

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

AUGUST 17, 2016

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

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

Absent: Councilmember Joseph Mazzetti

7:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance. Supervisor read the following proclamation:

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 2016 as “Senior Citizen Month” in the Town of Lloyd and ask all citizens to give them the honor they justly deserve.

Supervisor said there will be a senior citizen breakfast on August 24, 2016 9-11am at the Bob Shepherd Highland Landing Park and invited seniors to attend.

7:00PM - Supervisor opened the Public Hearing to consider the petition by Highland 9W Self Storage, LLC. for the extension of the existing water main approximately 580 feet to the southerly boundary of the Highland 9W Self Storage property, which water main extension will be reduced from eighteen inch (18”) to ten inch (10”) ductile iron cement lined pipe.

Ray Jurkowski, Morris Associates, said the proposed extension is associated with the current site plan for the Rte. 9W Self Storage that has been before the Planning Board. It consists of two properties currently outside of the water district that are being combined for the project. The applicant has shown interest in obtaining water from the Highland Water District. It would require an extension of the water district so then the water line could extend to their southerly property line. There is no cost to the Highland Water District; all fees and improvements will be paid by the applicant. The water line will be inspected by the Town, once completed it would be dedicated over to the Highland Water District and then the district would maintain the pipeline.

Mark Reynolds, Southern Ulster Times, asked why the pipe size is being reduced from 18” to 10”.

Jurkowski replied that the original water line was 18” on that side of the roadway but they did not believe it was necessary to extend a pipe that large thereafter.

7:05 PM - Supervisor opened the Public Hearing to consider the petition by New York State Office of Parks, Recreation and Historical Preservation for the installation of a new 8-inch ductile iron water main from the existing water main along Mile Hill Road approximately 975' through the Town of Lloyd Property to the Northern side of the existing Rail Trail and then along the Rail Trail to the newly proposed Welcome Center and then South to a point on Haviland Road.

Ray Jurkowski said this property is located outside of the water district. The NYS Office of Parks and Recreation have indicated that they are building a new welcome facility and that they have requested water from the Town to serve that facility. Originally they were going to propose a service with a smaller diameter pipe to provide domestic service to the

building. After further discussions with the State they agreed to install a much larger 8” water line to extend from Mile Hill Road through their facility out to Haviland Road. The piping will provide for fire flow protection as well and he believes it is a benefit to the Town. There is no cost for the improvement to the Highland Water District; all the costs associated with the project will all be paid for by the NYS Office of Parks and Recreation. The completed water main will be dedicated to the Highland Water District and the District would maintain it.

1. **REPORTS** – Town Board Liaisons

Audit – January 1 to June 30, 2016: Councilmember Brennie, Councilmember Mazzetti
July 1 to December 31, 2016: Councilmember Guerriero, Councilmember Paladino

ECC /Zoning Board – Councilmember Guerriero

Guerriero stated the ECC is planning a party for the people who assisted in the construction of and donated to the Black Creek Launch. The date of the party is October 18th. There were no applicants for the Zoning Board of Appeals in the last two months.

Highland Central School District – Councilmember Mazzetti – not present

Planning Board – Councilmember Paladino

Paladino reported that he was out of town for the most recent Planning Board meeting but he said they are moving forward with the Dunkin Donuts on Rte. 9W, Highland Self Storage, and the Taco Bell/Dollar General project.

Police/Fire/Town Justice – Supervisor Paul Hansut

Supervisor stated there is a Memorandum of Agreement with the Town of Lloyd Police Department in regards to the change from CDPHP to MVP health insurance for employees. The previous insurance, CDPHP, provided for one free eye exam for all full-time Town of Lloyd employees. The eye exam is not free with MVP so the negotiated contract with the PBA offers those employees a \$95.00 reimbursement which is the rate for an eye exam with MVP.

Water/Sewer/Drainage Committee – Councilmember Brennie

Brennie reported that the Water/Sewer/Drainage Committee did not meet last month. They are working on making the tax fair for those in the water or sewer district that do not have access to water or sewer service but pay 10% on their tax bill.

Murphy explained that he worked on a resolution with Jennifer Mund, the Assessor, to modify the way the “10 percenters” were charged on the tax bill. They will be assessed \$100.00 for water and sewer district taxes so their charge will be minimal. Mund suggested that the NYS Real Property Office review the language of the resolution before it is adopted. They would like to have it on the September agenda.

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported that they are acquiring different pieces for the Gateway on the Rail Trail near the Walkway and they are working with the Highway Department to pave Mae Lane. They are also paying half the cost of a 7-foot commercial finish mower that will keep the Rail Trail looking better and the Town can use it for other areas as well.

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

Smith reported that he received clearance from his doctor and is able to go back and work full-time at the park. The new kayak launch steps and the compass rose are nearly finished. Thirty-nine tons of concrete were used for the construction of the compass rose. The first application of color of the compass rose is so brilliant and beautiful that it can be seen from the bridge. They are still entertaining various ideas for the “River Walk” and hope to come to a decision soon.

2. **OLD BUSINESS**

A. Sean Murphy-

Review of Short Form EAF for Local Law D a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development.”

Murphy referred to the "Impact Assessment" portion of the Short Form EAF and said the Town Board has to decide the impact of the PRD Local Law. The Town Board has to decide whether the PRD Law will have no, a small, or a large to moderate impact on the environment. There are eleven criteria that the Board needs to consider and also whether the code is consistent with the Master Plan. The Master Plan does encourage high density development. He reviewed questions 1-11 on part 2 (Impact Assessment) of the Short EAF with the Town Board to determine the environmental impact of the PRD law.

Guerrero asked if there were any minimum requirements in the PRD.

Dave Barton replied that there are no minimum requirements.

Murphy said they are not creating a new law but amending the current PRD Law. He read the criteria for the "Impact Assessment" to get a consensus of what the Town Board considers the impact will be of the PRD Law. If the Board decides there will be no or a small impact as a result of the PRD Law, the resolution on the agenda provides that the Board has made a determination there will be no adverse environmental impacts or a determination of non-significance.

Jessica Caswell, 36 Toc Drive, Town of Lloyd resident, said she wanted to again express the need for having a minimum lot acreage. She feels the PRD Law is too vague and there should be a ten-acre minimum for projects that would be consistent with the PRD Law. She asked if each project would have to submit its own EAF form.

Murphy said each project will have its own SEQR.

Paladino stated that before they would allow a PRD zoned it would have to pass the criteria on the short form EAF.

Caswell asked what the revisions are that the Town Board has agreed to at present or what has been added to the PRD Law. There were a few items that she would like to see implemented before the PRD Law is adopted. The draft that she read did not seem to have mandatory road frontage included and felt that if they decide to leave that out of the law an undesirable outcome could occur. She said she hoped the Board would consider issues a little further before the law is actually adopted.

Supervisor asked Dave Barton, Building Department, and Dave Plavchak, Planning Board Chair, to address Caswell's questions.

Plavchak said they submitted a letter to the Town Board with all the public comments concerning the PRD Law. The main changes which are not in the current PRD Law are setbacks which will be a minimum of 15-20 feet depending on the height of the structure; the spacing in between buildings was changed to be a minimum equal to the height of the building, and the buffering around them. The current PRD Law has zero setbacks, frontage, no minimum acreage and no privacy laws. They decided not to put a minimum acreage into the new law because when they did the mapping if anything under five acres was made into five acres it would be away from the town. The Comprehensive Plan states the PRD's should be close to the Hamlet and increase the density in the water and sewer district. The law gives a minimum footage for setbacks while allowing the Planning Board to increase them on an as needed basis as dictated by the parcel. There is more spacing between buildings and the PRD law gives the Planning Board the ability to make that larger as well. The Planning Board can also lower the density but cannot increase it. He added that the PRD law is not changing any zones today, only the PRD law is being changed. It is at the discretion of the Town Board to approve an application for a PRD and change the zone. It then goes to the Planning Board for site plan review, SEQR, etc. He feels they have made major changes to the first version of the law.

Guerrero inquired about the impact on the community.

Plavchak explained that was a part of the SEQR process and it depends on the application.

Ruth Dapp, Town of Lloyd resident, inquired about the privacy considerations in the law. There is nothing in the proposed law that describes buffering.

Plavchak said privacy and buffering will be at the discretion of the Planning Board. The buffering could be different from one property to another. For example, trees could be right for privacy on one property but not for another, so they do not want to overregulate any part of the proposed law. Provisions have to be based on the specific application they are reviewing. They have a lot of experience now and have learned from their mistakes in the past and will move forward with the law.

Dapp asked whether the fire department has reviewed the proposed law and how they perceive it.

Paladino responded that the fire department has to be involved in all plans to make sure they have the proper radiuses to properly move equipment around.

Dapp asked if that was always a consideration then why are fire trucks not able to turn around at the site of the Trail View Apartment complex project. She did not feel enough consideration was made for the proper navigation of emergency vehicles in that area and feels it is still a problem.

Plavchak said that particular application was endorsed by the fire department.

Supervisor stated based on the concerns the public has had in the last six months to a year, he feels the Planning Board has appropriately addressed the issues. The public hearing has been open for the last three months which gave ample time for the public to speak concerning the proposed law.

Dave Barton added that the proposed law is a result of several compromises with Ulster County and the public. He feels many of the concerns have been addressed but no law is perfect and without dispute.

Mark Reynolds, reporter Southern Ulster Times, asked what the Ulster County comments were on the proposed PRD Law.

Plavchak responded that the Ulster County Planning Board had one comment about restricting commercial uses to support and primarily serve the PRD community. The law was amended to agree with the county.

Barton said the old law would accommodate 4% of the parcel to be used for commercial use and in the new law it was scaled down to a very small square footage.

Reynolds asked whether a PRD could be placed anywhere in the Town.

Barton said a PRD needs public or proposed public water.

3. NEW BUSINESS

A. Woodland Drive - Heavy Truck traffic

Supervisor said that the Town Board received a letter from all the residents of Woodland Drive concerning the heavy truck traffic on the road in the last several months. Dave Barton has been there and spoken to one of the residents about the problem.

Barton said he has been there and that the Town Board should have a copy of a petition to reduce the commercial traffic on the road.

Paladino asked if the traffic was a temporary situation.

Barton said that it was not and the petition supports a limitation of traffic on the road. The resident that drives the heavy equipment to the "T" at the end of the road also has access through Oak Crest Drive. They have asked the resident to use the other access but it has not happened. He received calls when the traffic started again and one of the trucks pulled down some electrical wires. It is a residential street so reducing the traffic should not be a problem.

Supervisor asked Murphy to look into the options and requirements for alleviating the traffic on Woodland Drive.

Richard Klotz, Highway Superintendent, said he will check with the NYS DOT.

4. PRIVILEGE OF THE FLOOR

Jill Indelicato, Chairperson of the Ethics Board, asked if the Town Board has thought about the changes to the Ethics Board that she requested. She would like to know where they stand.

Paladino said he would agree that it may be worthwhile to make changes. He would like to revisit the issues more formally.

Murphy said there would have to be a public hearing because there would have to be a local law with the proposed changes.

Indelicato asked if there could be a proposed change now because she initially had asked about it at a meeting in February.

Paladino said they could bring it up at the September Workshop Meeting.

Supervisor said they will review the suggestions, come up with a proposal at the Workshop Meeting and at the September meeting they will set the public hearing.

Gary Pregno, Town of Lloyd resident and representative from the Economic Development Committee, said that there are eleven new businesses in Town and felt it was worth

mentioning. The Economic Development Committee visited all the new businesses and gave them a "welcome certificate". They will be doing a press release regarding it. He presented the Town Board with a plaque listing all the new businesses.

Kyle Barnett, attorney with the firm VanDeWater and VanDeWater said he would like to address the issues concerning an invoice from his firm regarding the towing law draft. He said after he and one of his partners had a meeting with Councilmembers Brennie and Guerriero to discuss what they could do to correct and make changes to the existing towing law they asked Barnett to begin a draft for which he agreed to do. Barnett told the Councilmembers if there were any more changes they would like to please follow up with his office. They prepared the draft and he felt there was some confusion as to whether or not they were actually asked to do it. It is his recollection that they were asked, they did it, it was presented to the Board, and they would like the Board to honor the invoice for it. If the Town Board decides not to honor the invoice it would certainly be acceptable to them as well. He attended the Town Board meeting because he felt it was important to clear up the confusion concerning whether they were asked to prepare a draft towing law.

Guerriero said since Barnett got to present his side of the story that it was important for he and Councilman Brennie to voice their account as to what happened. At the end of their initial and only meeting with Mr. Barnett he said he required a letter or an email from the councilmen if they wanted to continue with Barnett and have him draft a towing law. There was never a letter nor an email that came from either Councilmembers Brennie or Guerriero to consent to having Barnett draft a towing code. He and Councilmember Brennie were put in charge of revising the towing code by Supervisor Hansut yet the invoice Barnett referred to lists only conversations he had with the Supervisor concerning the towing code. These conversations between Supervisor Hansut and Barnett totaled \$1500.00. He and Councilmember Brennie did not approve any of the charges nor did they have anything to do with it at all.

Brennie added that he concurs with Councilmember Guerriero in that they never contacted nor approved to have Kyle Barnett draft a towing code. The one and only meeting they had with VanDeWater and VanDeWater was an informational meeting. He and Councilmember Guerriero did not approve any continuation with the firm because they had already decided to look for another attorney. Although he and Councilman Guerriero were put in charge of the towing code, there was never an email nor a phone call from either one of them to Barnett. There were no charges for correspondence from either councilmember on the invoice. He asked Barnett that if they wanted to move forward with him would he not think it be prudent to have some type of meeting or correspondence with him and Councilmember Guerriero.

Barnett said he was told at the meeting to start the draft and agreed that he had never heard back from either councilmember. He did receive a call from the Supervisor inquiring about the status of the draft. He responded that he was waiting to hear back from the Councilmembers as to what other changes they would like to see in the code. In the meantime, he did the draft as requested.

Brennie felt that the Supervisor knew that they were not going to use the firm of VanDeWater and VanDeWater so he did not understand why the Supervisor would call and ask Barnett that.

Barnett said someone should have called and clarified the issue with his office.

Brennie responded that he did in fact call and told Barnett that they never asked him to move forward with the draft. According to Brennie, Barnett said he knew Brennie was right but the Supervisor called and asked what they had as far as the draft.

Barnett then said he recalled the conversation but he does not remember saying that they do work for the fun of it.

Brennie said Barnett realized that they did not have permission to move forward but that the Supervisor was the one who asked Barnett what he had in terms of the draft.

Barnett responded that the bill does not have to be honored and his office will not pursue the matter. He just thought it was important to put his side on the record.

Guerriero interjected that he believes the Town does owe VanDeWater and VanDeWater the cost of the first and only meeting but not the entire invoice of over \$1500.00.

Barnett responded whatever the Town would like to pay is fine and he just wanted to clear the air.

Brennie said that Barnett discussed the draft with the Supervisor instead of discussing it with the two Councilmembers who were put in charge of it and came to the first initial informational meeting.

Barnett responded that they are all on the Town Board together and he thought it was fine.

Brennie said not with the towing code. The Supervisor had only put Councilmember Brennie and Councilmember Guerriero in charge of it.

Supervisor asked Barnett if he recalled the conversation on the invoice dated May 19th which states that Barnett reviewed draft, had a telephone call with Paul Hansut and to make changes. He asked Barnett if he had ever asked him to make any changes to the draft.

Barnett responded that he and Supervisor never had any conversations regarding the substance of the towing law itself. He said the only changes that were made to the law were the changes discussed in the meeting with Brennie and Guerriero.

Guerriero (referring to the invoice from VanDeWater and VanDeWater he had in his possession) said the bill states "Reviewed draft on 05/19, telephone call with Paul Hansut, make changes".

Barnett said the changes he made were numbering and adding definitions, nothing substantive or as a result of their conversation.

Brennie said that the Supervisor never told him he was talking to Barnett nor that he was working on the draft. He and Councilmember Guerriero were working on the draft at the same time that Barnett was working on it with the Supervisor. He said that there were many people from the towing industry present at the meeting this evening and he wanted them aware of what was happening with the towing code. Since they presented the draft at the last meeting they have circulated it to the police department, tow operators, and to the Town Board. The next scheduled meeting with the attorney that prepared the draft is at 3pm on September 7th in executive session to address the concerns of the Town Board and Police Department. After that they will be an informational meeting followed by a public hearing. He would be happy to answer any other questions about the towing code this evening.

Reynolds asked if it was possible for them to stay under the \$1500.00.

Brennie replied no.

Guerriero said they are at \$900.00 and since then there were some changes made that everyone agreed upon.

Brennie said he emailed all the Board members to see if they objected and Paladino and Guerriero responded that they didn't have a problem with it.

Paladino interjected that they need to focus on getting the towing code correct and finalized and not the fee.

Reynolds asked if the Supervisor was in agreement with that.

Supervisor stated that he thought everything with the towing code has gone far enough. He felt that it was time to resolve it and he would like to know how much more money it will cost. He assumed that the \$1500.00 fee was discussed with the attorney before bringing the resolution to the Board and that that amount of money was enough to cover everything.

Brennie stated that the Supervisor sent him an email asking if Christine M. Chale, the attorney they hired to draft the towing law, would be available to meet with the Town Board to discuss it. He sent an email to the Supervisor that she could but the Supervisor had to realize that asking the attorney to a meeting would require going over the \$1500.00 fee. Brennie said the Supervisor did not respond back.

Supervisor said he did not respond because he does not agree with it. He would have assumed \$1500.00 would include the draft as well as being present at several meetings.

Guerriero referred to the VanDeWater and VanDeWater invoice and said that attorney Barnett billed the Town almost \$2000.00 for one meeting.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Paladino, seconded by Brennie to approve the minutes of the Workshop Meeting July 6th, 2016.

Four ayes carried.

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

General	G-769 to G-852	\$ 44,827.11
Highway	H-322 to H-372	\$ 45,474.81
Miscellaneous	M-179 to M-206	\$ 72,232.11
Prepays	P-266 to P-323	\$ 82,900.15
Sewer	S-204 to S-221	\$ 5,498.44
Water	W-291 to W-335	\$ 25,302.86

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

Four ayes carried.

C. RESOLUTION made by Paladino, seconded by Brennie

WHEREAS, Matthew K. Smith and Linda J. Smith are owners of certain premises located at 10 Commercial Avenue within the Town of Lloyd (SBL: 88.17-9—5.100); and,

WHEREAS, said premises are adjacent to property owned by the Town of Lloyd, a portion of which premises is used as the Hudson Valley Rail Trail (SBL: 87.2-8-8.211); and,

WHEREAS, Matthew K. Smith and Linda J. Smith have obtained site plan approval for use of their property which use necessitates certain renovation and construction; and,

WHEREAS, to proceed with the renovation and construction Matthew K. Smith and Linda J. Smith need to access the rear of their premises over and upon the premises owned by the Town of Lloyd as set forth above; and,

WHEREAS, the Town of Lloyd wishes to grant a temporary easement for said purposes to Matthew K. Smith and Linda J. Smith to allow them to proceed with the renovation and construction as needed;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The Town of Lloyd hereby grants to Matthew K. Smith and Linda J. Smith a temporary easement over the portion of the property owned by the Town of Lloyd, said easement to be twenty feet (20') in width and approximately two hundred and eighty-five feet (285') in length and as more fully set forth in the easement agreement attached hereto and made a part hereof.(See Attached)

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

Four ayes carried

D. MOTION made by Brennie, seconded by Paladino to close the Public Hearing on Local Law D – 2016, a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development” at 7:40PM.

Four ayes carried.

E. RESOLUTION made by Paladino, seconded by Brennie

WHEREAS, proposed Local Law “D” of 2016 was introduced at a meeting of the Town Board held on the 20th day of April, 2016, at 7:00 p.m.; and,

WHEREAS, this local law amends the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development”; and,

WHEREAS, the Town Board determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA), and the Town Board declared lead agency to do all necessary reviews in this matter; and,

WHEREAS, the Town Board has reviewed Part I of the Short Environmental Assessment Form prepared and submitted on behalf of the applicant, and completed Part II of the Short Environmental Assessment Form; and,

WHEREAS, the Town Board has determined that the proposed action, to wit; an amendment to Chapter 100, Article V., Section 100-23, “Planned Residential Development”, of the Code of the Town of Lloyd, including revisions to the existing 100-23.1 adding factors for the Planning Board to consider when reviewing applications seeking approval for site plans and/or special permits that may be required revising the setbacks in PRD’s and establishing the minimum distance between detached structures within PRD’s, will have no significant adverse environmental impacts.

NOW, THEREFORE, it is resolved that the Town Board, as lead agency under New York State Environmental Quality Review Act, finds that the proposed action will not result in any adverse environmental impacts and hereby issues its Declaration of Non-Significance.9(See Attached)

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

Four ayes carried.

F. RESOLUTION made by Paladino, seconded by Brennie

WHEREAS, proposed Local Law “D” of 2016, a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development”, was introduced at a meeting of the Town Board held on the 20th day of April, 2016, at 7:00 p.m.; and,

WHEREAS, the Town Board of the Town of Lloyd, having determined that this matter constitutes an Unlisted action under the State Environmental Quality Review Act (SEQRA) and a Short Form EAF having been prepared on behalf of the Town Board, and the Board having assumed lead agency to do all necessary reviews in this matter; and

WHEREAS, the Town Board, having examined Part I and completed Part II of a Short Environmental Assessment Form and considered the environmental effects of this matter, has found, as lead agency, that there is no significant environmental impact and has issued its declaration of non-significance; and

WHEREAS, the Town Board has received a referral response with recommendations from the Ulster County Planning Board regarding the proposed amendment to the Code of the Town of Lloyd, Chapter 100, Article V. and incorporated the recommended changes into the local law; and

WHEREAS, a public hearing has been held thereon on the 18th day of May, 2016, at 7:00 p.m., and continued on the 15th day of June 2016 at 7:00 p.m. at which time all interested persons were given an opportunity to be heard thereon; and

NOW, THEREFORE, it is resolved that Local Law “D” of 2016 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend the Code of the Town of Lloyd, Chapter 100, Article V., Section 100-23, “Planned Residential Development”. (See Attached)

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

Three ayes carried.

G. MOTION made by Brennie, seconded by Guerriero to close the public hearing on the petition by Highland 9W Self Storage, LLC for the extension of the existing water main at 7:56PM.

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

Three ayes carried.

H. MOTION made by Brennie, seconded by Paladino to close the public hearing on the petition by New York State Office of Parks, Recreation and Historical Preservation for the installation of a new 8-inch ductile iron water main from the existing water main along Mile Hill Road approximately 975' through the Town of Lloyd Property to the Northern side of the existing Rail Trail and then along the Rail Trail to the newly proposed Welcome Center and then South to a point on Haviland Road at 8:00PM.

Four ayes carried.

I. RESOLUTION made by Brennie, seconded by Guerriero

WHEREAS, a petition for the extension of the Highland Water District in the Town of Lloyd, Ulster County, New York, dated the 25th day of July, 2016 by Highland 9W Self Storage, LLC, the owner of all the real property located within the proposed extension, was filed with the Town Clerk and duly presented to the Town Board; and,

WHEREAS, Morris Associates prepared and filed a map, plan and report with the Town Clerk; and,

WHEREAS, the Town Board adopted an Order reciting the improvements proposed, the boundaries of the proposed extension and the estimated expenses, and specifying the date and time that the Town Board would hold a public hearing to consider the petition and hear all persons; and,

WHEREAS, the capitol cost associated with this District extension will be born by the owner without any cost to the Highland Water District tax payers and the water main installation is to be inspected by the Town Engineer and funded by escrow established by the owner; and;

WHEREAS, the improvements constitute, and this petition constitutes, an extension of a Water District and is a Type 2 action under SEQRA and exempt from SEQRA proceedings under 6NYCRR Part 617, of such regulations; and,

WHEREAS, the Planning Board has granted conditional approval of the site plan pending the Water District extension; and,

WHEREAS, an Order was duly adopted by the Town Board on August 3rd, 2016, reciting the filing of the petition, the improvements, the boundaries and the estimated expense, and specifying August 17th, 2016 at 7:00 p.m. as the time and place at the Town Hall in said town, where the said Town Board would meet to consider the petition and to hear all persons interested; and,

WHEREAS, such Order was duly posted and published as required by law; and,

WHEREAS, a hearing in the matter was duly held by the Board on the 17th day of August, 2016, commencing at 7:00 p.m. at the Town Hall in the said town, and considerable discussion was had upon the matter, and all persons desiring to be heard having duly been heard, including the petitioner and various other persons speaking in favor of the extension of the proposed district.

NOW, THEREFORE, upon the evidence given upon such hearing and upon MOTION made by , seconded by as set forth above, it is

RESOLVED AND DETERMINED THAT:

- (a) The petition aforesaid is signed and approved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers, and it is otherwise sufficient.
- (b) All the property and property owners within the proposed extension of the Highland Water District are benefited thereby.
- (c) All the property and property owners benefited are included within the limits of the proposed extension of district.
- (d) It is in the public interest to grant in whole the relief sought.

AND IT IS FURTHER RESOLVED AND DETERMINED THAT:

- (a) The establishment of an extension to the Highland Water District, as proposed in said petition, be approved and the district hereby extended.
- (b) The improvement thereon mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for by the Petitioner.
- (c) The extension shall be designated and known as The Highland 9W Self Storage, LLC extension of the Highland Water District, and shall be bounded and described as set forth in Schedule "A" annexed hereto.

AND IT IS FURTHER RESOLVED AND DETERMINED THAT:

The proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be paid by the owner, Highland 9W Self Storage, LLC.

AND IT IS FURTHER RESOLVED THAT:

The Town Clerk of this town shall, within ten days after the adoption of this resolution shall file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and cause a certified copy of this Determination and Order of the Town Board recorded with the Ulster County Clerk, all pursuant to Town Law Section 194 and 195.

SCHEDULE A

DISTRICT EXTENSION TAX MAP (SEE ATTACHED) AND LEGAL DESCRIPTION

All those certain parcels of land situate in the Town of Lloyd, County of Ulster, State of New York and more particularly described as follows:

As per the Ulster County Tax Rolls (Revised 2016), the parcel in the Town of Lloyd listed below:

95.2-2-6.1 95.2-2-34.1

CONSOLIDATION DESCRIPTION OF LANDS OF CAY OF HERON, LTD.

ALL THAT PARCEL OF LAND SITUATE IN THE Town of Lloyd, County of Ulster and State of New York being the consolidation of two parcels of land conveyed to Cay of Heron as recorded in Deed Liber 4345 at page 293 and designated as Town of Lloyd Tax Map parcels 95.2 - 2 - 6.1 and 34.1, said parcel being more particularly bounded and described as follows:

BEGINNING at a marble monument found set at the northeast corner of the herein described parcel of land, said monument being on the westerly bounds of New York State Route 9W and on the southerly bounds of lands of the State of New York appropriated for the Mid-Hudson Bridge Approach Highway 231 Map 90, parcel 143, and running thence along the westerly bounds of said Route 9W the following: South 17°44'20" West 237.01 feet to a point, thence South 17°28'00" West 73.00 feet to a broken monuments found set, thence South 17°13'30" West 152.98 feet to a point, thence South 16°17'20" West 52.99 feet to a point, thence South 21°49'26" West 93.87 feet to a point, thence South 13°47'50" West 133.40 feet to a rebar found set, thence South 05°24'50" West 187.10 feet to a rebar to be set on the division line with lands conveyed to Anthony M. Pascale as recorded in Deed Liber 1430 at page 403, thence along the division line with said lands of Pascale, North 80°55' 10" West 79.90 feet to a rebar found set, thence North 60°55' 10" West 120.00 feet to a rebar found set, said last line passing over a rebar found set on line at a distance of 45.60 feet, thence South 05°24'50" West 100.00 feet to a rebar found set on the division line with lands conveyed to Anthony M. Pascale as recorded in Deed Liber 2095 at page 132, thence along the division line with said lands North 61°45'22" West 49.80 feet to a rebar found set on the division line with lands conveyed to Frederick M. and Sharon A. Wilkow as recorded in Deed Liber 2683 at page 154, thence along the division line with said lands of Wilkow North 05°57'24" East 135.75 feet to a point, thence in part along a stone wall, North 52°20'59" West 248.80 feet to an rebar found set in a stone wall intersection on the division line with other lands conveyed to Cay of Heron Ltd. as recorded in Deed Liber 4345 at page 293 and designated as Lot #1 on map #10841 on file with the office of the Ulster County Clerk, thence along the division line with said lands, following a stone wall and the current limits of the Town of Lloyd Water District, the following: North 47°42'20" East 30.87 feet to a point, thence North 19° 41'45" East 141.56 feet to a point, thence North 15°48'45" East 276.16 feet to a point, thence North 20°14'50" East 191.53 feet to a point at the end of the stone wall, thence North 20°12'50" East 169.06 feet to a point on the southerly bounds of the aforementioned lands of the State of New York appropriated for the Mid-Hudson Bridge Approach Highway 231, thence along the division line with said lands South 39°19'50" East 52.31 feet to a point, thence South 69°09'55" East 163.19 feet to a point, and thence South 77°08' 10" East 207.68 feet to the place of beginning.

Containing 8.63 acres

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

Three ayes carried.

- J. RESOLUTION** made by Brennie, seconded by Guerriero to approve the following budget amendments for the 2016 budget:

GENERAL FUND

Justice Court JCAP Grant	1110.41	+\$426.00
Justice Court CE	1110.40	-\$426.00

Building Dept Equip	8010.20	+\$125.00
Building Dept CE	8010.40	-\$125.00

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

Four ayes carried.

- K. RESOLUTION** made by Brennie, seconded by Paladino to authorize the Supervisor to sign a Memorandum of Agreement by and between the Town of Lloyd and the Town of Lloyd Police Benevolent Association Police Unit and Dispatcher Unit that provides that the Town agrees to reimburse PBA members for the cost of their and each of their covered family members' vision examination(s) once per calendar year in the amount of no more than ninety-five dollars (\$95) per examination per employee and family member(s).

Roll call: Brennie, aye; Paladino, aye; Hansut, aye; Guerriero, aye. (See Attached)

Four ayes carried.

MOTION made by Guerriero, seconded by Brennie to adjourn the meeting at 8:05PM.

Four ayes carried.

08.17.2016

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk