

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

JULY 17, 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

**6:30 PM** – Supervisor opened the meeting and led the Pledge of Allegiance.

**Public Information Meeting:** Discussion of the proposed construction of a shared use path between New Paltz Rd. (across from the Highland Fire Station) to Tony Williams Park; The purpose of the meeting is to present and discuss the approved change in the project scope and the resulting design options developed by the team headed by Barton & Loguidice, P.C. The goal of this meeting is to obtain comments and input from key stakeholders, local residents and business owners. This public informational meeting is part of the continuing efforts by the Town of Lloyd, the New York State Department of Transportation and the Federal Highway Administration to encourage public input into the development of multi-modal projects.

Ted Kolankowski, Barton & Loguidice, said that this is Phase 3 of the Rail Trail project going west from Tony Williams Park to Highland Hose Fire Station II. He offered brochures outlining the project and said that there is also a comment form available if one would like to send a comment in by mail. This project is funded by the NYS Department of Transportation and the Federal Highway Administration; it is Transportation Enhancements Funding. The TEP funds program will no longer exist after this year. This is a 20% local match and 80% federal match. The objectives of the project are to provide a safe, functional and attractive shared-use path, insuring compatibility to the existing trail using the same width and the same kind of facilities that are on the trail that begins with the Walkway over the Hudson and eventually provide a continuous connection through the Town of Lloyd. The project proposal is to go under Riverside Road from Tony Williams Park; an underpass structure will need to be created similar to the one constructed at Mile Hill Road. There are existing bridges; one is a two-bay bridge over the Black Creek which will be rehabbed by putting on a new deck but retaining the historic appearance. The original project scope was to go from South Street along Route 299 and connect to the Town-owned easements and then to Tony Williams Park. This is the only segment that is going to be built at this time. A scope change was submitted to the Department of Transportation about nine months ago and the scope change was approved. The result was that B&L was able to address a number of comments that were made about the project. One of the questions was how the Town would be able to afford the project as the original budget for the project from Tony Williams Park to South Street was going to be \$3.6-million. The first segment of the Trail was built at a time when it was easy to get additional money, that program was not capped; additionally, there was money from the Stimulus program. These monies do not exist anymore and the project had to be scaled down. The Trail would have crossed private property from New Paltz Road to connect to the right-of-way of Route 299; another change was that this project does not require any acquisition and will be built on Town land which simplifies the schedule and the cost. The DOT had safety concerns due to transitioning from the off-road trail into the road right of way as there were some areas constrained by wetlands and other natural features putting the Trail close to Route 299. This is now not a concern. Most of the DOT comments have been addressed by changing the scope of the project and they have been very accommodating. The budget has been re-estimated to \$1.9-million, which includes everything. The local match is exactly 20% of the programmed amount so there is not the worry of an extra large local match. The schedule is that the design report is submitted to NYSDOT who will review it and make comments which will be addressed by October 2013. The next step will be to do advance detail drawings, which hopefully will be done in December; the final design will be done from December to February. It should be ready for bidding in April 2014, construction to begin in the spring and completion is expected to be in the fall of 2014.

Supervisor asked the amount of the local share and how much money the Rail Trail has for the project.

Kolankowski answered that it would be approximately \$375,000 to \$380,000.

Ray Costantino answered that the Rail Trail has a little more than 5%, about \$100,000 and the Rail Trail has just heard from State Assemblyman Frank Skartados that he is allocating \$50,000 of his member-item money toward the trails. Costantino is also looking at excess properties along the right-of-way that could be sub-divided and sold. He feels that the project can come in for less than \$1.9-million, reducing the local share. There will be grant opportunities coming up in August. The Association is in the process of formulating the ideas for the center section of the Trail to bring that up to the standards of today which includes shoulders and signage that portion of the Rail Trail does not have.

Paladino asked if there was a certain period of time for completion so that the money is not lost.

Kolankowski replied that B&L has applied for an extension into 2015.

Glen Gidaly asked what construction has to be done.

Kolankowski said that it will be made to look like the existing trail; the grade is all there, there will be re-grading, removing some of the plant materials. B&L would like to establish some amenities along the way and near the double-bay structure may be a nice place to have a stone dust pull off with a guide rail for viewing the falls that are there. A nice terminus is planned with a kiosk at the end of the trail. The area is currently an informal parking lot.

Costantino added that the parking lot is not fully developed and more property is owned by the Town than is exposed and that could be opened for additional parking.

Christine Wolcott asked if the project did not proceed immediately would there be time to allow the Rail Trail Association to raise more money.

Costantino said that they have until 2015 and he is sure that they are going to want to close it out; if the project is progressing, it is being built and vouchers are being submitted, it will be finished.

Kolankowski said that there is time to fund raise until the construction is closed out, which would be starting in the fall of 2014. This program works on reimbursement so every time the Town incurs costs, they send an invoice to NYSDOT and DOT sends 80% back.

Paladino asked if there was any infrastructure that might cause concern.

Kolankowski answered that contractors found fiber optics underneath the Ulster County bridge. They will have to be very careful excavating under Riverside Road because it is also some unknown route through Riverside.

Litts thought it was quite hairy and thinks it goes up and through the embankment.

Kolankowski agreed and said it doesn't go down at the base.

Costantino said that there will be enough slack in it; on Mile Hill Road there was a big loop and a lot of slack that was picked up and supported and then replaced. He said Litts was right it comes up the slope.

Erin Quinn, reporter, asked how long the Trail will be with the addition of the new segment.

Claire Costantino answered that it is now 3.6 miles and the new segment is 2/3 of a mile for a total of approximately 4.5 miles.

Quinn asked if the Town Board is committed to paying the 20% whether or not the Rail Trail Association can come up with the funds.

Litts responded that once the Town accepts money from NYS any money spent has to be returned to NYS if the Town does not go forward with the project. the Town has to give back about \$100,000 that has been spent already if the Town does not continue with the project.

Gadaly said that he knows that part of this is being driven by NYSDOT specifications and the proposal is to keep the integrity of the present Trail but he asked if there are items that can be cut to lower the cost when the project goes out to bid.

Kolankowski said that there are; such as, stone dust instead of asphalt, downgrading the bridges; but it is on budget and there is no reason to eliminate those things. When the project goes to bid there is a 15% contingency which is \$168,000 and 3% inflation for 2014. The \$1.9-million estimate is marked up 18%.

Gadaly conceded that most of the Rail Trail is paved but the New Paltz trail has a long section of stone dust and it seems to function.

Litts said that there was something similar was done for the Bob Shepard Highland Landing Park seawall. The first time the contract went out for bid, it was too high so the second time it was put out with various alternates. If there is no money to do the paving now, perhaps that can be done in the future. He said that Matt Smith was able to get hundreds of thousands of dollars of work done from the contractors at no cost.

Matt Smith added that the Highland Landing Park Association raised the money for a boat launch ramp. He asked if the bridge or the black topping would be more expensive on this project.

Kolankowski said that the paving would be about \$150,000 and the bridge is the big ticket item. Once past that connection, the trail could be shortened to cut the costs.

Litts said the Town is locked into the scope or the State will pull the funding.

Costantino said that the scope specifies paved; it was a competitive application and HVRT beat other applicants because it is to be paved and that is why we received the money. The State likes the paving because it will be a multi-use trail; There is going to be a problem with the State if the Town would decide not to pave.

Litts feels that it can be bid with the alternates so that the cost of the elements is known.

Costantino said that it is a unit-price bid but there has also been talk of using Town forces to pave it; the money still has to be raised but it could be less expensive with the Town personnel and wages.

Mark Reynolds, reporter, asked the cost of the bridge.

Kolankowski replied that the underpass at Riverside Road is about \$550,000 and the repairs to the existing structure over Black Creek are about \$150,000.

Gadaly feels that specifying alternates would help to plead the case with the DOT and give the Town a little leverage to sit down with the DOT; at the time it was a competition and it was said that will be done but times have changed. Paving may not be attainable even though is great for baby carriages and wheel chairs.

Paladino said this is the optimum time to do the project, the grant money has been captured and interest rates are at historic lows it may be worthwhile to consider a bond.

Supervisor felt this was something to talk about as they move into the budget process.

Gadaly thought that once there are real numbers when it goes out to bid it will help with the fundraising because it can be shown that the numbers are close.

Costantino said if financing the \$100,000 was needed and pay it off in five years, breaking it into small pieces might make it advantageous to get the project done and fundraise \$20,000 a year for five years.

Smith said that it does not seem logical to apply for funding to improve the existing Rail Trail and then not to pave the new segment.

Supervisor asked for a copy of the questionnaire so that it could be put on the website.

Supervisor expressed sympathy to Sean Murphy on behalf of the Town Board, the Town of Lloyd and the Hansut family, for the loss of Sean's father, Matthew Murphy who passed away Monday morning, July 15. He noted that for those who grew up in Highland they will recall Matt and his brothers owned and operated Pratt Lumber Company on Vineyard Avenue (where Vintage Village is now located) for many years. The generosity and kindness that Matt and his brothers have shown to this community will never be forgotten. He further said that the Little League field is directly due to the dedication and commitment of the Murphy family. This is a great loss, please accept our condolences.

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

**Assessor** – Councilmember Paladino

**Audit** – January 1 to June 30, 2013: Councilmember Litts Councilmember Brennie

July 1 to December 31, 2013: Councilmember Paladino, Councilmember Guerriero

**Building Department** – Supervisor Hansut reported that he, along with the Town Engineer, Building Department and Legal Counsel, met with Mountainside Woods in a pre-construction conference. He put a copy in each of the Board member's mailboxes; if there are any questions they should call Ray Jurkowski, Morris Associates, or Dave Barton. This is the first pre-construction meeting that he has attended and he was very impressed in the way that it was vetted to address all of the concerns that were expressed. Mountainside Woods is talking about breaking ground as early as next Monday. This will be announced on Channel 22 and social media to let people know that they may see some large trucks and construction equipment in the area of Sunnybrook, Toc Drive and Tano Drive. He left a voice message this morning at Sunnybrook letting them know this will start and asked that they reach out to their residents as well.

**Dog Control** – Councilmember Brennie reported that it is quiet but Andrew McKee is active in social media to get the word out on missing dogs and cats, which he applauds.

**Environmental** – Councilmember Guerriero reported that at the ECC meeting on Monday night they met with representatives of Scenic Hudson and they would like to construct a walking trail along Black Creek from the Rail Trail in Lloyd to Esopus. This morning

he joined them on a walk through at the John Burroughs site and they feel this would create more tourism.

**Grants** – Supervisor Hansut said that there is a resolution later in the meeting for a TEP grant.

**Highland Fire District** – Councilmember Paladino reported that he spoke with Fire Chief Peter Miller and David Barton, Building Supervisor, to go forward with the Town emergency management plan; they will potentially meet in August with Police Chief Dan Waage to review the plan. One of the concerns is that they are not getting notified earlier by Walkway Over the Hudson about scheduled events such as July 4; Walkway has not included Town of Poughkeepsie or Town of Lloyd in their safety management discussions. He also spoke with Bill Wallens, labor attorney, and has committed to the Fire Commissioners to hold a training regarding sexual harassment. The Commissioners had contacted another source and Wallens will do it for less money.

**Highland Central School District** – Councilmember Paladino reported that he attended the School Board meeting where it was reported that Highland Educational Foundation held their first annual golf event, which was a fundraiser for this special needs playground equipment. He congratulated the Foundation on their success. He spoke with Dean Matus of Lionshead Energy and Superintendent Deborah Haab to schedule a presentation on solar on August 6. He and Matus have discussed the possibility of a joint application. It seems the Fire Station and Police Department can be on the application of the Town but the School District may still have to be separate.

**Highway/Transfer Station** – Councilmember Guerriero reported that paving has been completed on Christopher Avenue, Brinkerhoff Avenue, Maple Avenue and Lower Grand Street; materials were \$95,000 and it is hoped that the money for this is received from CHIPS. Regarding the Transfer Station, he spoke to Tim Rowe, head of UCRRA, about the solar site and he said that there would not be a problem. Guerriero asked for a copy of the revised contract and Rowe said that he would send it but he has not received it. Rowe said that NYSDEC would have to approve the plan for the solar panels at the Landfill. He noted that Steve Schmidt will speak to the Board at this meeting with an alternative plan.

**Historian** – Councilmember Guerriero

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

**Lights** – Councilmember Brennie said there was nothing new to report.

**Planning Board** – Councilmember Guerriero

**Police** – Supervisor Hansut reported that the Police Department has been very busy; there are a couple resignations of dispatchers on the agenda tonight. On July 5, the night of the fireworks, there were two serious calls: one was a potential drowning victim, he survived and there was a call about a jumper on the Walkway.

**Recreation** – Councilmember Brennie reported that summer programs are in full bloom right now and the fourth week of SummerFun will be completed on Friday; it is very successful. The Town fields are being used every day. Berean Park looks terrific and it is heavily used due to the hot weather. September will begin a very active fall season at Tony Williams Park.

**Water, Sewer and Drainage** – Councilmember Litts reported that the last meeting fell on July 4 so it was cancelled due to the holiday; the next meeting is Thursday, August 1 at 4 PM, Town Hall.

**Zoning Board of Appeals** – Councilmember Litts reported that there are new members to replace those who have resigned and those who have moved up from alternates to full-fledged members. There was only one applicant this month, a gentleman who wanted to put a pool in his front yard; there was a field review of it during the meeting and he may withdraw his application.

Supervisor thanked the Events Committee and the Highland Downtown Business Association for their work on the July 4 celebration held on July 5; the fireworks display was fantastic and the vendors were very happy. He said that the Police Department did a great job in getting everyone in and out of the Hamlet safely; it was a good event and there was a lot of positive feedback.

**REPORT** – Claire Costantino, President, Hudson Valley Rail Trail, gave the following report: The entrance at 101 New Paltz Road was recently enhanced with planting areas on both sides of the entrance way. The work was performed by Baker and Sons Landscaping who once again did an outstanding job. A new logo sign will be installed in the near future. Ken Watson will be performing the work. In addition, the sign posts, as well as the electric service will

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receive a new coat of paint. Work to be performed by HVRTA volunteers Ed Hopper, Eric Norberg and Wendy Rosinski.

Poison Ivy has become prevalent along the trail. In an effort to curb its spread, volunteer Ed Hopper spent numerous hours removing five 5-gallon containers of poison ivy including the roots.

The newly revamped rail trail website is up and running. It is very attractive and informative. Eric Norberg has been the lead on this project volunteering many hours to make it happen. New board member Chrissy Wolcott will be joining him in an effort to make the site even more exciting and productive.

Preparations continue for the four day Columbus Day Weekend of October 11th through the 14<sup>th</sup>. Featured events are: the Annual MoonWalk, the Annual "An Evening under the Stars! Gala, HudsonFest and the Move Your Caboose Fun Run/Walk on Monday. Registration for these events will be available online at hudsonvalleyrailtrail.net.

Rafael Diaz continues his ongoing efforts with our newly enacted Trail Courtesy/Safety Program. He has designed new signage for the trail that will read: CYCLISTS; MUST WARN – GO SLOW NEAR PEDESTRIANS in an effort to make cyclists more conscience of giving warning when approaching walkers.

Rafael plans to place a Trail Courtesy Station on the rail trail this weekend to continue the educational process as regards both cyclists and walkers as to the respectful use of the trail by all.

Many of us are aware of the Bike NY June 30 Discover Hudson Valley Ride that was very successful in the number of participants that climbed from the estimated 1200 to some 1700 cyclists. Unfortunately not all participants followed safe practices on the Hudson Valley Rail Trail, Walkway Over the Hudson or the roadway system. They were made aware of the Trail Safety/Courtesy Program prior to their event and it was requested that their riders be instructed of the rules. Obviously, they were not adhered to.

Conversations have been held with the organizers of the event to insure that any future event, if approved, will be conducted in a more orderly manner to better insure the safety of all involved.

To address situations such as the Bike NY Ride, Rafael is proposing changes to Town Code Chapter 74, Section 3 Activity and Behavior Requirements that would include at a minimum the following language:

Cyclists must yield to pedestrians  
Cyclists required to have bells on their bikes

**REPORT** – Matthew Smith, Manager, Bob Shepard Highland Landing Park, explained that he had a very short report on the Park and a presentation on another project. The Park is progressing, they were working 12 to 14 hour days in the month and half proceeding July 4 to prepare for the Poughkeepsie fireworks display; there were approximately 500 people at the Park. The Park was not officially opened but as the necessary work was completed at about 2 PM on July 4 people were allowed in the Park. It does look nice; all the screened sub-grade has been spread out and the south end is level and ready for topsoil. As soon as the excavator is back on site this week, screening will begin again. Tim Marion was running the bulldozer, which Mike Sereni loaned, leveling the sub-grade and Tim is called "high speed Marion" now because he would run it back and forth so fast; he did a beautiful job. He thanked Tim Marion for his help.

Regarding the new project, getting people from the tourism ships that will be docking at the Park to the Walkway has been discussed for years. There could be anywhere from 100 to 1000 people coming into the dock. He said that he was sure that even Indians did not like walking back and forth to the River from the highlands; people have moved on foot, by horse, by horse and carriage and there was a trolley. He indicated on a concept drawing the trolley line that ran up and down River Road. Moving people up Mile Hill Road by trolley can't be done because of the steep slope; combining an incline railway with a trolley is too expensive. Motor vehicles are used now and big busses would transport the people from the Park to the Walkway. Mile Hill Road and River Road are not conducive to bus and car traffic. He said that he thought of something different and he is not the first one to think of it. He showed a postcard from 1909, depicting Vineyard Avenue in the hamlet which showed a trolley coming up from the River and it says, 'Highland, NY, in the future'. The proposed project is called, The Hudson High Line, for the time being. There are several people who have done a great deal of work for free on this project: Patti and Rick Brooks of Brooks and Brooks, surveyors, who volunteered to do a feasibility survey of the route. Sean Murphy, Attorney, has met with him several times to discuss how this would all work and how to do it. He thanked Patti, Rick and Sean.

He showed a concept of the Bob Shepard Park and Mariners on the Hudson with an overhead gondola system that was photo-shopped by Alan Van De Bogart. This would be an electric machine powered by a two hundred horsepower electric motor, a triple redundant system with two additional back up diesels that would power it in the event of power loss. It will be built to be capable of carrying 1,200 people per hour. The capacity can be doubled by increasing

the number of cars. It will not only be for the tourists off the boats, it will be of interest to anyone who is on the Walkway because at the highest point, it will be 100-feet above the Walkway Over the Hudson and offer even better views. The gondola cars can be off-loaded at the Walkway and busses will be available to take tourists to sites in Lloyd and Ulster County. The ride is expected to cost \$8.00 for a round trip and \$5.00 for a one way trip, subject to change as the project moves forward; each car will carry eight people and four bicycles. He would like to keep the cost of the ticket affordable and perhaps a family discount. The cars can be purchased heated and air conditioned. The Town is now in the process of changing the zoning to waterfront business, which it was years ago and then became residential. He feels that the waterfront area could become a Mystic-type village with museums and shops, with a ready-made crowd from the Walkway. He believes it will be fantastic for the Town.

Smith also showed a photo-shopped view from inside an aerial car looking down at Mariners on the Hudson and the Bob Shepard Park. The gondola would not land in the Park; the bottom station would be on the west side of the railroad tracks, just north of the railroad crossing on property owned by Jimmy Relyea (there is a fenced in area with a big boat sitting there now). The railroad has indicated a willingness to channelize that crossing for pedestrians so that people can't wander across the tracks for about a quarter of a mile. He thanked Alan for all of the photo-shop work. Smith explained how the tramway would follow the ridge above the trees and head back at an angle and land on a spot where the Walkway joins the Rail Trail on Town of Lloyd property. The view would be to the north and south, east and west. The motor house would be in the top station; the gondola will be silent and the only sound heard would be people talking. The ride is approximately one half mile and would take 13 or 14 minutes. This tramway would connect the Highland Landing Park, Walkway Over the Hudson, Hudson Valley Rail Trail, Franny Reese Park, Illinois Mountain Trails and the Black Creek Water Trail. It would also access the existing downtown. He said that 'it fits in like a key in a lock for the new Gateway Zone'. A conductor controls the cars at the station. It is whole family friendly; it is very safe for senior citizens in wheel chairs and children in strollers.

He acknowledges that Lloyd is already on the tourism map because of the Hudson Valley Rail Trail and Walkway Over the Hudson but Lloyd has become the west side parking lot for the Walkway and the visitors do not come to Highland. The intention is to bring people from the city by train and access the Walkway by using the new elevator and feels that they will walk to the middle of the Walkway, use the viewers, sit on the benches and return to the rail station. The gondolas will be highly visible and they will want to continue to the Highland side and ride the gondola.

It is economically sound. A fare would be charged. It is his vision the Town would own the rights of way, the gondola would be built with private and public money and the Town would lease it to an operator so that Town would not have to have employees to run the business, maintain it and pay for insurance. He has spoken to people who are interested in leasing the business and one of them is Steve Turk, owner of Rocking Horse Ranch and other businesses; he was very interested in this project and very enthusiastic. This opportunity would have to go out for bid. The public financing would be grants and private financing would be a donation from whoever would be operating the gondola business. For the worst case scenario, if Town money had to be used, there will be income to pay it back. Normally this type of operation would be leased and the Town would get 10% of the gross, the percentage could be negotiated. The amount of people who would ride was estimated by taking half the number of people using the Walkway and that is not counting the ships stopping at the dock. The Town can expect \$400,000 approximately every year. That money could be used to pay off a bond. He would like to use that \$400,000 to put into recreation; such as, Berean Park, Tony Williams Park, HV Rail Trail and Bob Shepard Highland Landing Park and other recreation projects which would take a big chunk out of the taxes that are paid.

Smith admitted that it sounded like a pipedream but each endeavor does sound like a pipe dream: the Rail Trail; the original idea of the railroad bridge; many of us thought that Bill Sepe's dream was impossible but it has been realized. This would open the waterfront to other tourism projects. There is vacant land across from the sewer plant (the Sewer Plant has been updated, does not smell and now looks good) where bicycle shops, boat rentals, bait and tackle shops could be built. The old hotel would be right next to the terminus of the gondola operation. Think gondola.

He then showed a short video from Doppelmayr of Austria, the manufacturer of aerial gondolas. Doppelmayr sent engineers who walked the site.

Smith has spoken with Rick Remsnyder, Tourism Director for Ulster County, Mike Hein, Ulster County Executive, both of whom have said they love the idea. Mike Hein said that he thought that it was the best tourism initiative he has ever seen. Hein has some financing ideas for the project. Matt Smith asked the Town Board to authorize him by resolution to proceed with the project, find out more about it and apply for grants. More than half of the properties are owned by the Town of Lloyd. At the top of the ridge there are 29 acres owned by a man who would like to build housing. Because it is so rough up there, it is impossible to build within 300 feet of the ridge. In speaking with this owner, the first thing the owner asked was, 'do you need an investor?'; Smith believes that he is on board with the project. Another property is

4 acres owned by a man living in Brooklyn whom he met at the Highland Diner to discuss the project. A comparable from across the road said that price was \$120,000 and Smith does not feel that the price for this property will be a problem and would be part of the acquisition costs of building the project.

Smith said that the estimated cost is \$7-million which could go down as there is some engineering work being done; however, that may be lower if they can redesign the turning point.

Reynolds asked how many gondola cars would be used in the project.

Smith replied that there would be 25 cars on the line initially and that could be increased to 50 cars if that was required. Steve Turk spoke to Matt Smith about 'loiter time', which is the time that people should be in the terminals, 4 minutes, because that is not long enough to make them upset about waiting but long enough for them to look at the electronic information and brochures available to them.

Fran Raucci asked if he was still in contact with the tourism boat companies and she felt that the gondola project was very exciting.

Smith answered that he is and they call quite frequently. As soon as the Park is finished, *Rip Van Winkle* wants to start using the dock immediately; that is a 100-foot ship and will be able to dock right along the bulkhead as even in low tide there is 10-feet of water. Those people want to go to the Walkway; it is our job to get them from the dock to other places.

Liz Weisz said that it was an impressive project and asked if he had considered visual impact on the views for people not riding in the gondola. She also asked what he based his estimate on in terms of water traffic.

Smith that had been considered and he spoke with a representative of Scenic Hudson and they don't think it will be a problem although they don't have an institutional opinion as yet. It will be just above the trees and won't be intrusive. There are only a couple of houses that will be able to see the gondola and it will not be a negative impact from the River. He feels that it is good that it will be seen because it will look good and attract people. The *SS Columbia* will carry 2,000 people, even if it was 1,000 people, it would take 40 big busses, a half a day or more to get people from the Riverfront to the top. Other ships vary 100 to 400; the *Rip Van Winkle* carries 200 to 300. Most of the boats come up the River between the end of summer and beginning of winter, Leaf Peepers, in the fall.

Supervisor asked if he was requesting to be Project Manager for the proposed Hudson High Line.

Smith said that he would like to be Project Manager in the same manner as he is for the Bob Shepard Highland Land Park, in an unpaid position.

Brennie said that the Board was going to give him \$100,000 but since he does not want the salary they will give it to Recreation programs.

Smith said that he would rather that the \$100,000 went to the Park.

Paladino asked the next steps.

Smith replied to pursue funding.

**MOTION** made by Brennie, seconded by Paladino, to appoint Matthew K. Smith as Project Manager for the Hudson High Line gondola project, at no remuneration.

**Five ayes carried.**

Weisz asked if there should not be another information meeting.

Supervisor said that this presentation was Smith sharing his vision with the Town Board and those present at this meeting. The purpose of the motion is to authorize Matt Smith to find out more on the project; there will be public hearings on this.

Smith said that he needs to find out if there is money available for such a project. He thanked the Town Board for their consideration.

## **2. OLD BUSINESS**

### **A. Brad Builders**

Supervisor said that this is reflected in Resolution N. of this agenda.

Barton said that this is the same application that the Town Board looked at last month; it has been sent to Ulster County Planning Board, this opens it for public comment.

### **B. Presentation of draft Comprehensive Plan**

Supervisor said that Brad Scott, Chairman of the Review Committee, and some members of the committee are here. This is a presentation of the draft of the Comprehensive Plan; there will be public hearings and public input, vetting by both the Town Board and the community before the plan is adopted.

David Barton distributed copies of the draft report and said it will be available online tomorrow morning; it is a huge file but he will send it electronically to anyone who would like to receive it. This is provided to everyone as the committee is looking for comment as to if the ideas brought forth in the document are sound and make sense for the Town. The committee has worked on it for over a year and a half and it has been discussed in public at Town Board meetings. The document is as good as the committee could make it at this point. There are some things that are not complete. If there are any questions or comments they can be returned to Barton and he will forward them to the Town Board for their consideration. The front sheet notes that this is a draft document for concept only. The second page was added which explains why it is being given to the public. If one wants a hard copy of the document, see Barton and he will furnish it; the Town Board has earmarked money in the budget to make sure that people could have copies. He suggested the best way to handle comments is to write them down, noting the chapter. He thanked Liz Weisz for working slavishly on the document. He noted that each of the chapters is broken up into sections which are numbered and he asked that any comments reference that number, which will make it easier for him to articulate the comments back to the Town Board. All comments will be included in a public record. They are most interested in reasonable and responsible reactions to the document.

Reynolds asked for an overview and the need for the document.

Barton replied that the zoning was finally adopted five years ago; a year into the zoning, it was realized that amendments were needed to be made to the zoning. It was found that the Zoning Board of Appeals was giving more variances and the zoning as manifest was not going to work. At the Tri-Board meetings (Planning, Zoning and Town Boards) the bigger picture was questioned and this is an attempt to make a long-term vision for the Town and the easy answer is that they would have made sense in the original document if not for (1) the crash that drove housing prices all over the map and (2) four months into the document it was realized that the document is 'schizophrenic'. There were contradicting items in the same document. The problem was that in looking up something, all that would be looked at would be that one section but then two more pages later, it would say the opposite. This document is supposed to guide all of the administrative action, at the Town Board level, ZBA level and the Planning Board level. The first attempt created a short term fix but four months later the committee began to take pieces of it apart because it was difficult to read. About six months in, it was determined that a more dramatic review was needed. Each member took a chapter for review. This is the result.

Reynolds asked if the document will be a guide or something that is required to meet the terms once it is adopted.

Barton answered 'yes and yes'; the goal in the document is to create flexibility. In the past when a developer came to the Town, it was difficult to point to a specific part of the Comprehensive Plan that scoped it. There is a great section in here – I wish Donna Deeprise was here in the 2005 plan. The County in reviewing it the first time had a line in there that the 2005 plan took a snapshot of the Town and described it and that what he thinks has been the problem with the zoning maps from the beginning. The zoning map existing right now is the same zoning map that was in existence when we adopted the original map in 1974 and that map was based on 1966 comprehensive plan. The world is a different place from that 1966 thinking; for example, the Walkway Gateway zoning, new urban thinking and an attempt to get people back on their feet and out of their cars. When car was king, zoning was based on always riding to the store; the Gateway thinking is pushing that aside. This was a good committee to work with because there was such a range of personalities and talent and the resulting document feels better for the Town. The goal is to get as many people as possible to comment on it; in doing so, it will make this an even better document.

Supervisor said that there will be public hearings on this new document.

Barton said that he anticipates having a finalized draft document for official public comment in August.

### **3. NEW BUSINESS**

#### **A. Steve Schmidt – solar energy presentation**

Schmidt said this was not actually solar energy but another energy opportunity for the Town. He read about the proposal to install solar panels on Town properties and the



numbers; he feels that would be a long commitment for the Town. He said that there are a lot of failures on solar panels as they do not have the 25 and 50-year lifetime that they did. He said in looking at the net results it was not really the Town investing and saving all of that money, it was an outside party who would make the money and save the Town 10% but never exceed what they are paying Central Hudson. For tying up the Town's buildings and surface areas, 10% is not a big number. He introduced Brian Nichols, an independent representative from Viridian Energy. Everyone has the ability to buy their electricity from anyone. Viridian is a company that he has been involved with for three or four months and Brian a couple of years.

Brian Nichols said energy is deregulated in New York; Viridian Energy is one of many ESCO's (energy supply companies). A Central Hudson bill consists of three things: delivery, service, supply. This only relates to supply. Of the 100% of the energy supplied by Viridian to their customers, 20% is green energy i.e. windmills, hydroelectric plants, solar etc.; it will save money on the bill over time and will help the environment tremendously. There is no fee involved, nothing has to be purchased or meters changed.

Schmidt added that there is no commitment, it can be done month-to-month; he has four personal meters. When he signed on the next month they were offering a rate of 4.49% and an opportunity to lock in for six months.

Nichols said that Viridian is averaging 21%; on the national grid Viridian is 60% cheaper. The City of Hudson just switched over to Viridian.

Schmidt commented that this is just to give other information to look at comparable to the solar.

Nichols said that his house is in Dutchess County with Central Hudson and he has been with Viridian 14 months and he has saved \$471.00. He knows that he saved that amount because Central Hudson who is a responsible utility company has an option on their web page for energy choice comparison if you register your Central Hudson bill. Every month you get your bill and they tell you what you paid on the bill with Viridian Energy and what you would have paid if you had Central Hudson. They have found people with other ESCO's, and have done a comparison, they have overpaid \$1,000.00. It will tell you if you are saving or not. Central Hudson buys it for 8-cents a kilowatt and sells it for 8-cents a kilowatt; they are not allowed to profit. The only people who can profit off the supply portion of energy are ESCO's. Central Hudson makes their money from delivery and service.

Schmidt said that he saved \$105.00 on his residential bill the first month. You save 21% with Viridian. You possibly save 10% with a long term commitment with the solar program. Other towns are considering Viridian.

Guerriero asked how long the Town would be locked in.

Both answered that it could be for only one month, there are several options.

Nichols added that Viridian offers natural gas at 4% cheaper than Central Hudson. It can be tried for a couple of months if you did not like it, it can be cancelled. There is no cancellation fee on a variable rate on a fixed rate if you cancel before term there is a \$50.00 fee.

Schmidt offered to put together a rate package for the Town Board to review.

#### **4. PRIVILEGE OF THE FLOOR**

John Mazzetti, 7 Pine Terrace, said that received a call late this afternoon that residents of Pine Terrace were coming to this meeting. The reason that they are here is to ask the Town Board to look into a project that has been going on for about 3 years adjacent to their residential area that is an agricultural area. They understand that it is an agricultural area and the ramifications of that but they feel that as citizens of the community they have the right to have peace and quiet; they are not having that at this point. Earlier this evening Claire and Matt were talking about the great projects, he commends the beautification, the tourism, and the types of things that speak to the quality of life. That makes him proud that he is a resident of Lloyd. There is a quality of life issue on Pine Terrace. Mr. Hansut mentioned Mountainside Woods and the construction that is going on there and how he sent notification to the residents of that residential area that there would be construction, bulldozers and trucks going in and out and he commends him for that. Pine Terrace residents have had trucks going in and out, loading and unloading, bulldozers every Saturday and Sunday and the honking of safety horns. It looks obvious to him that that they don't know what is happening now since

there is a 16-foot pile of dirt that has accumulated larger than two football fields and trucks being unloaded and loaded on a constant basis. We have all known each other for many years, and he remembers three years ago when he asked the farming family what was going to happen. Members of the family informed him that all they were going to do was to level part of the land so that heifers could be kept in that field which is adjacent to Pine Terrace. It would be leveled and there would be a tree line and they shook hands on that. He felt that more than that is happening now. It is probably legal as it is a farm property. He and his neighbors are concerned because they are afraid of retribution. The owners had said to him when he asked about this and what was going to happen, if we got tough about this and we went to the Town Board, that they were going to put pigs in the field. If that occurs, 35 or 50-feet away from your house you know what that means. All of these residents been very apprehensive of even coming to the Town Board but it is a problem. He said that this is a quality of life issue that is offending him and breaking his tranquility, peace and ability to enjoy his home and there are some laws about that. He reiterated that they are neighbors, their fathers knew each other and they know each other. It has been said that this subdivision was the first subdivision in the Town of Lloyd, 7 houses on Pine Terrace. Family members that currently own farms were instrumental in developing that property.

Litts acknowledged that they built the road and the houses.

Mazzetti continued to say that this family is destroying \$2-million worth of real estate and that the person who just moved in cannot believe what she is seeing. That young lady has stimulated us to come tonight and should be commended because the residents did not want to do anything about it. They want to be good neighbors. He would like the Town Board to intercede on their behalf to find out what is happening there and to report back to the residents of Pine Terrace.

Pampinella, 4 Pine Terrace, stated that the residents have concerns about water and noise issues; they do not drink their water as they do not know how many years they have been dumping petroleum products, there is rotting and decaying equipment and they don't know how much of that is seeping into the wells.

Martha Teck, 7 Pine Terrace, would like to know what is being dumped that smells and when it is going to stop; they would like to be able to enjoy their house.

Reynolds clarified that this is the parcel just past Pine Terrace on North Chodikee, opposite Charles Meuser's house and the parcel is owned by Herb Litts.

Elizabeth Jackson, newest resident of the street, said that there is a rather large mound of debris behind the rock wall behind her house. She does not know what the debris is. She has lived in the house for two months and will not drink the water. She said that she cannot sit on her porch on a Sunday evening because between eight and nine o'clock you can hear bulldozers and backhoes, not during the day.

Pampinella said that the noise is constant and has to stop.

Supervisor would like to speak with David Barton first thing tomorrow morning and asked the residents if they would give them a little time to look into it.

Litts said that he and his family own the property in question. He feels it to be a little disingenuous that, although they are his neighbors, he does not know most of them. He said that they did not come to the farm and talk to him, ask him what is going on, but he has to hear about it at a Town Board meeting. He explained that he and his brother work elsewhere everyday and they can only work the farm when they have the opportunity; their days are very long and hard. Sometimes it is a Saturday and a Sunday when they can catch up on the work. For example, tonight he cannot work on the farm because he is at this meeting, donating his time to the Town of Lloyd. Further, he said fears come with the unknown and one way to squelch this unknown is to ask questions. He invited the neighbors to stop by his farm anytime and offered his phone number: 845.741.1997, this is a cell phone and it is on 24 hours a day.

Supervisor felt that there is a willingness to sit down and talk about the issues.

Litts said that there is a vision for that property and the vision is almost completed but it can be discussed. The vision is to fill in the land, level it off so that it can be used for agricultural purposes and that is what is being accomplished. He operates under the 1994 Right to Farm Act.

Phyllis Freeman, 8 Pine Terrace, said that some of the neighbors are uncomfortable about engaging with the owner of that property because of past issues and asked how it might be conveyed to the neighbors as to what is happening.

Supervisor said that he would like to speak to legal counsel after the meeting to see how to proceed.

Murphy said that John Mazzetti could be the contact person as he spoke on behalf of the neighbors.

Supervisor asked that he is given a little time as this is a unique problem and he would like to get it resolved so that everyone is happy.

Ryan Burns, 849 North Chodikee Lake Road, is curious about Scenic Hudson and the intentions of expanding the trails and access.

Guerriero replied that Scenic Hudson would like to connect with a walking path to the John Burroughs Sanctuary in Esopus; this will be a long-term project and they will be in touch with abutting property owners.

Murphy said that Scenic Hudson has been buying property along the Black Creek corridor for a long time.

Burns said that he is all for public access but when it comes to his own property he has concerns.

Litts said that trail may have to cross some properties on Pine Terrace and questioned if they want the public on their lands. It usually comes down to an insurance issue.

Charles Meuser, North Chodikee Lake Road, acknowledged that Litts is a cousin. He said that he has no problem with his water and he is just as close as the Pine Terrace residents; it is the same aquifer and all of the wells are within 100-feet of depth and no one has had trouble with their water.

Brennie asked if anyone has had their water tested.

Pampinella said that it is very expensive to test for petroleum products in water; it is over \$2,000.00; there is coli-form in the water.

Supervisor said that the Board will do their due diligence on the issue.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Brennie, seconded by Litts, to approve the minutes of the Regular Meeting of June 19, 2013.

**Five ayes carried.**

**B. RESOLUTION** made by Brennie, seconded by Litts, to authorize the payment of vouchers as audited by the Audit Committee:

General	G603 to G683	\$45,092.88
Highway	H241 to H278	\$38,571.26
Miscellaneous	M107 to M127	\$52,140.01
Prepays	P233 to P271	\$54,728.52
Sewer	S141 to S162	\$ 5,827.09
Water	W157 to W176	\$10,757.36

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

**Five ayes carried.**

**C. MOTION** made by Paladino, seconded by Brennie, to authorize the use of the Hudson Valley Rail Trail Park Area at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to Tony Williams Park by the Hudson Valley Rail Trail Association on Friday October 11, 2013 for the Annual MoonWalk as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd insurance requirements.

**Five ayes carried.**

**D. MOTION** made by Brennie, seconded by Paladino, to authorize the use of the Hudson Valley Rail Trail Parking Area at 75 Haviland Road and the portion of the Hudson Valley Rail Trail from Walkway over the Hudson to Mile Hill Bridge by the Hudson Valley Rail Trail Association on Sunday October 13, 2013 from 6 AM to 9 PM for the Highland Hudson Fest, as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd insurance requirements including Liquor Liability of \$1,000,000 where applicable.

**Five ayes carried.**

**E. MOTION** made by Brennie, seconded by Paladino, to suspend the No Parking ordinance along the south side of Haviland Road to allow vehicles to park along the south side of Haviland Road on Sunday, October 13, 2013, from 7 AM to 9 PM during Highland HudsonFest, as requested by the Hudson Valley Rail Trail Association.

**Five ayes carried.**

**F. MOTION** made by Brennie, seconded by Paladino made by Brennie, seconded by Paladino to authorize the use of the Hudson Valley Rail Trail Parking Area at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail from east of Mae Lane to Tony Williams Park by the Hudson Valley Rail Trail Association on Monday, October 13, 2013 from 6 AM to 12 Noon for the Move Your Caboose Fun Race/Walk as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd Insurance Requirements.

**Five ayes carried.**

**G. RESOLUTION** made by Brennie, seconded by Litts, to accept the resignation of Elaine Rivera, Assessor, due to retirement effective September 30, 2013, with the Town Board's best wishes for her retirement.

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

**Five ayes carried.**

**H. RESOLUTION** made by Brennie, seconded by Litts to accept the resignation of Mia McCarthy, part time dispatcher, effective May 12, 2013.

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

**Five ayes carried.**

**I. RESOLUTION** made by Brennie, seconded by Paladino, to authorize the Supervisor to contact NYSDOT and request "no parking" signs for Sterling Place in Bridgeview.

*Supervisor said that is was prompted by a recent fire at 194 Sterling Place which spread to 196 Sterling Place, both houses were lost but the fire department responded quickly and there were no injuries. He received calls from the association president, John Bernhardt, a visit from resident Jane Marone and conversations with both the Chief of Police and Fire Chief, about parking problems on Sterling Place. There is a concern if there is another incident, the fire apparatus may not be able to get through to the fire or emergency.*

*Guerriero would like the Planning Board to take that into consideration in future development because these streets are very narrow and there is a real concern about safety.*

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

**Five ayes carried.**

**J. RESOLUTION** made by Brennie, seconded by Paladino,

**WHEREAS**, the Town of Lloyd owns certain property known as the Hudson Valley Rail Trail located within the Town of Lloyd; and,

**WHEREAS**, Town has previously granted a utility easement to Phoenix Development Company, Inc., its successors, assigns and lessees, a right of way and easements on, over, across and under said premises for the purpose of placement of electrical distribution lines and/or underground gas mains and related appurtenances along the edge of said premises, and to enter thereon to construct, relocate, operate, maintain, protect, repair, replace and remove any such lines, poles, supporting structures, etc., and to have the right to remove, cut, trim and keep clear all obstructions, trees, brush and other objections that might injure, endanger or interfere with the construction, operation, maintenance or removal of the public utility improvements; and,

**WHEREAS**, Central Hudson Gas & Electric Corporation, as successor in interest to Phoenix Development Company, Inc., has conducted an easement audit and determined that it requires an additional easement over adjacent lands owned by the Town of Lloyd, which lands are located between the Hudson Valley Rail Trail and Little Italy Road (S-B-L 88.17-5-5.110) in order to be able to maintain the lines and remove, cut, trim and keep clear all obstructions, trees, brush and other objections that might injure the improvements and operation of the improvements located within the existing easement area; and,

**WHEREAS**, Central Hudson Gas & Electric Corporation has requested that the Town provide an additional easement along said other lands owned by the Town as set forth in the easement deed attached hereto as Exhibit A; and,

**WHEREAS**, the granting of said easement to Central Hudson Gas & Electric Corporation would not impede the Town's or the public's use of the subject premises or the Rail Trail adjacent thereto; and,

**WHEREAS**, the granting of said easement is in the public's interest in that it will allow Central Hudson Gas & Electric Corporation to better maintain their electrical and gas distribution system.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. That the form, as attached as Exhibit A to this resolution, of an easement deed between the Town of Lloyd and Central Hudson Gas & Electric Corporation be, and hereby is, approved by the Town Board.
2. That Supervisor Paul J. Hansut be, and hereby is, authorized to sign the easement deed set forth in Exhibit A annexed hereto and any and all necessary forms to record said easement deed with the Clerk of the County of Ulster.
3. This resolution is subject to permissive referendum, and the Town Clerk shall publish a notice in the official newspaper of the Town within ten (10) days after adoption of this resolution containing the information required in Town Law Section 90, which notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof, and that it was adopted subject to permissive referendum.
4. This resolution is not final and shall not take effect until thirty (30) 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.

*Murphy said that he has a map of the property showing the area between the Rail Trail and Mile Hill Road, which was formerly named Little Italy Road. In 1998, when the Town took possession of the rail bed there was an easement given to Phoenix Development Corporation which was a subsidiary of Central Hudson. They have a right of way and a maintenance easement along the Rail Trail. Central Hudson did an audit of their easements and they are supposed to have 50-feet on each side of the actual improvements. They are not in compliance with the regulations. This property is adjacent to the Rail Trail and so the 50-feet extend onto this adjacent property which appears to be on the top of the hill going down to Mile Hill Road from the Rail Trail. Central Hudson is looking to extend the easements to the south of the Rail Trail onto this property just so that they have a maintenance easement and can go on that property. The improvements are already there and they have been maintaining them since 1998.*

*Litts asked why the map says NYS Bridge Authority.*

*Murphy said that the map points to another property. There is a map of the easement area itself that was drawn by Central Hudson surveyors. Litts posed that this is a no-fee easement*

*Murphy concurred and said that there hasn't been any discussion about a fee; they have the easement, they have been making the improvements. The intention was that they were maintaining them all along. This puts them in compliance to maintain the lines that are already there.*

*Paladino asked the Board to keep in mind that Central Hudson has been very cooperative with the Town and the Rail Trail.*

*Litts agreed and said that in actuality the Town will be asking Central Hudson for an easement very shortly.*

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

**Five ayes carried.**

**K. RESOLUTION** made by Brennie, seconded by Paladino,

**WHEREAS**, a local law, being proposed as Local Law No. E – 2013, was introduced at this meeting follows: Local Law No. E – 2013, a local law to amend the Code of the Town of Lloyd by adding Chapter 22 entitled "Purchasing" to provide for "best value" bidding on purchase contracts and public works contracts.

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 21st day of August, 2013 at 7:00 p.m.; and

**IT IS FURTHER RESOLVED**, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

A local law to amend the Code of the Town of Lloyd  
by adding Chapter 22 entitled "Purchasing"  
to provide for "best value" bidding on purchase contracts  
and public works contracts,

the following chapter is added to the Town of Lloyd Town Code, as follows:

**"Section 1. Purpose**

Pursuant to General Municipal Law Section 103 (1), as amended by L.2011,c.608 and L.2012,c.2, the Town is authorized to adopt a local law which will permit the Town to use the "best value" standard in awarding contracts or accepting offers for purchase contracts (including contracts for purchase of services). The Town of Lloyd determines that it is in the best interest of the Town that such legislation be enacted and that such standard be used in the Town where appropriate for the award of such contracts. This local law establishes "best value" bidding and contract authorizations for the Town of Lloyd to supplement the standards of lowest responsible bidder.

**Section 2. General**

Notwithstanding any other provision of law with respect to purchase contracts (including contracts for purchase of service work), and pursuant to the provisions of General Municipal Law Section 103 (1), purchase contracts (including contracts for service work, but excluding any purchase contracts necessary for the completion of a public works contract pursuant to Article 8 of the Labor Law) may be awarded by the Town of Lloyd on the basis of "best value" to a responsive and responsible bidder or offeror."

**Section 3. Effective date**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

*Supervisor said that this new law is the result of the issues arising this spring with the lawn care. This is setting a public hearing to move forward.*

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

**Five ayes carried.**

**L. RESOLUTION** made by Brennie, seconded by Paladino,

**WHEREAS**, a local law, being proposed as Local Law No. F – 2013, was introduced at this meeting as follows: Local Law No. F– 2013, a local law entitled "Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications" (copy of Local Law attached)

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 21st day of August, 2013 at 7:00 p.m.; and it is further

**RESOLVED**, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

Local Law F - 2013

A local law entitled "Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications"

**Section 1. Purpose**

The purpose of this local law shall be to amend the Town of Lloyd Code Chapter A109 entitled "Cross-Connection and Backflow Protection Specifications".

**Section 2. Amendments to the Town of Lloyd Code, Chapter A109, Cross-Connection and Backflow Protection Specifications.**

Be it enacted by the Town Board of the Town of Lloyd that the Town of Lloyd chapter entitled "Cross-Connection and Backflow Protection Specifications" is hereby amended as follows:

§ A109-4 shall be deleted and replaced in its entirety as follows:

"§A109-4. Inspection; costs; records.

The consumer on whose premises any protective device is installed shall have each such device inspected annually. If successive inspections disclose repeated failures in the operation of any device, the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, may require more frequent inspections. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be

defective. Records of such test, repairs and overhauls shall be kept and a copy of such records forwarded to the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, on an annual basis. The Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, shall have the duty of determining that the inspections required herein are performed properly. If following demand therefore the consumer fails to have any of the inspections made as required herein or to make the above-described records available, the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, shall have the right to inspect the device and the consumer shall pay the cost thereof.”

§ A109-5 B. shall be deleted and replaced in its entirety as follows:

“B. Delivery of water to the premises of any consumer may be discontinued by the Superintendent, Administrator or their designee or the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, if any protective device required by this local law has not been installed, inspected, tested and maintained or is defective or has been removed or bypassed.”

§ A109-5 C. shall be deleted and replaced in its entirety as follows:

“C. Immediate discontinuance without notice; conditions for resumption.

- (1) Delivery of water shall be discontinued immediately and without notice to the consumer if the Superintendent, Administrator or their designee or the Town Board, as Commissioners of the Highland Water District, or the County Health Officer determines that:
  - (a) The district water supply is being contaminated or is in immediate danger of contamination;
  - (b) A protective device required by this local law has not been installed or is defective or has been removed or bypassed; and
  - (c) The consumer cannot immediately be located.
- (2) Delivery of water shall not be resumed until any protective device required by this local law and approved by the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, has been properly installed, or until conditions at the consumer’s premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, and County Health Officer.”

§ A109-5 E. shall be deleted and replaced in its entirety as follows:

“E. For the purpose of making any inspections or discharging the duties imposed by the local law, the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, and County Health Officer shall have the right to enter upon the premises of any consumer. Each consumer, as a condition of the continued delivery to his premises of water from the district water supply, shall be considered as having stated his consent to the entry upon the premises of the Superintendent, Administrator or their designee or the designee of the Town of Lloyd Town Board, as Commissioners of the Highland Water District, and County Health Officer for the purposes stated herein.”

**Section 3. Effective date**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

*Murphy explained that the Code now requires back-flow devices inspected every year; if they are not inspected, one of the ways to force that is to have the water turned off. The way the Code is written right now, it is the Superintendent of the Water Department who can turn the water off and at this time, there is no Superintendent so this language specifies that it could be the Administrator or the designee of the Town Board as Commissioners. The Town Board as Commissioners could appoint an engineer.*

*Litts said that he wanted to make sure that is what it was because that is what the Water/Sewer/Drainage Committee had requested of the Town Board.*

*Supervisor said that this has been a growing problem as the businesses that have back-flow devices have been refusing to inspect and it is creating a problem. This was brought to the Water/Sewer/Drainage Committee a couple of months ago.*

*Murphy added that it will be discussed at the Committee meeting next month and they may have input before the Public Hearing.*

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

**Five ayes carried.**

**M. RESOLUTION** made by Brennie, seconded by Paladino,

**WHEREAS**, a local law, being proposed as Local Law No. G – 2013, was introduced at this meeting as follows: Local Law No. G – 2013, a local law entitled “Amendments to Chapter 98 of the Town of Lloyd Code: Water” (copy of Local Law attached); and

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 21st day of August, 2013 at 7:00 p.m.; and it is further

**RESOLVED**, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

Local Law G - 2013

A local law entitled “Amendments to Chapter 98 of the Town of Lloyd Code: Water”

**“§ 98-2. Definitions.**

**ADMINISTRATOR** – The Administrator of the Highland Water District.”

**Section 3. Effective date**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

*Murphy explained that in the Code there is a definition of ‘Superintendent’ but not ‘Administrator’ and now Administrator is referred to in A-109 and he felt it to be prudent to put in the definition of Administrator.*

*Litts said that if someone refuses to allow the Water Department in to change a meter that is faulty, this will enable them to turn off the water service.*

*Paladino said this applies to commercial and residential.*

*Murphy concurred that it was for any water service.*

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

**Five ayes carried.**

**N. RESOLUTION** made by Brennie, seconded by Paladino,

**WHEREAS**, a local law, being proposed as Local Law No. H – 2013, was introduced at this meeting as follows: Local Law No. H – 2013, a local law to amend the Zoning Map of the Town of Lloyd as part of a plan for the orderly, efficient, economically and environmentally sound development of the town. The town has prepared the proposed local law to amend the Zoning Map of the Town of Lloyd, a copy of which is attached hereto and made a part hereof as Exhibit A; and

**WHEREAS**, the Town Board of the Town of Lloyd has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the town, and the Board having declared its intention to assume lead agency to do all necessary reviews in this matter; and

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby is designated as lead agency to conduct all necessary reviews in this matter; and it is further

**RESOLVED** that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 21st day of August, 2013 at 7:00 p.m.; and it is further

**RESOLVED** that the Town Clerk is hereby directed to publish and post a notice of said public hearing in accordance with law and circulate pursuant to the Town of Lloyd Code and the New York State General Municipal Law to the Town of Lloyd Planning Board, the Ulster County Planning Board and any other interested agencies for response prior to the public hearing.

**TOWN OF LLOYD**

**LOCAL LAW H OF THE YEAR 2013**

**SECTION ONE. PURPOSE.**

The purpose of this local law shall be to amend the Zoning Map of the Town of Lloyd.

**SECTION TWO. MAP AMENDMENT.**



The official Zoning Map of the Town of Lloyd on file in the office of the Town Clerk is hereby amended as follows: 6 Commercial Avenue Extension/Toc Drive  
Address: 6 Commercial Avenue Extension  
SBL: 88.17-11-2  
Owner: Brad Builders, Inc.

**SECTION THREE. SUPERSESSON.**

This local law shall supersede all prior inconsistent local laws.

**SECTION FOUR. EFFECTIVE DATE.**

This local law shall take effect upon filing with the Secretary of State.

*Litts asked if this was to align the map that was discussed three or four months ago.*

*Barton replied that this is for Brad Builders on Toc Drive.*

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

**Five ayes carried.**

**O. TABLED Resolution** to appoint Michael Horodyski to review single audit performed by Kimble & O'Brien, PC at a remuneration of \$1,500.00.

**P. RESOLUTION** made by Brennie, seconded by Paladino to approve the following budget amendments for the 2013 budget

GENERAL

Grants	1440.50	+\$693.00
Contingency	1990.40	-\$693.00
Unallocated Ins	1910.40	+\$31.00
Contingency	1990.40	-\$31.00
Recreation PS Clerical	7310.10	+\$ 684.00
Recreation PS Rec Mtc	7310.11	+\$2,700.00
Contingency	1990.40	-\$3,384.00

HIGHWAY

North Rd Bridge	5112.40	+\$3,374.00
General Repairs CE	5110.40	-\$3,374.00

SEWER

Bond Fee	9730.60	+\$99.00
Workers' Comp	9040.80	-\$99.00

*Litts asked if there was a problem with the Recreation budget as he is concerned that this is only July and money will have to continue to be moved from Contingency until the end of the year.*

*Supervisor recalled that money had to be added for SummerFun and the issue was the part-time staff and an additional part-time maintenance person for Recreation. \*

*Brennie feels that early in the season that there was a lot of maintenance to be done and it was weather related. He will speak to Frank Alfonso, Director.*

*Litts said that he did not have an issue with it and the summer Recreation activities will end in a couple of weeks and not continue until the end of the year.*

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

**Five ayes carried.**

**Q. RESOLUTION** made by Paladino, seconded by Litts,

**WHEREAS**, the Town of Lloyd seeks to obtain financial assistance to help improve pedestrian safety and to maintain a consistent Class A trail along all segments of the Hudson Valley Rail Trail in the Town; and has identified grant funds available through the Federal Highway Administration (FHWA) Transportation Enhancement Program (TEP) for the construction, rehabilitation and enhancement of transportation facilities; and

**WHEREAS**, of the estimated project cost of approximately \$530,000, the Town will be responsible for expending funds and then submitting for reimbursement of approximately \$424,000 from the New York State Department of Transportation (NYSDOT) under the TEP program; and the Town will also be responsible for a match of 20% (\$106,000);

**NOW THEREFORE BE IT RESOLVED**, that Paul Hansut, as Supervisor of the Town of Lloyd, is hereby authorized and directed to file an application to the

NYSDOT for the FHWA Transportation Enhancement Program (TEP) in the amount not to exceed \$466,000 to fund repair and safety upgrades of a 2.5 mile segment of the Hudson Valley Rail Trail. Upon approval of said request the Supervisor is further authorized to enter into and execute an agreement with the NYSDOT and FHWA for such financial assistance.

*Supervisor explained that the previous administration along with the Rail Trail Association applied for a grant of approximately \$500,000 to upgrade the existing Rail Trail as there are paving and drainage issues.*

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

**Five ayes carried.**

Matt Smith related he was a member of the ZBA for a number of years and safety was always considered that a fire truck could access property. In reference to the parking at Bridgeview and the size of the roads, he felt that over the years the road has been repaved and parking has been allowed where parking was not allowed; the Planning Board notes may already indicate that.

Supervisor said that the site plans are 25 or 30 years old.

Guerriero added the streets are narrow and the parking makes the streets even narrower.

Paladino said that is taken into consideration and the fire department takes the largest truck and they make sure that it fits.

Guerriero is concerned that the roads in Mountainside Woods are only 26-feet wide and are inadequate.

A member of the audience asked about the vacancies on the Zoning Board of Appeals.

Supervisor said that the vacancies were filled last month but if there is interest, send him a letter.

Reynolds asked what the audit was for and why it was tabled.

Supervisor answered that it is the single audit that has to be done as the Town has received FEMA money. He received a notice from Mary Kimble, CPA, a month ago that the Town Board has to appoint someone from the Town who will look at the financial statements and the adjustments that have to be made when she is finished with the single audit. This is a law that the Federal government made within the last year. Kimble said that she has never had to do this.

Reynolds asked why it was tabled.

Supervisor said that there is a question as to whether Michael Horodyski is interested in doing it.

Guerriero asked what the qualifications would be to look over the audit.

Supervisor said that this individual called Mary Kimble and she verified that he was qualified to do it; they look for someone who has had government experience (he was a Councilman) and financial background and he has done audits for the bank. He is a certified public accountant.

Guerriero commented that a CPA looking over the work of a CPA is ironic.

**MOTION** made by Brennie, seconded by Litts, to go into executive session to discuss litigation with Sean Murphy, attorney at 8:55PM.

**Five ayes carried.**

**MOTION** made by Litts, seconded by Brennie, to come out of executive session at 9:14PM.

**Five ayes carried.**

**R. RESOLUTION** made by Paladino, seconded by Litts,

**WHEREAS**, the law firm of Bailey, Kelleher & Johnson, P.C. has initiated an action on behalf of the Town of Lloyd entitled "The Town of Lloyd, New York, County of Ulster, Town of Rosendale, New York, Town of Ulster, New York, Darrell Day, Eugene J. Rizzo, Daniel M. Martuscello, Heather Blume, Anthony Kalimeras, Kathleen Burns, Jeff Cohen, David M. Ackert, Amy Shuman, Robert Vosper, Joshua Caliendo, Beatrice Havranek, Eileen B. Katatsky, Susan Kesick, David Bolle, Plaintiffs, against Richard Enrique Ulloa, Sara Ulloa, Jeffrey-Charles Burfeindt, Ed-George Parenteau, Raymond Tompkins, Katherine A. Cairo Davis, Kathy Steinhilber, Defendants, in the United States District Court, Northern District of New York"; and

**WHEREAS**, the Defendants named in said Complaint as adverse to the Town of Lloyd have been indicted by the United States Attorney's office for the Northern District of New York on multiple counts of mail fraud; and

July 17, 2013

**WHEREAS**, resolutions were reached in the criminal matters against Defendants Richard Ulloa, Ed-George Parenteau and Jeffrey-Charles Burfeindt; and  
**WHEREAS**, said criminal proceedings having been finalized and the dispositions therein having accomplished the goals of the above-entitled civil proceeding; and  
**WHEREAS**, the law firm of Bailey, Kelleher & Johnson, P.C. has advised the Town of Lloyd that it is in the Town's best interest to discontinue the civil proceeding as any recovery in excess of the dispositions in the criminal matter is unlikely; and  
**WHEREAS**, the Town Board of the Town of Lloyd wishes to consent to said discontinuance of said action.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

That the Town Board of the Town of Lloyd hereby consents and authorizes the law firm of Bailey, Kelleher & Johnson, P.C. to discontinue the action pending in the United States District Court, Northern District of New York, entitled "The Town of Lloyd, New York, County of Ulster, Town of Rosendale, New York, Town of Ulster, New York, Darrell Day, Eugene J. Rizzo, Daniel M. Martuscello, Heather Blume, Anthony Kalimeras, Kathleen Burns, Jeff Cohen, David M. Ackert, Amy Shuman, Robert Vosper, Joshua Caliendo, Beatrice Havranek, Eileen B. Katatsky, Susan Kesick, David Bolle, Plaintiffs, against Richard Enrique Ulloa, Sara Ulloa, Jeffrey-Charles Burfeindt, Ed-George Parenteau, Raymond Tompkins, Katherine A. Cairo Davis, Kathy Steinhilber, Defendants, in the United States District Court, Northern District of New York".

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

**Five ayes carried.**

**MOTION** made by Litts, seconded by Paladino, to adjourn the meeting at 9:17 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk