

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

AUGUST 19, 2015

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

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

7:00 PM -Supervisor opened the meeting and led the Pledge of Allegiance.

Community Pride Award to Matthew Munson for achieving the rank of Eagle Scout.

1. REPORTS –Town Board Liaisons

Audit -January 1to June 30, 2015: Councilmember Horodyski, Councilmember Brennie
July 1to December 31, 2015":Councilmember Paladino, Councilmember Guerriero

ECC /Zoning Board – Councilmember Michael Guerriero reported that Sawyer Savings asked for a variance to raise their sign a little higher because it is a little too low for visibility but it is unresolved at this time and it is a possibility that the sign will have to be moved a little further south. Regarding the Black Creek project, the blacktop is in and all that is needed is for the grass to grow. He said that the committee did a wonderful job and worked very hard even with all the problems that came up. The project has become an asset to our community.

Supervisor commented that he did see Jack Maguire and others watering the grass.

Highland Central School District – Councilmember Kevin Brennie said that it is quiet in the summer and that Alan Barone has been re-elected as School Board President. The District has recently received \$150,000 in unexpected funds which enabled them to make a part-time math teaching position full time and add some additional services for kids who are struggling in math. They are getting ready to start the new school year.

Planning Board –Councilmember Mike Horodyski

Police/Fire/Town Justice – Supervisor Paul Hansut said that he has nothing to report on the Police Department. The floor will be redone in the Justice Court in the first week of October and there is a resolution to paint the area on this agenda. He announced that there is now a handicapped parking space in the rear of Town Hall; this was requested by Jill Indelicato, Jim DiStasi and a couple of other folks.

Water/Sewer/Drainage Committee -Councilmember Jeff Paladino said that he was unable to attend the last meeting. He noted that there will be no Town Board Workshop meeting in September but there will be a public hearing on September 2 on the BAN for the Water District capital improvement project.

Supervisor expressed his appreciation to everyone for the kind words and thoughts on the passing of his brother, Kevin. He also thanked Jeffrey Paladino for filling in as Deputy Supervisor and Kate Jonietz during his absence.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

Rafael Diaz represented the Rail Trail and reported that the Rail Trail association has plans and money to move west from Tony Williams Park to Highland Hose II. The most recent concern of the NYSDOT is an issue of a Native American burial ground and the work may disturb an historic Delaware Native American burial ground. Ray Costantino explained to them that the railroad had been running there for 80 or 90 years. Ulster County is moving ahead taking the Rail Trail from Highland Hose II across Route 299 to Lowe's. He is part of the Community Project Committee which has been established with members from Scenic Hudson, Wallkill Rail Trail and Walkway over the Hudson. The committee recommended HVEA of Beacon, NY, to Ulster County. Ulster County unanimously agreed to award \$400,000 toward the \$2-million project; \$1.6-million is coming from NYSDOT. On tonight's agenda is a resolution to approve the use of the Rail Trail for a Heirs2Christ 5K Race utilizing the 5K course that was created by the Highland PTA two years ago. Also on tonight's agenda is approval for Walkway over the Hudson to use the Rail Trail parking lot for an emergency access lane during their October 2 gala. On October 3, the Rotary Interact high school group is going to have a Pumpkin Run on the same

5K course and ALS will be using the Rail Trail for a walk on October 18. Learn to Run will begin September 12, for 10 weeks; this is the tenth year of the program. Moonwalk is Friday, October 9 for the new moon, not a full moon. HudsonFest is October 11. The caboose at 75. Haviland Road has been open for four weekends, staffed by Diaz and Donna Deepröse; it has been a great success. Visitors including cyclists have averaged 160, estimating conservatively 10% of the people from the Rail Trail and Walkway. He feels that there have been slow periods due to the hot weather. The *New Paltz Times* had a nice article on the caboose. Councilmember Guerriero came in the first day they were open and gave Diaz a model train caboose and tracks. Tony Yurchuk gave them a lantern, used by the track walkers, for display.

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

Supervisor explained that Matt Smith could not be at the meeting as he had to attend calling hours for a friend in Marlborough. He asked Supervisor to relay that things are moving along at the Park. Additionally, the breakfast for senior citizens will be held August 31, 9 AM, at the Park; Bagels and Bites will be making a breakfast of scrambled eggs, sausage, pancakes and the Bruderhof is going to provide pastries. He encouraged all of the Town Board members to help.

2. OLD BUSINESS

No Old Business was discussed at this meeting.

3. NEW BUSINESS

A. RFP for IT Services

Supervisor said that he will be putting together RFP's as Northeastern the company that is now supplying IT services is on a month-to-month basis. The communication between Northeastern and town offices has not been going well. He asked Town Board members to let him know if they think of anyone who should receive a RFP.

B. No Workshop meeting on September 2, 2015; however, there will be a public hearing on September 2 at 7 PM regarding the increase and improvement of facilities of the Highland Water District, consisting of the construction of water system improvements, and the financing thereof, of \$1,714,000.

Supervisor said the public hearing notices were stuffed in envelopes and mailed by Town Clerk's staff with the help of Ann Feo, Jen Mund and Elaine Hamey. He added that everyone jumped in to help and it was good that everyone worked together on the mailing.

Peplow said that 1600 envelopes were mailed.

C. Jeff Anzevino, Scenic Hudson, said that Scenic Hudson has helped the John Burrows Association submit an application to NYS under the Upstate Revitalization Initiative for five-year's worth of funding for a trail and other improvements in the Black Creek corridor. This is the John Burrows Black Creek Corridor Project and will include trails on the Black Creek including Slabsides in the Black Creek State Forest. He feels that this is something that fits very well with what the ECC has been doing and with what Scenic Hudson is interested in, creating a hiking and paddling trail from Lloyd into Esopus. The trail begins at Black Creek Park to Chodikee Lake and there is a little bit of a waterfall further on into Black Creek. It can't be paddled but it is hoped to get funding so that the kayaks or canoes can be taken out of the water and hikers can continue on a trail to Slabsides to complete trails to Scenic Hudson's Black Creek Preserve at the Hudson River in Esopus. This could also be associated with a bike loop connecting from the end of the Hudson Valley Rail Trail, up the back roads in a course that is yet undetermined through Lloyd and Esopus to Slabsides. Also envisioned are branding, signs and promotions to help market this in association with John Burrows, a famous naturalist from the nineteenth century. They would like to work with the ECC on this. They are working closely with the Town of Esopus and their business association is very excited about this as they expect this will aid other businesses such as overnight lodging, kayak, canoe, and bike rentals. They would like a letter of support from the Lloyd Economic Development Committee. Scenic Hudson will probably have a kick-off meeting this fall and would be happy to come in and make a deeper presentation to the Town Board.

Paladino asked the distance from the Route 299 Black Creek access point.

Anzevino replied that it would be about eight miles which can be done in segments.

Mark Reynolds, reporter, asked about the time frame of the grant.

Anzevino answered that he did not know the timing; the grants are submitted to the Mid-Hudson Regional Economic Development Council and there are a number of upstate economic development counsels that are competing for the top prize from the Governor which would be \$500-million. Scenic Hudson is working with others such as Pattern for Progress to make sure that the Mid-Hudson Regional Economic Development Council submits the best possible application as they would like to get the biggest funding awarded in this region. The applications are due in September and will be announced sometime after that. This is a bigger program than the Consolidated Funding Application which is another program by NYS.

Horodyski explained that three areas within NYS are going to win. Megan Taylor and Scenic Hudson have been working hard to make sure that the Mid-Hudson area puts together a substantial application because it would be a windfall for the Mid-Hudson Valley.

Anzevino added that The CFA is every year. This grant is a big vision so the funding is provided over a five-year period. This funding was realized from the Wall Street fines imposed by NYS. NYS has five years worth of money and this is how they are distributing it.

Horodyski feels this is a competition between areas and not based on cronyism and the best application for the use of the money is going to win.

Supervisor said the Jeff Anzevino called last Tuesday asking for a letter of support which he wrote on behalf of the Town Board.

4. PRIVILEGE OF THE FLOOR

Jack Maguire, Chair of the Environmental Conservation Council, said that the ECC is very enthusiastic about the proposed John Burrows Black Creek Corridor project. This is an evolution of a plan that came to the ECC in 2003, when the idea arose of the Black Creek Water Trail. The Black Creek Canoe and Kayak Launch is finished, the grass is starting to show a little bit of green. He thanked Richie Klotz, Highway Superintendent for arranging to get the blacktop and the soil for the grass, also Wilklow Farms and Lowe's for donating the grass seed. Baker and Sons donated a stone bench which has been installed at the site. The only thing left is to file to get back the grant money. A year ago, last July, the ECC presented a model wetlands law to spur the creation of a wetlands law in Lloyd. A month later, Teresa Bakner, who is a land-use attorney, expressed her concerns about the model that they presented. Nothing happened beyond that. The ECC members did not agree with her concerns but wanted to go back to the wetlands law that they had studied and to consult with other attorneys who are involved in wetland legislation to find out what language to use to respond to the concerns. In particular, Dave Gordon, who has a lot of expertise in local wetland legislation, was very generous in donating his time. He did contact Bakner and asked her about her concerns but never received a reply. The ECC put together a response to her concerns as they wanted to respond to keep the notion alive that we need a wetlands law; it doesn't have to be model that the ECC submitted but it is information toward creating a wetlands law.

Horodyski felt that what the ECC provided was a model law.

Maguire said that they looked at models of wetland laws in other communities. Every community has to decide on their own wetlands laws depending on their own situations. Horodyski asked him about limitations as there are already limitations regarding construction and uses.

Maguire replied that there are things that fall between the cracks and the material he gave the Board explains some of that; they are not proposing a specific law, the ECC recommends that a wetlands law is created. There are a lot of wetlands in Lloyd that are very vulnerable; recently, someone destroyed a beaver dam in Lily Lake and emptied half of it along with half of the biodiversity. There is no law; they can get away with a lot because it falls between the cracks.

Paladino asked if that would not fall in the NYS or federal wetland law.

Maguire answered that a lot of the federal and state laws that are in place leave the particulars up to the local jurisdiction. Just having a law on the books sends a message to developers and residents that the town does really want to protect the wetlands. There are consequences.

Horodyski posed that the situation on Lily Lake was more than likely a homeowner and if this would direct a homeowner with a wetland on their property to take better care of the wetland.

Maguire explained that there is a size requirement. Nothing under 12.4 acres is protected by the state; federal jurisdiction is over smaller wetlands but they leave it up to local jurisdiction. It is as if you are saying that we have a state militia and a federal army, so why do we need local police? They are not going to care much about Lloyd. It is a matter of us crafting a law that shows that we care in Lloyd.

Paladino questioned if 12.4 is accurate as there are parcels that are designated wetlands buffered on a wetlands that still have regulations so there is some regulation.

Maguire said that he did not want to argue a wetlands law right now because he is not a wetlands lawyer but he did want to submit to the Board the wetlands lawyer's response to Terresa Balmer. The point is to have an open mind about developing wetlands legislation which he does not believe a bad thing and does protect wetlands. There are ways to create exceptions for households.

Paladino stated that NYS wetlands law is one of the most stringent in the country and he is not in favor of any law that goes any further than the federal or state wetlands laws.

Maguire stressed that he is just asking the Town Board to keep an open mind about the whole wetlands legislation.

Supervisor asked about the stairs from the Rail Trail to Black Creek.

Guerriero replied that Buildings and Grounds was going to put bedrock under the last step but Frank Alfonso later found out that the stairs shifted with the rise of the water; however, the water is very low right now. He spoke with Alfonso and he said that he would take care of it.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Horodyski, to approve the minutes of the Workshop Meeting July 1, 2015 and the Regular Meeting of July 15, 2015.

Five ayes carried.

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

General	0523-0626	\$ 93,918.14
Highway	H282 -H323	\$ 60,783.32
Miscellaneous	M1 19-M128	\$ 46,215.40
Prepays	P278 -P356	\$ 151,100.00
Sewer	S188 – S220	\$ 17,144.00
Water	W237 – W272	\$ 25,645.72

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

Five ayes carried.

C. RESOLUTION made by Brennie, seconded by Guerriero, to authorize the Heirs2Christ Youth Group to host "Heirs2Christ 5K Race" on Saturday, September 26 beginning at 8:00 AM and concluding at 12 noon. The race will begin at the Hudson Valley Rail Trail Depot and will go west to Tony Williams Park and return to the Depot; this portion of the trail will be closed during the race from approximately 9:30 to 11:30 AM. The organizers of the event will contact Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary signage and the use of monitors on the trail before and during the event at the recommendation of Hudson Valley Rail Trail Association.

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

Five ayes carried.

D. RESOLUTION made by Horodyski, seconded by Guerriero, to authorize Walkway Over the Hudson to use the parking area at 75 Haviland Road on the evening of October 2 for the "Starry Starry Night Benefit Celebration" from 5:00 PM to 11:00 PM. They will establish an access lane using cones and signage from Haviland Road to the gate just west of the caboose at 75 Haviland Road and will monitor such access lane during the time that emergency access is required in conjunction with the event at the recommendation of Hudson Valley Rail Trail Association.

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

Five ayes carried.

E. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, Peter Meekin and Nancy Meekin own a parcel of land in the Town of

Lloyd situate along the Hudson River consisting of approximately 0.89 acres more or

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less, identified on the tax map as parcel 88.17-3-13.200, which parcel is adjacent to premises owned by the Town of Lloyd and occupied by the Bob Shepard Highland Landing Park; and

WHEREAS, the parcel consists of unimproved land which Peter Meekin and Nancy Meekin feel will be better utilized by the Town of Lloyd for any of its purposes, and the Meekins wish to donate the land to the Town by gift that is not to be earmarked for any specific purpose; and

WHEREAS, an agreement has been reached between Peter Meekin and Nancy Meekin and the Town of Lloyd regarding the gift of said land, and an Agreement document annexed hereto as Schedule "A" has been prepared; and

WHEREAS, the Town wishes to enter into said Agreement;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: The Town Board of the Town of Lloyd hereby approves the Agreement set forth in Schedule "A" attached hereto, and the Supervisor Paul J. Hansut is authorized to sign the Agreement, and is further authorized to sign any other documents as necessary to accept the transfer of said parcel.

SCHEDULE A AGREEMENT

This Agreement by and between the Town of Lloyd, a municipal corporation with offices at 12 Church Street, Highland, Ulster County, New York, as Dorree, and Peter Meekin and Nancy Meekin, 7 Monument Circle, Bennington, Vermont 05201, as Donors:

WHEREAS, the Donors own a parcel of land on the Hudson River adjacent to the Bob Shepard Highland Landing Park, containing approximately 0.89 acres identified on the tax map as parcel 88.17-3-13.200; and

WHEREAS, the parcel consists of land which the Donors feel will be better utilized by the Town for any of its purposes, and the gift is to be a gift that is not earmarked for any specific purpose.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The Donors hereby agree to give to the Town of Lloyd, for no consideration, that certain parcel of land identified as Tax Map no. 88.17-3-13.200, and as further identified on Schedule "A" attached hereto;
2. The parcel to be donated consists of vacant land on which there are no constructed improvements, and the Town of Lloyd shall accept a title as any New York State certified title company will approve and insure;
3. The parties acknowledge and agree that the Town may use the donated parcel for any purpose it may deem appropriate now or in the future.
4. No representations or warranties are made by the Donors as to any impediments to title, any violations of the municipal or governmental codes, or other matters in connection with the sale, and that lands are to be donated "as is";
5. The Town of Lloyd shall have the option to reject the donation for any reason, including title defects or the land being located in another location than that presumed by the Donors, or for any
6. other reason that it deems the land undesirable, due to its physical location or the characteristics of the property, right up to the time of closing;
7. The title will close and deed will pass at the law offices of Di Stasi Moriello & Murphy Law PLLC on or about September 9, 2015;
8. Any alterations, additions or modifications to this contract shall be in writing and signed by the parties.

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Sean Murphy, attorney, said that he spoke with Matt Smith and Ray Jurkowski, Morris Associates, about this property. Jurkowski said that he is prepared to do a search of the NYSDEC records as an environmental review; however, he did not feel a Phase I would be necessary. It is subject to clear title which would mean the town would order and pay for a title insurance policy which would be a minimum policy of about \$450. A last-owner search could be done.

Murphy explained that Matt Smith suggested that the property should be given to the Association because they are a 501(c)(3) and the donors would be able to get the tax deduction for their donation; however, a donation to the town would also be tax deductible. He talked with the accountant for the Meekins and he confirmed that in giving the property to the town, it meets their needs.

Supervisor said that resolution can be moved on tonight, subject to Ray Jurkowski 's investigation.

Murphy said that the agreement says that the town has the option to reject any donation for any reason; once the town takes possession, it will be listed on the town's insurance.

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

Five ayes carried.

- F. RESOLUTION made by Paladino, seconded by Brennie, to extend the hours of the operation at Berean Park, to include the weekends of August 15 and 16, 22 and 23, 29 and 30 and September 5, 6 and 7 from the hours of 12 noon to 7:30 PM.

Brennie said he visited Berean Park several times over the weekend and said that it was quite busy and there were approximately 20 cars in the parking lot; he feels that the people appreciated that the park was open.

Supervisor asked Frank Alfonso, Recreation Director, if he had any feedback on the numbers of the people using the park and the level of the water.

Alfonso said that he was at Berean Park on Saturday and Sunday, mid-day, and there were 40 to 50 people there. The water level is low. A total of four lifeguards, overlapped each other, and they were there to about 7:30 PM He recommended that the lifeguards give notice to those at the park that the swimming would close in a half hour, making it easier to clear the park

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

Five ayes carried.

- G. RESOLUTION made by Horodyski, seconded by Guerriero to, approve and authorize the Supervisor to sign the agreement with the Ulster County Resource Recovery Agency effective from 1/1/2016 through 12/31/2020.

Supervisor said since the last Town Board meeting, he received a letter from UCRRA and read:

The agency has received signed solid waste management agreements from nine towns with the towns of Hurley and Lloyd indicating that they are willing to sign the agreement upon receiving additional cost information. However, the resolution approving the agreement was tabled at the Agency's board meeting held on July 22. The reason for this is that the Agency prepared the pull charges and other related costs in the agreement based upon all nineteen towns signing the agreement. Since eleven towns have either signed or showed their willingness to sign, the solid waste management agreement board thought it would be in the best interest to all to recalculate the costs involved. It would be unfair for the Agency board not to advise the towns that the pull charges in the original proposal would be increased due to the lack of participation of all nineteen towns. The revised estimated pull charges for the year 2016 would have been \$77 a pull rather than \$62 a pull in the original proposal. The box rental and equipment charge would remain the same as the original proposal. The agency will honor the \$62 pull charge in the original proposal in the year 2016 but in the interest of/air play, I am advising the towns that based upon participation by the eleven towns, the pull charges for the remaining years may increase significantly. Also, if the town drops out of the contract after one year, which they are entitled to do so, the pull charges will increase. Based upon recalculations, the Agency is giving the towns the opportunity to rescind the contract previously signed; however, based upon the above information if your town still wishes to proceed with the agreement, the board will need an answer in writing of your intentions prior to its next board meeting which is August 16, 2015. This date is important because we must prepare our 2016 budget.

Supervisor cautioned that they said that it is to up to \$77 a pull but they are willing to keep it at \$62 a pull but that \$62 does not include the \$16for equipment charge, so it would be \$78. In working up the numbers just that alone was about a \$12,000 increase in the Transfer Station budget for next year. He has attended the meetings of the Supervisors ' Association and has talked to just about every supervisor in the County and he feels that there is not much choice in the matter. A lot of the towns have researched privatization but that doesn 't seem to be an answer at this point.

Brennie posed that the alternatives are to close the transfer station, find a private hauler or sign the agreement with the UCRRA.

Horodyski said that his concern is that they are planning for next year but there is a five-year commitment.

Supervisor agreed and said that they will let the town out of the agreement after one year but the town still has to pay for the containers.

Rich Klotz, Highway Superintendent, reminded them that it was privatized, the waste still had to be taken to Kingston and the dump rate would be the same.

Horodyski said that he asked Tim Rose that question and he said that it would be \$108 a ton, the same that any private hauler pays.

Superintendent said that 18% of the budget has been spent.

Guerriero added that the revenue is moving in the right direction.

Horodyski felt that it would be impractical to pull out of the contract as there is an investment in the containers, which are paid over ten years.

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

Four ayes carried.

H. RESOLUTION made by Brennie, seconded by Guerriero,

WHEREAS, the Town of Lloyd has received three proposals for the installation of sidewalks at Argent Drive from Sun Up Enterprises, Inc. in the amount of \$17,400.00, Ben Ciccone in the amount of \$29,975.00 and Atlantic Concrete Foundation Inc. in the amount of \$29,900.00.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Town Board approves and authorizes the Supervisor to sign the agreement with Sun Up Enterprises, Inc. in the amount of \$17,400.00, at the recommendation of Richard Klotz, Highway Superintendent and the Town Board.

Horodyski concerned that the three quotes were apples to apples, considering the large difference in price and if Superintendent was comfortable with the proposal.

Superintendent replied that his department would remove trees and stumps; he is comfortable with the quote. He asked him to reach out to Sun Up to see when the project can start.

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

Five ayes carried.

I. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town of Lloyd has received three proposals for the interior painting of the Town Hall second floor court room, restrooms, hallway and stairwell from Green Gables in the amount of \$4,625.00, Gen-Plus, Inc. in the amount of \$4,100.00 and Scott's Painting in the amount of \$3,500.00.

NOW, THEREFORE, IT IS FURTHER RESOLVED that the Town Board approves and authorizes the Supervisor to sign the agreement with Scott's Painting in the amount of \$3,500.00 at the recommendation of Frank Alfonso, Director of Buildings and Grounds.

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

Five ayes carried.

J. TABLED Resolution

WHEREAS, a project for Tillson Avenue, Route 9W to Route 44-55 in the Town of Lloyd, Ulster County, PIN 8757.81 is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Lloyd desires to advance the project by making a commitment of 100% of the non-federal share of the costs of right-of-way acquisition;

NOW, THEREFORE, the Town of Lloyd Town Board, duly convened does hereby RESOLVE that the Town of Lloyd Town Board approves the above-subject project; and it is hereby further,

RESOLVED that the Town of Lloyd Town Board hereby authorizes the Town of Lloyd to pay in the first instance 100% of the federal and non-federal share of the cost right of way acquisition work for the project or portions thereof; and it is further,

RESOLVED that the sum of \$174,840 is hereby appropriated from and made available to cover the cost of the participation in the above phase of the project; and it is further;

RESOLVED that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Town of Lloyd Town Board shall

convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof; and it is further,

RESOLVED that the Town of Lloyd Supervisor be and is hereby authorized to execute all necessary agreements, certification and reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Lloyd with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that not so eligible; and it is further

RESOLVED, that, in addition to the Town Supervisor, the following municipal titles: the town engineer or town attorney, are also hereby authorized to execute any necessary agreements or certifications on behalf of the municipality/sponsor with NYSDOT in connections with the advancement or approval of the project identifies in the State/Local agreement;

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connect with the project; and it is further

RESOLVED this resolution shall take effect immediately.

Supervisor sent this agreement to Barton & Loguidice for their review and their response was not to sign the agreement and wait for two weeks as they were working through some numbers; farther, that he should speak with Dennis Doyle, Ulster County Planning, to figure out the costs. The concern is the part that states the town will pay all of the non-federal 20% (he does not feel that was the initial agreement) and the town will get an addition 15%, which needs to be confirmed. Barton & Loguidice wants to clarify so he suggests that this resolution is tabled until next month. That was another situation regarding the Delaware Native Americans.

K. RESOLUTION made by Paladino, seconded by Brennie, to hire Martin Szostak as a part-time police officer at the hourly rate of \$18.25, effective August 20, 2015 at the recommendation of Chief Daniel Waage.

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

Five ayes carried.

L. RESOLUTION made by Paladino, seconded by Horodyski, to hire Timothy W. Rhodes for the full-time position of Motor Equipment Operator (MEO) at the base rate of \$19.10 per hour effective September 7, 2015, as supported by the Highway budget upon successful completion of the pre-employment physical and at the recommendation of Richard Klotz, Highway Superintendent.

Supervisor noted that Mr. Rhodes was previously employed with the town and was a very good employee; he moved away and now has returned.

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

Five ayes carried.

M. RESOLUTION made by Paladino, seconded by Brennie, to approve the following budget amendments to the 2015 budget:

GENERAL

Unallocated Insurance	1910.40	+\$470.00
Contingency	1990.40	- \$470.00
Berean Park Lifeguards PS	7310.12	+\$4,369.00
Summer Fun PS	7310.13	+\$3,057.00
Contingency	1990.40	- \$7,426.00

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

Five ayes carried.

N. TABLED Resolution

WHEREAS, CSX Real Property, Inc. owns property in the Town of Lloyd, which property is used for railroad purposes and which runs generally north to south along the Hudson River; and

WHEREAS, the Town is desirous of installing a guardrail along a portion of said property adjacent to Oakes Road; and

WHEREAS, CSX has agreed to reimburse the Town for the reasonable cost of said installation, not to exceed \$9,854.50; and

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WHEREAS, CSX has provided the Town with a letter-contract outlining the terms of said agreement; and

WHEREAS, the Town Board wishes to enter into said Agreement and proceed with the installation of the guardrail along Oakes Road, as set forth in said letter-contract and estimate attached thereto.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

- 1 The letter-contract annexed hereto as Exhibit "A" between CSX Real Property, Inc. and the Town of Lloyd be, and the same is hereby, approved.
2. Paul J. Hansut, Supervisor, is authorized on behalf of the Town of Lloyd to sign said Agreement.

EXHIBIT A

LOCATION: HIGHLAND, NY - Contract No: CSX798348, Milepost: QR 71.8,
Division: ALBANY, Sub Division: RIVER

PROJECT: INSTALL 400 LF OF GUARDRAIL IN ACCORDANCE WITH
ATTACHED BID

Town of Lloyd

Attn: Mr. Richard Klotz

12 Church Street

Highland, NY 12528

Dear Mr. Klotz:

This letter is in reference to your willingness to install a guardrail along Oakes Road at a reasonable cost, not to exceed USD\$9,854.50, to be billed to CSXT. For their safety, the City's workers must remain at a distance of greater than 25 feet from the centerline of the active railroad tracks.

Consider this letter as your authorization to proceed with the installation on behalf of CSXT. It is mutually understood and agreed that the City will indemnify and save harmless CSXT from injury to, or death of any employee(s), contractor(s), agent(s) or guest(s) of the City and/or damage to property arising from the acts or omissions of the City in performance of the work which result from the negligence of the City or its actions.

Your authorization to perform work under the terms of this agreement will terminate effective 11:59 p.m., 01-OCT-15.

Before starting work you must notify CSXT Roadmaster Jonathan Brammell at 440-992-1785 or CSXT Division Engineer at 518-767-6557 in Selkirk, NY to determine if flagging protection is required and make necessary arrangements for same, if needed.

If the City is agreeable to the above terms, please sign and return a copy of this letter to my attention. Thank you for your cooperation in this matter.

Sincerely,

(signed)

Nathan T. Floyd

The foregoing letter-contract, (HIGHLAND, NY), Contract number (CSX798348) is hereby acknowledged and accepted this 19 day of August, 2015.

MUNICIPALITY:

By: _____

Print Name:

Title

Municipality: Town of Lloyd

RAILROAD:

By: CSX Real Property, Inc. for CSX Transportation, Inc., under the authority of Property Management Agreement and Limited Power of Attorney dated as of March I, 1990.

BY :

Print Name: Nathan Floyd

Title: Property Management Specialist Company: CSX Real Property, Inc.

Paladino asked if Superintendent Klotz was comfortable with the \$9,854 figure.

Superintendent said that he presented that number to CSX and he is comfortable with it.

Supervisor asked if everyone has seen a copy of the changes in the proposed sign law changes; Guerriero said that he would check his email. He said that this has been discussed and the public hearing is still open; some changes have been made. David Barton, Building Department, will be at the September Regular meeting to go over the changes. Another public hearing will have to be set.

Peplow noted that the present public hearing should be closed.

Murphy asked if the revisions will require a new local law and Supervisor agreed.

MOTION made by Paladino, seconded by Horodyski, to close the public hearing on the proposed sign law at 8:05PM.

Five ayes carried.

Peter Brooks, Planning Board, said that he was pleased to see that the Town Board dropped their opposition to the sunset law for billboards. The other changes were small as there were two statements that said the same thing twice i.e. if there is a sign malfunction, it should go dark. Then there is a requirement that a sign is not any closer than 300-feet to a residential property; an exception was made for the Gateway/Walkway zone where there could be combined commercial and residential properties.

Paladino asked if that was a residence or residentially zoned property.

Brooks said that it was either way, if it was zoned or used as a residential property.

Paladino posed theoretically that if there is an existing business, they cannot put up a sign if there is a house within 300 feet on Route 299 or Route 9W.

Brooks replied that the sign could not be within 300 feet of the lot line.

Peplow asked if digital signs are acceptable.

Brooks reiterated that they are not allowed within 300 feet of a property.

Horodyski inquired if this is for purely digital signs.

Brooks said that this is strictly for the new digital signs. If you want to install a new digital billboard, you have to take one existing one away, with the sunset on billboards and with only five years remaining, it does not seem likely that someone would do that and make that investment.

MOTION made by Horodyski, seconded by Paladino, to go into executive session with Superintendent Richard Klotz on a personnel matter at 8:10 PM.

Five ayes carried.

MOTION made by Guerriero, seconded by Brennie, to come out of the executive session at 8:25 PM.

Five ayes carried.

MOTION made by Guerriero, seconded by Brennie to adjourn the meeting at 8:26 PM.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk