

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

AUGUST 15, 2012

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

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

7:00 PM – Supervisor opened the meeting and asked Terry L. Bernardo, Chairman Ulster County Legislator, to lead the Pledge of Allegiance.

Supervisor welcomed Chairman Bernardo and turned the floor over to her to address the Lloyd Community.

Chairman Bernardo said that she lives in the Town of Accord and has been visiting all of the towns in Ulster County to meet the Supervisors and the Town Board members. Since becoming chairman she initiated “The Morning News”, which goes out in the afternoon; morning newspapers are scanned for stories on government that are relevant both locally and throughout the state. She offered a sign up sheet to be included in the email list for “The Morning News” and press releases from the Ulster County Legislature. Press releases do not always show up in the newspaper and, if it does, sometimes it is not the same; the email will provide information before it comes out in the paper.

This year the Legislature has passed nine local laws and the law that she is most proud of was originally named the ‘Truth in Taxation Act’ and later changed to ‘The Mandate and Taxation Information Act’. The intent was to show on the tax bills where the tax dollars are going and she gave the example of the Board of Elections. This was a mandate that the Legislature sent to them and they have no control over the bill but they have to pay for it. Safety Net is another cost the Legislature passed down that the towns do not have control over either. The 9 for 90 campaign of the New York State Association of Counties, is about nine of the mandates in the county and state make up 90% of the tax levy. They are trying to tie the mandates that are passed down to the body that levied them; Albany passes down many things to the county that they do not have any control over and they want residents to know who passed that mandate on and likewise for the Town Board.

Last night the Legislature amended the Ulster County Charter; it has been five years since the Charter was passed. The most significant was reapportionment and the Legislature was reduced from 33 legislators down to 23 because of the Charter; at the same time the district lines were redrawn because of the 2010 Census. The Reapportionment Committee was appointed and they drew the maps; the maps had to be voted on by the County Legislatures, they did not draw the line but they were able to say ‘yes’ or ‘no’. This created an atmosphere of partnership between the Legislature and the Reapportionment Committee. There are those people who feel that Legislators should not have anything to do with that process because they are all corrupt and just drew the lines to suit themselves; she feels that this might be true if the elected officials are given the right to draw the lines. However, it is her opinion that the Legislators should have some involvement when approving maps, to look out for themselves and their constituents. The first map that came out for her hometown was divided into four districts with four different legislators; towns like to stay in one district if they can. The Town of Rochester was just a little smaller than it needed to be to be one district. In the end it came out to be a whole district with a little bit of Wawarsing in it; that is something that the residents wanted and as an elected official she was able to fight for that. This year the Charter Commission tried to make it so that the Reapportionment Commission drew those lines and that the Legislature should not be able to vote on it. There were no checks, no balances. There was an agreement that they would be able to put it up for permissive referendum. This would mean that if residents did not agree with the map they could collect signatures so that it could be put on the ballot and people could vote on it. It will have to go to the state legislature to be allowed to do this; currently, a local law from a legislative body is the only way permissive referendum on maps can be brought forward. They did not want to give them a chance to vote on the maps at all so they are going to the state legislature and ask the Governor to let Ulster County put a reapportionment map up for permissive referendum. She feels that the Governor will like the idea.

Bernardo said that Mary Beth Maio, District 10 Legislator, is the Whip for her caucus in the Ulster County Legislature and she serves on four committees: Law Enforcement and Public Safety, Ways and Means, Laws and Rules, Government Services and Economic

Development; these are very serious committees. Maio is good to work with and is willing to speak her mind which is a quality that is important to constituents.

Bernardo advocates for the people on the Esopus Creek who are impacted with the muddy releases and the people of Wawarsing who have been flooded out of their homes; she is also working on Safety Net and UCRRA issues. As another initiative, she has been working with the Sheriff on road patrol and has spent a shift riding with the Sheriff to be better educated. The budget will be coming out October 1.

In regard to Wayne Harris, Legislative District 9, he could not be at the meeting tonight; he chairs the Legislative Programs Education and Community Services Committee and serves on the Ways and Means, which are two very important committees. He is a collaborator and works to bring peace and harmony to the Legislature, working very well with everyone.

Mary Beth Maio related that she is enjoying her position as District 10 Legislator, even though at times it is a lot of work. She has been working very hard this summer to get top issues done and sometimes it is not easy to make a decision. She feels that serving on the four committees keeps her educated as to what is going on in the County. She gives Bernardo kudos for spending the day with the Sheriff to help to understand the needs of the Sheriff in the upcoming budget process. Maio feels that she and Legislator Harris work very well together for the people of Lloyd.

Bernardo offered to take questions.

Supervisor said that as a Town Board that they are struggling with the Safety Net and asked her thoughts on the future; he recalled that last year some funds were received that helped the towns of Ulster County offset the 21%.

Bernardo replied that the County Executive is not making the funds available this year and has taken it completely off the table. Jim Sottile, the former Mayor of the City of Kingston, who filed a lawsuit last year over the distribution of Safety Net told her that his lawsuit is alive and well, which may have an impact on what is being done. According to some, years ago when the percentage of sales tax was negotiated it would go to the City of Kingston and the towns of Ulster County, the City of Kingston got a higher percentage of sales tax because they had a higher percentage of Safety Net that they would pay. Every time that Safety Net is discussed people want to give and take sales tax and they are pretty grid locked about what they want to do. Legislator Kevin Roberts has taken over the Social Services Committee and has started to move on that but they have not done much other than the County Charter. START

Supervisor said that a lot of towns are not paying their Safety Net and are keeping it in their budget and in November a bill will come from the County; he asked if the bill will go to the town or the individual taxpayers.

Bernardo felt that it will go to the town; the Truth in Taxation will only break out what was billed to the town to be divvied up among the taxpayers on their tax bill.

Supervisor said that \$200,000 was budgeted for Safety Net this year and asked if that is under the 2% property cap of the town.

Bernardo answered that it is in the Town's budget right now and it will be much the same as it was last year; the County Executive is going to give his budget on October 1 and there has been no change in policy. They are waiting to see what they get. She encourages the Supervisors to come up with a plan that all can agree on so that we can be in control of our own destiny instead of the County Executive telling the Towns what it is going to be. He is not going to share information until it comes through the budget.

Supervisor elaborated that the Safety Net for the Town of Lloyd went from \$91,000 up to \$200,000 this year and he does not feel that the Town will realize the sales tax this year that has been budgeted for 2012. That amount that the Town has to put out there every year and soon it will not fit into the 2% property tax cap; the Town will be put in a position not to pay it.

Bernardo replied that she would like to cap the Safety Net expenses for the towns and then have the County take it over gradually, as the Governor is trying to do with other expenses. NYS has the same issue with the percentages being paid for Medicare and Medicaid. Your town is going to be responsible for an extra 20% for the Safety Net as the State is not going to give you the money and Supervisor is asking if the County is going to give the Town the money; the budget process is that the County Executive writes the budget, gives it to the Legislature in October and then they react.

Supervisor felt that the County did get their money and it is in the budget but the Town is not going to see it.

Bernardo agreed and said that the County gets other money that the Legislator cannot tell the County where that has to be spent.

Mark Reynolds, reporter, asked if there were disadvantages or advantages to a smaller Legislator.

Bernardo feels that smaller was better, 33 members is a lot, and that the single member districts have been the most helpful. She likes being the only Legislator for the Town of Rochester as it raises the accountability and residents know to whom to go.

Erin Quinn, reporter, asked the meaning of Safety Net.

Bernardo explained that it was for people who fall on hard times.

Supervisor added that it is temporary assistance for people. He thanked Terry Bernardo and Mary Beth Maio for coming to the meeting.

7:15 PM – Supervisor opened the Public Hearing on Local Law No. H– 2012, a local law to revise Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands, Waterbodies and Watercourses Law”

Donna Deeprose asked for a copy of the local law.

Town Clerk gave her a copy

7:15 PM – Supervisor opened the Public Hearing on “Local Law No. I – 2012, a local law to amend Chapter 92 of the Town of Lloyd Code to increase the maximum exemption allowable under Sections 458-a and 458-b of the Real Property Tax Law to provide increased levels of exemption amounts for certain owners eligible for the Alternative Veterans’ Exemption and the Cold War Veterans’ Exemption.

He said that the public hearings will remain open if anyone has questions.

1. REPORTS – Town Board Liaisons

Assessor – Councilmember Paladino

Audit – January 1 to June 30, 2012: Councilmember Litts, Councilmember Brennie

July 1 to December 31, 2012: Councilmember Paladino, Councilmember Guerriero

Building Department – Supervisor Hansut offered a copy of the Building/Planning/Zoning monthly activity report if anyone would like a copy. The court date for Vineyard Commons was this past Thursday.

Sean Murphy, Town Attorney, said that their attorney requested an adjournment based on the fact that he had trouble getting his witnesses who were not available; the new date is Thursday, August 30 at 2 PM.

Dog Control – Councilmember Brennie mentioned that a satisfactory report was recently received from the NYS Department of Agriculture.

Environmental – Councilmember Guerriero

Grants – Supervisor Hansut reported that Liz Axelson, Planner with Morris Associates, has met with Rich Klotz, Highway Superintendent, regarding the Safe Route Home Grant that has been discussed at various meetings.

Klotz said that the intention is to build sidewalks on North Road, lower Grand Street some of the side streets and Commercial Avenue; this is a NYS Grant, ‘Walk Safely New York’, which also involves the Police Department and the School District. It will be presented at the next School Board meeting on August 21 to get them involved.

Supervisor said that the second component of that grant is educational and the SRO may fall into that component but input is needed from the School District.

Klotz said that there are not many other towns applying for this grant.

Supervisor added that Ulster County offered assistance with the grant to other school districts but he felt that Lloyd is moving in the right direction and he understands that it may be an 80/20 grant.

Litts said that the last one was 100% but this one may be 80/20.

Supervisor felt that it was a great project and 20% should be considered; he told Klotz that he appreciated the time that he spent with Liz Axelson.

Highland Fire District – Councilmember Paladino reported that there was a Fire Commissioners’ meeting last night. He reiterated that the firefighters requested permission to be notified for all critical calls to Mobile Life, thinking that a firefighter may be closer to the issue and quicker to answer the call. The request was approved by the Commissioners and they have had calls. There may be an additional 250 calls per year due to undertaking these calls and he applauds the firefighters for doing this.

Rafael Diaz, Highland Rotary, interjected that the Rotary has been preliminarily discussing providing more AED's around Town, which will help with the response to emergencies.

Paladino reminded everyone that an AED saved a local man's life this year at the Highland Diner and he felt that it was a great program.

Highland Central School District – Councilmember Paladino reported that he met on August 13 with Superintendent Deborah Haab regarding pursuing the idea of Student Resource Officer (SRO); there may be an opportunity to fill that position; discussions and interviews will continue and a decision will be made as to the direction they may want to go. The District is getting ready for the new school year and negotiating the HTA and HLPAs contracts.

Reynolds asked if the SRO is going to be a shared expense between the School District and the Town.

Paladino answered it is still under discussion; the Town Board is considering a contribution and there was a discussion about our allocation from the DARE program and that may still be funding for that. The cost was \$24,000 in salary but the individual who may be interested in the position is a retired police officer and is limited in the amount of allowed salary. He would be involved in all three schools but the focus of the SRO is Middle School and High School.

Highway/Transfer Station – Councilmember Guerriero said that right now the Transfer Station is \$15,000 behind. He discussed this with Rich Klotz and they felt that there was about 4.5 months to balance that and the target is \$65,000 to break even for the year; perhaps opening the Transfer Station for another day per week may generate some more income.

Supervisor said that the problem would be manning the Transfer Station and paying that person another day; he suggested that it could be closed one of the days of the week, since there would be no revenue but no expenses either.

Gary Pregno asked if privatizing had been discussed and Paladino answered that it has been.

Supervisor added that the contract with UCRRA is up next year; Guerriero and Klotz are considering that and, hopefully, will discuss soon as it is time to put the 2013 budgets together.

Guerriero said that this is a service that has to be provided to the community.

Paladino said that it could be privatized and this is also being considered in Marlborough. He has received calls from LaMela Sanitation who would like to come to a meeting with a presentation of what they would propose.

Supervisor stressed that it has to be discussed as the Town cannot manage to break even with the Transfer Station. The problem has been going on for years even though it is better this year than it has been in the past. The Transfer Station was not intended to cost the taxpayers money.

Guerriero gave the example that the Transfer Station took in \$600 in tire fees and it cost \$900 to remove them.

Litts said that some of the issue is fuel surcharges that are added and it cost more to pick up the dumpsters.

Supervisor explained that every year the Transfer Station must make a Solid Waste Management Facility Annual Report and in 2010 it was not done so the Town was fined \$1,000.

Quinn asked whose responsibility it was to file that report and how to avoid this in the future.

Supervisor replied that he was not sure as he was not here but it has to be paid. The report should be filed on time and this year Denise Rhodes, Secretary to the Highway Superintendent and Rich Klotz, Highway Superintendent took care of it. The responsibility of the Transfer Station has been returned to the Highway Department.

Klotz said that it should be mailed to NYS in a day or two; Kate Jonietz and Rosalie Peplow both helped with the figures.

Historian – Councilmember Guerriero

Justice – Councilmember Litts said that he has spoken to one of the judges. There are no problems. The revenues are on par and may be a little higher than normal.

Lights – Councilmember Brennie reported that he is still waiting on the Haviland Road light.

Planning Board – Councilmember Guerriero reported that they are developing the sign code for the Lloyd Core Development area, which is made up of the central business

district of the Hamlet and the Gateway Corridor on Route 9W from the Mid-Hudson Bridge overpass to Milton Avenue; they are also considering signs along the Walkway and Rail Trail. The Planning Board would like to establish a consistency in color and size of the signs. The Dyson Foundation is contributing \$40,000 to \$50,000 to do a study on the development of that area and the Planning Board is helping with the sign code.

Supervisor asked if the Board has seen the report from the Planning Board on the signs. Paladino replied that the Board had gotten the report and he felt that they needed to review it although it was very well done in-house by Bill Ogden and Dave Plavchak, Planning Board members.

Police – Supervisor Hansut reported that he has the July monthly activity report. A proposal was made to the PBA on the contract, they have chosen to go to mediation and a mediator has been picked along with tentative dates. The process is that there is a mediator and hopefully the two parties can come to a resolution; if that does not occur, it then moves on to arbitration and it is based on an arbitrator's award out of Albany. At the Workshop meeting, we were advised by Lt. Sargent that two of the Police cars in service now have 97,000 miles and 96,000; it is in the PBA contract that if a vehicle hits 100,000 miles it is taken out of service. We are now looking for prices on Police vehicles. He said that he sat in the room during the budget process and the Town Board was assured that the cars would make it through the year; that did not happen.

Matt Smith asked if there was any provision in the contract that a car could be refurbished or is it mandatory to buy a new vehicle.

Supervisor answered that if it hits 100,000 it is taken out of service; the Board could tell them to keep using it but if there was an accident, the Town would be liable. New vehicles are being looked at in Syracuse and New Jersey and he has final prices, in the range of \$35,000 to \$38,000, fully equipped. Financing is being discussed and a lot of municipalities have leasing programs, which would be typically a 3-year lease paid once a year; at the end of the lease, the car is purchased for one dollar.

Litts said that he received a price quote from the Peekskill area, Cruises Division, on a lease program, which is used by a lot of towns in Dutchess County. The quote was between \$11,600 and \$12,100 per year for a fully equipped Police car for 36 months with a dollar to \$4,000 buyout at the end of the lease.

Supervisor said that he checked with M&T Bank who came up with good leasing prices that he will pass on to the Board. This would be three annual lease payments of \$2,409, beginning April 1, 2013, approximately \$12,000 per year for the two cars.

Rosemary Sinagra asked if the Police put less than 33,000 miles on the car per year.

Supervisor replied that he recalled the Police said they put between 30,000 to 33,000 miles per year on each car and these cars come with 4-year 100,000 mile warranties.

Sinagra posed that the contract for 100,000 would be void.

Paladino, Supervisor and Brennie said that would not be void and Brennie added that they are hoping to raise that number in the next contract.

Supervisor said that was in the PBA contract and there is a contract in place and the Town has to follow it; there are two cars with high mileage.

Quinn asked if they looked at NYS bids.

Supervisor replied that there are no bids out right now and the one bid that they looked at was from Syracuse and it is the Onondaga County's bid; that is why it is so cheap. There is no information when the next bid will be out. They are looking at different options with the car; one is a 'slick top' without light bars on top and saves about \$3,500 per car; from Syracuse to New Jersey, the savings will be from \$3,000 to \$3,500.

Rafael Diaz estimated that the cars are used about 3,000 miles per month and that means that the cars will be in use for one or two months.

Supervisor agreed and said that he did not know if the new cars would be here by the time they have to take the two cars out of service.

Paladino said that there are two other cars in the fleet but their mileage is in the 60,000 range.

Supervisor stated that he would like to make a decision and get the cars ordered.

Brennie asked if it is or is not a liability issue just because it is a contract issue.

Paladino cautioned that if there is a problem it becomes a grievance.

Supervisor concluded that one car should have been budgeted for this 2012 and it was not.

Recreation – Councilmember Brennie reported that a very successful season has been completed at Berean Park where the improvements and the extended hours were well received; keeping the Park open until Labor Day next year is under discussion. SummerFun program averaged 35 campers at each camp each week. Pop Warner will be using Tony Williams Park into October for their program. Work will begin next week on the tennis and basketball courts at TW Park and the relining of the pickleball courts will be completed at Berean Park. The funds will come out of the Capital Fund at no cost to the taxpayers.

Supervisor interjected as Frank Alfonso, Recreation Director, has said the Capital Fund has been depleted and the last major influx of money was Vineyard Commons; for recreation to move forward, more development is needed.

Water, Sewer and Drainage – Councilmember Litts reported that there was a meeting of the Committee on August 2 and some things that were discussed were the Mountainside Woods extension and the North Road culvert along with issues and time frame as well as funding. Adam Litman, the new Wastewater Administrator was introduced. Morris Associates, engineers, submitted a wastewater capacity report that they generated. They are going to revisit this and update it and then submit it to the Town Board. The Sewer Treatment Plant is nearly completed. They reported because of the project last year to prevent Inflow & Infiltration (the groundwater that infiltrates through cracks in the sewer pipes) between 50,000 and 70,000 gallons per day that would need to be treated has been stopped from getting into the Sewer Treatment Plant. If there is expansion of the Sewer District, there is probably space in the STP to handle those expansions.

Zoning Board of Appeals – Councilmember Litts said that there was a meeting and there were only some ancillary issues to deal with on variances but nothing major.

Litts related that he did speak with the NYSDOT about the sidewalk collapse and road repair on Milton Avenue. He was told that originally there was an issue with the shop drawings that were submitted and had to be sent back. The shop drawings are the plans of the culvert that they are going to build and it is a requirement that these plans are submitted before it is built. In this way the NYSDOT knows what they are going to supply is what was in the plans. The contractor submitted those plans and they were rejected and there were some issues that had to be changed; the plans have finally been approved and the structure is now being fabricated. It has to cure and it will be eligible for delivery in the week after next, when they anticipate starting work. He said the process will take a couple of weeks and the road will have to be closed. He asked if it could be done before school starts and DOT said that they will try but it was not likely.

He also spoke to DOT about Vineyard Avenue which is now closed to one lane of traffic. There is a contract called the ‘where and when contract’ which is for emergencies. As emergencies arise they are put on a priority list, Vineyard Avenue is on the list but it is not a super-high priority. There is authorization to work on Vineyard Avenue but it is not known when.

Donna Deeprise asked the status of the bridge on New Paltz Road and Litts replied that they are awaiting a box culvert and for the deck to cure.

Supervisor announced that on Monday, August 20, 9 AM to 11 AM, Tony Williams Park, a continental breakfast will be held for senior citizens; between 75 and 100 folks have already responded. He believes it is to give back to the seniors and it is the first time that the Town has tried this. On November 11, there will be a breakfast for veterans at St. Augustine’s School, which is a joint effort of the Events Committee and the Knights of Columbus.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

This year’s Harvest MoonWalk will be held on Friday, September 28 at the Hudson Valley Rail Trail Depot and along the rail trail from the Highland Rotary Pavilion to Tony Williams Park. The event will take place from 7 to 9 pm. The admission fee for the event is \$5.00 for adults with children six and under free. Included in the admission fee is access to the trail after dusk and to enjoy a bonfire, a storyteller, cider, donuts and popcorn. Susan Van De Bogart is chairman of this year’s event. All are encouraged to join us for an evening of fun and camaraderie with friends and family.

Plans for HudsonFest Weekend which will be held October 6 and 7 are underway with Eric Norberg and his committee making arrangements for an outstanding weekend of events that will include the “An Evening Under the Stars! Gala on Saturday night and Highland HudsonFest on Sunday. Both events will be held at 75 Haviland Road and on the Hudson Valley Rail Trail. We are currently taking reservations for the Gala. Tickets are \$80 per person.

The planned improvements to the entrance at 75 Haviland Road Parking Area have been completed. The improvements included the eradication of the existing weeds at the entrance and along Haviland Road, planting ornamental grasses and installing river rock along the entrance. All work was done at no expense to the Town of Lloyd. We are now beginning an effort to develop a design to improve the strip between the parking lot entrance and Haviland Road.

Signals Editor Rafael Diaz is busy putting together the next issue of *Signals* which will be arriving in our member's mailboxes in the very near future. It will be an action packed issue with information on the Harvest MoonWalk, the Evening under the Stars! Gala and Highland HudsonFest.

We are in the process of ordering the five additional benches that we plan to install along the rail trail. They should be installed during September or October.

Rafael Diaz and Fred Schaffer are continuing their joint efforts to create a Safety Education Program to be held on the rail trail to educate cyclists and pedestrians regarding trail courtesy. The program is expected to begin in late August or early September.

The Highland Rotary has not yet awarded the bid for the paving project at 101 New Paltz Road. Once they have completed their project, we plan to seed the area between the rail trail and the newly installed handicap parking spaces. We have obtained an additional kiosk from Ulster County Tourism. It will be installed in the spring across from the newly created paved handicap parking area. The kiosk will feature a map of the trail and information on the rail trail as well as area events and tourism brochures.

The Hudson Valley Rail Trail is currently participating in the Parks & Trails New York's 2012 NYS Trail User Count, which is part of an effort to implement recommendations of New York's Statewide Trails Plan. The objective of the study is to build a body of data on the nature and volume of the trail usage on a variety of NYS multi-use trails. We are one of the fifteen rail trails that are participating. The count will be concluded by August 31 and the information gathered will be sent to Parks & Trails New York.

Supervisor said that at last month's meeting, Christine Giangrasso, Rotary President, proposed a monument to be installed on the Rail Trail and the Board suggested that she speaks to the Rail Trail board.

Costantino replied that Giangrasso is on the agenda at the next Rail Trail meeting.

Diaz related that the proposal for the monument was recently passed by both the Rotary Board and membership.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park gave the following report;

I am delighted to report that the dock/bulkhead replacement job at the Park is progressing nicely; approximately 300-feet of bulkhead has been installed (from the boat launch ramp to the dock, more than 50%). The contractor, Gary Arold and the subcontractor, Bongiovani, have been great to work with; they both have done extra work which would have cost \$30,000 or \$40,000, at no charge.

The Park is closed during construction but you can park along the road and watch (it is fascinating!) Call me if you want a tour; you need a safety vest and hard hat, and shoes that you don't mind getting muddy. The machine operators will be notified that there is an extra person on site as it is very dangerous. I am at the site every day from 6 AM to 5:30 or 6 PM; if you drop by wait at the brick building and I will see you to take you on the tour. Pictures of the construction can be seen at www.highlandlandingpark.org.

The project underway is being paid for by a \$911,000 grant. The amount of grant money has been matched by in-kind services and not paid for out of taxes.

The electricians have a little more to wrap up at the building; venting, heating and air conditioning is almost done. All of this work is being done by volunteers. We are getting a crew of six together to pull out the windows and window framing; after which we will install the new windows and frames. The next step will be the foam insulation. The improvements to the building have slowed due to the focus on the seawall project.

The groundbreaking for the bulkhead project was a big success with Secretary of State Cesar Peralis, Senator William Larkin, Assemblyman Frank Skartados, County Legislators Mary Beth Maio and Wayne Harris, Supervisor Hansut and Town Board members, Rosalie Peplow, Town Clerk and many others attending. The event cost the Association very little and paid off in a big way with the goodwill generated and press coverage, both of which are helping with fundraising. The tent and chairs were donated by Jeff Paladino (thank you) and the beautiful fruit salad arrangement was donated by our catering angel, Marie.

Rafael Diaz said the inaugural edition of the Highland Landing Park Association newsletter will be going out toward the end of September.

Supervisor noted that the Town went out for bond to pay the contractors prior to getting the grant funds.

Smith explained that everything at the Park is being done by volunteers and/or at minimal cost. He thanked Sean Murphy, attorney, for asking the bond council to do the bond work for \$1,350 as it would normally have been over \$3,500.

2. OLD BUSINESS

A. Milton Ave repair was discussed previously in the meeting.

B. Bridge at North Road repairs

Rich Klotz said that the drawings are done for the box culvert and now is working on rebuilding the water and sewer lines.

C. Transfer Station update was discussed earlier in the meeting.

3. NEW BUSINESS

A. Workshop Meeting for September 5, 2012 at 3 PM.

Supervisor said that he hoped to continue meeting at 3 PM for the Workshop meeting until the end of the year.

B. Vineyard Ave – NYSDOT lane closure was discussed earlier in the meeting.

C. Glaser – Oaks Road Easement

Sean Murphy said that the easement is on Oakes Road next to Franny Reese Park where there was a lot of damage from the hurricane last year; a culvert needs to be replaced. The culvert is on Charles Glaser's property and the easement is to go on the property and a permanent easement to maintain the culvert. Rich Klotz would like to do this work soon.

Supervisor explained that there was a meeting with the Palisades Interstate Parkway Commission, Scenic Hudson, and he, Klotz, Glaser and other neighbors walked the length of Franny Reese Park. He and Klotz decided to go ahead and get this done as they would not get any cooperation from PIPC or Scenic Hudson and there is a need to replace the culvert.

4. PRIVILEGE OF THE FLOOR

Supervisor asked if anyone has a question or concern or a comment to stand, state their name and where they live; this is not the time for a debate with the Town Board. Comments will be taken under advisement and the Board will get back to you.

Kit Cowan, Hawleys Corners Road, asked if the status of the streaming.

Kate Jonietz replied that they are coming to train her on August 29.

Supervisor added all the needed equipment is here; his office intends to get students involved with the filming. It is hoped that by September the meetings will be live broadcasts.

Cowan offered her help and would like to be trained.

Donna Deeprise, North Elting Corners Road, referred to the local law to revise Chapter 62 of the Code of the Town of Lloyd entitled "Freshwater Wetlands, Waterbodies and Watercourses Law" and does not understand what was changed.

Murphy said that the change is the way that the law is regulated, it is an expanded definition of wetlands and the regulated areas; there are certain regulated activities that are set forth in the law. A permit is needed for anything that would potentially harm a regulated area. The proposed law clarifies the law and has better definitions, permitting and penalties. It also provides that the Town Board can authorize certain work to be done on private properties in the case of emergency. The Board has to attempt to get an easement or permission to go on the property before that but in the case of emergency the Town Board can authorize the Town employees or its agents to go on and perform emergency work.

Deeprise asked if this definition of wetlands expands to smaller bodies that were not specified before.

Murphy answered that generally speaking it does.

Supervisor explained that having this in place helps with grants and obtaining FEMA money.

Murphy said that it is a requirement for FEMA. He feels that the Town has not obtained FEMA money in the past because a FEMA requirements is that the Town have a local law providing that it can authorize going on private property and do certain work. The intent of this is help the Town in those applications it makes to seek help and reimbursement.

Sara Burns, North Chodikee Lake Road, stated that she and her neighbors have concerns about the Camp. Her property borders on the wetlands and last year her husband went to the NYSDEC boat ramp and saw several buckets of human waste as well as piles of

human waste and the concern is for the water quality and what it is doing to the wetlands, along with the sanitary conditions of the children in residence.

Supervisor explained that the Ulster County Department of Health comes to the camp for inspections every year; David Barton, Municipal Code Officer went with them, he and Elaine Rivera, rode out there also. He cannot believe it but they were given a permit to open again.

Burns second issue is the excessive volume of the loud speakers; they call the Police on a daily basis and it is quiet again for a short time. Her third issue is the parking blocking the road; there are no 'No Parking' signs on the road so they park wherever they choose to park. The concerns are that neighbors are not able to get through the road because of the way they park and that emergency vehicles would not be able to get through the parked cars.

Supervisor said that the Police have been out there and have issued several tickets; there are meetings scheduled with Lt. Sargent to include people from the camp and the neighbors. He receives pictures of the parked cars every Monday morning.

Litts said with regard to the human waste, that is NYS property and you should contact DEC and they will send an officer out.

Smith asked where the human waste would normally go.

Burns replied that there is a septic system but there are so many people, the system cannot handle it all. They have vandalized her property.

Supervisor added that they don't seem to care about the misdemeanor tickets and appear to have no respect for the law.

Reynolds asked if the earlier meeting before the 6 PM meeting on the wine village was posted.

Peplow replied that it was not a meeting as there was not a quorum of the Town Board.

Supervisor said that the meeting was actually called by Dennis Doyle and March Gallagher and they invited him to give an update as to where they are right now with their project.

He suggested that they attend a Tri-Board meeting to show the boards where they are at with their project at this point. He feels they are close to what they are looking to do and they want to know the next steps.

Richard Ziccardi, Vineyard Commons, feels that the lease rates are very low right now and to purchase Police vehicles the rates would be much more.

Supervisor agreed that the leases are the way to go right now as there is no money up front for these leases; he hoped that one car can be purchased outright and lease the other.

5. MOTIONS AND RESOLUTIONS

A. **MOTION** made by Brennie, seconded by Litts, to approve the minutes from the Workshop meeting of July 11, 2012 and Regular meeting July 18, 2012.

Five ayes carried.

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

WHEREAS, a petition for rezoning has been made to the Town Board of the Town of Lloyd for a project to be known as Mountainside Woods on the parcels previously known as Westport, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 1.2, consisting of approximately 84 acres (the "Westport Parcel"); Ledgewood, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 2, consisting of approximately 37.39 acres (the "Ledgewood Parcel") and Trailside, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 14 consisting of approximately 31.68 acres (the "Trailside Parcel") by Mountainside Woods LLC, (the "Applicant") for the project described as the "Combined Westport Zoning Petition" for the Mountainside Woods residential project (the "Proposed Action"); and

WHEREAS, the concept plan and the zoning petition, propose to incorporate the adjoining Ledgewood and Trailside Parcels into the existing Westport application for a coordinated development across all three properties; and

WHEREAS, the revised concept plan takes the density proposed for the Westport Parcel (324 units) and substantially reduces that density and further distributes that density across all three properties, resulting in a less dense development; and

WHEREAS, the prior proposal for the Westport site was the subject of a Draft Environmental Impact Statement (DEIS) as well as a Draft Supplemental Environmental Impact Statement (DSEIS) that were accepted as complete on July 26, 2007 and the subject of public hearings before the Planning Board, which at that

time served as SEQRA lead agency, but no FEIS was ever submitted by the applicant; and

WHEREAS, the Proposed Action contemplates the rezoning of approximately 21.15 acres of the Westport Parcel; approximately 6.9 acres of the Ledgewood Parcel and the entirety of the Trailside Parcel; and

WHEREAS, the Proposed Action includes the incorporation of property currently owned by the Town consisting of two small pieces of land, one being approximately a 0.45 acre portion of that parcel of land identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 1.1 (Town of Lloyd, SBL 87.004-5-1.1) and the other being approximately 0.04 acres, being a part of a right-of-way of a Town owned road referred to as Vista Drive; and

WHEREAS, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA), and is classified as a Type I Action; and

WHEREAS, the Town Board initiated coordinated review of the Proposed Action and established itself as lead agency on January 7, 2010 without objection from involved agencies; and

WHEREAS, the Town Board issued a Positive Declaration on February 10, 2010 requiring the applicant to prepare a Draft Environmental Impact Statement (DEIS); and

WHEREAS, the Town Board held a public scoping session on March 10, 2010, and thereafter adopted a final scope on April 7, 2010; and

WHEREAS, on March 8, 2011, the applicant submitted a DEIS to the Town Board which the Town Board responded to with comments by letter dated April 20, 2011, prompting the Applicant to submit a revised DEIS on November 2, 2011, which was accepted by the Town Board on November 16, 2011; and

WHEREAS, a Public Hearing on the DEIS was held on December 14, 2011 and a transcript of the public hearing is contained in the Final Environmental Impact Statement (FEIS); and

WHEREAS, written public comments were accepted until the end of December 2011 and one written comment letter was received and is contained in the FEIS; and

WHEREAS, on January 20, 2012, the applicant submitted the FEIS for review by the Town; and

WHEREAS, the Town Board determined that the FEIS was complete by Resolution dated February 15, 2012, pursuant to the requirements of SEQRA and directed the Town Clerk to publish the combined note of completion of the FEIS and to publish, file and circulate the notice and FEIS as required by SEQRA. The FEIS was made available on the Town's website at www.townoflloyd.com; and

WHEREAS, at a regular meeting of the Town Board on February 15, 2012, proposed Local Law No. B-2012 was introduced to amend the Zoning Map of the Town of Lloyd, upon petition to the Town Board of the Town of Lloyd by the Applicant; and

WHEREAS, a public hearing was held by the Town Board with respect to the adoption of the Local Law at the Town Hall on March 21, 2012; and

WHEREAS, The County Planning Board reviewed the Application and made a Determination of No County Impact as of March 8, 2012 and the Town Planning Board participated in the review of the EIS and the proposed Local Law;

WHEREAS, the Town Board has reviewed the DEIS and FEIS, has set forth a reasoned elaboration of its findings pursuant to SEQRA and has adopted a SEQRA Statement of Findings;

WHEREAS, the Town Board hereby adopted and enacted the proposed zoning amendment, Local Law No. B of 2012, subject to all of the mitigation measures identified in the EIS and the SEQRA Statement of Findings and required the applicant to return to the Town Board to address, among others, the dedication of open space in the manner to be approved by the Town Board and the transfer of land from the Town to the Applicant for roadway and lot improvements;

NOW THEREFORE BE IT RESOLVED that the Town Board has carefully examined the open space that is to be set aside as part of the Mountainside Woods Conservation subdivision and has determined that the open space which comprises 123.5 acres is located on and adjacent to Illinois Mountain, which is identified in the Town's Comprehensive Plan as an important environmental, aesthetic and ecological feature in the Town of Lloyd; and has determined that the open space is immediately adjacent to the Town of Lloyd water supply and its reservoirs and that it is in the interest of public health and safety for the Town to hold title to this land and to

preserve it as a buffer to its water supply and reservoirs; and has determined that the open space is a substantial area of land that connects to other open spaces and trailways that provide important recreational opportunities to the residents of the Town and hereby determines that the Town Board will accept title to the open space when an offer of dedication, acceptable to the Town Attorney is made subsequent to the approval of the conservation subdivision by the Town Planning Board.

BE IT FINALLY RESOLVED that this resolution shall take effect immediately.

Murphy explained that this is a conservation subdivision and a portion of the property is set aside to be forever wild; it can be given to a separate entity to manage i.e. Scenic Hudson or to the Town. The property is on the hill behind the proposed development between the Rail Trail and the watershed. This resolution states that the Town is going to take title to about 123.5 acres of open space and it is going to be dedicated to the Town forever wild. This property is adjacent to the water shed and it is important to protect the water supply and reservoirs of the Town. The Town could take title after the Planning Board approval.

Supervisor said that there was a question about taking a piece of property from the tax rolls; the general taxes are \$1700 and the school taxes are \$2800 for a total of \$4500 for that 123.5 acres piece of property. The school taxes are \$3900 and general taxes are \$2400 for a \$200,000 house.

Paladino asked if Scenic Hudson is given right to go across to their trail if the Town gives them an easement and if a proof of insurance is required from Scenic Hudson for this or any of the other trails in the Town.

Murphy answered that it would be subject to an agreement and an easement would be granted. If Scenic Hudson is granted the right to maintain trails over this parcel, it would be subject to an agreement and the Board would enter into a contract with them; a certificate of insurance to the Town would be one of the conditions.

Supervisor said that the maintenance may have to be more specified as Rich Klotz, Highway Superintendent feels that the maintenance of the trails is not always the best.

Litts stated that he is proponent of not taking property from the taxes rolls; there is about a half acre of Town property that they need to complete their project and he asked if that property is going to be sold or given to the developer.

Murphy recalled that the Town and the developer were swapping some land on top.

David Barton said that the half acre was for the road.

Litts said that the half acre is through the middle of the property; the road runs perpendicular to that property; he does not see that being a gift, it is more of a liability as it comes off the tax rolls and there is additional insurance for the Town. He would like to have a conservation easement and continue to pay taxes or a deed restriction so that nothing can be built there and still keep it on the tax rolls. He feels that the Town is not in the business of acquiring property but it is in the business of serving its citizens, in order to do that a budget is needed and money needs to be collected in order to have a budget. This is land for which we are not collecting money.

Paladino felt that the Town was going to collect taxes on the full build out of potentially 162 units this will provide over a half million compared to currently bringing in \$7000 or \$8000 on the whole parcel. In his opinion, it is far more valuable to retain the 123.5 acres that abuts the watershed than several thousand dollars a year in taxes if the Town is getting the benefit of the development anyway.

Litts said that they will be doing that whether they retain that property for a conservation easement or they donate it to the Town; they are not going to downsize the project if they give the property to the Town.

Guerriero asked if the property that the Town is giving up is a right of way.

Barton explained that if a piece of property is undevelopable, the developer will stop paying taxes on it and walk away from it so the Town will get it anyway because the County will take it for tax auction. In the Highland Hills development on Mayer Drive, the Town bought the 50-foot right of way at tax auction as the developer could not use the property and stopped paying taxes on it. If the Town takes that property from Mountainside Woods our attorney said that we can do whatever we want with it, we can give it to Scenic Hudson or sell it to Scenic Hudson at fair market whatever the assessed value is; if they pay \$10,000 for it, that is \$10,000 that the Town did not have.

Paladino feels that the key is that the Town is still in control.

Litts said if the Town is smart in constructing the deal for their clustering, it can be tied to the approvals and if they don't maintain what they need to maintain, the project loses the approval. The nice thing about full build-out is getting a tax revenue for the 100+ houses; he can give us this property and build one house, go bankrupt and we still own 123 acres and he does not give us any tax money. He asked if the Town is giving them the half acre or is the Town selling them the half acre.

Murphy replied that it is a land swap and there is no consideration.

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

Four ayes carried.

- C. RESOLUTION** made by Brennie, seconded by Hansut, to approve the transfer of funds in the amount of \$11,000 from the Recreation Reserve to the Capital fund expense line 50-06-7310.40 for Capital Improvements to Tony Williams Park which includes Tennis and Basketball court repairs.

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

Five ayes carried.

- D. RESOLUTION** made by Litts, seconded by Brennie, to approve the following budget amendments:

General

Legal Notices	1315.40	+\$75.00
Contingency	1990.40	- \$75.00

Audit/Accounting	1320.40	+\$750.00
Contingency (Mary Kimball services rendered)	1990.40	- \$750.00

Claims	1950.40	+\$1,000.00
Contingency	1990.40	- \$1,000.00

(NYS DEC fine for failure to submit a solid waste management facility annual report for operating year 2010 by March 4, 2011)

Police FT PS	3120.10	+\$929.76
BUNY Buckle Up NY Grant	00-3127	- \$929.76

Transfer Station CE	8260.40	+\$757.00
Electronic Recycling	00-2137	- \$133.00
Scrap Metal Recycling	00-2135	- \$624.00

Sewer

Sewer Plant EFC Interest	8366.70	+\$2,886.51
Sewer Plant EFC Principal	8366.60	- \$2,886.51

Capital

Tony Williams Field	50-06-7310-40	+\$6,635.00
Berean Park	50-06-7320-70	- \$6,635.00

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

Five ayes carried.

- E. RESOLUTION** made by Brennie, seconded by Litts, to authorize adjustment for account #4128, Linda Krasinski, 21 Washington Avenue, for the November 1, 2011 bill of \$99.88 credit on water and an \$82.25 credit on sewer for a total credit of \$182.13 as it meets the criteria as set forth by the Town Board for an adjustment.

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

Five ayes carried.

- F. RESOLUTION** made by Brennie, seconded by Litts,

WHEREAS the Town of Lloyd and MFS network Technologies Inc ("MFSNT") entered into a Marketing and License Agreement dated November 12, 1997 for a onetime payment of \$370,000.00 for the maintenance and construction associated with the property currently designated the Rail Trail to ensure that the entire property is maintained in good and adequate condition by the Town of Lloyd for a term of twenty (20) years which term expires 2017; and

WHEREAS by Town Board resolution dated March 11, 1998 a General Reserve Rail Trail Fund was established; and

WHEREAS by Town Board resolution dated July 9, 1998 an interfund transfer of \$370,000.00 to the General Fund Rail Trail Reserve was authorized;

WHEREAS in 2007 construction of the “Rail Trail East” Project commenced to connect the Hudson Valley Rail Trail with the Walkway Over the Hudson Pedestrian Bridge and;

WHEREAS the “Rail Trail East” Project was funded by Rail Trail Reserve Funds and New York State Department of Transportation grant (PIN 8759.14), which was a reimbursable grant and;

WHEREAS to move the project forward the Town of Lloyd General Fund and the General Rail Trail Reserve Fund loaned money to the Capital Fund to pay for the costs associated with the “Rail Trail East” Project and;

WHEREAS the money loaned to the Capital Fund for the “Rail Trail East” Project has been paid the Town of Lloyd;

NOW THEREFORE BE IT RESOLVED that the Town of Lloyd General Fund is to be reimbursed \$423,919.67 which is the dollar amount loaned to Capital Fund for the “Rail Trail East” Project; and

ALSO BE IT RESOLVED that the General Fund Rail Trail Reserve Account is to be reimbursed \$85,320.49 which is the dollar amount due from the “Rail Trail East” Project to be utilized as established in the July 9, 1998 resolution for future maintenance and construction associated with the Rail Trail.

Elaine Rivera explained that the Town received the money that the General Fund loaned to the Capital for the Rail Trail East project; this resolution reestablishes the Rail Trail Reserve; pays them back the \$85,320.49 and the remainder of the funds, \$423,919.67, goes back to the General Fund.

Litts confirmed that this is the reimbursement money from DOT and Rivera agreed that it is.

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

Five ayes carried.

- G. MOTION** made by Brennie, seconded by Paladino, to adopt the Information and Breach Notification policy, consistent with the State Technology Law, section 208, which requires notification to impacted New York residents and non-residents. The policy provides that the Town of Lloyd is required to notify an individual when there has been or is reasonably believed to have been a compromise of the individual’s private information in compliance with the Information Security Breach and Notification Act.

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

Five ayes carried.

- H. MOTION** made by Brennie, seconded by Guerriero, to close the Town parking lot located next to Sal’s Restaurant at 99 Vineyard Avenue on Monday, September 3, 2012 from 7 AM to 7 PM for Sal’s Restaurant to hold their Annual Labor Day Party.

Five ayes carried.

- I. MOTION** made by Brennie, seconded by Paladino, to close the Public Hearing on Local Law No. H – 2012, a local law to revise Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands, Waterbodies and Watercourses Law” at 8:35PM.

Five ayes carried.

- J. MOTION** made by Litts, seconded by Brennie, to close the Public Hearing on Local Law No. I – 2012, a local law to amend Chapter 92 of the Town of Lloyd Code to increase the maximum exemption allowable under Sections 458-a and 458-b of the Real Property Tax Law to provide increased levels of exemption amounts for certain owners eligible for the Alternative Veterans’ Exemption and the Cold War Veterans’ Exemption at 8:36 PM.

Five ayes carried.

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

WHEREAS, a proposed Local Law No. H – 2012, a local law to revise Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands, Waterbodies and Watercourses Law”, was introduced at a meeting of the Town Board held on the 18th day of July, 2012 at 7:00 p.m.; and

WHEREAS, a public hearing has been held thereon on the 15th day of August, 2012 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and

WHEREAS, for this unlisted SEQRA action the Town Board has examined the EAF and considered the environmental effects of this revision to Chapter 62 of the Town of Lloyd Code and finds, as lead agency, that there is no environmental impact, hereby issuing its declaration of non-significance.

NOW, THEREFORE, BE IT RESOLVED that Local Law H – 2012 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to revise Chapter 62 of the Code of the Town of Lloyd entitled “Freshwater Wetlands, Waterbodies and Watercourses Law”.

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

Five ayes carried.

L. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, a proposed Local Law No. I – 2012, a local law to amend Chapter 92 of the Town of Lloyd Code to increase the maximum exemption allowable under Sections 458-a and 458-b of the Real Property Tax Law to provide increased levels of exemption amounts for certain owners eligible for the Alternative Veterans’ Exemption and the Cold War Veterans’ Exemption was introduced at a meeting of the Town Board held on the 18th day of July, 2012 at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 15th day of August, 2012 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that Local Law I – 2012 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend Chapter 92 of the Town of Lloyd Code to increase the maximum exemption allowable under Sections 458-a and 458-b of the Real Property Tax Law to provide increased levels of exemption amounts for certain owners eligible for the Alternative Veterans’ Exemption and the Cold War Veterans’ Exemption.

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

Five ayes carried.

M. Resolution to approve the leave of absence of Christian Sabatelli, Senior Account Clerk/Typist, from September 4, 2012 through December 21, 2012.

Supervisor commented that his office spoke to the Town’s labor attorney and there was a question if this would set precedence by doing this.

Rivera added that the attorney basically said the Board has a right to approve or deny a leave of absence and to look at each one for the reason behind it. It is at the discretion of the Board. In the future if there was another request, it could be asked that a leave of absence was given to her/him, why not me?

Supervisor said that Pat Rober of the Building Department is being trained; the phone service has been changed to calls will come directly to her office in Town Hall and the software will reside in her office so the phones will be answered and the work for the water department will be done from her office.

Reynolds asked the reason for the leave.

Supervisor answered that he is doing his student teaching and Brennie added that it was educational.

Paladino also said that it is not related to the Town; it is leave without pay.

Supervisor said that there was no motion, no second.

N. RESOLUTION made by Litts, seconded by Brennie,

WHEREAS, the Town Board has previously entered into a Contract Agreements with Kinglsey Arms, Incorporated, Ackerman Plumbing, DJ Heating and Air Conditioning, Incorporated, and Rondout Electric, Incorporated to conduct construction activities at the Highland Sewage Treatment Plant Site under Contracts 07-002 through 07-005; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; and

WHEREAS, unit price allowances for rock excavation, authorized additional excavation and lump sum allowances for testing and miscellaneous extra work were not required to be utilized for Contract 07-004 ; and

WHEREAS, the sum of the un-used allowances result in a net decrease to the contract sum of \$13,500; and

WHEREAS, the sum of final contract sums from contract 07-002, 07-003, 07-004 and 07-005 will result in a decrease from the original contract construction cost;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board agrees to authorize Contract 07-004, DJ Heating and Air Conditioning, Inc.: Change Order #1 for a decrease of \$13,500;
2. The Town Board authorizes the Supervisor to sign Contract 07-004: Change Order Number 1 as described herein.

Andy Seidel, Morris Associates, explained that at a meeting at the Sewer Treatment Plant, the upgrade is near completion. This Change Order is a deduction to even out the monies because there is an allowance item in the bid that was not used for \$13,500; therefore, it is a deduct at the end.

Paladino recalled that Adam Litman talked about a failed pump or something and due to this a different type would be used.

Seidel said that is still on the table and it is being discussed and it is an outstanding issue.

Supervisor said that he understood that Kingsley was okay with that and that they are going to Highland Falls next week to take a look it as there is one down there.

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

Five ayes carried.

O. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town Board has previously entered into a Contract Agreements with Kinglsey Arms, Incorporated, Ackerman Plumbing, DJ Heating and Air Conditioning, Incorporated, and Rondout Electric, Incorporated to conduct construction activities at the Highland Sewage Treatment Plant Site under Contracts 07-002 through 07-005; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; and

WHEREAS, items of extra work, that were requested by plant operators and / or required by the biogas manufacturer during their detailed design of the system and agreed by the Engineer to be necessary for proper operation of the plant, were required as part of Contract 07-003, including relocation of one existing gas meter for measurement of biogas to the flair and installation of an additional meter for biogas to the heat exchanger, providing installation and heat tap for biogas flair and vent piping, and addition of drip traps above the meters mentioned above; and

WHEREAS a credit was taken for installation of the equalization piping that was installed by contract 07-002 to improve project schedule; and

WHEREAS, the sum of the extra work and the credit result in a net increase to the contract sum of \$8,053.61; and

WHEREAS, the sum of final contract sums from contract 07-002, 07-003, 07-004 and 07-005 will result in a decrease from the original contract construction cost;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board agrees to authorize Contract 07-003, Ackerman Plumbing, Inc., Change Order #2 for an increase of \$8,053.61;
2. The Town Board authorizes the Supervisor to sign Contract 07-003, Change Order Number as described herein.

Litts asked if this increase was due to extra work which was confirmed by Seidel. He then asked if there still was reserve money.

Seidel answered that if the pump that was installed has continued issues or fails, he thinks that would be under warranty; this change order for Ackerman was for some changes to the bio-gas system. The deduction is there because Kingsley was able to do the equalization piping that was normally in the plumber's contract so \$1800 was taken from the plumber and added to Kingsley's contract.

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

Five ayes carried.

P. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, the Town Board has previously entered into a Contract Agreements with Kingsley Arms, Incorporated, Ackerman Plumbing, DJ Heating and Air Conditioning, Incorporated, and Rondout Electric, Incorporated to conduct construction activities at the Highland Sewage Treatment Plant Site under Contracts 07-002 through 07-005; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; and

WHEREAS, the actual quantities of contract unit price items varied from the estimated, contract quantities; compensation for certain items of extra work, deemed necessary by the Engineer for proper operation of the plant is required; and were as credit for certain value engineering proposals were offered and accepted by the Engineer; and

WHEREAS, the sum of the unit price changes, compensation for items of extra work and credits for value engineering items are summarized on an attachment to Change Order Number 1 to contract 07-002 and result in a \$44,863.25 decrease to the original contract sum; and

WHEREAS, the sum of final contract sums from contract 07-002, 07-003, 07-004 and 07-005 will result in a decrease from the original contract construction cost;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board agrees to authorize Contract 07-002, Kingsley Arms, Inc.: Change Order #1 for a decrease of \$44,863.25;
2. The Town Board authorizes the Supervisor to sign Contract 07-002: Change Order Number 1 as described herein.

Litts asked what the deduction was for.

Seidel replied that some of it is balancing the quantities and getting rid of allowances.

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

Five ayes carried.

Q. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town Board has previously entered into a Contract Agreements with Kingsley Arms, Incorporated, Ackerman Plumbing, DJ Heating and Air Conditioning, Incorporated, and Rondout Electric, Incorporated to conduct construction activities at the Highland Sewage Treatment Plant Site under Contracts 07-002 through 07-005; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; and

WHEREAS, items of extra work were determined by the Engineer to be necessary for proper operation of the plant became necessary and an allowance for testing was not utilized the costs are summarized on the sheet attached to Contract 07-005 Change Order Number 1; and

WHEREAS, the sum of the extra work and the un-used allowance result in a net increase to the contract sum of \$6,259.95; and

WHEREAS, the sum of final contract sums from contract 07-002, 07-003, 07-004 and 07-005 will result in a decrease from the original contract construction cost;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board agrees to authorize Contract 07-005, Rondout Electric, Inc.: Change Order #1 for an increase of \$6,259.95;
2. The Town Board authorizes the Supervisor to sign Contract 07-005: Change Order Number 1 as described herein.

Seidel said that this is for the electrical contract.

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

Five ayes carried.

Supervisor thanked Seidel and Ray Jurkowski for the work that they have done throughout this project.

Smith commented that Kingsley Arms has done a tremendous amount of work for the Bob Shepard Highland Landing Park; they donated 4,400 yards of material to be used for backfill the value of which is \$22 per yard delivered, \$96,800 worth of material. This is a matching donation as the Park can use the fill and get the matching fund against that

grant. They also dug and hammered for a whole day across the road for a ditch to bury the power line, a future water line and a spare conduit. They re-did the rocks at the north point after the flood. He applauds them for the work that they have done for the Town of Lloyd.

R. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town of Lloyd Highway Department is in the process of conducting exploratory and corrective work to maintain an existing drainage culvert system located on the westerly side of Oakes Road, a town road; and,

WHEREAS, certain of the work is to be conducted on property located at 42 Oakes Road, S-B-L 96.1-2-13, which is owned by Charles Glasner; and,

WHEREAS, the Town would like to obtain an easement to enter upon said property for the purpose of conducting such work and to maintain the drainage culvert system located thereon; and,

WHEREAS, the Town Board feels that it would be in the best interest of the Town in that it would help protect and maintain the existing Town road and properties adjacent thereto;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Lloyd hereby approves and accepts the Permanent Drainage Easement in the form attached hereto and made a part hereof as Exhibit A., as amended.
2. The Town further authorizes the Town Highway Superintendent to execute said Permanent Drainage Easement and any further and other documents necessary to effectuate the filing thereof with the Ulster County Clerk.

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

Five ayes carried.

T. MOTION made by Brennie, seconded by Litts, to approve payment of the following vouchers:

General	G690 to G780	\$57,941.37
Highway	H365 to H415	\$37,636.60
Miscellaneous	M288 to M316	\$95,393.45
Prepays	P171 to P206	\$16,375.68
Sewer	S200 to S237	\$26,145.42
Water	W282 to W340	\$27,840.88

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

Five ayes carried.

Supervisor announced that all of the department heads have been given the paperwork for their budget wish lists and budget hearings will begin in September; he would like all of the Councilmembers to participate in the process.

MOTION made by Litts, seconded by Brennie, to adjourn the meeting at 8:50 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk