott (Donna Deeprose was unable to attend) this morning. Chapters 3, 2 and 5 have been finished. They are preparing the draft which will be sent to other committee members and to the Board.

MOTION made by Litts, seconded by Paladino, to go into executive session to discuss personnel with David Barton, Building Department Supervisor, at 5:24 PM.

Four ayes carried.

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MOTION made by Litts, seconded by Paladino, to come out of executive session at 5:37 PM.
Four ayes carried.

MOTION made by Litts, seconded by Paladino, to adjourn the meeting at 5:38 PM.
Four ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk