

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

JULY 18, 2012

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

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

**7:00 PM** – Supervisor opened the meeting and asked Rose Sinagra, President of the Mid-Hudson Senior Citizens, to lead the Pledge of Allegiance.

Supervisor read the following Proclamation:

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

**WHEREAS** they are the forefathers of this generation and past generations,

**NOW THEREFORE**, I, Paul J. Hansut, Supervisor of the Town of Lloyd, Ulster County, New York do hereby proclaim August 2012 as “Senior Citizens Month” in the Town of Lloyd and ask all citizens to give them the honor they justly deserve.

**MOTION** made by Litts, seconded by Brennie, to approve the breakfast to honor Town of Lloyd senior citizens to be held at Tony Williams Park on August 20, 2012, 9 AM to 11 AM.

**Five ayes carried.**

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

Assessor – Councilmember Paladino

Audit – January 1 to March 31, 2012: Councilmember Brennie

April 1 to June 30, 2012: Councilmember Litts

July 1 to September 30, 2012: Councilmember Guerriero

October 1 to December 31, 2012: Councilmember Paladino

Building Department – Supervisor Hansut reported that David Barton is out of the office this week; the staff is cleaning up and organizing the offices.

Dog Control – Councilmember Brennie reported that everything is going well.

Environmental – Councilmember Guerriero said that he has not attended the ECC meetings.

Grants – Supervisor Hansut reported that the woman from Poughkeepsie who was going to help with the Safe Route Home Grant has unfortunately taken ill and is not at work. Denise Rhodes of Highway Department attended the workshop on the grant and Liz Axelson from Morris Associates has successfully written several of these grants so she is going to help with this grant as well. He asked Axelson if she could do it for a low cost. He attended a seminar at Ulster Community College for the Consolidated Funding Grant Application which is lengthy and complex. He spoke with Glen Gidaly who has done these in the past and there is only one municipality (Monticello) in the three-county area that he knows of who has filed for this grant. These grants are very hard to get and for Gidaly to prepare it would be \$5,800 to \$6,000 just for the application so it was decided not to apply.

Highland Fire District – Councilmember Paladino reported that Chief John Gallagher and the membership talked about getting involved with the Mobile Life critical care calls. They currently are not on call for those and they asked the Commissioners to allow them to participate in the critical care calls. The fire fighters feel that in an instance that there is a potential heart attack victim or similar emergency that they would be able to assist and be quicker to respond. There have been emergencies in neighboring houses and they could have helped but the firemen were not notified. The Commissioners agreed with the proposal as long as the membership was on agreeable to the additional workload. There could be 200+ calls per year. The proposal has been passed by the Commissioners and the membership would like to provide that service. Mobile Life will now be including the firefighters in the critical care calls. He believes that the volunteers will be useful on any call and will be in the position to save lives.

Highland Central School – Councilmember Paladino reported that the Board of Education had their reorganization meeting last Tuesday and brought in the new Board members; Al Barone is now President and Sue Gilmore is Vice President. Two contracts will be coming up this year for negotiation.

Highway/Transfer Station – Councilmember Guerriero commended Rich Klotz, Highway Superintendent, on the job of blacktopping Pine Terrace, Dogwood Knoll and Crest Lane at a cost of approximately \$95,000, with the assistance of New Paltz in shared

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services. He went to the site and watched how diligently the crew worked in 95-degree heat and said that they did a great job.

Historian – Councilmember Guerriero

Justice – Councilmember Litts reported that he spoke with one of the Judges and they are very happy; they are settling a lot of issues and making a lot of money for the Town.

Lights – Councilmember Brennie reported that approval is anticipated for the Haviland Road and Chodikee Lake requests for the street lights and they are going through the process.

Supervisor noted that Uta Pape of GreenLit gave a presentation during the July Workshop meeting about the LED lights; he appreciates Brennie volunteering as the liaison, to work with the Supervisor's office to devise an RFP and move forward. There are substantial savings that would benefit the Town.

Planning Board – Councilmember Guerriero reported that there is not much going on; Tim Marion was approved for a hot dog wagon for his property on Route 299. The developer at Highland Square, Route 299 and Route 9W, had some violations with the NYSDEC, fines were imposed; Planning Board wrote that developer a letter informing him that he will have to reapply.

Police – Supervisor Hansut reported that Chief David Ackert's last day is July 31 and he is retiring August 1. The PBA's legal staff notified the Town Attorney that the PBA is entering into impasse and going into mediation. The Town Board made one final proposal to them hoping that the contract could be ratified by July 1 and enroll the Police into the new health insurance plan but it was not approved. PBA will find a mediator for meetings in September or October, depending on how that goes, it will move forward into arbitration. Supervisor's office received several complaints about speeding on Reservoir Road and the Police Department put a speed monitor sign on the road; the monitor will then go to Hawleys Corners and Lily Lake Road where there also have been many complaints. There have been complaints regarding the camp on Chodikee Lake and parked vehicles which block traffic. Lt. Sargent said that the Police have issued several tickets to illegally parked cars and they will continue to do so.

Recreation/Buildings & Grounds/Events/Bob Shepard Highland Landing Park/Hudson Valley Rail Trail – Councilmember Brennie reported that there has been a lot of positive feedback about the improvements at Berean Park; Tony Williams Park is used every night by multiple baseball and softball leagues. This is the middle of the SummerFun programs which are very popular and very well attended. Reports have been given on Rail Trail and Highland Landing.

Safety – Supervisor Hansut

Water, Sewer & Drainage Committee – Councilmember Litts reported the meetings seem to concentrate on water and then on sewer; the last meeting concentrated on drainage. The Committee will be presenting a priority listing of culverts and bridges that are in disrepair with dollar values to the Town Board. They are listing some of the drainage areas that need work; Sean Murphy was going to look into the easements and if the properties had easements. This recommendation will probably be in a month or so. Murphy said that he had nothing to report on that as yet but he has been pulling files.

Zoning Board of Appeals – Councilmember Litts reported that there was a short meeting and some of the time was spent on the applicant which was an area variance and also talking about the Comprehensive Plan Review Committee. There have been two meetings and meetings will be held at 7:30 AM, the first and third Tuesdays of the month, if anyone would like to come. The Committee should have recommendations in September.

Litts asked the status of Vineyard Commons.

Sean Murphy, Attorney, answered that the attempt for a settlement did not work and there is a trial set for August 9.

Supervisor recognized District 10 Legislator Mary Beth Maio and asked if there is anything she would like to share.

Maio said that she was pleased to be at the meeting and said that Legislative Chairwoman Terry Bernardo could not make it due to a scheduling conflict but would like to reschedule and come to say hello to the Town of Lloyd; District 9 Legislator Wayne Harris would also like to attend that meeting.

Supervisor said that he spoke with Maio about the North Road bridge project and he thanked her as she did reach out to people in the County for help and they have been calling his office.

**REPORT** – Claire Costantino, President, Hudson Valley Rail Trail, read the following:

The re-grading of the parking area at 101 New Paltz Road was completed on Saturday June 16<sup>th</sup>. A special thank you to the following people for making the project a success: Dave Roehrs of Roehrs Construction with the donation of a roller, Chris Larkin of Nieco Container Corporation for the donation of a dozer, Tom Marion and Paul Costantino for their ability to operate the donated

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machinery, Rich Klotz, Town of Lloyd Highway Superintendent, for the donation of a loader and Ray Costantino who served as project coordinator. The estimated value of the work including labor, materials and equipment is \$9,500 all done at no cost to the Hudson Valley Rail Trail Association or the Town of Lloyd.

Plans for HudsonFest Weekend which will be held October 6, 7 and 8 are underway with Eric Norberg and his committee making arrangements for an outstanding weekend of events that will include the "An Evening under the Stars! Gala on Saturday night, HudsonFest, an event along the trail at 75 Haviland Road featuring the best that the Hudson Valley has to offer on Sunday and a 5K Race and Walk on Monday.

The St. Pauly Textile Drop-Off Collection Box at 75 Haviland Road continues to be very successful.

In order to make the entrance to the 75 Haviland Road Parking Area more attractive, the Hudson Valley Rail Trail Association will be making improvements to the entrance. We have eradicated the existing weeds at the entrance and along Haviland Road, we will plant ornamental grasses and install River Rock along the entrance, all at no expense to the Town of Lloyd.

In keeping with making improvements at the 75 Haviland Road Parking Area, the Hudson Valley Rail Trail Association has already given the caboose a fresh coat of paint. This was done at no cost to the Town of Lloyd.

The Highland Hamlet Development Analysis prepared by the Highland Community Development Community last year included a signage study. We are reviewing the report's suggestion for Informational Signage that could be installed at 75 Haviland Road. We are also taking under advisement the Supervisor Hansut's suggestion that the Hudson Valley Rail Trail Association design an adjustable sign and lease space annually to the businesses who want to be included on the sign.

We are proceeding with the installation of five benches along the trail as indicated previously. The project will begin in the near future and will be at no cost to the Town of Lloyd.

Due to conflicts we are experiencing between cyclists and pedestrians, the Hudson Valley Rail Trail Association is preparing a Safety Education Program to help improve the situation. This program is under the guidance of Rafael Diaz and Alan Van De Bogart and is planned to begin in August.

As a result of WinterFest's popularity, there is a need for additional electric service at the Hudson Valley Rail Trail Depot at 101 New Paltz Road. We are currently investigating how we can add additional electric to service the chili pots.

The Highland Rotary has received bids for the paving project, but has not yet awarded a contract. Once they have completed their project, we plan to seed the area between the rail trail and the newly installed handicap parking spaces. We are also planning to install a kiosk across the rail trail at this location that will feature a map of the trail and information on the rail trail.

We recently experienced a rash of graffiti being added along and on the trail. It saddens us that some individual or individuals do not respect this wonderful asset we have in our community and wish to deface it. The Hudson Valley Rail Trail Association is serious in their efforts to find those responsible for this vandalism. We have posted a \$1,000 reward for information leading to the arrest and conviction of the individual or individuals responsible for the painted graffiti on the rail trail pavement east of the Mile Hill Road Bridge. We would like to extend a thank you to Tim Baker of Baker & Sons Landscaping who graciously donated his time and equipment to remove the graffiti from the rail trail.

The Harvest MoonWalk is scheduled for Friday September 28 and will be part of the Hudson Valley Ramble as it has been for the past few years. Susan Van De Bogart will be chairing this event. Additional details will be available soon.

The Hudson Valley Rail Trail will be participating in the Parks & Trails New York's 2012 NYS Trail User Count during the month of August. The count is part of an effort to implement recommendations of New York's Statewide Trails Plan. PTNY is assisting NYSOPRHP and other trail advocates in collecting a count of users for 15 of the state's multi-use trails. The objective of the study is to build a body of data on the nature and volume of the trail usage on a variety of NYS multi-use trails. We are one of the fifteen rail trails participating.

To date, I am pleased to report that the Hudson Valley Rail Trail Association has committed over \$10,000 to make improvements to rail trail this year.

Paladino related to Claire Costantino that he received a phone call from Sheila Mannese of Meet Me in Marlboro who was interested in putting the Meet Me in Marlboro brochures in the kiosks on the Rail Trail.

Costantino said that she would discuss this with the Rail Trail Board as the Board tries to keep the kiosks available for Highland businesses and she will get back to Paladino.

**REPORT** – Matthew Smith, Manager, Bob Shepard Highland Landing Park, read the following:

Thanks to Paul Hansut and Kate Jonietz for the organization of the 4<sup>th</sup> of July fireworks event at the Park. Great! Electricians worked again and all of the Outside lights are working (we had them done for the July 4 celebration) and most of the receptacles are working inside the building. All of the requests for power from the vendors were accommodated. Central Hudson fixed the street lights on River Road.

We are doing some prep work at the Park to get ready for the contractor who will be doing the bulkhead/dock job. The contractor will start on August 6. We talked with the contractor and decided to close the Park for the duration of the construction, August 6 to October 2, for safety reasons.

The ground-breaking ceremony will be July 24 at 10:30 AM; The New York Secretary of State is coming. We have invited all local, county and state politicians and many others involved in this project. We will have a large tent with chairs (thank you, Jeff Paladino) and refreshments are being donated. This should be fun and it raises the Park's profile for fund-raising activities.

Guerriero thanked Matt Smith for all of his hard work to make the Park possible.

## 2. OLD BUSINESS

### A. Update on HVRT Supplemental Agreement #5 stimulus payment

Supervisor said that there is no new news on the arrival of the check.

### 3. NEW BUSINESS

#### A. Workshop Meeting for August 1, 2012 at 3 PM.

Supervisor feels that the Workshop meetings at 3 PM are working out well and the department heads appreciate the time of the meeting as they do not have to come back in the evening. The Town Board is trying to keep the amount of business that is done at the Workshop to a minimum.

#### B. Bridge at North Road

Supervisor asked Ray Jurkowski, Morris Associates, to update the Town Board.

Jurkowski said that he was contacted by Rich Klotz, Highway Superintendent, regarding the North Road culvert located at the southern edge of the Pavero cold storage facility; the culvert spans the Twaafskill Creek and serves North Road. The Water and Sewer Department is doing some work there associated with the sewer collection system located just to the north of the culvert and during that work they noticed some issues with the structure of the culvert. They brought it to the attention of the Highway Superintendent who contacted Jurkowski and they conducted an inspection on the condition of the culvert. The concern was the culvert was in dire straits as far as its ability to continue service. Based on that, he provided correspondence to the Town which outlines the findings. The existing structure is concrete deck, steel supports and concrete abutments. The span is approximately 12-feet in length, 4-feet tall, and it does have brick abutments on each end. As can be seen in the photos included in the correspondence, the abutments have been undermined due to the activity of the stream. Some of the undermining may have occurred during the hurricane event; however, there was no documentation previously as far as the extent of that. In addition, the photos show that there are three pipes that penetrate the walls and there is erosion and deterioration at those locations. Two of those are sewer pipes that are no longer active but they are obstructive in that culvert, reducing the ability of the culvert to pass water and increasing the possibility of debris getting caught and causing flooding, which has happened in the past. There is an additional pipe located at the creek level, the bottom of the creek or creek bed; that is an active water main, which he confirmed with the Water Department. That is a concern because it is an active water line within the streambed, providing the possibility of obstruction to the culvert resulting in damage to the culvert but also damaging the water main and having it fail. The deck of the culvert is concrete approximately 9-inches thick and supported by steel beams. Some of the steel beams are no longer in place and the others that remain show significant failure with loss of steel section. It is questionable about how much the steel beams contributed to the overall strength versus the concrete deck itself. They are not able to determine the type of reinforcement that is in the concrete deck structure. An analysis of the condition of the existing concrete deck without the steel structure and limited reinforcement shows it would still be able to sustain traditional car traffic but not truck traffic. Based on the existing condition of the structure, the immediate concern from a safety standpoint is reducing the load rating of the span and not allowing any type of emergency vehicle or school bus to go over that structure. The first order of business would be to make sure that posting takes place and provide an alternative route. This is a concern due to the proximity of the two schools and trucks from Pavero.

Brennie asked how fast repairs could be made and when would it be completed.

Jurkowski answered that he has discussed this with Sean Murphy, attorney, on how much of an 'emergency' would this be considered. This is more of an inconvenience than a true emergency; if it was an emergency we could move forward and we would not have to deal with government policies. It would take about four months to get all of the work done and it will impact the school buses. Aging infrastructure is all throughout New York not only in Lloyd.

Supervisor said that he spoke to Deborah Haab, Superintendent of Schools, today and she is aware of the situation.

Jurkowski said that once the initial issue is taken care of, he recommends that replacement begins.

Litts feels that the construction time could be shortened if the Town buys the concrete units and they are installed by the Highway Department, it could be done before September. He felt that Rich Klotz, Highway Superintendent, has done box culverts during most of his career and has the experience to oversee the work.

Jurkowski said that the Town would have to deal with the procurement policy for the culvert. It would need to be competitively bid as it is going to be over \$35,000 just for the box culvert. He spoke to Klotz about what could be done to expedite the job and reduce the cost. The Highway Department could do the excavation and demolition of the existing structure in preparation of the box culvert; the contractor

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would do the backfill, the crane operation and the installation of the box culvert. After it is installed and backfilled, the Highway Department can do the guiderail systems, blacktop, restoration, etc. The first thing was to create the project and the Town Board authorizes the replacement. He may go for a quick Request for Proposal in a short time frame, to get from three or four different contractors for the rental of the crane and the installation.

Litts asked if those box units would be small enough to set with an excavator.

Jurkowski replied that they were not and he would like to increase the size from the current 12 x 4 structure to as much as a 5 x 16. A 100-year flow would be able to pass within the 5 x 16 box culvert unit without any headwater effect; it would reduce the impact of flooding as seen in the last hurricane event.

Litts asked if the sewer line would have to be moved.

Jurkowski replied that the south sewer line would have to be removed and that was included in the budget. The manholes to the north would stay where they are and the manhole that is located to the southwest would be shifted further to the south. That manhole only deals with the two residences on that side of the road. The water would be shut off and homeowners made aware that they will not be able to use water or flush toilets. He spoke with Dave Campala, Water and Sewer, and he says that he can move the sewer line within one working day.

Supervisor is concerned about the funding portion of the BAN and how long that may take.

Murphy replied that if the resolution is passed tonight it is subject to permissive referendum so it would be 20 days from the passage; Jurkowski has to develop the specifications and go out to bid.

Jurkowski feels four months is a conservative number.

Guerriero asked if sidewalks would be included.

Jurkowski said that he did not include the cost of the sidewalks but he did include the cost of extending the length of the culvert to allow for the installation of sidewalks. It would have to be decided if the sidewalks would be placed on the front side of the guiderail or the back side of the guiderail; the culvert would be ready so that a sidewalk could be placed over that.

Supervisor added that is part of the Safe Route Home grant as well.

Litts said that the Town already has a BAN for the Highway Department to do the work resulting from the damage of Hurricane Irene and it is anticipated that the Town will get money back from FEMA.

Murphy said that he would have to look at the purposes for that BAN and asked how much money is coming back.

Klotz said that the BAN was \$500,000 and no money has been returned. Everything has been signed and approved and it is his feeling that they are just waiting for the checks to be cut. He said he would make an inquiry tomorrow.

Litts posed if that money comes back to the Town, it goes into the Highway budget; the BAN was going to be paid off with that but the Town would not have to go out for another BAN if there was at least \$50,000 or \$80,000 coming back so the box units could be purchased up front. He felt that it would save the Town a lot of money.

Supervisor asked if that would delay the project.

Litts said that it would actually speed it up because the boxes will be here; the boxes could be ordered now and not wait for the contractor which would be another four or six weeks to order. He noted that if Klotz could find out when the check is coming it may save a lot of paperwork and costs to the Town.

Supervisor is not hopeful as the Town is still waiting for the Rail Trail money. He called the office of Frank Skartados, NYS Assemblyman, and left a message asking him to call. He has spoken to Rob Rolison of Dutchess County and apparently there is some federal money left for infrastructure that was not touched. The reality is that the state and the fed do not care about us but we have a road that needs to be fixed and it is a major route for school buses and Pavero's.

Litts suggested contacting Dennis Doyle who manages the TIP money as may be able to help.

Mark Reynolds, reporter, asked what brought this to light.

Supervisor answered that the Sewer Department was fixing a line on Friday, July 13; they notified Rich Klotz who then called him.

Reynolds asked what would qualify as an emergency situation.

Murphy replied that it would have to be unanticipated, unforeseen, accident or occurrence; however, this is the result of infrastructure wearing out. It would have been an emergency if the flood had washed it out, as it was unanticipated and may have qualified.

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Litts thinks that there is erosion of the abutments that could have been caused by the storms.

Jurkowski said that they are going back to FEMA to have further discussions to see if there is any funding. It may not be fruitful because there was some other work identified and completed by the Highway Department in the area of this culvert. It was identified as a small project and not a stand alone project. Any project in the affects of Hurricane Irene had to be initially identified within a certain time frame after the event.

Litts said that he had emailed the Town Board members of the additional \$23-million Gov. Cuomo is making available.

Jurkowski said that there was pot of money that became available where NYS was actually covering the local share of the FEMA projects.

Supervisor said that his office will follow up on it.

Guerrero commented that the Sewer Department stumbled on this and asked about the state of other bridges in Town.

Jurkowski said that was a good point and the Water, Sewer & Drainage Committee reviewed a list provided by the Highway Department of areas that have been looked at previously. That culvert was first on the list. The WS&D Committee will be coming back to the Town Board to consider other capital improvements pertaining to the drainage infrastructure.

Klotz added that the next bridge/culvert on the list would be Willow Dock Road.

Matt Smith asked if it would be possible to put a piece of heavy steel over the culvert to distribute the weight better as buses are not as heavy as some of the trucks that Pavero uses.

Supervisor replied that the culvert is going to be closed.

Jurkowski explained that it is not so much the decks but the abutments themselves.

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

Supervisor opened the meeting to public comments and asked that people stand, state their name and where they live; he cautioned that this was not an opportunity for debate.

Kit Cowan, Hawleys Corners Road, asked the status of the sidewalk repair on Milton Avenue.

Litts said that they are scheduled to start the work a week from today. He asked if Scott Geiger got in touch with the Supervisor as he asked Geiger to call Supervisor as M & T Bank would need a week's notification.

Supervisor replied that he had not heard from anyone and that he was at DOT today and they asked if the project was done.

Cowan asked about the live TV streaming.

Supervisor replied that his office calls Cablevision, Roger O'Connor once a week for updates.

Kate Jonietz said that the transmitters are up on the towers, Cablevision is waiting to schedule the communication between the satellites.

Litts asked if there has been any movement in Rail Trail West and the change in the job.

Supervisor said that Ray Costantino, Rail Trail, was supposed to come to this meeting. He is the project manager and he is going to put together a presentation for the Town Board.

Supervisor met with DOT and explained the funding situation to them.

Litts understands that DOT is going to allow the Town to draw it back.

Supervisor explained that DOT suggested that the Town continues to propose it in phases, the first phase being from Tony Williams Park to Highland Hose II, New Paltz Road. If the Town limits the project to just that portion, it would have to go through the whole process again if it wanted to go forward in the future. Barton & Loguidice was there today and they are going to draft a letter to send to Ed Goth and the others that were there. They have to see what the design is going to be first; the group that met today cannot make a decision. The letter that the Town sends to them they have to send to Albany.

Rafael Diaz, Hawleys Corners Road, remarked on the vandalism on the Rail Trail and he feels that the Town needs to do more about it.

Supervisor recommended calling the Police and they will document it by taking photos and then get rid of it. The longer it is visible, the worse the situation becomes. It is key to take photos of each incident to keep track and see if it is the same person. The Police have had training on graffiti but it is a tough crime to solve.

Smith said that he had the cleaner that is used to remove vandalism paint and offered to donate it to the Rail Trail.

Cowan offered that she spoke to a man from Mohonk who had set up rules for biking versus pedestrians and he said that he would be happy to recommend somebody from Mohonk to talk to the Rail Trail Association on the situation.

**5. MOTIONS and RESOLUTIONS**

**A. MOTION** made by Litts, seconded by Brennie, to approve the minutes of the Special Meeting, June 6, 2012; Workshop Meeting of June 6, 2012 and the Regular Meeting June 13, 2012.

**Five ayes carried.**

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

General	#G584 to #G689	\$ 84,629.27
Highway	#H299 to #H364	\$126,158.11
Miscellaneous	#M250 to #M287	\$629,684.72
Prepays	#P148 to #P170	\$ 37,451.79
Sewer	#S164 to #S199	\$ 17,835.23
Water	#W235 to #W281	\$ 36,050.24

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

**Five ayes carried.**

**C. 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 in the vicinity of the caboose by the Hudson Valley Rail Trail Association from 9 AM on Friday, October 5, 2012 and continuing until Saturday, October 6, 2012 at 12 Midnight for the Hudson Valley Rail Trail Gala "An Evening under the Stars!" 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.**

**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 7, 2012 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 7, 2012 from 7AM 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, 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 the Hudson Valley Rail Trail Depot at 101 New Paltz Road by the Hudson Valley Rail Trail Association on Monday October 8, 2012 from 6 AM to 12 Noon for the Highland HudsonFest 5K Race and 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. MOTION** made by Brennie, seconded by Paladino, to authorize the use of the Hudson Valley Rail Trail Parking Area and Hudson Valley Rail Trail Depot at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail in the vicinity of the Hudson Valley Rail Trail Depot to Tony Williams Park by the Hudson Valley Rail Trail Association from 4 PM to 10 PM on Friday, September 28, 2012 for the Hudson Valley Rail Trail Harvest MoonWalk.

**Five ayes carried.**

**H. RESOLUTION** made by Brennie, seconded by Paladino, to approve the following Budget Amendments:

<b>GENERAL</b>		
Legal Notice/Code	1315.40	+\$1,247.00
Contingency	1990.40	- \$1,247.00
<b>BOAR</b>		
Contingency	1354.40	+\$62.23
	1990.40	- \$62.63
Assessor CE	1355.40	+\$700.00

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Contingency	1990.40	- \$700.00
<b>HIGHWAY</b>		
Pine Terrace	5112.43	+ \$35,000.00
Dogwood Knolls	5112.44	+ \$70,000.00
Crest Lane	5112.45	+ \$35,000.00
General Repairs	5110.40	- \$35,250.00
CHIPS	01-3501	-\$104,750.00
(To allocate CHIPS funds to roads agreed to in 284 Agreement)		
Unemployment	9050-80	+\$4,340.01
General Repairs	5110-40	- \$4,340.01

**CAPITAL**

Bulkhead	50-06-7110-43	\$911,904.00
Blkhd DOS Local Wtrfrnt Rev EPF	50-3600	\$911,904.00

(Establish Bulkhead project for the Bob Shepard Highland Landing Park and show the grant from the Department of State for the Local Waterfront Revitalization Program funded by the Environmental Protection Fund)

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

**Five ayes carried.**

**I. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, the Town Board has previously awarded a Contract to Arold Construction, Inc. for Contract 11-008, titled Hillside and Woodside Area Inflow and Infiltration Remediation, for repairs of the collection system along Roberto Avenue, Hillside Avenue, Woodside Place, and the North Road/New Paltz Road area; **AND**,

**WHEREAS**, Morris Associates, P.L.L.C., Engineering Consultants, is overseeing construction of the project and as such performs inspections and contract administration; **AND**,

**WHEREAS**, Morris Associates, P.L.L.C., Engineering Consultants, has been made aware by the Contractor that a additional items both under and beyond that estimated in the contract, were performed per Contract 11-008, identified as change order #3 and they negotiated a price resulting in an increase in the contract price by \$6,621.00; **AND**,

**WHEREAS**, there were additional charges incurred by the engineer in the amount of \$7,343.88

**WHEREAS**, the execution of this Change Order will result in a total net increase in the contract of \$1,510.68 and final contract price of \$101,360.68, **AND**

**WHEREAS**, the Town has sufficient funds remaining from the BAN taken after Hurricane Irene to pay for these costs which total \$13,964.88;

1. The Town Board authorizes the Town Supervisor to sign Change Order #3 for an increase in the Contract Price of \$6,621.00.
2. The funds for this change order and additional engineering fees are to be paid out of the funds supplied by the Hurricane Irene BAN.

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

**Five ayes carried.**

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

**WHEREAS**, a local law, being proposed as Local Law No. H – 2012, was introduced at this meeting as follows: Local Law No. H – 2012, a local law to revise Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands, Waterbodies and Watercourses Law” (copy of Local Law attached); 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 Board, with the Board assuming lead agency to do all necessary reviews in the matter; and

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

**NOW, THEREFORE**, it is 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 15th day of August, 2012 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 \_\_\_\_ - 2012**

**A local law to amend Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands”**

**Section 1.**



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Chapter 62 of the Code of the Town of Lloyd entitled "Freshwater Wetlands" is hereby amended by deleting the current Chapter 62 in its entirety and enacting a new Chapter 62 as follows:

"Freshwater Wetlands, Waterbodies & Watercourses

Table of Contents

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APPENDIX

Table 1 – Minimum Associated Buffer/Adjacent Areas

Table 2 – Regulated Activities in Freshwater Wetlands (less than 12.4 acres) and within their Associated Buffer/Adjacent Areas

Table 3 – Regulated Activities in Freshwater Wetlands and Watercourses and within their Associated Buffer/Adjacent Areas.

**§ 62-1. Title.**

This chapter shall be known and may be cited as the "Freshwater Wetlands, Waterbodies & Watercourses Law" of the Town of Lloyd.

**§ 62-2. Definitions.**

The terms, phrases, words and their derivatives used herein shall have the meanings given in the Environmental Conservation Law Article 24 - Freshwater Wetlands § 24-0107 Definitions of the State of New York, which is hereby incorporated by reference as fully as if set forth herein, along with any amendments thereto.

In addition, definitions noted in Chapter 60 – "Flood Damage Prevention" of the Town of Lloyd shall apply to this chapter as appropriate.

Other terms, phrases or words used herein shall have the following meanings:

ADJACENT AREAS, also known as "associated buffer areas" and "buffer areas", are defined as a regulated area surrounding or adjacent to wetlands, watercourses or water bodies which provide benefits important in maintaining their functional integrity and protection from human activity or other encroachment associated with regulated activities.

BANK – The land immediately adjacent to and which naturally slopes toward the bed or channel of a watercourse and which is necessary to maintain the integrity of the watercourse.

BERMING - The process of building up the watercourse banks higher than the surrounding floodplain elevations to contain water in the channel.

CLEARING - Destruction and removal of areas of vegetation by manual, mechanical, biological or chemical means and methods.

DISCHARGE – The emission of any non-potable water, substance or material into as regulated area.

DRAIN – To deplete or empty water by drawing off by increments.

DREDGE – To excavate, move or remove sediment, soil, mud, shells or other earthen materials by hand or machine.

ENVIRONMENTAL CONSERVATION COMMISSION (ECC) – The Environmental Conservation Commission of the Town of Lloyd.

EXCAVATE – See "Dredge".

FILL (FILLING) – Placing material in a regulated area so as alter its topography, its bottom elevation if submerged, its aquatic function and/or its natural flow.

GIS – Geographic Information Systems Technology

GRADING – To adjust the degree or inclination of the contours of the land, including leveling, smoothing, and other modifications of the land surface by any means, including filling or excavation.

NYCRR – New York Code of Rules and Regulations

NYSDEC – New York State Department of Environmental Conservation

ROUTINE MAINTENANCE AND LANDSCAPING – The mowing, weeding, cultivating, planting and trimming of vegetation, or removal of dead or diseased trees in natural or improved landscaped areas.

STRUCTURE – Anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on the ground, including but not limited to buildings, septic systems, water wells, recreation courts, sheds, storage bins, reviewing and display stands, platforms, towers, walls, fences, swimming pools, gasoline pumps, billboards, satellite dishes, signs, mobile dwellings, bridges, roads, and impervious surfaces.

WATERBODY – A regulated area that comprises any natural or artificial pond, lake or other area which usually or intermittently contains water and which has a discernable shoreline. Regulated waterbodies do not include detention, retention or infiltration basins used for stormwater pollution prevention purposes. The boundary determination of a waterbody shall be based on the location of its banks. A waterbody must have an area greater than 1/10 acre to be regulated under this chapter.

WATERCOURSE – A regulated area that comprises any natural, permanent, seasonal or intermittent channel or water segment, streams, brooks, creeks or other naturally occurring impoundments within such channels or other waterways that are contained within flow through or border the Town of Lloyd. A watercourse contains a discernable channel, bed, banks and/or berm. It usually flows in a particular direction. Artificial water segments such as swales and ditches shall not be considered regulated areas.

WETLAND DELINEATOR – An individual who has met all the prerequisites and testing requirements of the U.S. Army Corps of Engineers Wetland Delineator Certification Program and 6 NYCRR Part 664, Freshwater Wetlands Regulations. The Wetland Delineator is able to submit wetland

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delineations to the U.S. Army Corps of Engineers and NYSDEC, and to receive expedited reviews and decisions as to the completeness and accuracy of the delineation.

WETLAND INSPECTOR – The agent or Town employee as appointed by the Town Board to fill the designated enforcement and permit processing responsibilities as set forth in this chapter.

**§ 62-3. Legislative intent.**

- A. The Town of Lloyd finds that freshwater wetlands, waterbodies and watercourses are invaluable resources for flood protection, wildlife habitats, open space, water resources and recreation and other benefits associated therewith which, if preserved and maintained in an undisturbed natural condition, constitute important assets to existing and future residents of the community.
- B. It is the intent of the Town Board to protect the health, safety and well-being of the citizens of the Town of Lloyd and of property therein by preventing the despoliation and destruction of wetlands, waterbodies, watercourses and associated buffer areas, recognizing their varying ecological, water quality, flood protection and recreational values consistent with the general welfare and beneficial economic, social and agricultural development, and exercising its authority pursuant to Article 24 of the State Environmental Conservation Law, as amended.
- C. Whenever it is in the interest of public health and safety and to protect public and private property from damages caused by floods and other natural disasters, it is further the intent of the Town Board to allow and permit Town Forces to enter upon private lands to inspect damages, to clear and remove debris from watercourses and to construct flood control facilities within the Town jurisdictional boundaries.

**§ 62-4. Statutory authority.**

In accordance with the Municipal Home Rule Law of the State of New York, the Town Board of the Town of Lloyd has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety and welfare of the Town of Lloyd and for the protection and enhancement of its physical environment. The Town of Lloyd may include in any such local law provisions of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

**§ 62-5. Regulated areas.**

Regulated areas protected under this chapter include the following:

- A. Associated buffer areas
- B. Banks
- C. Intermittent watercourses, with an associated buffer area of 25 feet as measured horizontally from each bank of the watercourse
- D. Perennial watercourses, with an associated buffer area of 25 feet as measured horizontally from each bank of the watercourse
- E. Quality vernal pools, with an associated buffer area of 25 feet as measured horizontally from each bank of the watercourse
- F. Waterbodies, with an associated buffer area in accordance with Table 1 of the appendix
- G. Freshwater wetlands, together with an associated buffer area in accordance with Table 1 of the appendix
- H. NYSDEC designated freshwater wetlands, together with an associated adjacent/buffer area of 100 feet.

**§ 62-6. Regulated activities.**

Activities that have the potential to cause substantial adverse effects in regulated areas as defined herein shall include, but not be limited to those activities listed in Tables 2 and 3 of the appendix to this chapter.

**§62-7. Pre-existing and other lawful actions.**

- A. Provisions of this chapter shall not apply to pre-existing conditions, including uses and structures lawfully approved and/or constructed prior to the effective date of this chapter.
- B. Pre-existing activities as numerated in Tables 2 and 3 in the appendix of this chapter shall not be expanded, changed, enlarged or otherwise altered. Should pre-existing activities or uses be discontinued for a period of more than one (1) year, such activity shall no longer be permitted.
- C. The Town Highway Department shall be permitted to be exempt from the provisions of this Chapter where public highways are threatened and where corrective activities are needed for the safety, health and welfare of the general public. Such corrected activities shall include clearing, routine maintenance, landscaping, grading of shoulders, adding of clean compacted controlled granular fill as defined by the New York State Department of Transportation, re-paving of roadways, and other activities required to keep public highways safe.
- D. Prior to the adoption of a resolution pursuant to Town Law Section 64(11-a), the Town shall make a reasonable attempt, under the circumstances, to obtain permission from the landowner, or person authorized to grant said permission, to enter upon the private property, pursuant to a release and/or easement agreement.
- E. Whenever it is in the interest of the public health and safety, and to protect public and private property from damages caused by floods and other natural disasters, the Town Board, upon resolution adopted pursuant to Town Law Section 64(11-a) and/or Highway Law Section 147, may authorize the Town Highway Department and/or their assignees to enter upon private lands to inspect damages, to clear and remove debris from watercourses and to

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construct flood control facilities and to conduct such other activities as are allowed by law within the Town jurisdictional boundaries. After entry upon private lands for any of the reasons set forth herein, the Town Highway Department and/or their assignees will return the property as nearly as practicable to the condition it was in prior to the Highway Department and/or their assignees' entry thereon.

**§62-8. Permit application.**

- A. Any person proposing to conduct a regulated activity upon any freshwater wetland, waterbody or watercourse shall file an application for a permit with the Building Inspector on the form provided by the Building Inspector. Determination of the application shall be made by the Building Inspector in accordance with applicable law. Such application shall include the following:
- (1) A detailed written description of the proposed activity;
  - (2) A map with GIS coordinates showing the area of freshwater wetland, waterbody or watercourse directly affected;
  - (3) The location of the proposed activity thereon; and
  - (4) The names of the owners of record of land or water rights adjacent to or within 100 feet of the wetland, waterbody or watercourse in question.
- The applicant shall, immediately upon filing such application, publish at the applicant's own expense, a notice of such application at least once in the official Town newspaper and shall file proof of publication with his application prior to any hearing by the Zoning Board of Appeals of the Town of Lloyd. The Building Inspector shall notify all local governments within which the proposed activity is located by sending a copy to the Clerk of such local government of the application.
- B. A permit approved by the Town does not relieve the applicant of the necessity to obtain authorization from other agencies which have jurisdiction over the project proposal, whether federal, state or local.

**§ 62-9. Administration of permit application.**

- A. Preparation of public hearing.
- (1) No sooner than 30 days and not later than 60 days after the receipt of such application, and after notice of application has been published by the applicant at least once in the official Town newspaper, the Town of Lloyd Zoning Board of Appeals shall authorize and conduct a public hearing on such application. The Chairman of the Zoning Board of Appeals shall cause notice of such hearing to be published at least once in at least two newspapers having a general circulation in the area where the affected freshwater wetland is located. The notice of hearing shall be published not more than 28 days nor less than 14 days prior to the date set for the hearing. The Chairman of the Zoning Board of Appeals shall also notify all owners of record of adjacent land and lands within 100 feet of the wetland, waterbody or watercourse in question and known claimants to water rights by sending a copy of the notice of hearing by registered mail not less than 15 days prior to the date set for the hearing. To the greatest extent practicable, such hearing shall be incorporated with other public hearings required by the Town or environmental conservation laws. The burden of proof in such hearing is on the applicant.
  - (2) The Town through its Zoning Board of Appeals may dispense with a public hearing if no notice of objection has been filed or if the Zoning Board of Appeals finds that the proposed activity is of such a minor nature as not to affect or endanger the balance of systems within the freshwater wetland, waterbody or watercourse. If the Zoning Board of Appeals finds that a hearing is not necessary, it shall, on behalf of the Town of Lloyd, publish its decision setting forth its reasons therefore.
  - (3) In granting, denying or limiting any permit, the Zoning Board of Appeals shall consider the effect of the proposed activity with reference to the public health and welfare, fishing, flood, hurricane and storm dangers and protection or enhancement of other functions of the freshwater wetlands, waterbodies or watercourses and the benefit derived therefrom, along with all items set forth in the Environmental Conservation Law § 24-0705, and amendments thereto. In no case shall a permit be issued which does not meet the standards set forth in land use regulations adopted pursuant to the Environmental Conservation Law § 24-0903, and to this chapter, and/or is inconsistent with the policy set forth in the Environmental Conservation Law § 24-0103. The Board must make written findings and reasons on each application.
- B. If permit application is denied or approved. If a permit is approved, approved with conditions or denied, and the decision is unacceptable to any person after public hearing, an appeal may be made to the New York State Freshwater Wetlands Board of Appeals, in a manner consistent with the Environmental Conservation Law § 24-0705 and Article 11 of said law. Subsequent appeal and review may be made in accordance with Article 78 of the New York State Civil Practice Law and Rules.
- C. The permit applicant or his agent proceeding with approved operations shall carry on his person or have readily available the approved permit and shall show same to the Building Inspector or any of the Building Inspector's agents whenever requested.
- D. Operations conducted under a permit shall be open to inspection at any time by the Building Inspector.

**§ 62-10. Compliance with conditions required.**

- A. The permit applicant, upon approval of the permit, shall file with the Building Inspector a performance bond, if required, in an amount and with sureties and in a form approved by the Zoning Board of Appeals.
- B. The bond and sureties shall be conditioned on compliance with all provisions of this chapter and conditions imposed on permit approval.
- C. The applicant shall certify that he has public liability insurance against liability which might result from proposed operations or use covering any and all damage which might occur within three years of completion of such operations.
- D. The applicant shall also submit to the Building Inspector an affidavit which indemnifies and saves harmless the Town or agency or agent thereof from any claims arising out of or connected with operations under the permit and from all acts, omissions, commissions or negligence on the part of the applicant, his agents or employees.
- E. The Zoning Board of Appeals shall reserve the right to require a permit or license fee for any operation or uses permitted pursuant to this chapter.

**§ 62-11. Penalties and corrective action.**

- A. Administrative sanctions.
  - (1) Any person, firm, corporation or entity found violating any provision of this chapter or conditions imposed by the Zoning Board of Appeals upon an approved permit shall be served with a written notice stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action shall be taken by the violator. Such notice shall be prepared and served by the Building Inspector, who shall be the enforcement officer hereunder.
  - (2) Any person who violates, disobeys or disregards any provision of this chapter shall be liable to the Town of Lloyd for a civil penalty not to exceed \$3,000 for every such violation, to be assessed after a hearing or opportunity to be heard upon due notice by and before the Town of Lloyd Board of Appeals and with the rights to specification of the charges and representation by counsel at such hearing.
  - (3) The Town Zoning Board of Appeals shall have the power, following a hearing, to direct the violator to cease his violation of the act and satisfactorily restore the affected freshwater wetland, waterbody or watercourse to its condition prior to the violation and may suspend or revoke the permit issued for the wetland affected by the violation or breach of condition.
  - (4) Any civil penalty or order issued by the Zoning Board of Appeals shall be reviewable pursuant to the Civil Practice Law and Rules.
- B. Criminal sanctions.
  - (1) Any person who violates any order of the Town Zoning Board of Appeals or the Building Inspector in the regulation of freshwater wetlands, waterbodies or watercourses shall, for the first offense, be guilty of a violation punishable by a fine of not less than \$500 nor more than \$1,000. Jurisdiction is hereby given to the Town of Lloyd Justice Court in addition to the County and Supreme Courts of Ulster County for trial of such violations.
  - (2) For a second and each subsequent offense, he shall be guilty of a misdemeanor punishable by a fine of not less than \$1,000 nor more than \$2,000 or a term of imprisonment of not less than 15 days nor more than six months, or both, and the jurisdiction shall be in such courts as are set forth in Subsection B (1) above.
  - (3) The Town Board shall have the power to retain an attorney for the Town, who shall prosecute persons alleged to have violated the provisions of the law and shall seek equitable relief to restrain any violation or threatened violation of its provisions.

**§ 62-12. Conflict and termination.**

All ordinances and local laws or parts of ordinances and local laws in conflict herewith are preempted by this chapter, except that any amendments to Chapter 100, Zoning, which regulate freshwater wetlands, waterbodies or watercourses thereafter shall supplement and assist in implementation of this chapter, if and when such amendments are finally adopted.

**§ 62-13 When effective.**

This chapter shall take effect upon the filing of it pursuant to the Municipal Home Rule Law, but its enforcement shall be delayed until the filing of the final County Freshwater Wetlands Map in the offices of the Ulster County Clerk and the Town Clerk of the Town of Lloyd.

APPENDIX to Chapter 62

Table 1 – Minimum Associated Buffer/Adjacent Areas

Item	Freshwater Wetland and/or Waterbody Size	Minimum Width of Associated Buffer/Adjacent Area	Remarks
1.	1/10 to 1 acre	15 feet	Note 1
2.	1 to 5 acres	25 feet	Note 1
3.	5 to 10 acres	50 feet	Note 1

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4.	10 to 12.4 acres	75 feet	Note 1
5.	Greater than 12.4 acres	100 feet	Note 2

Note 1: Freshwater wetlands and waterbodies are regulated by Section 404 of the Clean Water Act permit program and the provisions of this Chapter, whichever is more stringent. For a list of regulated activities within freshwater wetlands and waterbodies and their associated buffer/adjacent area, see Tables 2 and 3 herein.

Note 2: Freshwater wetlands and waterbodies greater than 12.4 acres in size are regulated by NYSDEC and the provisions of this Chapter, which ever is more stringent. For a list of regulated activities within freshwater wetlands and waterbodies and their associated buffer/adjacent area, see Tables 2 and 3 herein.

Table 2 – Regulated Activities in Freshwater Wetlands (<12.4 acres) and within their Associated Buffer/Adjacent Areas

Item	Description of Activity	During Growing Season	During Dormant Season	Notes
		April 15 to October 15	October 16 to April 14	
1.	Mining, dredging, excavation or grading of any kind, either directly or indirectly	Not Permitted	Not permitted	
2.	Dumping, filling or depositing of soils or rubbish of any kind, either directly or indirectly	Not Permitted	Not Permitted	
3.	Erecting or construction of any structure including roads, driveways and those which require a building permit	Not Permitted	Not Permitted	
4.	Berming, channelization, draining or ditching of any kind, whether or not such effect the ebb or flow of water	Not Permitted	Not Permitted	
5.	Introduction of untreated sewage effluent, runoff from pesticides, fertilizers, herbicides, fuels or chemicals	Not Permitted	Not Permitted	
6.	Introduction of any influence of high thermal content	Not Permitted	Not Permitted	
7.	Installing of septic disposal or swimming pool drainage systems or piping for same	Not Permitted	Not Permitted	Note 1

8.	Withdraw of 2,500 gallons of water per day for more than 7 days in the course of a year which may have an effect on the volume or flow water in the wetland	Not Permitted	Not Permitted	
9.	Clearing, routine maintenance and landscaping	Not Permitted	Permitted in associated buffer area only	Note 2
10.	Removal or displacement of beaver dams & impoundments	Not permitted, except as permitted by law	Not permitted, except as permitted by law	Note 3
11.	Any activity that is determined by the Wetland Inspector (with concurrence of the Planning Board) that such activity will have an adverse impact on any regulated area.	Not Permitted	Not Permitted	

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Note 1: Treated effluent from a properly operated constructed wetland with <30 mg/liter BOD, <25 mg/liter TSS, and <10,000 cfu/100mL fecal coliform bacteria may be allowed with a permit from NYSDEC.

Note 2: Grass lawns to be maintained at a height between 6 and 12-inches. Cut vegetation and debris to be removed from the buffer area. Culverts and outlets to be kept clear to prevent localized flooding.

Note 3: Beaver impoundments may be removed wherever existing structures, roads or driveways are impacted or threatened.

Table 3 – Regulated Activities in Waterbodies and Watercourses and within their Associated Buffer/Adjacent Areas

Item	Description of Activity	During Growing Season	During Dormant Season	Notes
		April 15 to October 15	October 16 to April 14	
1.	Mining, dredging, excavation or grading of any kind, either directly or indirectly	Not Permitted	Not Permitted	Note 1
2.	Dumping, filling or depositing of soils or rubbish of any kind, either directly or indirectly	Not Permitted	Not Permitted	
3.	Erecting or construction of any structure including roads, driveways and those which require a building permit	Not Permitted	Not Permitted	Note 1
4.	Berming, channelization, draining or ditching of any kind, whether or not such effect the ebb or flow of water	Not Permitted	Not Permitted	

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

**Five ayes carried.**

**K. RESOLUTION** made by Brennie, seconded by Paladino, to award the contract to Empire Today Flooring for the replacement of carpets in certain downstairs offices within the Town Hall at a cost of \$5,286.00, the lowest quote received, and authorize the Supervisor to sign the contract.

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

**Five ayes carried.**

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

**WHEREAS**, a local law, being proposed as Local Law No. I – 2012, was introduced at this meeting as follows: “Local Law No. I – 2012, a local law to amend Chapter 92 of the Town of Lloyd Code to increase the maximum exemption allowable under Sections 458-a and 458-b of the Real Property Tax Law to provide increased levels of exemption amounts for certain owners eligible for the Alternative Veterans’ Exemption and the Cold War Veterans’ Exemption. (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 15<sup>th</sup> day of August, 2012 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 I - 2012**

**A LOCAL LAW TO AMEND CHAPTER 92 OF THE TOWN OF LLOYD CODE TO INCREASE THE MAXIMUM EXEMPTION ALLOWABLE UNDER SECTIONS 458-a AND 458-b OF THE REAL PROPERTY TAX LAW TO PROVIDE INCREASED LEVELS OF EXEMPTION AMOUNTS FOR CERTAIN OWNERS ELIGIBLE FOR THE ALTERNATIVE VETERANS’ EXEMPTION AND THE COLD WAR VETERANS’ EXEMPTION**

Section 1

The Town hereby intends to grant owners eligible for the Alternative Veterans' Exemption the maximum allowable property tax exemptions, pursuant to Real Property Tax Law Section 458-a, and owners eligible for the Cold War Veterans' Exemption the maximum allowable property tax exemption, pursuant to Real Property Tax Law Section 458-b.

Section 2

Section 92-7 (D) of the Town Code, in Chapter 92, is hereby repealed and the following sub-section enacted in its place: "(D). The maximum exemption allowable under RPTL Section 458(2)(d), as allowable in paragraphs (a), (b) and (c) of said subdivision shall be, \$36,000.00, \$24,000.00 and \$120,000.00, respectively."

Section 3

Section 92-25 of the Town Code, in Chapter 92, is hereby repealed and the following sub-section enacted in its place:

"Section 92-25. Exemption adopted; legislative authority; amount of exemption.

The Town of Lloyd adopts the exemption for Cold War Veterans pursuant to Real Property Tax Law (RPTL) Section 458-b. The maximum exemptions allowable from Town real property taxation, pursuant to Section 458-b of the Real Property Tax Law shall be fifteen percent (15%) of the property's assessment, not to exceed \$36,000.00 multiplied by the latest final State equalization rate for service during the Cold War and the percentage of the property's assessment equal to one-half of any service-connected disability rating, not to exceed \$120,000.00 multiplied by the latest final State equalization rate."

Section 4

Section 92-29 of the Town Code, in Chapter 92, is hereby repealed and the following sub-section enacted in its place:

"Section 92-29. Application/Duration of Exemption.

Application for exemption shall be made by the owner or all of the owners of the property in the Assessor's office on or before the first appropriate taxable status date. The exemption shall continue in full force and effect for all appropriate subsequent tax years, and the owner or owners of the property shall not be required to re-file each year. Applicants shall be required to re-file on or before the appropriate taxable status date if the percentage of disability increases or decreases, or may re-file if other changes have occurred which affect qualification for an increased or decreased amount of exemption."

Section 5

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

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

**Five ayes carried.**

**M. RESOLUTION** made by Brennie, seconded by Paladino, to approve the Town of Lloyd Policy on Cash Disbursements:

Town of Lloyd  
Policies and Procedures  
Cash Disbursements

**Original policy July 18, 2012**

This document has been developed by the Town of Lloyd Town Board in order to provide policies and procedures for Cash disbursements sent by the Supervisor's office.

**History**

In 2011, when the Town of Lloyd was audited by the State Comptroller's office it was suggested that a written policy be created to ensure that the funds are safeguarded and used the way they were intended.

**Changes in Policy**

This manual supersedes all previous employee manuals and memos.

While every effort is made to keep the contents of this document current, the Town of Lloyd reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

**Policy Statement**

The Bookkeeper for the Town of Lloyd processes payroll on a biweekly basis. Time sheets are due on the day that payroll is processed. A schedule of dates is provided to the departments at the beginning of the year. A memo is sent out for exceptions due to unforeseen circumstances.

Some employees receive direct deposit of their payroll into their bank accounts rather than receiving a check from the Town. The Federal Tax Deposit is made

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electronically via EFTPS (Electron Federal Tax Payment System) the payment is pulled from the Town's account the day after the online form is completed. The New York State tax deposit is also pulled from the Town's account the day after the online form is completed on NY PromptTax website.

The Town also provides a Choice Card for employees with the High Deductible MVP health plan and with this product a pool of money needs to be available to take payments from daily. A separate account is kept with the allocated funds to make these payments and is replenished by voucher when the need arises.

Vendor payments are sent out once a month after they claims are approved at the regular Town Board meeting each month. The claims are required to follow the procurement policy for the Town.

Vendor payments are processed monthly. Within the first few days of the month a check run is done for the "Prepays" which include utility bills or anything that may result in a late fee if it waits for the regular meeting. Between the time of the Workshop meeting and the Regular Town Board meeting the abstract is created from the claims that have been submitted to that date. The Board as a whole then reviews the claims and signs the abstract for approval of payment. Once the abstract is signed, the check numbers are printed on the claims they are given to the Town Clerk's office for numbering and storing.

#### **Segregation of Duties**

The department head is the first one to get a claim, they determine if it is legitimate and code appropriately and submit to the Board for approval. Two town board members then review the claim and sign the voucher. The claim is then given to the Bookkeeper to prepare the abstract and give to the Board. The Board as a whole then reviews the claims and signs the abstract. Another employee then puts the check numbers on the claims and mails the checks. Then the Town Clerk's office numbers the vouchers and the abstract. This process provides the best way to ensure that the taxpayer funds are allocated and paid according to the way that were received and to reduce the chance of inappropriate allocation of funds.

#### **Prohibited Interest**

The Town Board is aware that those who have outside business interests that work with the Town have an allowance of \$750. They are aware that they are responsible for keeping under this allowance each year.

**N. RESOLUTION** made by Brennie, seconded by Paladino, to approve the Town of Lloyd Policy on Cash Receipts:

Town of Lloyd  
Policies and Procedures  
Cash Receipts

Original policy July 18, 2012

This document has been developed by the Town of Lloyd Town Board in order to provide policies and procedures for Cash receipts received by the Supervisor's office.

#### **History**

In 2011, when the Town of Lloyd was audited by the State Comptroller's office it was suggested that a written policy be created to ensure that the funds are safeguarded and used the way they were intended.

#### **Changes in Policy**

This manual supersedes all previous employee manuals and memos.

While every effort is made to keep the contents of this document current, the Town of Lloyd reserves the right to modify, suspend, or terminate any of the policies, procedures, and/or benefits described in the manual with or without prior notice to employees.

#### **Policy Statement**

The Town Clerk is the Collector of Taxes for the Town of Lloyd and collects the Tax money from the Townspeople and distributes it to the Supervisor's office when requested. Once the Bookkeeper receives the funds they are then deposited into the appropriate fund's account. It is either deposited in the fund's investment account or the checking account depending on how the cash is needed.

The Town Clerk receives funds from the public and departmental income daily. At the end of the month, the Town Clerk writes a check to the Supervisor for the funds that are departmental income for the budget that corresponds with the monthly Town Clerk report.

The Bookkeeper for the Town of Lloyd records the revenues from the Town Clerk as a receivable at the end of the month before a check is received from the Town Clerk in the following month. Once the Town Clerk checks her report against the bank statement to check for returned checks for insufficient funds, a check is cut to the



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Supervisor. The Bookkeeper then deposits the funds in the appropriate account as the Town Clerk report dictates and makes any changes if need be from the receivable revenues that were recorded.

All checks that are received for Planning Board, Construction or Rezoning Escrow accounts are given to the Bookkeeper with a memo describing the name of the project and which account it belongs in. Then the Bookkeeper sends monthly statements to the department to show activity in Escrow accounts and to make sure the accounts agree with the department accounting.

Any other payments that are received by the Bookkeeper during a month are copied and recorded in the Bookkeeping Binder and deposited into the appropriate account for the payment then entered on the bookkeeping system software to also show the revenues.

At the end of each month a Supervisor's report is created using the Revenue and Expenditure Reports from the bookkeeping software to show where the budget stand at that time. This report is distributed to all Town Board members and all departments.

#### **Segregation of Duties**

Because of limited staff of the Town of Lloyd there is no way that the deposit slip can be prepared by one person and deposited by another person in the Supervisor's office.

*Supervisor thanked Karen McPeck, Bookkeeper and Elaine Rivera, Deputy Supervisor, for preparing the procedure.*

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

**Five ayes carried.**

- O. RESOLUTION** made by Brennie, seconded by Guerriero, to renew the standard maintenance contract with Peak Power for two Katolight generators, Model #CNL25PG6 (serial # 176615-1-10708 and 176615-1-20708) for an annual amount of \$627.00 for generators at Chapel Hill Road lift station and Mayer Drive lift station and authorize the Supervisor to sign the same.

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

**Five ayes carried.**

- P. RESOLUTION** made by Brennie, seconded by Guerriero, to upgrade the current phone systems at the Town Hall, the Highway Department and the Water Department with the Cornerstone SMART Plan for a total of \$937.18 with a total monthly savings of \$296.57 and authorize the Supervisor to sign the same.

*Supervisor explained this system will allow calls to be rolled over to the Town Hall if there is no one at Highway Department or the Water Department.*

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

**Five ayes carried.**

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

**WHEREAS**, the Town of Lloyd (the "Town") is proposing to reconstruct the intersection of Tillson Avenue/Toc Drive and Vineyard Avenue and Tillson Avenue from Route 9W to Vineyard Avenue in the Hamlet of Highland, in the Town of Lloyd, Ulster County, New York (the "Project"); and

**WHEREAS**, on September 22, 2010, the Town Board authorized an initial contract for Design, Engineering and Right of way work with Barton and Loguidice, P.C. (the "Engineer"); and

**WHEREAS**, on January 4, 2012, a public information meeting was held at the Lloyd Town Hall to provide an opportunity for the public to review and comment on the proposed project plans including the roundabout alternative and Tillson Avenue widening to the south; and

**WHEREAS**, on June 13, 2012, the Town Board adopted a resolution selecting the roundabout alternative as the alternative that best satisfied the project objectives of safety improvements at the subject intersection; and that the option to widen Tillson Avenue to the south to accommodate the multi-use path as the option that best satisfied the project objectives; and

**WHEREAS**, The Town understands that the additional funds required for the project Design, Survey, Right of Way mapping and Acquisitions, and construction will be appropriated through the Ulster County Transportation Council (UCTC) as part of the Transportation Implementation Plan (TIP) (80%) and the NYS Department of Transportation (NYSDOT) Marchiselli Funds (15%), and a 5% Local (Town of Lloyd) Share; and

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**WHEREAS**, the Town understands that the total project costs are being conservatively estimated at \$6.3M in 2014-2015 dollars, which includes approximately \$230,000 in property acquisitions; and the Town's share is approximately \$315,000; and

**WHEREAS**, on July 18, 2012, the Town Board wishes to authorize a contract supplemental (Supplemental No.1) for the work involved with the preliminary and final design of a modern roundabout, additional retaining wall design along Tillson Avenue, additional survey, and the work associated with the survey and preparation of seventeen (17) additional property right of way maps, their title searches, appraisals, and deed research with Barton and Loguidice, P.C. (the "Engineer") and their sub-consultants for a sum of no more than \$218,000; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the Town Supervisor to enter into a supplemental contract (Supplemental No. 1) with Barton and Loguidice, P.C. (the "Engineer"); for the design services listed above, contingent upon the confirmation from the UCTC and NYSDOT of the funding as mentioned above.

*Tom Baird, Barton & Loguidice, stated that this agreement outlines some of the additional costs for expanding the project to include the roundabout alternative; part of that is \$72,000 for right-of-way sub-consultant to perform the acquisition process, closings, appraisals, etc. There is \$58,000 for survey and right-of-way mapping in addition to the original contract. The remainder is the increase in design services that come with the much more complicated roundabout alternative. The total supplemental is \$218,000 and the original was \$428,000.*

*Litts noted that was an increase of about 50% with which Baird concurred.*

*Baird said that the number of property impacts have been increased from four to twenty-one; 36 different operations temporary easements and permanent easements. The maps need deed research done and some of the funds are for his firm to do some of the work. They have estimated that the construction will cost \$4.9-million which is about a \$650,000 to \$700,000 increase over the original numbers of a month ago. This is because of conversations with Ulster County Transportation Council and the Supervisor is to make sure that there is enough money to construct the project. It is no problem to give it back to the Transportation Council but it is a problem to be \$200,000 short and wait a whole year for more funds. The project is estimated at \$6.2-million total; there is \$240,000 in the actual dollars that will be transferred from the funding to property owners.*

*Litts asked if the property takings are only for the roundabout or if it was germane to all of the alternates.*

*Baird replied that it is germane to all of the alternates, there is slightly more for the roundabout; primarily the two properties on the Toc Road side of Vineyard Avenue.*

*Supervisor understood that those property owners were going to donate the property.*

*Baird said that by law they have to be offered a dollar amount settlement which they can refuse; however, if the deal is for public benefit and the DOT right-of-way staff on behalf of federal right-of-ways administration agrees that it does not have a major impact on the property, they will use the condemnation process to obtain the property. As they are willing sellers it allows the design process and the preliminary design process to move ahead and save about a year's time.*

*Supervisor said he understood that the DOT is willing to pay for some of the costs.*

*Baird said that there is a discrepancy between the money that is shown on Ulster County's records and what is shown at DOT; he sent updated information to UCTC today. He calculates that the project is about \$34,000 short for the preliminary design process. The DOT has programmed \$525,000 for the design. They estimated that it would be \$568,000 including the extra survey and some of the extra design work that goes with the roundabout. He has been in contact with DOT roundabouts and they did mention that in working with Region 8 there will be multiple meetings, multiple iterations and submissions. There is \$43,000 more for design than the DOT has in their figures. Funding has been increased for right-of-way incidentals up to \$77,000, they show \$82,000 and he feels that they can work that out with the sub. Based on the TIP, UCTC, there is a \$260,000 shortfall; on the DOT's agreement with the Town it is an \$85,000 shortfall. It may be a miscommunication or a missing piece of paper between the two. He recommends that the agreement is not signed until the funding is straightened out with Dennis Doyle. He added that there is a problem because the federal fiscal year ends in the end of August for this. There is money that has not been spent which can be appropriated to the project but this has to be done by the end of August. The DOT would like this agreement to move ahead. The Town's agreement right now is \$550,000 with DOT that covers the right-of-way incidentals and the preliminary design, total shortfall for that is about \$100,000. There is a significant difference in difficulty in designing the roundabout in this*

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location than a standard intersection. The design report preliminary design phase is important to DOT and in his experience they are particular in the details so there is a larger portion of the design money spent in preliminary design to iron it out to a level that is necessary beyond what is necessary for approval.

Supervisor said that he was at the last UCTC meeting and they were excited that the roundabout option was chosen and Dennis Doyle did say that when the Town got the information he would go over it. The County Executive also called him to say whatever the County can do to help with this project they will do it.

Litts read that Resolution Q. stated that the project is conservatively estimated at \$6.3-million and asked what the total funding allocation is at this time. He understands that they are trying to seek additional funding but noted that \$2.4-million is more than a third of the cost of the project.

Baird said that the original funding program was done in 2006.

Litts said that the figure now is \$3.9-million and the Town has to find a way to increase the funding and there is not a lot of money out there. He feels that the project was a million less than it is today a month ago and by the time it is built, probably more than \$6.3-million. He feels that money should be appropriated that the Town can handle in the event that the Town does not get the funding. It is \$3.9-million and the Town needs another \$2.4-million. That is a lot of tax money.

Baird cautioned that it is in the resolution that if the funding is not available the Town will go to other things the roundabout does not get built.

Litts agreed and said if the Town does not get the money, it does not get built and if it does not get built, the Town has to reimburse the state and federal governments the \$200,000 that they have given the Town and the Town gets nothing, not even an alternate.

Guerriero asked if the cost overruns are included.

Baird replied that there is \$750,000 in extra construction costs for which he believes that the roundabout can be built; what will be built will be appropriate, satisfies the project objectives and is the best fit for the Town. He feels that it will not come to that amount of money for construction costs; however, it is possible that the project is pushed out to 2015. Region 8 DOT has just stated that they are a year behind in approving right of way. After the paperwork is submitted to them we have a 12-month wait before it gets approved and that could push the project to 2015. Design reports are submitted for review and are typically six to eight months in review time; we may not get it back until February. It doesn't happen in other regions that are not as swamped as Region 8 which includes downstate and Westchester. He can let the Board know of the reality of what can happen and will do everything he can to expedite it. He hoped Litts could help get things through the process more quickly. He said he felt that it was good to have a cushion in the cost due to the unknown in fuel and materials. The federal highway bill was just passed last week which might provide an influx of money into the system. They did get \$51,000 in a matter of days to cover the incidental costs from projects that did not come to fruition and won't by the fiscal year; this project was moved up two years because of projects that did not happen. He feels that the project will get done without too much trouble.

Supervisor added that whether it is \$6.3-million for the roundabout or \$4.5-million for the two-way stop sign without the traffic light and the Town would still be short on that, the Town is still responsible for 5% of the \$6-million. He reiterated that \$250,000 is coming from Mountainside Woods so the cost to the Town would be approximately \$50,000.

Baird interjected that it would be \$50,000 to \$65,000 and if the roundabout does not go through, you just go to a lesser alternative and use the funds that you have.

Litts said that the Town is paying 5% of a capped 3.9.

Baird explained that the transportation enhancement programs, such as Hudson Valley Rail Trail West are capped projects. This project is not a cap. These are funds set aside in 1999 and adjusted in 2006 and then adjusted two years ago with the previous administration. He developed what he thought was the cost in today's dollars and feels that it was a good guess to go up only \$43,000 in the design of the roundabout. It was known that the project was short funds two years ago when it was moved up because it was planned four years out and ended up to be two years.

Litts asked to get this cleared up as the funding for this project is \$3.9-million.

Baird agreed that was current program funding.

Litts asked if it went to bid today and the project came in at \$4.1-million who would pay the extra \$200,000 above the \$3.9-million.

Baird said if the engineer's estimate was above \$3.9-million, the project would not go to bid.

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*Litts said NYS and the federal government expect the Town to pay 5% of \$3.9-million until that additional money gets allocated. The Town should not to go to bid if it is \$5.4 million and the Federal government is giving the Town \$3.9-million. It is not 5% of whatever the project costs; it is 5% of the funding that the state and federal government affixes or appropriates to this project.*

*Baird reiterated the goal is to get that extra money.*

*Litts gave the example of the City of Kingston and the cost of \$160,000 for extra curbing for a project coming out of the City budget because it was not part of the appropriation of that project in the federal and state money. The federal government said if the mayor wanted additional bluestone than what their engineer thought was necessary when he designed the project, the city should pay for it. He is concerned that the Town Board feels that the Town has to pay 5% of whatever the bill is. Unless the federal government and the state government appropriates that money before this project, the Town will pay a percentage of what is appropriated which right now is \$2.39-million; he will be very happy if the Town can get the other \$2.4-million.*

*Supervisor asked if Town would not be paying 5% if we got the \$2.-million from federal or state money.*

*Litts said that is correct but the Town is banking on getting that money.*

*Supervisor said that he is stating the facts as they were explained to him. He is getting phone calls that we are going to have to go out and raise taxes to come up with \$2.4-million which is not true.*

*Litts said that he hoped that it was not true. If the Town does not do the project the money has to be paid back and the price tag right now is over a quarter of a million dollars.*

*Brennie commented that everything that was said was true two months ago.*

*Litts replied that is why he voted 'no' on the resolution.*

*Baird said that the Town doesn't just ask but has to show a need and show the studies. It is the consensus of the municipality which is the owner of the project, the public, the municipal planning organization which is Ulster County and NYS DOT that the roundabout is the best alternative to improve safety at the intersection. The Town tries to get it and if they say no, it is on them if the project is not built to the best option that it can be. If they deny an alternative that meets the objectives, they have to fall on the second or third best and we will get the funds for that one. The money that you spend now is not lost if you build something. The worst that happens if there are no funds available and everyone says no is the project is delayed a year or two until the funding becomes available. The worst case scenario is a four-way intersection with stop signs in 2016 instead of a roundabout in 2014/15. There is no difference in cost to the Town. He has been doing this for 21 years on local projects.*

*Litts stressed that all of the 'trying' costs money; the Board is going to vote on a supplemental for \$218,000 and 'trying' costs an hourly rate and the rate is in here.*

*Baird said that the fees are to create the maps for the acquisitions and the legal transactions of closings. If the roundabout is rejected and we are able to reduce impacts, the Town does not have to spend that money. Some money has to be spent to show the need and to do the preliminary design that is required. It will cost less than \$50,000, to go for the real project that is needed at this intersection. It is his recommendation that the Town does not let that slip by.*

*Supervisor thanked him for coming to this meeting and he will get in touch with Dennis Doyle, UCTC, to see if he would give a presentation to the Town Board.*

*Paladino stated that it is the same road to get an answer from the State so whether it is the roundabout to be approved or Alternative B or C, it is not going to change anything.*

*Baird said that he had to refine some of the subs and their sheets that have to be part of the agreement are not in yet. He was promised them on Monday so that is why it is marked "draft". You can vote to approve the Supervisor to sign it but don't sign the agreement until you talk to Doyle which will be in the next couple of days. This has to get to DOT quickly to get it in the system.*

*Murphy asked if the numbers are correct.*

*Baird said that the numbers are correct; there is some back up information called 'exhibits' which are salary rosters, etc that the surveyor and the right-of-way consultant have to put in there. The price that is there now is about what they are going to be. The bottom line, \$218,000, won't change; it is within \$1000 of where they are going to be, we will adjust if we have to.*

*Supervisor thought that there is a potential that the UCTC is going to come up with \$100,000 of the \$218,000.*

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*Baird said that \$51,000 is there right now, they may not be able to get another \$51,000. Dennis Doyle is checking his numbers and he said that he would call Baird back. Supervisor said that there is a UCTC meeting coming up and he will give the dates to the Town Board members if they would like to attend.*

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

**Three ayes carried.**

- R. RESOLUTION** made by Paladino, seconded by Guerriero, to appoint John Zani to the position of temporary fulltime Police officer at his current rate of pay for six months contingent upon successful completion of the physical and medical tests to be administered by Ulster County Civil Service at the recommendation of Lt. Wade Sargent.

*Supervisor explained Officer Cohen is no longer with the Police and the department is now running short-staffed; Lt. Sargent spoke to the Supervisor about filling the position. Officer Zani is now on the list and he will be working full-time hours at his part time rate for six months; he will not get any benefits or health insurance. This will help the shortage in the patrol schedules; the PBA contract mandates that the department has two officers on the street at all times.*

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

**Five ayes carried.**

- S. RESOLUTION** made by Brennie, seconded by Litts, to establish the position of Wastewater Administrator at an annual base salary of \$59,800.00 and appoint Adam Litman, Wastewater Administrator on a provisional basis pending successful completion of the Ulster County Civil Service Exam.

*Supervisor said that this appointment has been a long time coming and he thanked Elaine Rivera for the time that she put in with Civil Service to work on this. This position has been posted in several publications in hopes of finding an administrator; several people applied and one person who was to be interviewed did not show up. He feels that the Town of Lloyd is very fortunate to have an employee such as Adam Litman; he does a great job and he communicates very well with his office and Town Board members. He commended the work Litman has done at the Sewer plant in overseeing the improvements and all of the repairs that were needed after Hurricane Irene. Litman will begin to oversee the Water plant.*

*The Town Board and those present congratulated Adam Litman.*

*Litman then thanked Supervisor Hansut, Deputy Supervisor Rivera and the Town Board for their support and this opportunity for growth.*

*Supervisor added that it is intended that Litman will find the time to get his qualifications and certifications in order and become the next John Jankiewicz (late Water and Sewer Administrator).*

*Litman and everyone agreed they were big shoes to fill.*

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

**Five ayes carried.**

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

**WHEREAS**, the Town Board, received from its Town Engineer information indicating that the existing culvert structure, spanning the Twaalfskill Creek, and servicing North Road, just north of the New Paltz Road Intersection is in very poor condition, has outlived its useful life, no longer enable the structure to adequately handle heavy vehicle loads, and warrants the immediate replacement in its entirety; and,

**WHEREAS**, the Town Board has received information from the Town Engineer that the anticipated total project budget for the replacement of the structure shall not exceed \$425,000, and the Town Board is prepared to fund the project with a bond anticipation note (BAN); and,

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., is prepared to prepare certain maps, detailed design plans, and reports to Town Board for the improvements in this area, and have delineated the project identified as North Road Culvert Replacement.

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

1. This Town Board establishes a project to be known as North Road Culvert Replacement, for replacement of the concrete culvert structure spanning the Twaalfskill creek, located on North Road in Highland New York;
2. The cost of this project shall be paid from a Bond Anticipation Note (BAN), with a total project cost not to exceed \$425,000;
3. This is a repair project and it is exempt from further SEQRA action, being a Type II action consisting of a repair on the same site which did not exceed the thresholds of

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Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary;

5. Morris Associates, P.S., L.L.C., Engineering Consultants, be, and they hereby are, authorized to prepare necessary plans, details specifications and request for proposal documents, in accordance with law, give notice to bidders, and all bids will be opened at the Town Hall at a date that shall be coordinated with the Town Clerk;
6. Such bid documents and proposed contract documents shall be available for public inspection for a deposit prior to the bid date;
7. Among other things, the bids must contain the non-collusion certificate required by General Municipal Law, Section 103-d, and the Town Board shall reserve the right in its discretion to waive technical non-compliance, or irregularities that are not material or substantial, to reject all bids and to re-bid the project.

*Litts feels that the Town should also look into pre-buying the units which would reduce the cost to the Town; \$425,000 for that culvert is excessive dollar value.*

*Supervisor said if there can be adjustments to lower the cost, the Town will not BAN for \$425,000 only what is needed. The \$425,000 is to move along the process, if it can be done more cheaply, it will be.*

*Jurkowski agreed and said that figure includes soft costs as well as hard construct cost but the figure is being presented to the Town Board as a cap.*

*Supervisor has contacted Dave Sheeley, Ulster County Highway, to ask for help but he feels that the Board has to move forward with this tonight.*

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

**Five ayes carried.**

**U. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, the Town Board has previously authorized the construction of a sea wall in Bob Shepard Highland Landing Park, the town park fronting on the Hudson River in the Town, pursuant to maps, plans and specification by Morris Associates, Engineering Consultants, P.L.L.C. and approved by the Town Board and delineated and identified as the "Bob Shepard Highland Landing Park Bulkhead Construction"; and,

**WHEREAS**, the Town has previously authorized the issuance of serial bonds by the Town in the principal amount of \$911,000.00, pursuant to the provisions of the local Finance Law; and,

**WHEREAS**, the Town has solicited proposals relating to said bonds; and,

**WHEREAS**, the Town would like to award the sale of Bond Anticipation Notes in anticipation of said bonds.

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

The Town hereby authorizes the sale of a Bond Anticipation Note with an interest of one point zero three percent (1.03%), callable after six (6) months and maturing twelve (12) months after closing, closing to occur on August 1, 2012, with a maturity date of July 31, 2013, to JPMorgan Chase Bank, N.A., the proceeds of which are to be used for the purposes as set forth in the Town's authorizing resolution adopted on June 13, 2012.

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

**Five ayes carried.**

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

**BOND RESOLUTION OF THE TOWN OF LLOYD, NEW YORK, ADOPTED JULY 18, 2012, AUTHORIZING THE RECONSTRUCTION OF THE EXISTING CULVERT STRUCTURE, SPANNING THE TWAALFSKILL CREEK, AND SERVICING NORTH ROAD, LOCATED JUST NORTH OF THE NEW PALTZ ROAD INTERSECTION, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$425,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$425,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

**THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:**

Section 1. The Town of Lloyd, in the County of Ulster, New York (herein called the "Town"), is hereby authorized to reconstruct the existing culvert structure, spanning the Twaalfskill Creek, and servicing North Road, located just north of the New Paltz Road Intersection, including engineering and planning and other ancillary work in connection therewith (the "Project"). The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$425,000 and said amount is hereby appropriated therefore. The plan of financing includes the issuance of \$425,000 serial bonds of the Town to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

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- Section 2. Bonds of the Town in the principal amount of \$425,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.
- Section 3. The period of probable usefulness applicable to the Project, the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 4 of the Law, is forty (40) years.
- Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- Section 5. The proposed maturity of the bonds authorized by this resolution may exceed five years.
- Section 6. Pursuant to the applicable provisions of the State Environmental Quality Review Act ("SEQRA"), the Town Board, acting as Lead Agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), has heretofore determined that the Project is a Type II Action and no further review is required.
- Section 7. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.
- Section 8. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.
- Section 9. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:
- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
  - (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
  - (c) such obligations are authorized in violation of the provisions of the constitution.
- Section 10. This bond resolution is subject to a permissive referendum and the Town Clerk of said Town of Lloyd is hereby authorized and directed to cause to be published, in full, within ten (10) days after the adoption of this resolution, in "*New Paltz Times*" which is hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

TOWN OF LLOYD, NEW YORK

PLEASE TAKE NOTICE that on July 18, 2012, the Town Board of the Town of Lloyd, in the County of Ulster, New York, adopted a bond resolution entitled:

"Bond Resolution of the Town of Lloyd, New York, adopted July 18, 2012, authorizing the reconstruction of the existing culvert structure, spanning the Twaalfskill Creek, and servicing North Road, located just north of the New Paltz Road Intersection, stating the estimated maximum cost thereof is \$425,000, appropriating said amount therefore, and authorizing the issuance of \$425,000 serial bonds of said Town to finance said appropriation," an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to reconstruct the existing culvert structure, spanning the Twaalfskill Creek, and servicing North Road, located just north of the New Paltz Road Intersection, including engineering and planning and other ancillary work in connection therewith (the "Project"); STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$425,000; APPROPRIATING said amount therefore; and STATING the plan of financing includes the issuance of \$425,000 serial bonds of the Town to finance said appropriation and the levy and

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collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable;

SECOND: AUTHORIZING the issuance of \$425,000 bonds of the Town pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the Project, the object or purpose for which said bonds are authorized to be issued, is forty (40) years; pursuant to the applicable provisions of the State Environmental Quality Review Act ("SEQRA"), the Town Board, acting as Lead Agency pursuant to the New York State Environmental Quality Review Act ("SEQRA"), has heretofore determined that the Project is a Type II Action and no further review is required; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Town for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said \$425,000 bonds may exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Town; and PLEDGING to their payment the faith and credit of the Town;

FIFTH: DELEGATING to the Supervisor the powers and duties as to the issuance of said bonds and any bond anticipation notes issued in anticipation of said bonds, and the renewals thereof, and other related powers; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 18, 2012

Rosaria Peplow, Town Clerk

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

**Five ayes carried.**

**W. RESOLUTION** made by Brennie, seconded by Guerriero, to increase the hourly rate of pay for Denise Rhodes, Secretary to the Highway Superintendent, to \$14.75 per hour, effective immediately, at the recommendation of Richard Klotz, Highway Superintendent.

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

**Five ayes carried.**

**MOTION** made by Litts, seconded by Brennie, to go into executive session to discuss Vineyard Commons court case and tax certiorari with Sean Murphy, Attorney, and Elaine Rivera, Deputy Supervisor, at 8:50 PM.

**Five ayes carried.**

**MOTION** made by Litts, seconded by Guerriero, to come out of executive session at 9:06 PM.

**Five ayes carried.**

**MOTION** made by Litts, seconded by Guerriero, to adjourn the meeting at 9:07 PM.

**Five ayes carried.**

Respectfully submitted

Rosaria Schiavone Peplow  
Town Clerk