

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

JULY 6, 2016

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

Also present: Sean Murphy, Attorney
Laura Oddo-Kelly, Deputy
Town Clerk
Kate Jonietz, Secretary

Absent: None

4:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

Supervisor extended his and the Town Board's condolences to Rosalie Peplow and her family on the loss of her brother. He commented that he knew she was very close to her brother.

1. REPORTS

Finance – Karen McPeck, Bookkeeper to the Supervisor
Not present

Assessor – Jennifer Mund

Mund stated that the final roll was filed on July 1st. Copies are available in the Assessor's Office and there is a link on the Town's website to the final tax roll.

All Board of Assessment Review decisions were mailed prior to July 1st. The deadline for filing a small claims or certiorari (Article 7 lawsuit) is 30 days after the filing of the final roll. They had 30 grievances; about 20 less than last year. Four commercial parcels filed this year; Bridgeview, New Concept Management Nursing Facility on North Road, Central Hudson, and Wingate at Ulster. They will know by August if any will go to certiorari.

The Assessor's Office spent a significant amount of time dealing with the changes in the STAR program. Upon adoption of the NYS Budget in April, the Basic STAR and Enhanced Star programs have changed to a rebate check program. Homes purchased after 3/1/2016 and anyone who owned a home and filed for the STAR for the first time since 03/01/2015 will only be eligible for the rebate program. They will not see the tax relief in their bill. If the new STAR applicants registered with the State Department of Tax and Finance prior to July 1, 2016 they are due to receive their rebate check in September. If they registered after July 1, 2016 they will receive a check sometime after September.

Her office has reached out to anyone who purchased a residence or applied the first time after 03/01/2015 to inform them of the change in the program and to make them aware of the July 1st deadline. The office has had to notify mobile home park owners and those who have purchased mobile homes of the changes as they are tracked separately.

The plan for summer is to continue to work on data collection and verifying the condition of homes with the condition of "good" and are over 10 years old which could impact the valuation.

Assessor's Office has been in contact with Louise Lynch, Highland School Tax Collector, to obtain the re-levy amounts which need to be on the tax roll by August 2nd in order to be on the school bills.

They are updating their 911 maps and in the fall will continue the valuation and exemption processing for 2017.

Mark Reynolds, Southern Ulster Times, asked what the approximate assessment is for the entire Town.

Mund said she believed it is approximately 1 billion thirty-four million dollars. It went up about 4 million this year. They will receive the exact figure from the Assessors Report that will come in from Ulster County shortly.

Building & Zoning Department –

David Barton reported that they had a very busy month and revenue has been higher than expected. At the end of June they are at \$88,273.50 which is higher than the year totals for previous years. They are busy with complaints and there is a considerable amount of building going on. Taco Bell will probably break ground sometime next year.

At the last Planning Board meeting they came to a final compromise for the Planned

Residential Development language. They had a discussion that included Mrs. Dapp and Mrs. Caswell who were in attendance. The language has not changed significantly from the last time it was presented. The biggest item of compromise was the setbacks that they had previously discussed and they feel they have it where it needs to be. The Ulster County Planning Board had comments on keeping the language on commercial usage less restrictive.

He asked if anyone had any questions on the modifications and would like it resolved by the August Regular Town Board meeting.

Mazzetti asked about the Village View project.

Barton stated that he has not heard from them.

Mazzetti asked if there was any update on America's Best Value Inn installing a new sewer line.

Murphy replied that they had not. He had been in touch with their attorney. They have talked to contractors but have not engaged anyone. The court has given Murphy the authority to bring an action but he has not done so yet.

Mazzetti said it has been a couple of months and felt that it should not be that hard for them to hire a contractor.

Murphy said he will pursue the matter further and report at the next meeting.

Brennie asked if there was anything happening with the Highland Square parcel.

Barton said they have a new corporate real estate person who came in to see him.

Supervisor asked if everyone has the proposed PRD law language as it is going to be read at the next meeting. If there are any questions, they should consult with Dave Barton.

Dog Control – Andrew McKee

Not present

Highway – Superintendent Richard Klotz

Klotz said they have paved almost three miles of roads including South Ohioville Road, Merritt Road and Smith Terrace. He would like to do more roads but he is waiting to receive the CHIPS money. Amanda Circle is almost completed and Sean Murphy is working on the dedication.

There is a problem with the salt shed. The salt is drawing the moisture out of the wood and it is turning into pulp. He suggested using the building for storage and putting up a new building. The shed will stop deteriorating when the salt is out of it. He will look into the cost. The block is being made now for the transfer station.

Mazzetti said he spoke to some residents on Grand Street and they would like to be connected to the sewer and be pumped up. He thought that might be done before the paving.

Klotz said he was going to start ripping that up next week and replacing all culverts on Upper Grand Street. The road will be closed for through traffic for a time.

Murphy said residents of Grand Street may not be able to hook up to the sewer line there depending on the parcel. He suggested they speak with Adam Litman about it before they start to pave the road.

Paladino said he believes there is no sewer line on Grand Street.

Klotz said there is water and gas but no sewer.

Justice – Eugene Rizzo/Terry Elia

Not present

Police – Chief Daniel Waage

Town of Lloyd Police Monthly Activity Report for June 2016:

Patrol Activities:

Calls for Service-----888

Other/Public Service-----345

Accidents-----37

Tickets (Parking/UTT'S)----96 (23 parking)
(73 UTT'S)

Arrests-----47

Foot Patrol-----Hamlet (Officer/Sgt)-----Approx. 190 hrs.

07.06.2016

Schools (Officers/Sgt)-----Approx. 50 hrs.
Foot Patrol----- Hamlet (Chief/Lt.)-----Approx. 8 hrs.

June 07th – members of Lloyd Police and “URGENT” task force culminated a 3 month Long investigation with 3 arrests of a Highland man, age 23, a Highland woman, age 27 and a 30 year old Poughkeepsie man for selling heroin from a residence on Rt. 9W in the Town of Lloyd.

June 07th – Lloyd Police Youth Rec League took place where members played kick ball and whiffle ball with approximately 13 children.

June 09th – Lloyd Police start “Teddy Bears and Cops Program” where patrol cars will be equipped with teddy bears to be given to children to comfort them at scenes such as accidents, abuse, domestics, etc.

June 10th – patrolled school for the last Friday of the school year.

June 13th – members conducted patrols for the last day of school at the Highland High School.

June 16, 17, 18, 19 – members conducted foot patrols through the St. Augustine’s Bazaar.

June 22nd – community meeting with staff and residence of North Chodikee Lake Rd on Camp Karlin Stalon over any concerns/issues for upcoming camp season.

June 23rd – members provided security for Highland High School Graduation.

June 26th – Bike NY took place; members were on traffic details throughout town to assist approx. 2,300 bike riders.

June 27th – Sgt. Roloson conducted harassment training for approximately 50 seasonal town employees.

Recreation/Buildings & Grounds – Frank Alfonso

Alfonso stated that Casey DeMaio and her softball club team would like to play outside teams at Tony Williams Park on July 10th, 17th, and 24th. SUNY New Paltz will use Tony Williams for two weekends in July for tournaments. The parks are rented almost every weekend for parties. The two backboards that were installed in 2009 at Tony Williams Park are in terrible shape and will be replaced soon. They have purchased new benches for the parks and the Town will be installing the new ones shortly.

Summer Fun is in their second week and last week the camp went to a movie in Hyde Park.

July 4th week is usually the slowest week and one week the camp trip will be on Thursday because of availability. The swimming lessons have started. One hundred and fifty children have signed up but that number may increase by the end of the week. The parks have been very busy and the staff has been very helpful in making sure the parks remain clean. Residents have also been cooperative in keeping the parks clean. Ulster Community College would like to use Berean Park for baseball and softball probably in the Spring.

Supervisor asked if he had ordered the part for the flag pole at the Veteran’s Park. The fire department will install it.

Alfonso responded that he had.

Supervisor asked Richard Klotz if John Storyk had spoken to him about 150 feet of snow fences to put behind the softball backstop because the foul balls go over.

Klotz said that he had.

Alfonso interjected that he felt the snow fence would look tacky. He felt that a better solution would be going higher on the backstop. He would put in two PC polls with netting.

Town Clerk – Rosaria Peplow

No report

Water & Sewer – Adam Litman

Not present

Supervisor – Paul Hansut

The Highland Avenue Water line construction has started. The Senior citizen breakfast will be on August 24th at 9AM at the Highland Landing Park. Posters will be made. They have received calls complimenting the fireworks and he expressed appreciation for all the volunteers that made that possible

2. OLD BUSINESS

A. David Barton -Discussion of proposed on Local Law D – 2016, a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development.” – Planning Board responses and the final draft of the language.

B. Murphy said he sent everyone the agreement with Verizon for the water tower lease last week. If anyone has any questions about it, they should call him at his office.

Mazzetti asked if the lease was always \$1000.00.

Murphy said it is about \$16,000.00 per year which comes out to approximately \$1400.00 a month and every five years it goes up 112% for the five-year term.

Mazzetti asked if there is a clause in the lease that if they cancel the lease they will remove all the equipment without the Town having the burden to take it all down.

Murphy responded yes and they would have to leave everything the same way it was prior to the lease with reasonable wear and tear accepted.

3. NEW BUSINESS

A. Regular Town Board meeting will be moved to Wednesday July 27, 2016 at 7:00pm and authorize all vouchers to be paid.

Supervisor stated that the Regular Town Board meeting will be moved from July 20th to July 27th at 7PM because of vacations.

B. WMHT Educational Telecommunications to continue the assignment which expired on May 1st of this year, for an additional five years.

Sean Murphy stated that it was signed May 1st, 2011 for a five-year term. It is a not for profit that uses it for educational purposes. He said there should be a resolution at the next meeting extending it for another five-year term.

4. PRIVILEGE OF THE FLOOR

Mark Reynolds, reporter inquired about Resolution B on the Agenda. He asked if the recommendations about the towing code made by attorney Kyle Barnett from the firm of VanDeWater and VanDeWater were going to be used.

Brennie answered that there had been a miscommunication with Attorney Barnett and Councilman Guerriero and himself. They met with Barnett based on a letter he had written early in the towing list discussion in order to get some feedback from him. After he and Councilman Guerriero left that meeting they decided they would go with another attorney. They felt they needed an attorney that had more experience in towing matters. Barnett took it upon himself without their request to rewrite the towing code.

Reynolds asked if any of the recommendations that Barnett made in reference to the towing code were viable and if the law firm they are thinking of hiring has more experience in municipal towing rotations than Attorney Barnett.

Brennie said they have taken information from five different towing ordinances, including Barnett’s in order to come up with a fair and suitable towing code and the law firm does have more experience with towing ordinances.

Guerriero said that there is one item in Kyle Barnett’s version of the towing code that is unacceptable. It states “The towing company shall not assign transfer, convey or subcontract its position on the list unless it has prior written consent of the Town Board”. He felt that meant every time the ordinance would be updated it would involve a public hearing and code book update.

Brennie said Councilman Guerriero and he felt that was one example in Barnett’s ordinance that did not make sense to them to have in the Town’s rotation code. He added that there may be some things in Barnett’s code that may be used but they did not agree with a majority of items in his version.

Reynolds asked if they had a timeline when the towing code would be done.

Brennie responded that if the resolution to hire the new attorney is approved today they hope

they will have it done by the July 27, 2016 meeting.

5. MOTIONS & RESOLUTIONS

A. **MOTION** made by Mazzetti, seconded by Guerriero to appointment Jonathan A. Kaplan to the Town of Lloyd Environment Conservation at the recommendation of Jack Maguire, Chairman.

Five ayes carried.

Supervisor said that in the past there have been questions about doing resolutions with financial impact at workshop meetings. He inquired whether the Board wanted to proceed with Resolution B or wait until the regular Town Board meeting.

Paladino said he is fine with it and would like to move the towing rotation process along.

Brennie interjected that in an email he sent to the Town Board he offered to vote on the resolution at the next regular meeting but if they would like to move forward he would vote on it now. People have asked when the ordinance would be done so he would like to vote on it.

Supervisor said he would like to discuss Resolution B. He said that there was a second meeting at VanDeWater and VanDeWater with Councilmen Brennie and Guerriero.

Brennie interjected that he and Councilman Guerriero met with attorney Kyle Barnett only once. He added that they have gone over this many times.

Supervisor said there was a meeting held at VanDeWater and VanDeWater at which Councilmen Brennie and Guerriero and Bob Gorman discussed the local law or whatever the conversation was. The Town taxpayers were billed \$1990.00 for that meeting on April 19th and to prepare a draft of the towing ordinance.

Guerriero said that there are other items on the voucher in addition to the meeting including the letter that he and Brennie received.

Supervisor stated that both Councilmen had a discussion with Barnett, they had a concerns with VanDeWater and VanDeWater, a draft law was put together and distributed to each Town Board member.

Brennie said that he spoke to Barnett right before today's workshop meeting because he was trying to figure out what happened at that April meeting. He and Councilman Guerriero never asked Barnett to update the towing code. Barnett stated at the end of that meeting that he would not do any legal work until he received something from the Town Board giving him permission to do so. Barnett never received that permission but he made a decision on his own to update the code.

Supervisor asked if Brennie and Guerriero had reviewed the draft Barnett gave the Town Board, whether he was authorized to prepare it or not. The draft that Barnett prepared was based on the meeting that Brennie and Guerriero had with him. He asked what was in the draft from Barnett that would require the Town to get another attorney.

Brennie explained that there are other issues or ideas that he and Councilman Guerriero researched that were not addressed in Barnett's draft i.e. there was not a fee schedule. He apologizes to the taxpayers if it cost them any money. The board met, with the exception of Councilman Mazzetti, and the Supervisor asked him and Guerriero at a public meeting to update the code. They did not ask to update the towing code

Supervisor said they were asked to do that in March.

Brennie felt that had no relevance. He asked whether the Supervisor wanted them to get it done, get it right, keep it the same or get it done fast. He suggested that since the Supervisor continues to be involved in it all the way through perhaps he would like to do it himself.

Supervisor said that Guerriero went back to VanDeWater and VanDeWater on his own and made an appointment with Jim Nelson. In March he gave Brennie and Guerriero the responsibility of looking into the towing code. It is now into July and he would be happy when it is done and over with.

Brennie asked Supervisor what his point is about taking too long.

Supervisor said the point is that they have spent \$2000.00 with an attorney and had him give the Board a draft.

Brennie said he and Guerriero never asked Barnett to draft anything before or after the meeting they had with him.

Supervisor stated that he thinks it is a waste of money to hire another attorney when there is a

draft law that he feels no one has looked at.

Brennie said Barnett's draft is not close to what it should be and that it is very thin. They need to put more into the code than what Barnett drafted. After he and Guerriero met with Barnett they found they needed to address other items that should be in the code. They decided on another attorney because that is what they thought was best for the Town and the Supervisor had asked them to update the code. It was not he and Councilman Guerriero's idea to just update the code.

Supervisor believed no one was happy with the opinion Barnett gave to the Board on March 1st because there was a comment made then that they ought to look at another attorney. He asked why then did they go back to VanDeWater and VanDeWater. He asked why they went back to VanDeWater and VanDeWater on April 19th if they did not like what Barnett had to say in the beginning. He would like to invite Barnett and Nelson to the next meeting so all of it can be clarified because he felt he is getting different stories.

Brennie reiterated that they only went once. Inviting them here would waste more money.

Paladino asked the Supervisor what the purpose of that would be.

Supervisor asked why Brennie and Guerriero went to see Barnett on April 19th.

Brennie asked the Supervisor why he is so fixated on that one incidental item.

Supervisor responded because it cost the taxpayers \$2000.00. He believed that Brennie did not read Barnett's draft of the towing ordinance.

Guerriero stated that there was no resolution to hire VanDeWater and VanDeWater and asked how they were hired.

Brennie asked Supervisor why he hired Kyle Barnett and if he consulted with the Town Board about it.

Supervisor said he asked for Barnett's opinion. He is the chief fiscal officer of the Town and asked for a recommendation from the Town's legal counsel.

Brennie responded that the Supervisor asked him and Councilman Guerriero to update the code. He felt the Supervisor does not like the process and that the Supervisor should not have asked them to do it if he wanted to commandeer the process. Barnett's draft is so thin it would be status quo. He appealed to the Supervisor to let them do the job they were asked to do.

Supervisor stated the draft was put together based on the meeting Brennie and Guerriero had with Barnett.

Guerriero added that he and Brennie never asked Barnett to move forward with the towing ordinance. He took it upon himself to draft the ordinance without approval.

Brennie said he had spoken to Barnett that morning and Barnett admitted that he took it upon himself to draft the towing ordinance.

Guerriero said that they would like to get everything resolved, done right and fair so the ordinance does not have to be changed again.

Brennie added what is in the ordinance is more important than who writes it.

B. RESOLUTION made by Guerriero, seconded by Brennie to hire the firm of Rodenhausen Chale, LLP, Rhinebeck, New York to prepare a proposed local law to amend the Town of Lloyd Towing code at a cost not to exceed \$1500.00.

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

Three ayes carried.

MOTION made by Paladino, seconded by Mazzetti to adjourn the meeting at 4:53 PM.

Five ayes carried.

Respectfully submitted,

Laura Oddo-Kelly
Deputy Town Clerk