

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

August 7, 2013

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

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

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

PROCLAMATION:

WHEREAS, our senior citizens deserve every benefit due 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 2013 as “Senior Citizen Month” in the Town of Lloyd and ask all citizens to give them the honor they justly deserve.

In recognition of National Senior Citizen Day, Town of Lloyd Supervisor Paul J. Hansut and the Town Board invite all seniors to a continental breakfast on Monday August 19, 2013 from 9 AM to 11 AM at the Tony Williams Park Pavilion; RSVP to the Supervisor’s office.

1. REPORTS

A. Finance – Karen McPeck, Bookkeeper to Supervisor, reported there are two amendments to the budget for the next meeting: one is a donation from the Lloyd Development Association, Inc., for Recreation to purchase pickleball equipment and the other is a request from Rich Klotz, Highway Superintendent, from General Repairs CE for the Willow Dock Road project.

~The Town has not received payment from Highland Central School District for the School Resource Officer (SRO) since the first payment received in March for \$913.75; request for payment was made on March 3, 2013 for \$913.75 and on March 17, 2013 for \$85.00 totaling \$998.75. She asked any of the Board members who may have a contact with the School District to do so.

Paladino offered to call the school district.

Supervisor said that he called and inquired about the bill approximately two months ago.

McPeck said that Sgt. Phil Roloson also asked at the school but nothing has been received.

~The BAN for Bob Shepard Highland Landing Park was rolled over July 31, 2013 with Chase Bank; \$20,000 was paid off. The amount borrowed was \$891,000 at .84% interest for one year. The Town is waiting for New York State to pay the remaining funds so that the BAN can be paid when it becomes due.

~Medical Insurance has been switched over to Reis Group as the broker. There has been a lot of paperwork; there have been some claims for the prior year’s plan that need to be paid on behalf of employees since Choice Strategies is no longer processing claims.

~David Lavoie is trying to get Standard Life Insurance Company to accept terms of no minimum required number of hours worked for a police officer to be covered by the policy.

Paladino asked if there has been any feedback on CDCHP.

McPeck said that she has referred issues to Lavoie and he has helped the few people who have had problems.

~She emailed the Supervisor’s Report and Account Summary to the Board and all Town departments; she asked anyone who would like a print out to contact her.

~McPeck asked how the Town is paying for two projects:

1. The Rail Trail West project. There is \$7,932 in Rail Trail Reserve plus \$2,946 in Rail Trail West capital project with outstanding bill of \$9,375.03. She did not know what needs to be submitted for reimbursement that has been paid.
2. The Tillson Avenue Capital project has \$1,762 balance with outstanding bill of \$21,803.63. She was not sure what needs to be submitted for reimbursement and what has been paid.

Paladino asked if these outstanding bills were primarily engineering.

McPeck said that they were.

Supervisor said that both projects will be taken under consideration for next month. He felt that the Supervisor's report is in good shape. He asked the Department Heads to turn in their budget requests and reminded them if their budgets are not in his office by next Wednesday, he and the Budget Officer will do their budgets.

B. Assessor – Elaine Rivera could not attend today's meeting.

C. Building & Zoning Department – David Barton is out of Town but the Supervisor has a copy of the July report.

D. Dog Control – Andrew McKee could not be at the meeting but Kate Jonietz reported that he passed the NYS Agriculture & Market inspection.

E. Highway – Richard Klotz, Superintendent

Supervisor thanked the Superintendent and his crew for their work at the Veterans' Memorial Park. The trees and bushes were infected with a basket worm which killed approximately 18 trees and most of the bushes. The Highway Department crew went to the Park today and cleaned out the infected trees. The Town is going to have a professional look at the situation and make recommendations for landscaping.

Paladino said that he would like to speak with the American Legion members again about the erecting a Downtown Highland sign on the corner of Milton Avenue and Route 9W; it would be a good time as work needs to be done there now.

Supervisor said that there is a Milton Avenue sign at the site and asked if it would be possible to attach a sign to that.

Rich Klotz said that is a NYSDOT sign and he will speak to Mark Morano, NYSDOT.

Supervisor said that he is going to the American Legion meeting tonight at 7 PM to discuss the Park and there are a couple of ideas to present to the members.

Ray Costantino said that he proposed a duplex sign; the Legion got top billing and the secondary sign was just an arrow that said, "Hamlet". The Legion turned down the idea because in the American Legion bylaws or corporation papers it states they cannot advertise. They construed the directional sign to be advertisement. He felt that a business sign would be advertisement but a directional sign might be revisited. Ken Watson, sign maker, may still have that sign. He asked what happened to the infected trees.

Klotz answered that he dumped them in a separate area at the Transfer Station and they will be burned.

Supervisor added that they were sprayed and the worms were dead; they also sprayed the mulch that was around the trees. There are a couple of trees that were infected and sprayed but the landscaper feels that they will flourish again.

Klotz reported that paving is nearly completed for the year; he hoped he would get his CHIP money for paving the four roads. The crews are cutting brush and cleaning culverts. The fuel tanks at the Town Barn have been redone; there is a little more work to be completed. The cost is approximately \$5,000 and he would like to recoup some of the money from the other Town departments that use the gas tanks. The bad news is that salt prices are now \$12 per ton. Gael Appler, Marlborough Superintendent of Highways, is beginning to use the Reed System where the roads are pre-treated similar to what NYS does and then straight salt is used. The trucks would have to be converted at a cost of \$13,500 per truck, a computer is put in the truck and when the truck slows down, the sander slows down. Applications would be more even as this eliminates the pile of sand and salt when the truck turns around. Ulster County spent close to a million dollars last year in the system which seems to be working well for the County. He feels that this is something to look into due to the rising cost of materials. This will save in the long run and there will not be salt and dust on the road to clean up. There is money left in the loan and he would like to send two trucks to get fitted with the Reed System.

Litts asked if he looked into the Dickey-john System which NYS is using and it is cheaper than the Reed System.

Klotz said that he would look into it. He and engineers looked at Willow Dock Road and a core test of the bridge was suggested. It may be possible to just resurface the bridge.

Litts asked if Klotz approached NYS under shared services to see if they would core the bridge without charge; he will provide a telephone number.

Klotz said that Lionshead Energy was at the Town Barn to do an audit of the outdoor lighting and he suggested LED lights. Central Hudson will pay 64% of the bill; the cost to the Town would be approximately \$2,200 and the cost to Central Hudson would be approximately \$4,000. The breakeven point would be 15 months. These lights are on 24/7.

Supervisor said that a few months ago Johnson Controls completed an efficiency audit for the Town and he will make a presentation at the next Regular meeting.

American Legion Commander Lori Williams thanked those responsible for cleaning up the Veterans' Memorial Park.

F. Hudson Valley Rail Trail – Rafael Diaz reported that the billboard at 101 New Paltz Road has been repaired; Ken Watson has repainted and put the new logo on the sign, Baker Brothers has landscaped the base. The railing from the Walkway over the Hudson past the Rail Trail parking lot on Haviland Road has been weeded by the residents of the Highland Residential School on Chodikee Lake Road. They have conducted a safety campaign and at least half of the people at the safety stations thanked them for doing this. He distributed Chapter 74 of the Town of Lloyd Code, Multi-use Trails. He feels that this Code needs to be updated and language added; for example, it is not in the Code that bicycles and skaters must yield to pedestrians. He would like permission to talk with Sean Murphy.

Litts asked if these rules are posted along the Rail Trail.

Diaz answered that they are looking at a sign that asks cyclists to go slowly, warn and single file when passing pedestrians.

Supervisor asked who would enforce the rules.

Diaz feels it is all education; the signs at each entrance point of the Rail Trail would have to be changed.

Litts said regarding enforcement, part of the justification for Segway and ATV purchases was for Rail Trail enforcement.

Claire Costantino said that the area across from the handicapped parking at 101 New Paltz Road will be cleared of trees on Friday, August 9.

Diaz noted that the Highland Landing Park Association annual meeting will be at 5 PM on August 10 at the Bob Shepard Park.

Supervisor said that he has had inquiries on membership and asked that Diaz follows up on that.

G. Justice – Terry Elia/Eugene Rizzo

H. Police – Chief Daniel Waage reported that the Police Department handled 578 calls for service; other than public service, 276; there were 45 vehicle accidents; 190 parking/traffic tickets and 47 arrests. Officers or Sergeants walked approximately 155 hours in the Hamlet for foot patrol; he and the Lieutenant walked about 40 hours. There were 4,000 or 5,000 people on the Walkway over the Hudson for the July 4 fireworks event and another 1,000 at the Highland Landing, Johnson Iorio Parks and Haviland Road. On July 5, the Police assisted at Camp Karlin Stolin with a 14 year-old drowning victim who was found unconscious and unresponsive. The victim was transported to St. Francis Hospital and then flown to Westchester Hospital where he made a full recovery. The Police responded to a suicidal male attempting to jump off the Mid-Hudson Bridge on July 5; the subject was 'talked down' by Officer Ventura and transported to St. Francis Hospital for evaluation. The fireworks on July 5 in the Hamlet went very well and it is estimated that there were 3,000 people. On July 10, the Police gave a presentation at Camp Karlin Stolin on Town of Lloyd law and NYS law; he feels that there has been a drop in calls between the camp and the area residents. The Lloyd Police were given an award for assisting Camp Karlin Stolin during the incident of the drowning. Sgt. Roloson held the Sexual Harassment training for seasonal Town employees on July 18. The Lloyd Police responded to a call at the Mid-Hudson Bridge on July 20 about a suspicious male looking over the railing. After locating the male on the Bridge, the arriving Officer learned that the subject was contemplating committing suicide by jumping off the Bridge. Officer Ventura was able to 'talk down' the individual; he was transported to St. Francis Hospital for evaluation.

Litts noted that there were two suicide attempts in the same month and it was Officer Ventura who responded.

Chief said that Officer Ventura was appointed to fulltime at the last Workshop meeting and it has already paid off.

He read a commendation which he had written: "Dear Officer Anthony Ventura: During the past month you have successfully negotiated with two separate persons, keeping both people from ending their lives by jumping off the Mid-Hudson Bridge, the first being on July 5, 2013, and the second being on July 20, 2013. Your quick response and professional demeanor enabled two lives to be saved on each day. Each of the persons that contemplated ending their lives had deep mental health issues, which your demeanor was able to overcome and talk to them keeping them from jumping off the bridge causing a tragedy that would not only end a life but cause family members and friends of the victim's extreme hardship. Your actions truly make me proud. Great Job!!!"

Further, the Police gave a presentation to Little Munchkins Day Care on North Chodikee Lake Road. On July 25 the Department responded and investigated a rollover, personal injury, auto accident involving a tractor trailer on the south-bound exit ramp of the Mid-Hudson Bridge; the road was closed for approximately six hours due to investigation and clean up. Court Officer Jim Plass reported that five knives and one pair of large surgical scissors were confiscated at Town Court.

Chief said that the Department is initiating a fundraiser called, "Operation Back to School". A donation drop box has been placed in the lobby of the Police Headquarters for the collection of new school supplies (notebooks, pens, crayons, markers, etc) for less fortunate students. The Police Department challenged the Highland Fire Department to a softball game on August 25 at 3 PM, Tony Williams Park; each participant and spectator has been asked to bring a donation of school supplies for the project.

Supervisor reminded the Chief that the Department handled an incident on Carmella Drive.

Chief said in July there was a barricaded subject on Carmella; however, there was a happy ending as the subject put down the gun.

Paladino said that he received at least half-dozen positive comments on the fireworks display and on how they were able to leave with ease after the fireworks.

- I. Recreation/Buildings & Grounds** – Frank Alfonso reported that Berean Park is now closed for swimming. Six weeks of SummerFun ended on Friday; both camps were full and there were no major issues this year. Revenue from the camps was \$37,220.00 and the staff expenditure was about \$3,000 less than was budgeted; at the Regular meeting he will have the expenditures broken down. It was a successful season which went very quickly. The activity at Tony Williams Park is winding down; Pop Warner Football started practicing last week four days a week and when school starts, three days a week, with games on the weekends. The Sunday men's league continues; tonight is the last night of the high school basketball. Tennis Camp started on Monday and will be this week and next week, Monday through Thursday. The usage of the Park to the Rail Trail keeps the Park busy every day, evenings and weekends. There is a tree behind the backstop that has to be removed at Village Field; he has received an estimate from DiLorenzo Tree Service. Six new grills are needed at Berean Park which he will purchase if there is money left over in the budget. Picnic tables will be painted and repaired in the next week or two. The Berean Park raft was put in the water in 2000 and there has been no issue with it until this year. The chain locked in the back right corner and would not let it go up and some things were broken underneath. He asked Matt Smith who had put in the raft to do the repair and the other repairs under the raft. That project has been completed. Over the last couple of years there have been issues at Tony Williams Park with the infield of the main baseball field growing the type of grass that should be there. He would like that to be corrected in September and he has asked Baker Brothers to give him a quote. He would like to shut that field down throughout the months of September and October to let the grass re-grow. Regarding lawn care, he is putting out a letter to the local businesses for a meeting in late August to do a walkthrough of all of the parks to discuss what needs to be done so that everyone is on the same page for the 2014 season. He is meeting with Tim Baker to see what should be done at the Memorial Park to simplify the new plantings and make it easier to maintain.

Supervisor noted that there was a problem with Canadian geese again this year. The DEC issued a permit to remove the geese; he wanted to try other options before shooting the geese. The School District used coyote decoys successfully but the geese went south to the other field. This is a public safety issue.

Alfonso said that other options have been tried in the past such as oiling the eggs and it worked but a different flock would come back.

Paladino asked if he was expecting to erosion control at Berean.

Alfonso said that he hopes that Dave Campala of the Water Department will be able to go in the reservoir this fall and pull the sand back into piles; redo the beach in the spring. This has been done in the past and it stays nice for a couple of years. Work was done a couple of years ago but he feels it was not addressed the right way.

Supervisor asked how the current lawn care provider is progressing.

Alfonso replied that it is working out but there are some things that should be done per-cut if it is on the per-cut list. As the Park advances, more work has to be done.

Supervisor explained that this is for all of the landscaping for the Town, it is more than one man can do; he is interested to see if there is a more cost-efficient and time-saving way to do it.

Alfonso feels that the meeting will give the Town time to decide which way to do the job. Tony Williams Park is big and it is the beginning or end of the Rail Trail, very busy with people from all over the Hudson Valley. He would like to keep the Parks as nice as they can be kept.

Supervisor said that he also discussed with Frank Alfonso how to keep Berean Park open until the end of August on Friday, Saturday and Sunday. Some of the lifeguards go to college but he feels that it may be covered in deploying the manpower differently.

Alfonso feels that a skeleton crew on weekends i.e. three certified lifeguards on duty at the same time, not necessarily the concession stand, as people picnic; people will swim whether or not there are lifeguards. Adding three weekends at the beginning of the summer from Memorial Day until school ends has been successful.

J. Safety Committee – Supervisor reported that the committee is working on updating the emergency plan, which should be done in the next week or so.

K. Town Clerk – Rosaria Peplow reported the following:

Tax Collection

Ulster County Legislature held a public Hearing on July 23rd on Local Law 4 a Local Law to amend Local Law No. 8 of 2012, “A Local Law of the County entitled *Mandate and Taxation Information Act*”, to modify the tax bills. It has not been adopted yet. She spoke with Fawn Tantillo, Deputy Clerk of the Legislature, who advised that she would try to see that it is adopted in a timely manner. The purpose was that the Tax Collectors in Ulster County realized that the new format of the tax bill did not allow use of a standard window envelope to mail the receipts because of the additional verbiage on the tax bills; the two square receipts on the bottom of the bill were confusing to the taxpayers. The Tax Collectors asked that the verbiage is modified so that the standard envelope could be used. The Legislature was open to the suggestions and the Tax Collectors are happy that will be in effect for the 2014 County and Town tax bills.

Town Clerk

715 Transfer Station permits have been issued to date.

Summer Fun \$12,360.00

She explained that families pay for SummerFun in advance and then realize that they are unable to attend one or two weeks; \$230.00 in prepaid weeks has been refunded. She was fortunate to take both of her grandchildren to SummerFun. She took half day vacation time so that they could attend; it was a good experience to enjoy something in their own community. Her grandson goes to other summer camps in different areas. It brought back good memories for her to watch her son and daughter swim to the raft for the first time and now her grandson swam to the raft. She is pleased with the way that Berean Park looks and that so many people take advantage of it. She feels that Frank Alfonso is doing a great job.

Tennis Lessons \$80.00 for the first week of lessons

Swimming lessons \$325.00

Record Management

Supervisor arranged a meeting with Toya Dubin, Vice President of Hudson Microimaging, Inc. This company has microfilmed birth, death, marriage, and

police records as well as minutes of Town Board, Planning Board and Zoning Board of Appeals for the Town of Lloyd. Toya Dubin reviewed the records that are stored. She felt that it would not be cost efficient to digitize records that have a six year retention period. She will give an estimate to digitize some of the permanent payroll records.

I met with Will Laster, DMIS, regarding microfilm reader. His is the only company in the area that services microfilm readers. Microfilm is still considered the standard media for records retention as it can always be read. It is difficult to get replacement parts for the microfilm reader we obtained with a grant in 1993. The readers are being replaced with Digital Microfilm scanners. I obtained a quote for a scanner with a software program that would be used with a computer and printer that is in the office. However since he was able to repair the reader I would recommend that we utilize record management funds to digitize the Planning/Zoning/Building Records into the Muncity program that those departments have.

Supervisor said that on Toya's visit they went to the Court and looked at what they have up there; they have to get approval from NYS Office of Court Administration (OCA) to get rid of boxes and they have not contacted OCA in several years. They reached out to them and we are able to get rid of 48 boxes. There are 20 or more boxes in the storage room that can go upstairs and that should open up space in the storage room. She suggested that the 6-year retention is not worth doing the digitizing, boxes could be stored at Iron Mountain with the dates that it has to be shredded on the boxes and they will shred.

Paladino asked if there are records that can be shredded.

Peplow said that the Town Board adopted the disposition schedule prepared by the NYS Department of Education State Archives years ago. Records are stored in boxes that are labeled with the name and year of the record and the year that it may be destroyed. Every year records are destroyed on schedule, there is a form to fill out by the department head, signed by her and the person who destroys it testifies that it was done. There are some other records in the storage room that Toya looked at with the bookkeeper and we may be able to do something with those records. It is a matter of realizing that by spending money and digitizing that we save money; we save space and space is expensive and we save man hours searching for records. The Town has the Muncity program; records can be scanned into the program and hard copies can be stored at Iron Mountain and retrieved when necessary. It is not very expensive. There is always a back up microfilm of that record that is stored offsite.

Supervisor feels that it is moving forward and that the space issues are being cleared up.

L. Water & Sewer – Adam Litman, Administrator, said that he has questions about document storage and the disposal of records; he would like to know the procedure.

Peplow offered to help him and Christine Giangrasso, secretary, to implement a program for the disposition and storage of their records and identify the records that are permanent.

Litman said that there is not a large amount of records at the Sewer Department but there is at the Water Department.

Supervisor suggested Toya Dubin may also be helpful.

Litman reported that the Water Department has been producing water and is 100% on reservoir water. With the assistance of Morris Associates, the application for the use of copper sulfate in the reservoirs for algae control has been submitted. On July 11, DEC held a safety inspection of the dams and spillways of the reservoirs and there were no major violations. The issues are the growth of vegetation i.e. high grasses, brush and trees. Rich Klotz helped later in July after the inspection with a tractor and brush hog which took care of a lot of the grasses. Had it been a week earlier, there probably would not have been so many comments on the report. Other issue would be on the lowest earthen dam and the roadway that accesses the River road and the removal of trees before an inspection in 2015; this was discussed at a Water/Sewer/Drainage Committee meeting. This has to be discussed more in depth regarding the budgeting. Spillway board replacement on Reservoir 2 is something that has been discussed at the Water Department and will probably design a spillway gate instead of the boards; he is getting estimates for the steel gate. In the past months he has been talking about the issues with Staff

Lighting/Zumtobel and to-day a lot of the issues are under control. The age of the reed bed facility will have to be discussed and plans made for the upgrade as it is reaching its life expectancy. There has been an issue with the Bridgeview pump station; there was a control flow failure which backed up into the clubhouse again. The cleanup cost \$400. He requested the Supervisor to reach out to the property management company and the Sewer Department has permission to put in a check valve from the sewer line to the pump station. He feels that there will always be pump station issues but this will reduce the probability of it back flowing into the clubhouse. The check valve will be installed so that it is easily accessible and cleanable which can be done by any plumber and if they fulfill that twice a year there should not be any problems; there will be a maintenance schedule. As of the first of August, Dave Campala did a preconstruction walk around to get an idea of the sewer line location, mark outs have been cleared; after scheduling with property maintenance, the check valve will be installed.

Paladino said this was not an agenda item but as Neal Richter and Adam Litman are present at the meeting, he would like to bring up Richter's concern.

Supervisor interjected that Paladino filled him in on Mr. Richter's issue and recommends that he attends the Water/Sewer/Drainage Committee meeting held the first Thursday in October at 4 PM; he asked if this was urgent.

Richter said that the problem is an underground 10,000-gallon water storage tank at the top of Sharon Drive that has been in the ground since the late 70's or late 80's which feeds 30 houses; he does not know if it is lined or coated and has not been able to find out. He has made a lot of calls and found a company in Montana to do a test and check the tank. The 30 houses took over the well from the developers and formed an association which they were able to maintain through the years. The residents find the added expense difficult due to the downturn in the economy. The man who maintained the system has since retired and is living in Florida. The new maintenance company wants many changes and equipment moved upstairs; the association spent \$15,000 in making the changes. The underground storage tank would cost anywhere from \$30,000 to \$60,000. At association meetings the members state they would like the Town to do something. He said that he and Doug Finch came to a Town Board meeting 25 years ago and they were told by the Town that it cannot take over the well or help unless residents of Cuomo Drive agree to accept Town water, which they did not want to do. He is looking to the Town for assistance and/or guidance.

Supervisor again suggested he attend the Water/Sewer/Drainage Committee meeting in October as that is the advisory board that reports to the Town Board as Commissioners of the Water and Sewer Districts.

Paladino told Richter to bring maps and the homeowners' agreement with him to the meeting.

Litts offered that there are local companies who could test the tank and suggested Richter contacts him for the information.

M. Supervisor –

2. OLD BUSINESS

A. Church Street – one-way street approval received from NYSDOT

Supervisor said that NYSDOT met with Rich Klotz, Highway Superintendent, yesterday; he hopes that the signs will be up before school starts.

B. Lionshead Energy – Dean Matus

Matus attended the meeting to ensure that the potential solar project is moving forward; NYSERDA receives applications for funding three times a year for large scale projects and that is coming up at the end of this month. The letter of intent which states the interest of the Town to pursue the project subsequent to a more formal agreement in the event that they have money for the project. This is not binding, it provides them the understanding the Town is interested in the project and in the event the Town receives funding and a subsequent agreement is made, it would move forward.

Paladino said this would give the flexibility to include the school district and the fire station.

Matus concurred and said that news yesterday said that in addition to this program NYSERDA has also expanded their smaller program which used to cap at 50

kilowatts and now goes to 200. That applies to your question that in the event that we want to do the police station, less than 200 kilowatts, it would not be restricted. Paladino asked if the Board would sign this so it could proceed. Matus said that there a full application process and there are a couple of items he needs.

3. NEW BUSINESS

- A. Informational meeting on the new and updated Comprehensive Plan to be held on Wednesday August 14, 2013 at 6 PM; there are copies of the final draft on the table if anyone would like to read it and it is on the website.
- B. Tri-Board meeting Thursday August 22, 2013 at 6 PM.

4. PRIVILEGE OF THE FLOOR

Valerie Davis said that she has spoken to the Supervisor and the Chief of Police about an issue. On June 8 when she was a pedestrian crossing the street with her bike, she was hit by a vehicle. She was shocked when her attorneys told her that the Police report held her responsible or guilty for the car hitting her; it said that she made an error in judgment and stated that she was confused. The Supervisor referred her to the Chief of Police; she spoke to the Chief once, every time she called him her calls were not returned. She never got a chance to speak with the Officer who wrote the report until a month and a half later. When she spoke with him she felt that he was hostile to her and told her that he was not going to change the report. He was not there when the accident happened; he spoke to the person who hit her who said that she was wrong. He spoke to one other person who was there and she does not know what was said. She asked how she could allow this car to hit her and be responsible; she feels that this issue has not been resolved. She did not speak to the Police Officer the day of the accident. She spoke to Sgt. Roloson who said that he would handle it. She feels that it was a judgment call that should be taken out of the report. She asked the Board to help her determine what her rights are.

Paladino asked if she made a report herself.

Davis replied that she had not, she had not been contacted but she initiated the contact. Sgt. Roloson did not call her back due to the death of his mother.

Supervisor said that he spoke with her a week or so ago. He confirmed with her that she has an attorney and told her that if she is disputing a Police Report that she should have her attorney call him. He stressed that he told her that she has a Police Report that has been filed based on the Officer's interviews and the operator of the vehicle. The Officer amended the report based on what you told him and you were not satisfied with that response. He asked that she did not make it sound as if he did not call her back, as he called her three times.

Davis would like the Board to understand her dilemma; it bothers her that the Police Report says that she is responsible. She feels that if the Police Officer was not there, he should have been objective and not written anything that she was at fault.

Sean Murphy, attorney, stated that the Town Board cannot direct the Police Department to change a report. The report was based on their investigation. Supervisor Hansut is correct, if you are represented by counsel, your counsel can contact him. The Police Department works for the Town, they can be questioned but they cannot direct them to make changes to a report.

Davis said that her attorney is willing to handle this down the road but her concern is that as a resident she is not getting the cooperation that she expected from the Police Department who is responsible to a higher body who governs the Town. She does not understand why the Police Officer would put that in the report if he had never spoken to her and that should have been raised to that Police Officer. She wanted the Chief to be amicable with her so that they could get to the bottom of this.

Murphy said that this is the first he is hearing this and he does not know the Chief's or investigating Officer's positions are in the matter; he does not know what is in the report. Whatever is in the report is based on their investigation. He will not dispute what is or is not in the report. The Board cannot tell the Department to change the report because this citizen says it is wrong.

Paladino agreed with the Supervisor to have her attorney contact the Town with the possibility that discussions could go forward.

Davis when the report was finally changed, all it said was pedestrian crossed the street with her bike not that she said that the light was green and that she had the green light to cross but that she had a bike with her when she crossed.

08.07.2013

Supervisor said that he thought the question was whether she was on her bike or not on her bike. That was one of the questions that your lawyer posed.

Davis said that was not the only question, it was more than that and she said that she was not on the bike. She said that she was crossing with the bike but that is not the issue for her. Her issue is that the Police are saying that she was in error and that she made a mistake. She feels that it is clear that could not have made a mistake to cross two lanes of traffic.

Supervisor said that he previously explained to her that Police respond to the scene, they conduct their investigation, they speak to the operator and they spoke to a witness. He said to her that she was apparently injured and had to go to the hospital so they did not interview her. He does not know why they did not go to the hospital to interview her. Since then, they have spoken to her; the report has been amended.

Davis said that they put in a half a sentence.

Supervisor continued to say that means that they amended it to where it is now and she is still not happy with it. He once again offered to meet with her, the Chief and look at the report to see what issues are.

Davis asked if she would not be the person that they need to speak to; she said that her lawyer is not representing her to meet with the Police Department; she is representing her for the guy who hit her. She said that the Police report is her issue.

Supervisor explained that if she decides to do this in a civil manner, she will have her day in court with a judge. The Police Officer who investigated the accident and wrote the report would be called; he would be sworn in and would have to testify on the stand with a jury or bench trial and say how he concluded his report. The report was based on the witness statement. He does not feel that the report will be changed to what she wants it to reflect.

Murphy said that from what he has just heard the Police talked to her after the fact and they talked to the witnesses; they made a determination and the report will not be changed based on their investigation. If she disagreed with that, at trial the Police Officer will be called and it may be shown to be that it was an error. It sounds to him that the Chief does not feel that he needs to talk to Ms. Davis because his officer talked to Ms. Davis and the witnesses and the investigation has been completed. They do not feel that there is any need to further the investigation.

Davis feels that she has not been respected or received common courtesy.

Paladino asked her if she feels that she has not received proper information from the Police Officer or the Chief.

Davis said that she felt that she should have been contacted before the Police report was written and taken into account her version of what happened. She was hoping the Board would be able to intercede and asked if he was not accountable to the Town Board.

Supervisor said that Ms. Davis is not satisfied with the way the investigation was conducted; however, the Town Board cannot interfere with Police investigations.

Davis contends that the report was not changed, a sentence was added at the end of the comments and the report still said that she was in error which is what she wanted changed. She does not feel that this was fair to her.

Supervisor offered to arrange a meeting with the Chief and Davis; he felt that if Davis was offended by the way that Chief Waage spoke to her that could be addressed.

Murphy summed up that one issue is that Davis does not feel that she was treated properly and the investigation is a separate issue.

Mark Reynolds, reporter, asked if there was an update on the Litts farm issue that was under discussion at the last meeting.

Supervisor replied that he spoke to Dave Barton, Code Enforcement Officer, who was going to do some research. He felt that this was a case that was going on for three or four years; he plans to meet in mediation to see if it can be resolved. The work Litts is doing is within the agricultural description.

Murphy added that he also talked with Barton and it is his understanding that there is no allegation of illegal activity on the farm.

Supervisor felt that the noise was the issue but it appears that everything that is being done on the farm is within the landowner's rights.

Reynolds then asked if the Supervisor has reached out to the County on the leukemia issue. Supervisor replied that he called the Ulster County Executive Mike Hein on Monday morning and he was going to speak to Dr. Carol Smith, Ulster County Commissioner of

Health; he is awaiting a call from her. He explained that on Saturday he attended the car wash for Cameron, another child who has been diagnosed with leukemia; to his knowledge this is either the fifth or sixth case locally in a time span of a little more than a year and he would like an investigation initiated.

Reynolds would like the Board to talk about Resolution G. when it comes up on the agenda.

5. MOTIONS AND RESOLUTIONS

A. RESOLUTION made by Paladino, seconded by Litts, to hire Kevin Klotz as a part-time laborer for the Sewer and Water Plant at an hourly rate of \$17.72 upon successful completion of his pre-employment physical at the recommendation of Adam Litman, Water and Sewer Administrator.

Supervisor said that Adam Litman, looked over the applications and interviewed Kevin Klotz; we feel that he will be a great addition to the Water and Sewer Plants and that in next year's budget he will be moved to fulltime. In four or five years Dave Campala and Frank Palmateer may retire and it is hoped that Kevin Klotz will be able to fill in for them in the future. He addressed Klotz and encouraged him to work with Adam Litman to get whatever certifications that are needed and wished him luck. Klotz expressed his thanks.

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

Three ayes carried.

B. RESOLUTION made by Litts, seconded by Paladino, to accept the resignation of dispatcher Kathryn Cohan, effective July 23, 2013.

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

Three ayes carried.

C. MOTION made by Litts, seconded by Paladino, to appoint Laura Oddo-Kelly to the Environmental Conservation Council, at the recommendation of Jack Maguire, Chairperson.

Three ayes carried.

D. RESOLUTION made by Paladino, seconded by Litts,

WHEREAS, this Board desires to hold a Public Hearing with respect to the adoption of the proposed updated Town of Lloyd Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the Updated Comprehensive Plan at the Town Hall on the 28st day of August, 2013 at 6:00 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.

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

Three ayes carried.

E. RESOLUTION made by Litts, seconded by Paladino,

WHEREAS, the Walkway over the Hudson is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at 87 Haviland Road, Walkway Over the Hudson State Historic Park, a site located within the territorial jurisdiction of this Town Board of the Town of the Town of Lloyd; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Town Board of the Town of Lloyd hereby does approve and endorse the application of Walkway over the Hudson for a grant under the Environmental Protection Fund for a park project known as the Walkway Trail Improvement Project and located within this community.

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

Three ayes carried.

F. RESOLUTION made by Litts, seconded by Paladino,

WHEREAS, the Walkway over the Hudson is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the

Recreational Trails Program for a trail project to be located at 87 Haviland Road, Walkway over the Hudson State Historic Park, a site located within the territorial jurisdiction of this Town Board of the Town of Lloyd; and

WHEREAS, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located";

NOW, THEREFORE, be it resolved by this august body that the Town Board of the Town of Lloyd hereby does approve and endorse the application of Walkway over the Hudson for a grant under the Recreational Trails Program for a trail project known as the Walkway Trail Improvement Project and located within this community.

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

Three ayes carried.

G. RESOLUTION made by Paladino, seconded by Litts,

WHEREAS, the Town Board, as Commissioners of the Highland Water District, received from its Town Engineer information indicating that the extension of the Highland Water District Water Line to the Southerly Town Line abutting the Town of Marlborough would be feasible; and,

WHEREAS, the extension of the water line would enable the Town of Lloyd to potentially serve the neighboring community of Marlborough with potable water, as well as commercial development along NYS Route 9W south, including the proposed Hudson Valley Wine Village project; and,

WHEREAS, the Ulster County Executive has provided a letter of support for the proposed project, recognizing that the project improves key regional infrastructure in order to make the region more business ready. While creating construction jobs, and commercial, retail, and industrial development, as well as promoting tourism; and,

WHEREAS, Highland Water District 9W Corridor Southern Extension Project, requires funding from the Town's budget and other available sources to ultimately construct the project; and,

WHEREAS, the Town has identified a potential source of funding for this project under the Consolidated Funding Application (CFA) via the Office of Small Cities Community Block Grant Program; the Empire Development Grant; as well as potential others; and

WHEREAS, an application for funding is a Type II Action and requires no review under SEQRA as per the regulations Part 617.5 (a) and (c) (18); and

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town of Lloyd Town Board as Commissioners of the Highland Water District is hereby authorized and directed to apply for and to accept funds through the New York State Consolidated Funding Application (CFA), via the Office of Small Cities Community Block Grant Program; the Empire Development Program as well as potential others, in an maximum amount not to exceed \$3,000,000 and enter into and execute a project agreement with the State for such financial assistance to the Town for the Highland Water District 9W Corridor Southern Extension Project; and

BE IT FURTHER RESOLVED, that implementation of the Highland Water District 9W Corridor Southern Extension Project will involve a match of funding from the Town, other local county grants, and donations not to exceed \$1,500,000.

Supervisor explained that discussion has been ongoing between the two municipalities on the possibility of running water south on Route 9W to Marlborough. The County called for a meeting with the towns of Lloyd and Marlborough, Dennis Doyle and March Gallagher, Ulster County Planning, and the Department of Environmental Protection. Marlborough will need water when the aqueduct is closed in 2015. This resolution is giving approval to file the application with CFA.

Reynolds asked if the Town would be responsible for half of it.

Supervisor said that depends on the amount to do the project; the application is to get a percentage of that money with CFA, Marlborough will spend \$500,000; the DEP is willing to contribute up \$1-million. This allows the Town to move forward if the Town decides to go with this and the Town receives the grants. The cost for the Town might be in the area of \$1.2-million or \$1.5-million.

Reynolds said that he understood that Marlborough is trying to get water from wells in the mountains.

Supervisor said that as far as he knows, they have not been successful with the wells. Marlborough was at two meetings and they were talking about the wells but the thought was to run water to the Town line; if and when Marlborough needs it, they can buy into it. On Mackey Lane, there are about 15 trailers that are on wells and are low on water, he would like to be able to hook them into the system but that is a further conversation.

Paladino said that he has had conversations with landowners and he knows there are a lot of issues and there is interest in Town water.

Murphy explained that this grant application is by the Town of Lloyd; there are no other municipalities involved.

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

Three ayes carried.

H. RESOLUTION made by Paladino, seconded by Litts,

WHEREAS, pursuant to the 2010 decennial federal census, the population of the Town of Lloyd has reached more than 10,000 persons; and,

WHEREAS, pursuant to Town Law, when the population of a town has reached 10,000 or more, and if the Town is not already a town of the first class, it automatically becomes a town of the first class; and,

WHEREAS, pursuant to Town Law, a town is required to elect a receiver of taxes upon attaining the status of a town of the first class; and,

WHEREAS, pursuant to Town Law, the Town Board may adopt a resolution subject to a permissive referendum determining that the office of Receiver of Taxes and Assessments shall be an appointive office in such town; and,

WHEREAS, the Town Board of the Town of Lloyd wishes to designate the office of Receiver of Taxes and Assessments as an appointive office in the Town of Lloyd.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That the office of Receiver of Taxes and Assessments in the Town of Lloyd shall be an appointive office.
2. The Town Clerk of the Town of Lloyd is hereby appointed as Receiver of Taxes and Assessments in the Town of Lloyd.

This resolution is not final and shall not take effect until 30 days after its passage, provided no petition is filed with the Town Clerk pursuant to Town Law Section 91 requesting a special election. If an election is so requested, the resolution shall not take effect until an affirmative vote is rendered by the voters entitled to vote pursuant to the Town Law.

Murphy explained in the 2010 census the Town population is over 10,000 which is an automatic Class A Town. In that case, the statute provides that there is an elected Receiver of Taxes and Assessments. The Town of Lloyd Town Clerk has always collected taxes and he has spoken to Rosalie Peplow and the Supervisor about making it an appointed position instead of elected.

Litts said that he thought that this was done a few months ago and it was decided to appoint the Town Clerk.

Peplow recalled discussing it but no action was taken.

Murphy stated that a resolution was never put on the agenda.

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

Three ayes carried.

I. Resolution for August 21, 2013

Resolution to establish a Town Hall Capital Improvement Reserve account with unexpended funds from 2013 and future year's General Fund Budget titled Town Hall Capital Improvements (1620.50); the sole purpose of this reserve account will be to reduce the costs associated with Town Hall improvements, repairs and future expansion and construction costs.

J. Resolution for August 21, 2013

Approve the following budget amendments for the 2013 budget.

GENERAL

Recreation 7310.40 +\$100.00

Gifts/Donations 00-2705 -\$100.00

(donation for pickle ball equipment from Lloyd Development Association, Inc.)

HIGHWAY

Willow Dock Rd 5112.51 +\$10,000.00

08.07.2013

General Repairs CE 5110.40 -\$10,000.00
(requested by Rich Klotz, Highway Superintendent)

Tom Baird from Barton & Loguidice attended the meeting to update the Board on the Tillson/Toc/Vineyard Avenue intersection. He said in March B&L received word that the project was 'beyond preservation' and they were able to justify the need to reconstruct the intersection; there are only a few projects in the area that have been able to do that. They also met in March with Dennis Doyle and other people from Ulster County Transportation Council to discuss ways to get additional funding for the project. They were told not to apply for the SHIP funding by NYSDOT as the accident rate was not high enough. The draft design report was submitted and recommended the roundabout as the best option for satisfying the objectives. They received comments back on the draft design report; the comments were on the technical end of the roundabout that B&L does not necessarily agree with; the comments are guidelines on the approach grades. The design grades on Tillson Avenue and Toc Road do exceed those. They mentioned that a 50-foot or 75-foot length of grade is not acceptable. The reason he questions it is if one slows down for a STOP sign, one can certainly slow down for a YIELD sign; there is really no difference for the approach grade. The funding for the intersection is short \$700,000 and for a roundabout by \$1.4-million so the difference in cost is between \$600,000 and \$700,000. He spoke to Dennis Doyle and they are going to look at projects that did not use their funding to help fund additional costs of either one of the alternatives. This is the point where the design report is sent back. Applying justification for the grades at the roundabout runs the risk of another round of comments and not getting the roundabout anyway. The reasons that they are dismissing the roundabout design report are not related to funding or the desire not to put one there. It is based on a geometric suggestion or guideline. He wanted the Board to think about this as he does not feel comfortable rescinding the preferred alternative as the roundabout because of a guideline that he had been told by the other informed members of the DOT that it is okay to do this. They do not get involved with Region 8 but are from another office. It can be pushed forward and get them to say that they do not want to fund it and they do not want it on their road. Then there is no choice. He stressed that he wants them to say that if that is the case not the Town put out a less safe approved project just because of a guideline that they feel is not met. A decision has to be made.

Supervisor asked if the Town has been approved for the Marcheselli grant.

Baird said that the Town has been approved for the Marcheselli grant. Bill Gorton, Regional Director, does not want the multi-use path which is another part of project; he wants it to be a sidewalk and does not want to put bicycles on a path. People ride bikes on the sidewalk; if there is no sidewalk, bikes have to be accommodated on the road. He feels that he has to address this with the Landscape Director. If it does go back to a sidewalk, accommodations for bicycles should be considered as this is for a connection between Walkway on the Hudson, Rail Trail, Route 9W and the Hamlet. It also does not fit in with the DOT's policy of 'complete streets' which accommodate multi-modal transportation.

Paladino clarified that a decision has to be made between sidewalks and multi-use path; if it is sidewalk, would they be wider.

Baird replied that travel lanes would be 14-foot in both directions to accommodate bicycles and vehicles, plus a 5-foot wide sidewalk which would be more of an impact.

Litts asked if they could be striped for 11 or 12 and then put a bike designated area between the sidewalk and the vehicle lane.

Baird said that they were able to do that but the problem now is that it has to be 5-feet in order to put down the striping. If there is a 15-foot width of 11-feet and 4-feet, the 4-feet cannot be striped as a bike lane.

Litts said he thought that in recent NYS projects 2 and 3-foot wide is being striped with the bike symbol.

Baird commented that it has gone from 4 to 5, 4 in extreme cases where there is right of way and it can be designated as a bicycle route. A 14-foot lane is shared-use lane and he feels that it should be striped; 2-feet with a stripe is better and gives more guidance to the motorist to stay out of the lane. That cannot be done; the federal government will not pay for that.

Murphy said to get to the Bridge from that intersection he would go on the Rail Trail until getting to Commercial Avenue and onto Route 44-55; he would not cross the highway and asked if a bike path is needed there.

08.07.2013

Paladino felt that in accord with the Gateway Zone, it is something that should be integrated into the project.

Supervisor said that his concern is that for the littlest thing they will pull the project and send the money elsewhere. He asked if the battle is being fought for the roundabout and we are already a year behind. If you sense there is going to be a resistance with multi-use path, he asked if it was worth it if it is further delayed. He said that Lloyd made the TEP for 2014.

Baird said that he preferred they just say it if they did not want a roundabout on a State road; don't provide a guideline that is an excuse to write it off. He said that he can make it work. Put your best foot forward and support the safest alternative that satisfies the project which was to improve safety at the intersection. It may be possible to get a letter from them saying that the State will not support any additional funds in the form of Marcheselli to fund a roundabout. We need to know if we can get additional funding for the increase cost of the roundabout; if they say no, then it is for an economic reason that we cannot do it. He suggested that the Supervisor speaks with Dennis Doyle and ask if funding from UCTC is possible. If it is not then the most affordable option will be done. That is not a problem; everything has been documented.

Supervisor felt that they were saying it is a nice idea but they don't want to pay for it.

Murphy asked if the grading is different than a four-way with a STOP.

Baird said that the steep grades will be the same approaching a STOP sign. We will be able to say that we had an 11% grade and we improved it to 10%, based on the topography that is the best we can do. We are really at the opinion of Region 8.

Supervisor feels that the more the project goes back and forth it will be delayed longer and longer. He would like to go forward because he feels the money is not going to be there.

Discussion continued on traffic-calming designs.

Baird suggests a 6-foot wide sidewalk with mountable curbs, 12-foot lanes for Tillson Avenue.

Litts asked if that will lessen the right-of-way takings.

Baird replied that it would not affect as many as he would like, perhaps three or four; the big issue comes from dropping the grade down at Smith Terrace. The retaining walls are on the right of way, some are in need of repair and must be kept in the project; it is pay 5% now or 100% later. He would like to add a foot of width to the travel lane and a strip along the curb. Justification will be needed for adding the foot.

Paladino asked why Gorton would not approve the bike path.

Baird said currently there is a sidewalk and bicycles are allowed on the road and the grades are the same. Gorton wanted to keep bikes away because it was steep.

MOTION made by Litts, seconded by Paladino, to go into executive session regarding personnel to interview an applicant for the position of Assessor at 6:15 PM.

Three ayes carried.

MOTION made by Litts, seconded by Paladino, to come out of executive session at 6:47 PM.

Three ayes carried.

MOTION made by Litts, seconded by Paladino, to adjourn the meeting at 6:48 PM.

Three ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk