

# TOWN OF LLOYD TOWN BOARD

## WORKSHOP MEETING

AUGUST 3, 2016

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

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

**Absent:** Councilmember Joseph Mazzetti

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

### 1. REPORTS

**Finance** – Karen McPeck, Bookkeeper to the Supervisor

Not present

**Assessor** – Jennifer Mund

Not present

**Building & Zoning Department** – David Barton

Not present

**Dog Control** – Andrew McKee

Not present

**Highway** – Superintendent Richard Klotz

Klotz said that on today's agenda Resolution L is a request for modification of the 284 Highway Agreement to add paving on Cusa Drive, Sharon Drive and Lisa Drive. The Highway Department has changed several culverts on Upper Grand Street and next year that road will be scheduled for re-paving. He spoke with Central Hudson and they are looking into reimbursing the Highway Department because of the various physical disorder on some streets. Klotz reiterated that Central Hudson is considering giving the Town money to repave the roads that were damaged when they replaced some of the gas mains.

Supervisor inquired as to the procedure in other towns when private companies damage roads when performing work. He asked Murphy if there is something the Town can do to protect themselves in the future from this problem. Grand Street was paved last year and now the road is all torn up.

Murphy replied that in the past the Town has required that private companies take out bonds before opening a road. The Town Code Chapter 89 requires a street opening permit and a street opening bond.

Klotz said the Highway Department has also been cutting brush and patching holes in the roads. LHV Precast Inc. has put the blocks for the transfer station on hold due to delivery constraints but they should be coming in by the end of August or early September.

The Highway Department has been working with the Hudson Valley Rail Trail to purchase a mower for the back of the tractor which he felt will shorten the amount of mowing time.

**Justice** – Eugene Rizzo/Terry Elia

**Police** – Chief Daniel Waage

Patrol Activities:

Calls for Service-----1024

Other/Public Service-----468

Accidents-----41

Tickets (Parking/Utt's) -----86 (13 parking)  
(73 Utt's)

Arrests-----47

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

Schools (Officer/Sgt)-----Approx. 0 hrs. (Closed)

Foot Patrol-----Hamlet (Chief/Lt.) -----Approx. 8 hrs.

Schools (Chief/Lt.) -----Approx. 0 hrs. (Closed)

**July 02<sup>nd</sup>** - Walkway over the Hudson Firework event approx. 8,000 people in attendance  
On the Walkway Over the Hudson and the riverfront area. Lloyd Police patrolled areas and

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maintained security and traffic posts.

**July 03<sup>rd</sup>** - Town of Lloyd Fireworks event took place with approx. 2,000 people in attendance. Lloyd Police patrolled area and maintained security and traffic posts.

**July 05<sup>th</sup>** - Town of Lloyd Police Youth Recreation League took place where officers played kickball with approx. 20 children from the community.

**July 13<sup>th</sup>** – Sgt. Roloson taught Evidence/Crime Scene at the Highland Fire Department Fire Academy.

**July 14<sup>th</sup>** – Sgt. Kalimeras and Officer Zani attended the funeral for one of the fallen Dallas Police Officers that were killed in the line of duty.

**July 16<sup>th</sup>** – Det. Ventura and Officer Fitzgerald attended the Ulster County Community Action Event at the American Legion. Officers discussed and shared information with the community about police duties, laws and current issues in the community.

**July 18<sup>th</sup>** – Lt Janso and Det. Ventura spoke with elementary school students about what police officers do and how they help the community.

**July 26<sup>th</sup>** – Lloyd Police started using BuyCrash.com as an alternate means to assist the public in obtaining accident reports via the internet for those people out of the area or who choose to go online instead of obtaining it in person.

The beginning of this year the Town of Lloyd Police Department applied for a grant for new equipment for police vehicles. He received a letter from Senator Amedore's Office recently which stated that they were able to secure \$40,000 in this year's state budget for the Town of Lloyd Police Department to purchase equipment for the patrol vehicles. The car computer systems are antiquated and now they will be able to replace them with the grant from the state. Senator Amedore's letter acknowledged that insuring that first responders have access to the necessary equipment is one of their top priorities. The police can then do their jobs efficiently and safely for them and the community they serve.

Supervisor inquired what the total cost was for the trip to Dallas to pay their respects at the funeral for the fallen Dallas policemen. Jet Blue airlines paid the total cost for their flights Waage replied that approximately \$635.00 came out of the Town of Lloyd Police Department's budget. He felt it was important for them to attend and thanked the Town Board for allowing them to do so.

Mark Reynolds, reporter, asked how the calls for service compared to calls last year at the same time.

Waage said that last month was the most calls for service they have ever had in a one-month period and calls for domestic violence have increased immensely.

#### **Recreation/Buildings & Grounds – Frank Alfonso**

Alfonso reported that Summer Fun will be ending on 08/05 and the last trip will be to the Ulster County Fair. Enrollment figures and revenue will be available at the 08/17/2016 meeting. The Water Carnival at Berean Park was on July 30; the park will close on August 14. The Boy's Lacrosse and Highland Central School District modified soccer will use the Town Field for practice in the Fall. He would like to cedar sod the infield of the Town Field in the middle to late October; the Highway Department will assist in completing the project. They are working on pricing and possible donations for it. Youth football is using Tony Williams Park, the school district will be using the tennis courts for their tennis teams and the Cross Country Team will utilize the park and the Rail Trail. Benches have been ordered for various places within the Hamlet and parks and they will be installed soon. He would like to continue with painting the bathrooms at the parks in the fall.

Supervisor asked if the enrollment for the summer camps has increased.

Alfonso replied that he thought enrollment was the same as last year.

Supervisor stated that Joseph Bertolozzi who composed the "Bridge Music" would like permission to do a book signing event October 9<sup>th</sup> from 2:30-7:30 at Johnson Iorio Park. He asked if the American Legion was scheduled to hold events there at that time.

Alfonso said that he would contact Mr. Bertolozzi and have him fill out a use form with no fee.

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Reynolds asked Alfonso if they will be closing Berean Park the same time as last year. Alfonso stated that this year they are closing Berean Park to swimming on August 14 but will remain open through September to parties and picnickers who may use the grills. Brennie commented that they had stayed open later in the past but there was no real demand to have the park stay open later.

**Town Clerk – Rosaria Peplow**

Rosaria Peplow stated that during the month of July:

Tax Collection - \$ 33,252.20 in penalties and interest given to the Supervisor

Town Clerk -

Deer Management permits went on sale on August 1<sup>st</sup>  
5 marriage licenses issued

568 Transfer Station permits have been issued to date. A total of \$5,765.00 was collected from the transfer station.

Berean Park passes	\$	5,614.00
Summer Fun	\$	5,440.00
Swimming lessons	\$	2,110.00
Berean Park Rental	\$	100.00 (\$25.00 per occasion)
Tony Williams Park Rental	\$	100.00 (\$25.00 per occasion)

**Water & Sewer – Adam Litman**

Litman stated that water production remained at 100% reservoir water until the first week of June. The water was a blend of reservoir and river until June 18<sup>th</sup> when they began to run full river water until the present

Hydrants will be flushed, starting Sunday, August 7<sup>th</sup> around 11PM and will continue Monday, Tuesday, Wednesday and Thursday nights ending early Friday morning. He stated that any residents who may have slight water discoloration should run the faucet and allow time for it to clear up. If it does not clear up, please call the Water/Sewer Department Office at 691-2400. Hydrants are being painted and colorized to flow specifications.

The NYSDOH approved the Highland Avenue water line replacement project. Notice to bidders was sent out and all proposals were received by May 27, 2016. The work commenced around July 5<sup>th</sup> and all the residents on Highland Avenue have been hooked up to the new water main. The restoration of the road and properties is underway and the job should be completed by the end of the week.

He plans to continue working on the dams and spillways and to have the reservoirs that are empty cleaned out. This will require renting an excavator and he will get prices on the rental for a minimum of 80 hours.

The Water and Sewer Departments continue with indoor and outdoor projects which include maintenance and painting of vehicles and equipment, lawn care at all facilities and repairs to the Mountain Road.

Reynolds asked if there was an update of the rehabilitation of the water tank.

Litman said it will probably be done in the spring. They are still working on the engineering as far as mixing and when the proposals are done they can start reviewing them.

**Supervisor – Paul Hansut**

Supervisor wanted to remind everyone that on August 9<sup>th</sup> the Mid-Hudson Senior Citizens of Highland will have a free ice cream social that is open to all Highland seniors ages 55 and older. They are doing a membership drive so this would be a good opportunity for seniors to become a member.

On Wednesday August 24<sup>th</sup> from 9am-11am the Highland Landing Park on River Road in Highland will be hosting “National Senior Citizens Day” breakfast. Anyone interested is asked to rsvp by August 19<sup>th</sup> to the Town Supervisor’s Office at (845) 691-2144 ext. 100.

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

Bellizzi reported that one of the several projects is the Gateway Entry Way (between the west end of the Walkway Over the Hudson and the caboose). They have been securing different parts of it to bid for the concrete bases to anchor into the stone. They are looking into adding some parking along the building, replacing the rocks, and planting some trees at the Rail Trail New Paltz Road parking lot. They have done some improvements at the pavilion on the Mae Lane side. They are working with the Ulster County to add an additional 13 parking spaces. The start of Phase 3 has been delayed because they are waiting for the optic company to move the lines under the road. He met with Ulster County Executive Mike Hein's assistant Chris White to discuss various Rail Trail projects. The county has funds for the engineering portion of Phase 5 running from South Street into New Paltz to the Wallkill Trail. They are progressing on Phase Four but have to wait for the turtle survey to come back because the turtles have to go off the trail by the trailer park on Rte. 299.

**REPORT** – Matthew Smith, Manager, Bob Shepard Highland Landing Park

Smith said they have nearly completed the compass rose at Highland Landing Park. They have used thirty tons of concrete with an aluminum divider for the compass rose. He expressed his gratitude to Lenny Auchmoody and Hank Behr for all their help and work with the park while he was sick. Both men helped with the compass rose and precast the concrete steps for the kayak launch which are eight feet wide and two feet deep. They have received many compliments on both projects. They are planning the River Walk and may use concrete as they have hi tensile reinforcement rods. The rods will simplify the River Walk dramatically, they will be able to have it completed by this year, and it will not sag. Ray Jurkowski, Morris associates, will be helping with the engineering part of the project.

**2. OLD BUSINESS**

**A.** Water and Sewer/ Drainage Committee recommendation regarding properties in the water district but unable to connect to water line.

Councilman Brennie reported that at the last Water/Sewer Drainage Study Committee meeting, Ray Jurkowski from Morris Associates presented the amount the “ten percenters” (residents who live in the district and pay 10% of the flat rate even though they do not receive municipal water and sewer services) pay yearly. They feel these residents should pay nothing as they do not receive services from the Highland Water and Sewer Districts. The Districts would have to absorb the costs which total \$1600.00/year for water and \$4000.00 a year for sewer.

Sean Murphy said the general consensus of the committee was that they should get the ten percenter's charges as close to zero as possible. Anytime there is debt in a district you cannot reduce the size of the district. They cannot take them out of the district so there are two options. The first option is to reduce the penalty down to 1% but that would present varying rates in relation to the value of properties. He spoke to the assessor about the second option of charging a flat fee. The Assessor said she could change the codes to reflect a flat code for everyone in the water/sewer district. The recommendation of the Water/Sewer Drainage Study Committee is to lower the flat assessment for water/sewer district tax to \$100.00 or lower because the “ten percenters” should not pay anything since they do not get service. Murphy said that Ray Jurkowski is going to compose a letter showing the numbers that they will be dealing with.

Supervisor stated that the Water/Sewer Drainage Study Committee proposal will have no real effect on the budget.

Litman said the actual users of water and sewer will absorb the costs.

Brennie said the rate per gallon will go up.

Litman said the “ten percenters” cannot be removed from the district and in the future it may be feasible for these residents to be serviced so it would not make sense to remove them.

Supervisor said a resolution should be drafted instead of a letter for the next regular meeting in August.

**B.** Lit Green proposal

Supervisor said the Lit Green proposal is to replace all the bulbs and ballasts at the water/sewer plant. They had received 2 other proposals for the project. The total cost for the retro fit lights is \$6545.00 with the rebate from Central Hudson. (see Resolution G)

**3. NEW BUSINESS**

**A. Commercial Ave property – continuation of use easement.**

Matt Smith showed the Town Board a drawing of the renovation to his building on Commercial Avenue. The fire escape exit at the rear of the building is on the Hudson Valley Rail Trail Town property. He has given the Town sewer easement and drainage easements in the front of his building. He now needs an easement for the fire escape in the rear of the building.

Sean Murphy will prepare the necessary documents and resolution for the August Regular Town Board Meeting.

**C. Draft of updated Town Towing Code**

Brennie said that he and Councilman Guerriero spent many hours reviewing and working on revising the Town of Lloyd Towing code. There are three parts to the code: the towing companies, the police department, and the Town Board. The new law will ask each entity to do a little more to enforce the towing law. They wanted to create a code that was fair and eliminate any loopholes

Paladino asked what the major differences are between the old and new codes.

Guerriero said that they clarified all the definitions to eliminate misinterpretation of the code so could appropriately enforce the code. They also created penalties for various offences to the code.

Brennie stated that they eliminated multiple tow companies using one facility or parcel. He cited another difference in a section of the code which states: "All towing companies must own, lease or sublease either a lighted and fenced or indoor storage facility available in which to store specified vehicles out of public access and within ½ mile of the Town of Lloyd. Such storage facility shall be in compliance with applicable zoning and building code requirements. The vehicle storage facility shall be under the exclusive control of the applicant, shall not be used by any other towing company and shall consist of a location that is open to the public, where towing company personnel are employed and where all records required by this article are maintained. All towing companies shall have staff at the secure storage facility at least between the hours of 9am to 5pm Monday through Friday authorized to release vehicles. Towing companies must have a valid DMV shop registration."

Guerriero said they are requesting that all the tow operators qualify for a certification through the Towing Association which will provide additional school and help with the implementation of the code.

Brennie said another issue was fees. Legal counsel felt the best way to handle a fee schedule would be to have the Town Board adopt a resolution to set the fees. The reason they did not want to put it in the code is if gas prices go up, they do not want to short change the tow companies to have them locked into certain fees. It would allow the Town Board to change the fee schedule if need be without amending the law. They want to discuss with the tow companies what a reasonable charge they would consider on the fee schedule. The reason for setting a fee schedule is to protect people from being overcharged.

Guerriero said they are asking the police department to keep records of the fees.

Brennie cited Section A110-9 Rates and Charges of the Towing Law draft which states:

A. "Towing companies on the list must maintain a record of current rates and charges on file with the Police chief, posted in public view at the storage area and available to the general public at any time upon request. Towing companies shall maintain records of all charges for tows dispatched pursuant to this chapter and such records shall be available for review by the Town upon request.

B. "Charges for storage shall not include the first 24-hour period following the arrival at the town yard and shall not include any period during which the facility is not open for customer redemption."

Brennie explained that item B would protect the customer from being charged for storage over a weekend if the facility is not open for redemption.

Guerriero cited Section A110-3 item B of the towing draft which states: "All towing companies must provide evidence of good standing with the NYS Department of State. Each towing company, including any DBA or assumed name, may submit only one application for the list. Only one corporation, business, operator, principal or entity may operate a listed tow company out of any given parcel or lot." Guerriero added that this item was one of the biggest problems with the previous tow code.

Brennie said the reason for that section is to have one business operate one tow shop. One shop with several DBA's would have an unfair advantage with multiple opportunities on the tow list. They felt that this was a loophole that needed to be addressed in the new tow

code. There can be separate corporations but they have to be at a separate facility. Being on a tow list is not a right. Each tow company has to meet certain requirements to be accepted on the Town of Lloyd tow list. Each business can operate any way they would like, but in order to be on the tow list every company has to adhere to the code and rules to be fair to everyone. Every company on the tow list has to adhere to DOT rules and regulations which were surprisingly absent from the prior code. If a company does not follow DOT rules it would be grounds for removal in the new tow code.

Guerriero said that is where the enforcement should come in. If after a public hearing the proposed local towing law is agreed upon then every tow company will have a 90-day grace period in order to conform to the new towing code.

Brennie said they can discuss any items that Town Board members feel should be added or removed. He felt that the 90-day grace period is a fair way to allow each company the means to do what they need to do to conform to the new towing code.

Brennie thought it would be justified for the Town Board to approve a reasonable annual application fee to cover the costs of the inspections and they are asking the police department to do more paperwork. The old code even stated that a tow operator would be suspended from the list for three missed calls but it was never enforced. He said they wanted to expand on that issue and cited A110-5 of the towing draft which states, "Failure to respond to three calls within a 3-week period, absent reasonable cause, will result in suspension from the towing list for a period of 4 weeks. Failure to comply with any of the requirements of this chapter, including without limitation failure to provide current evidence of licensing and insurance and violation of zoning, building or fire codes as to the designated storage facility, absent reasonable cause, will result in suspension from the towing list for a period of 2 weeks for the first offense during any 24 month period, for a period of 4 weeks for a second offense during any 24 month period, and shall be removed from list for a third offense during any 24 month period." Brennie added that any suspension can be appealed by the tow operator to the police chief. The police chief would add the active tow list to his report each month at the workshop meetings so they can keep a record of whether suspensions are being upheld etc... The tow list is a public document and the activity of it should be presented to the community.

Brennie suggested that they open the public hearing for the towing code at the next meeting.

Paladino said he would like to review it before they set the public hearing.

Reynolds asked if subcontracting was still possible with the new towing code.

Brennie said the issue of subcontracting was a problem because the subcontractors were not following the code as it was written. They do not have an objection as much to subcontracting as they do of tow operators and subcontractors all are working off of the same lot. The loophole would allow for violations to the towing code.

Guerriero added that every tow operator will have their own tow trucks, separate lots, storage facility as stated in the towing code. There have been people without a tow truck on the tow list and different DBAs that allowed one tow operator more than one turn on the towing rotation.

Reynolds asked if each truck has to have a separate DOT number.

Guerriero said yes, that they need to follow the DOT regulations.

Brennie cited A110-3 section D (3) which states, "All towing companies must have their own tow trucks and flatbeds permanently lettered as such operator on both sides of the truck, on both driver and passenger side doors, and tow off the list as that company only. Only one (1) company name can be on the trucks. Trucks must also display the NYSDOT and USDOT number for that tow company."

Christopher Coleman, attorney for Joseph DiBlanca/Autos by Joseph asked Brennie why it is a critical factor that two operators not share the same facility.

Brennie replied that they feel that using the same facility and using the DBA to obtain an unfair advantage on the tow list. He added that not being able for tow operators to share a facility is in the present code but it has not been enforced. Additionally, by sharing the same facility, it is hard to distinguish whether tow companies are acting independently or not. This would assure that they are acting independently and fairly.

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

Lauriann Marion, owner of Direct Recovery, asked why a tow truck and a flatbed are needed

to be on the towing list.  
 Guerriero explained when someone has an accident they need to clean up the roadway as best and as quickly as possible.  
 Brennie added that it is more of a safety issue. Police officers need to be assured when there is an accident the tower arrives with a truck that can adequately remove the vehicle. Police officers need to be more concerned with saving lives and doing their job and not whether the tow operator can sufficiently remove cars or trucks from an accident scene.

**5. MOTIONS & RESOLUTIONS**

**A. MOTION** made by Brennie, seconded by Guerriero to approve the minutes Workshop Meeting June 1<sup>st</sup>, 2016 and the Regular Meeting of June 15<sup>th</sup>, 2016  
**Four ayes carried.**

**B. RESOLUTION** made by Brennie, seconded by Guerriero to authorize the payment of vouchers as audited by the Audit Committee.  
**Roll call:** Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye.  
**Four ayes carried.**

**C. RESOLUTION** made by Guerriero, seconded by Brennie to establish the following standard workdays for the titles listed below and report the officials to the New York State and Local Retirement system based on their record of activities:

TITLE	Standard Work Day (Hrs/day) Min 6 hrs Max 8 hrs	Name (First and Last)	SSN (last 4 digits)	Registration Number	Tier 1 (check only if member is in Tier 1)	Current Term Begin and End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result
<b>Elected Officials</b>							
Councilmember	6	Michael F. Guerriero				1/1/16-12/31/19	11.08
Councilmember	6	Joseph Mazzetti				1/1/16-12/31/19	26.11
Councilmember	6	Jeffrey Paladino				1/1/14-12/31/17	3.58
Highway Superintendent	6	Richard Klotz				1/1/16-12/31/17	29.35
Justice	6	Eugene Rizzo				1/1/16-12/31/19	21.13
<b>Appointed Officials</b>							
Dog Control Officer	8	Andrew McKee				1/1/16-12/31/17	14.22
1st Deputy Town Clerk	7	Rena Rizzo				11/2/15 - 12/31/17	
2nd Deputy Town Clerk	8	Laura J. Oddo-Kelly				11/9/15-12/31/17	
Assessor	7	Jennifer Mund				10/1/13-9/30/20	
Bookkeeper	7	Karen G. McPeck				1/1/16-12/31/17	
Building Dept Supervisor	8	David				6/19/13-	

		Barton				12/31/18	
Clerk to Justice	7.5	Lucy Davoli				1/1/16- 12/31/19	
Recreation Administrator	8	Frank Alfonso				1/1/16- 12/31/17	
Secretary to the Highway Superintendent	8	Denise Rhoades				1/1/16- 12/31/17	
Secretary to the Supervisor	7.5	Kathleen Jonietz				1/1/16- 12/31/17	
Sewer Administrator	8	Adam Litman				1/1/16- 12/31/19	

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

**Four ayes carried.**

**D. RESOLUTION** made by Brennie, seconded by Paladino to hire Kelsey De Pue as a part-time dispatcher at the hourly rate of \$14.25 pending pre-employment physical at the recommendation of Chief Waage.

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

**Four ayes carried.**

**E. RESOLUTION** made by Paladino, seconded by Brennie to accept the resignation of Andrew Kennedy, dispatcher, effective July 28<sup>th</sup>, 2016.

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

**Four ayes carried.**

**F. RESOLUTION** made by Brennie, seconded by Paladino to approve Stacey Malheiro as Concessionaire for the 2016 season at Berean Park at the recommendation of Frank Alfonso, Recreation Director.

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

**Four ayes carried.**

**G. RESOLUTION** made by Brennie, seconded by Paladino to authorize the Supervisor to sign a contract with Lit Green to purchase 368- 4ft 12w LED Substitute, 21- 8' T8 Fixture (4 4ft T8), 142- Optional Ballast (ballasts add an additional 1yr to warranty) at a total cost \$13,145.40 less the Central Hudson Prescriptive Lighting rebate \$6,600.00 making total retrofit equipment costs after rebate of \$6,545.00. (See Attached)

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

**Four ayes carried.**

Murphy said the following resolutions are regarding the cell tower on Water Tower Road. He explained that Resolution H is to approve an agreement with Verizon and Resolution I is to approve an agreement with Ulster County. The County is waving any entitlement of fees from Verizon for the lease, however the county does have the right to install equipment there for cell purposes to determine a need for 911. If they want a communication facility there the Town will allow them to do it without rent.

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

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless have requested that the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, enter into a lease whereby certain wireless antenna be placed on the storage tank located at 21 Water Tower Road within the Town; and

**WHEREAS**, the parties have negotiated a proposed lease for the placement of said wireless antenna and appurtenances on said storage tank; and



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**WHEREAS**, the Town Board, as Commissioners of the Highland Water District, wish to approve the lease annexed hereto as Exhibit A.

**NOW, THEREFORE**, it is resolved as follows:

1. The proposed lease between the Town Board, as Commissioners of the Highland Water District, and Cellco Partnership d/b/a Verizon Wireless for a wireless antenna to be placed upon the storage tank located at 21 Water Tower Road within the Town be, and the same hereby is, approved.
2. The Supervisor, on behalf of the Town Board, as Commissioners of the Highland Water District, is authorized to sign the lease and any associated documents.
3. The Town Clerk is to be provided with a duplicate original of the lease when final, along with the associated documents, for filing in the Town Clerk's office, to be available both for public inspection and to record the terms and conditions of the lease for the future.

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

**Three ayes carried.**

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

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless have requested that the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, enter into a lease whereby certain wireless antenna be placed on the storage tank located at 21 Water Tower Road within the Town; and

**WHEREAS**, the parties have negotiated a proposed lease for the placement of said wireless antenna and appurtenances on said storage tank; and

**WHEREAS**, the Town of Lloyd (hereinafter the "Town") and the County of Ulster (hereinafter the "County") hold a joint interest in and to the property and easements and improvements, including the water storage tank, pipes and pumps on the premises, located at 21 Water Tower Road within the Town, and shown as "Parcel B" and "Proposed Road," as shown on a map entitled "9W Property Group, Inc. – Subdivision Plat," and filed in the Ulster County Clerk's office as filed map 07-346, and as granted by the Town to the County by deed dated November 5, 2008, and filed in the Ulster County Clerk's office in Book of Deeds, Volume 4634, at Page 293, bearing Instrument No. 2008-00020085 (hereinafter referred to as the "Parcel"); and

**WHEREAS**, the Town has requested the County agree to the proposed lease between Cellco Partnership d/b/a Verizon Wireless and the Town Board, as Commissioners of the Highland Water District; and

**WHEREAS**, the County seeks the right to erect, construct, assemble and/or maintain communications equipment at the parcel in the event that the County solely determines such need (hereinafter referred to as the "Right"); and

**WHEREAS**, the County has approved an Agreement wherein the Town would provide the County with the Right, and indemnify and hold the County harmless for any and all liability, loss and/or claims arising out of the lease or license agreement with Cellco Partnership d/b/a Verizon Wireless now or in the future in exchange for the County consenting to and waiving any claim or entitlement to the proceeds, compensation or rent in the lease or license agreement between the Town and Cellco Partnership d/b/a Verizon Wireless.

**NOW, THEREFORE**, it is resolved as follows:

1. The proposed Agreement between the County of Ulster and the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, as set forth in Schedule A attached hereto and made a part hereof, be, and the same hereby is, approved.
2. The Supervisor, on behalf of the Town Board, as Commissioners of the Highland Water District, is authorized to sign the Agreement and any associated documents.

3. The Town Clerk is to be provided with a duplicate original of the Agreement when final, along with the associated documents, for filing in the Town Clerk's office, to be available both for public inspection and to record the terms and conditions of the Agreement for the future.

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

**Three ayes carried.**

Murphy explained that Dutchess Community College has a tower facility on Illinois Mountain for public purposes. They transferred the usage several years ago to WMHT which uses it for educational purposes for a nominal rent of \$600.00 per year. The agreement has expired and pursuant to the terms, they have requested a five-year extension for the access easement described in Resolution J.

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

**WHEREAS**, for many years Dutchess Community College, with offices at 51 Pendell Road, Poughkeepsie, New York, a public institution of higher learning as authorized by the State University of New York, has had to traverse across lands of the Highland Water District for the purpose of maintenance of a UHF television translator/low power television (LPTV) station located on lands now or formerly owned by AT&T; and,

**WHEREAS**, the said translator/LPTV station is operated for the public good, as a non-commercial broadcast device; and,

**WHEREAS**, Dutchess Community College has transferred its assets located on Illinois Mountain used for the above referenced purposes to WMHT Educational Telecommunications, a non-profit corporation, and the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, have previously agreed to the assignment of the license agreement between Dutchess Community College and the Town Board of the Town of Lloyd, which agreement allowed for access to the facilities set forth above; and,

**WHEREAS**, WMHT has requested that said agreement between Dutchess Community College Town Board of the Town of Lloyd dated May 1, 2011 and assigned to WMHT Educational Telecommunications by agreement dated August 31, 2014 be extended, pursuant to its terms to April 30, 2021

**NOW THEREFORE**, it is resolved as follows:

1. The agreement annexed hereto as Exhibit A which has been assigned to WMHT Educational Telecommunications by the agreement annexed hereto by exhibit B is hereby extended and will remain in effect through April 30, 2021;
2. Paul J. Hansut, Supervisor, is authorized, on behalf of the Town Board of the Town of Lloyd, acting as Commissioners of the Highland Water District, to sign the agreement annexed hereto as exhibit C confirming said extension. (See Attached)

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

**Four ayes carried.**

Murphy explained that the Planning Board has required that Highland 9W Self Storage, LLC enter into the Highland Water District. A map, plan and report has been prepared, and a petition for an extension of the water district at the site received. They will bring the pipe down to the southerly boundary of the property. Resolution K is to set a public hearing for the August 17<sup>th</sup> regular Town Board meeting where a representative will attend to discuss the matter further and answer any questions.

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

**WHEREAS**, a petition by Highland 9W Self Storage, LLC., under Article XII of the Town Law for the extension of the Highland Water District in the Town of Lloyd, Ulster County, New York, the said petition being dated July 25, 2016 has been filed with the Town Clerk and duly presented to the Town Board; and,

**WHEREAS**, Morris Associates having prepared and filed a Map, Plan and Report with the Town Clerk; and,

**WHEREAS**, the Town Board must adopt an order reciting the following: the filing of said petition, reciting the improvements proposed, the boundaries of the proposed district and the estimated expenses thereof and specifying the date and time when the Town Board will hold a public hearing to consider the petition and hear all persons interested in the subject thereof for the extension of the Highland Water District in said Town to be bounded and described as set forth in Exhibit “A” annexed hereto; and,

**WHEREAS**, the improvements will be constructed by the owner of the premises in question and will be hooked up to the Highland Water District without cost or expense to the Water District tax payers; and,

**WHEREAS**, the improvements consist of extension of the existing water main approximately 580 feet to the southerly boundary of the Highland 9W Self Storage property, which water main extension will be reduced from eighteen inch (18”) to ten inch (10”) ductile iron cement lined pipe. The water main extension will be terminated with a capped isolation valve, tee, and fire hydrant assembly; and

**WHEREAS**, this is an ad valorem district, there will be no debt service or benefit assessment, and no application to the State Comptroller is necessary. This is a no cost extension of the Highland Water District and there will be no further cost for construction to the taxpayers of the Highland Water District; and,

**WHEREAS**, this extension proceeding is a Type II action and exempt from SEQRA under 6NYCRR Part 617, Section 617.13(d) (20) of such regulations.

**NOW, THEREFORE**, it is hereby Resolved and Ordered that a meeting of the Town Board of the Town of Lloyd, shall be held at the Town Hall, Thomas Shay Square, 12 Church Street, Highland, New York, 7:00 p.m., on August 17, 2016, to consider the said petition, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the vote of the Town Board with relation to the said petition as may be required by law or proper in the circumstances.

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

**Three ayes carried.**

**L. RESOLUTION** made by Guerriero, seconded by Paladino to amend the 284 Agreement for 2016, previously approved at the April 20, 2016 Town Board Meeting and amended at the 5/18/2016 Town Board Meeting to add paving projects to be known as “(g)” Cusa Drive at a budget supported amount of \$25,000; (h) Sharon Drive cul-de-sac at a budget supported amount of \$65,000 and (i) and Lisa Drive at a budget supported amount of \$25,000 at the recommendation of Rich Klotz, Highway Superintendent.

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

**Four ayes carried.**

**M. RESOLUTION** made by Paladino, seconded by Brennie to approve the following budget amendments to the 2016 budget:

**GENERAL**

Justice JCAP Grant	1110.41	+\$1,570.00
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Unexpended Balance	00-770	-\$1,570.00
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(Unused portion of grant received in 2015 as requested by Judge Elia and Judge Rizzo)

PARKS Capital Improvement	00-06-7110-50	+\$5,301.00
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Recreation Subdivision Fees	00-2025	-\$5,301.00
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(Use funds from current budget that would go to Recreation Reserve at year end to offset Recreation Capital Improvement for the Roof at Tony Williams Field)

PARKS Highland Landing	7110.42	+\$1,000.00
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Contingency	1990.40	-\$1,000.00
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(Additional charges for port-a-potty at property)

Celebrations	7550.40	+\$3,140.00
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Flea Market Permit	00-2560	-\$3,140.00
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(allocate excess revenue to offset Celebration expenses)

AUGUST 3, 2016

HIGHWAY

CHIPS - Weeds Mill Rd	5112.63	+\$13,507.00
CHIPS - Smith Terrace	5112.66	+\$3,675.00
CHIPS - Wood Rd	5112.67	+\$1,400.00
CHIPS - Merritt Ave	5112.65	-\$10,582.00
CHIPS - S. Ohioville Rd	5112.64	-\$ 287.00
General Repairs CE	5110.40	-\$7,713.00
(Reallocated funds for CHIPS roadwork)		

CHIPS –Cusa Dr	5112.68	+\$25,000.00
CHIPS – Sharon Dr	5112.69	+\$65,000.00
CHIPS – Lisa Dr	5112.70	+\$25,000.00
PAVE-NY	01-3503	-\$30,331.00
CHIPS	01-3501	-\$ 7,879.00
General Repairs CE	5110.40	-\$76,796.00

(Additional Paving projects for 2016 as requested by Richard Klotz, Highway Superintendent)

Machinery Equip	5130.20	+\$5,371.00
Snow Removal CE	5142.40	-\$5,371.00

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

**Four ayes carried.**

Murphy explained that Resolution N concerns the water extension to the Walkway Over the Hudson. They received the petition and map plan report today and the New York State Department of Parks and Recreation wants to extend the water district there. The resolution is to set the public hearing for the August 17<sup>th</sup> meeting.

Paladino said that they are working with Walkway Over the Hudson to convert the Haviland Road parking on the right hand side into a parking lot facility and a bus turnaround. It will all be incorporated into their grant and they will hopefully receive the grant funding in 2017.

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

WHEREAS, a petition under Article XII of the Town Law for the extension of the Highland Water District in the Town of Lloyd, Ulster County, New York, the said petition being dated August 3rd, 2016 has been filed with the Town Clerk and duly presented to the Town Board; and,

WHEREAS, Morris Associates having prepared and filed a Map, Plan and Report with the Town Clerk; and,

WHEREAS, the Town Board must adopt an order reciting the following: the filing of said petition, reciting the improvements proposed, the boundaries of the proposed district and the estimated expenses thereof and specifying the date and time when the Town Board will hold a public hearing to consider the petition and hear all persons interested in the subject thereof for the extension of the Highland Water District in said Town to be bounded and described as set forth in Exhibit "A" annexed hereto; and,

WHEREAS, the improvements will be constructed by the owner of the premises in question and will be hooked up to the Highland Water District without cost or expense to the Water District tax payers; and,

WHEREAS, the proposed project includes the installation of a new 8-inch ductile iron water main from the existing water main along Mile Hill Road approximately 975' through the Town of Lloyd Property to the Northern side of the existing Rail Trail and then along the Rail Trail to the newly proposed Welcome Center and then South to a point on Haviland Road. The water main extension will be terminated with a capped isolation valve tee and fire hydrant assembly; and,

WHEREAS, the estimated O & M on this Water District extension is approximately \$5,548.00. This is an ad valorem District and there will be no debt service or benefit assessment. Additionally, this is a no cost extension to the for each unit amounts to \$281, which is less than the State Comptroller's guidelines of \$603. This is an ad valorem district, there will be no debt service or benefit assessment, and no application to the State Comptroller is necessary. Additionally, this is a no cost

AUGUST 3, 2016

NOW, THEREFORE, it is hereby Resolved and Ordered that a meeting of the Town Board of the Town of Lloyd, shall be held at the Town Hall, Thomas Shay Square, 12 Church Street, Highland, New York, 7:00 p.m., on August 17, 2016, to consider the said petition, and to hear all persons interested in the subject thereof concerning the same, and for such other action on the vote of the Town Board with relation to the said petition as may be required by law or proper in the circumstances.

Paul Hansut  
Jeff Paladino  
Joseph Mazzetti Absent  
Kevin Brennie  
Michael Guerriero

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

**Four ayes carried.**

**MOTION** made by Paladino, seconded by Brennie to go into executive session with police officers to discuss contract at 5:40 PM.

**Four ayes carried.**

**MOTION** made by Guerriero, seconded by Brennie to come out of executive session at 5:55PM.

**Four ayes carried**

**MOTION** made by Guerriero, seconded by Brennie to adjourn at 5:56PM.

**Four ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk