

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

AUGUST 20, 2014

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

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

7:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance. He asked that people with cell phones turn them off or put them on vibrate; he indicated the Meeting Room exits.

1. REPORTS – Town Board Liaisons

Audit – January 1 to June 30, 2014: Councilmember Horodyski, Councilmember Brennie

July 1 to December 31, 2014: Councilmember Paladino, Councilmember Guerriero

ECC /Zoning Board - Councilmember Mike Guerriero

HCSO – Councilmember Kevin Brennie reported that during the summer the Community Facilities Needs Review Committee gave their recommendations to the school board on the Capital Project; the school board is now discussing how they want to present it to the public. The range is between \$15-million to \$25-million and it is anticipated that the vote will be sometime in the fall. The school board has hired new administrators. Practice for school sports started on Monday. A member of the audience interjected that the vote will be October 28.

Planning Board – Councilmember Mike Horodyski said that the Workshop Meeting is tomorrow and one of the items on the agenda is to finalize the Visionary Committee's work along the Route 9W corridor; the expectation is to present that at the September 17 meeting.

Police/Fire/Town Justice – Supervisor Paul Hansut reported that there will be contract negotiations with the PBA on September 17, 10 AM. He received a call this afternoon informing him that the Police Department was called for a burglary in progress on Ransom Road; Officer Zani arrived and saw the suspect running from the house. The suspect, from Middletown, was apprehended near the railroad tracks. There is a resolution on this agenda to include some other officers to work as a Justice Court Officer; Officer Plass is out on an injury incurred on one of his other jobs.

Water/Sewer/Drainage Committee – Councilmember Jeff Paladino reported that the Committee will meet in September and said that the Town-wide drainage district is being considered; Shari Riley is researching this. He thanked Shari Riley for the work she is doing.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail - In her absence, Rafael Diaz reported that the Association met with Barton and Loguidice on improvements to 101 New Paltz Road such as bike racks, widening the Mae Lane approach and the farmer's bridge. They plan to staff stations in September to speak with cyclists on the Trail for the Courtesy Safety Program; he has spoken with the Police and they will attempt to have a presence. Regarding the safety concern at Tony Williams Park, they are discussing the use of a device called a 'chicane' which creates extra turns and barriers to slow down the bike riders. There has been a lot of graffiti on the Trail; NYSDOT took care of the graffiti on the underpass at Route 9W and Tim Baker, Baker & Sons, helped at the Mile Hill Road underpass; Ed Hopper, an Association Director, has addressed other graffiti issues. The kiosk at Commercial Avenue Extension has to be repaired; he explained that money used for repairs would not be available for new amenities on the Trail. He reiterated the Columbus Day weekend events: Moonlight Walk on October 10 at 101 New Paltz Road, chaired by Chrissie Wolcott; Highland High School Drama Club will be telling ghost stories and the entrance fee is \$5; HudsonFest, 75 Haviland Road, is Saturday from 10 AM to 5 PM, 70 vendors and not-for-profits, under the direction of Eric Norberg. There will be no gala this year but there will be a silent online auction. He and Donna Deeproose will launch the ninth season of the Learn to Run 10-week program beginning September 13, 101 New Paltz Road.

Supervisor noted that Paladino attended the Rail Trail Association meeting last month where purchasing equipment to maintain the Rail Trail was discussed. He feels that the Trail should be mowed once or twice a month and he would like to know how the talks

are progressing on that. The application for the Skartados \$50,000 grant has just been completed and the Town is awaiting the \$100,000 from Scenic Hudson for the western extension of the Trail; Town has also applied for a CFA grant for the remainder of the matching funds.

Matt Smith asked if anyone knew the time of day or night that the destruction of the kiosk or the graffiti occurred; he then asked if the Police patrol the Rail Trail at night.

Diaz feels that it was done at night; they scatter when they see Police patrol car headlights.

REPORT – Matthew Smith, Project Manager, Bob Shepard Highland Landing Park reported that for the site work, final sub-grade is almost finished. The large, (2,000 yard) pile of dirt is spread where it was necessary; most of it went to replace the last concrete that was broken up and removed. This is the first since we got the Park property that there are no big holes, piles of timber or giant boulders and it gives the idea of how much space is actually there. At 9 AM tomorrow I am meeting the surveyor. We will grade-stake the entire south end for the last sub-grade work, next is the topsoil and seeding. We are working on RFP's for the concrete and blacktop for the parking area. I hope to finish that this season.

There are 60 stainless steel plaques in place on the bulkhead. Go look at them, it is a beautiful job. After the plaques were installed, we sold more to people who saw them. This will be an ongoing fundraiser as lots more space is available on top of the bulkhead.

The boat launch and Park are being heavily used. At one point on Sunday, there were about 100 people at the Park; boats are in and out all day at the boat launch.

We had our HLPAs annual meeting at the Park on August 9; it was well-attended and everyone loved the progress that we made. Twenty minutes of the meeting was reading the names of the volunteers who worked on the Park this year; over the past six or seven years, there have been ten times as many volunteers and a list is being compiled. We are planning to honor them in a permanent thank you at the Park.

Parrott Dock Building is planning on the dolphin replacement around the end of August. They are finishing up another job and are still waiting for our greenheart pilings that were special ordered to come in; these will be stronger than the yellow pine that broke off this winter. Our insurance company has advanced \$10,000 toward the repairs and will pay the balance when finished (approximately \$50,000).

Supervisor said that as he told Smith today that there will be some money coming in for the Park from the project on Toc Drive; the developer will be paying \$90,000 in recreation fees and the Park will be getting about \$22,500 of that. It should help to finish the building.

Supervisor reminded everyone that on Monday, August 25 at 9 AM to 11 AM, at Tony Williams Park pavilion there will be a continental breakfast to celebrate National Senior Citizens' Day; we are encouraging folks to attend but ask that you RSVP by calling 691.2144, extension 100. If you know anyone who might like to attend but does not have transportation, please tell us and we will pick them up so that they can enjoy the breakfast too.

2. OLD BUSINESS

A. Frank and Margaret Ottaviano right-of-way

Sean Murphy, attorney, said that the Ottavianos have been asking for a right-of-way over the rail bed across from Highland Hose Station II on Old New Paltz Road. He asked a title company to check the back title and they confirmed that there is a right-of-way of record from New Paltz Road to that property in the chain of title. It is really not defined as it goes back to the early 1900's when the railroad was built. He talked with the Ottavianos and the Supervisor. His advice is to locate where it is and come to an agreement with the Ottavianos. The surveyor plan is a 48-foot right-of-way. He spoke with the Ottavianos and the real estate agent and he suggested a 25-foot right-of-way would be sufficient for their purposes. They are getting a right-of-way not a road. After the right-of-way is located, they will still have to come in for an Open Development Area before they can start building out there. The Ottavianos are in agreement and if the Town Board also agrees, he could draft an agreement and ask their surveyor to locate a 25-foot right-of-way somewhere within the 48-foot that is set forth on the plan.

Paladino suggested getting input from the fire department and the Rail Trail Association as to where it should be located.

Supervisor asked Murphy to draft the agreement so that it will be ready for next month.

B. Transfer Station Informational Meeting

Supervisor said that about 25 residents attended the meeting on August 6; the options were explained as well as the increased fees for the Transfer Station. There was an Ulster County Supervisors' meeting in Kingston yesterday, and it appears that all of the towns are going to keep their transfer stations open. The Supervisors are concerned about a couple of things. The contract with the Resource Recovery Agency is for 10-years. The rates will be increased the first year and we may have to increase them in the second year or third year; he asked what would happen in the fourth year if no one is using the Transfer Station and we are in still in the agreement with the County. The towns would not go out and buy all new highway equipment in the same year. He feels that it has been mismanaged as the RRA should have been purchasing equipment all along and they did not. Municipalities recycle paper, cardboard, glass, metal separately; private haulers use one-stream and everything is mixed together. The Town of Lloyd and other municipal transfer stations send clean recyclables for the RRA which they in turn sell. The Town is doing environmentally sound recycling and is getting nothing for it; the recycling went up almost 30%. He and Rich Klotz, Superintendent, have been discussing different options for the Transfer Station; perhaps different hours and the fee for the permits will have to be increased. They are trying to determine exact tonnage that has been dumped over the years before a number is decided.

Horodyski suggested that the supervisors get together and tell the UCRRA to fix the tonnage rate for three years.

Supervisor replied that the RRA is a private agency and they have determined what they need to survive for the next ten years. There is machine in Kingston that separates the one-stream recycling brought from the private haulers; however, what goes up to Kingston from the Transfer Station is cleaner and they are able to sell it. Lloyd gets no credit for it. The RRA containers and trucks are shot. He does not want to sign a 10-year contract but there will be no Transfer Station in January if it is not signed. Marlborough charges \$50 per a permit, seniors pay \$25 for a permit and the bag charge is \$5; Plattekill does not charge the seniors for permits but does charge for bags. Most seniors use the smaller white garbage bags and the charge is a \$4 per 30-33 gallon bag. Perhaps, the charge for the smaller bags could be \$2. Seniors have a difficult time filling up a 33 gallon bag, loading it in their car and getting it to the Transfer Station. The free days at the Transfer Station are a thing of the past; they cost \$14,000 and it appears that people wait for those days to empty half their house for \$20. There is a regular fee of \$20 for residents, \$5 for a second permit and a \$100 permit for businesses. The good thing is that there has been communication among Rich Klotz, Rosalie Peplow and himself about the residents using the Transfer Station. Some commercial enterprises are using senior citizen fee permits at no charge or residential permits for \$20. Businesses are supposed to pay \$100.

The budget process has begun; it is expected that all of the departments will have their budget requests submitted by Friday.

Further, the property tax cap of 2% is going to be somewhere between 1.4% to 1.5%. The Governor has said that if the Town stays within the cap for the next two years, the taxpayers will get a \$350 rebate check in September; after that, it will be through the NYS income tax. He said that he is going to work very hard to stay close to the 2% but it will be difficult as contracts are up, insurance is going up, retirement is going up. There is a resolution on this agenda to authorize that a private company is to be paid \$7,200 to audit and manage our health care through the Affordable Care Act; \$2 is paid for every employee as a fee for the Affordable Care Act. Most people would agree that for a small town, we have excellent services and employees. Last year the cap was 1.68 and we dropped it down to 1.65, now it is lower. This is why we need commercial development to bring up the ratable.

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

Matt Smith suggested that towns form a coalition to collect recyclables, sell them directly and cut out the UCRRA from the middle.

Supervisor said that was discussed and the concern was the administration of it; they talked about selling it to the private haulers. The Saugerties Supervisor tried to privatize the transfer station and it was one price for the first year but it slowly went up until it was

two or three times more than using the RRA. The Town of Kingston, 300 houses, provided a private hauler to pick up all of the waste for their town and it was cheaper than a landfill. We have agreed that the Transfer Station has to be run like a business i.e. when you pull in, your permit is checked along with your garbage and what you are dumping is checked. This might mean putting a second employee at the Transfer Station.

Rich Klotz, Superintendent, explained that next year, the recycling at the Transfer Station will cost between \$8,000 and \$10,000 as RRA will charge for the dumpsters and the transportation.

Supervisor said that the biggest problem at our Transfer Station is the wet weight, which is 25% or 30%. There charge for a mattress is \$5; if it is there for a week and it rains the weight increases and it costs the Town \$20 to get rid of the mattress. Rich Klotz is contacting a couple of contractors to see if something can be built over the containers.

Diaz noted that through show of hands everyone at the informational meeting supported keeping the Transfer Station open and increasing the fees. He felt that it was a good presentation by Rich Klotz and Denise Rhoades.

Supervisor said he went to the Transfer Station two Sundays ago and spoke to people who came in; one woman was a weekender and had no idea what was going on but said that she pays \$700 for garbage in the city. There were other folks who live here and did not know of the discussions although both local newspapers have covered. One individual came up with cardboard boxes, the attendant is busy doing something else and saw the cardboard boxes so assumed that this is recycling; however, he dumped garbage from the cardboard boxes and then throws the boxes away. He remarked that for some seniors, the Transfer Station is a way of life: they get the garbage bag, pick up some coffee, go to the Transfer Station and see people they know and they are able to socialize. If the Transfer Station was closed, it would be a hardship for people so the Town is going to do what has to so that it may stay open. He recalled riding in the back of his father's pickup truck for a trip to the dump and if there was a bike there, Elmer Speedling (former employee at the Transfer Station) would tell him to take it. He wants to preserve the history and the tradition.

Jack Maguire, Chairman ECC, announced that the Town's newest park, the Black Creek Launch is almost finished; last week the earth moving was done and gravel put down. He acknowledged Steve Bianco of Marlborough, as the volunteer who brought in and operated the earth-moving equipment. He also acknowledged the good work that was done by Rich Klotz and the Highway Department. The next step is blacktopping an entrance to Route 299 which is required by law, some seeding and signage. He asked if there were any developments with the wetlands law proposal.

Supervisor replied that Terresa Bakner, land attorney, is here and asked her to talk about the wetlands law.

Bakner explained that she looked at the proposed Wetlands Protection Ordinance which represents a lot of time and effort by the ECC; it is a difficult topic and she expressed kudos to them for undertaking this. She feels that the wetlands protection ordinance as currently proposed has some problems. The first difficulty is that it is an additional layer of wetlands protection than is afforded by NYSDEC or by the US Army Corps of Engineers under the Clean Water Act so it would be a new definition of wetland and a new regulatory regime that is not tied to either of those. She thinks that it would make more sense if the focus was the particular wetlands that are of value locally to the community that are not currently regulated by the NY State or the Federal Authority. The other thing is that it has the Town Board, not the Planning Board or the Zoning Board of Appeals, and sometime the Town Building Inspector implementing the program. The difficulty with that is that a biologist is needed at the Town level, someone who can identify genus and species of wetlands according to the criteria. Someone would have to be hired who is qualified to go out and delineate the wetlands. Because the program is not integrated into the Planning Board, people would apply for wetlands permits when they may not have a project at the level of needing approval from the Planning Board; if one wanted to put in a swimming pool or swing set, that person may be faced with coming in before the Town seeking a permit when it would not otherwise be needed. The other difficulty with it is none of the wetlands are pre-identified so an expert would have to be retained to identify the wetlands on a property. A developer who comes before the Planning Board retains a qualified wetlands scientist to flag the wetland boundaries, the boundaries are surveyed and the USACE and the

NYSDEC signs off on the boundaries of those wetlands. The definition of wetlands regulated by the ordinance really depends on the characteristics of the property and may change. Wetlands get bigger and smaller over time, which adds to the confusion. There is a notation that people are first to get approvals from the state and federal governments but generally the Town is the lead agency for SEQR purposes so you cannot get a state permit until the state environmental quality review act issues have been addressed and adds a layer of complexity. The federal and state programs exclude small projects from their reviews as they do not want to review those. There was a nationwide permit program that simplified and allowed people to undertake certain activities like maintenance, construction of utilities, construction of roadways, etc., under a streamlined approach. If the Town was going to do this, you would want a streamlined approach for certain activities. It may make sense to identify the wetlands in the Town that are of particular value to the Town and actually propose them as wetlands of unusual local importance which would be regulated by DEC. DEC usually regulates wetlands 12.5 acres and larger but they can regulate smaller ones of unusual local importance. That would take the regulatory burden off of the Town, protecting the wetlands that you want to protect and you would be taking advantage of DEC's already staffed expertise in the area as opposed to hiring someone to do it. There is a specific procedure under Article 24 of the Environmental Conservation Law where a wetland can be designated as unusual local importance and there are certain criteria but if it is an important wetland it would not be that difficult to make a case. There is in the local law about the DEC's wetlands appeals board and the state law has been amended to eliminate that so that would have to be taken out of the law.

Horodyski asked if the ECC has wetlands under the 12.5 that are not regulated by DEC the Town could designate as unusual importance.

Maguire said that the problem is that wetlands under 12.5 acres, is regulated by local government and they don't exist in isolation, they all interact with each other. The important thing is to work something out that would keep them from being obliterated, wrongly used or polluted. A square mile might have 16 wetlands, if they are all compromised suddenly, the land is destroyed. It is not a matter of labeling as having some sort of general approach to any wetlands.

Donna Deeprise noted that Bakner was concerned about adding another layer but she said that is not something new to the Town. There was such a local law but it was eliminated because it was very similar to New Paltz' law which was at one point struck down by the courts and then brought back in the appeals process.

Bakner said that there was a reference in the local law to the National Wetland Inventory Maps and those maps were really not accurate. Someone has to do the identification of the wetlands; if it is part of a development proposal before the Planning Board, they will say hire the consultant and identify the wetlands. This law is separate from the Planning Board's review of site plan and subdivision. It would require regular people to do this and it is quite expensive if you are putting in a shed, pool, etc., then you are really imposing a hefty burden on the property owner. The Planning Board is used to looking at those things; it might be a better to keep the law in the context of the site plan review and subdivision.

Deeprise asked if that would work for wetlands that were not already identified by the federal government or DEC.

Bakner said that could work; DEC regulates everything above 12.5 acres, the Army Corps regulates everything 12.5 acres and above and everything under until you get to an isolated wetland. If the Town focused on isolated wetlands then they could be regulated in the context of the Planning Board review and that would make sense.

Maguire said in terms of the federal protection, they do talk about isolated wetlands less than 12.5 acres but leaves it up to the local government to decide what to do with them.

Bakner said that the feds are protecting everything but if you have a pond or wetland that is disconnected from waterways, it is not regulated. Those are the only wetlands that are not currently protected by the state or the federal government. A .35 acre wetland that is connected to a stream that is regulated by the federal government and a permit is needed to do anything to the wetland. If the town wanted to protect the wetlands that are not protected by the federal government that would make sense and it could be a Planning Board type review. She does not feel that the Town Board should be burdened by reviewing those types of requests.

Deeprise asked about the next step.

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Bakner replied that an amendment to the zoning law would be proposed, to include a provision protecting water courses in certain types of wetlands.

Horodyski said that he would not want to burden the single family homeowner that wants to put up a swing set.

Maguire said that it is very flexible and it does not have to be required under certain situations.

Supervisor suggested that the proposal is discussed offline so this meeting can move forward.

Ruth Dapp said that Sean Caswell, Jr., has returned from Afghanistan and that she wanted to thank Sean and his family for their service. She noted that Sean, Sr., was going to attend the meeting tonight but he is picking up his son at Fort Dix, NJ.

She also thanked Supervisor and Councilmember Guerriero for the visit to her house and appreciated that when they looked at the property they saw that there was no buffer between the Trail View Place and the Dapp property. She pointed out the distance between her house and the house formerly owned by Ruth Torsonone showing them how cars and people cannot go through there at the same time.

She said that there has been a lot of noise, mostly on the weekends from 4 PM on until 7 PM or 8 PM and feels that the noise ordinance needs to be amended. This is a residential area and the workers are jack-hammering and rock crushing; the floor of her house vibrates, you cannot hear people on the phone, when they talk she and her husband have to yell to be heard. Some days the noise went on for 10 to 12 continuous hours. Her family and her most of her neighbors have not been able to enjoy the summer and they could not sit outside. She is worried about her property flooding when the apartment buildings are built and the property is paved.

She added that some residents of the area are afraid to come forward and say anything; at least one person received a violation and feels that it is because he spoke out about the project.

Brennie asked the concern and she replied that people are afraid of retaliation for speaking up. This person owns a pool that was in violation but there was not a problem until he spoke out. There is the same type of pool two houses down; they did not receive a violation but they did not speak up.

Supervisor said that they did get a violation but he did not know when.

Ruth Dapp is concerned about the property that was subdivided Trail View Place and the old Torsonone property when it was rezoned, the whole piece was rezoned PRD and then subdivided. She is concerned that the Torsonone house is PRD. She would like to see that returned to R1.

Horodyski confirmed that the Torsonone property is PRD.

Supervisor said that they would have to apply for that.

Ruth Dapp asked what would prevent an apartment building being built there; this concerns her family as well as the Caswell's.

Horodyski said that the zone as it is now would permit another building and he said that fear is legitimate.

Sean Murphy, attorney, agreed that property is part of the Trail View property; the Town Board could change the zoning.

Ruth Dapp added that the Torsonone property is the one that holds the right of way; the concern is that once that was subdivided Trail View Place should not have the right to use the right of way.

Horodyski replied that the right of way stays with the property no matter who owns it.

Murphy clarified that Brad Scott owns it.

Horodyski stated that whoever buys the former Torsonone house will have to grant the right of way. A right of way is that you would transgress someone else's property to get to yours; your right of way will be there forever

Ruth Dapp said that she still has concerns about the walk path.

Supervisor confirmed with Barton that the path was taken off the site plan and he told her not to be concerned with that any longer.

Ruth Dapp asked who she should talk to about a buffer because the PRD has been changed and there are no set back rules now but there were in 2011. She recalls that the setbacks were the height of the building.

Supervisor responded to a couple of her concerns about the noise. It does not have anything to do with the noise ordinance in the Town. As he explained to the area residents this is the first project built since Cambridge Court or Sunnybrook and at that

time he was not on the Town Board. This Board is going to do its work with Dave Barton and the Planning Board to note in future site plans: there would be no Sunday hours and work ends at 5:00 PM. It won't affect this project; this has been a learning experience. He understands that Ruth Dapp called Dennis Doyle, Ulster County Planning, about the decibels; Doyle did not call the Town but gave his opinion as he believes it but not law. The local law has never been a problem but moving forward work days and hours can be restricted on the site plan. No one, including the developer, Brad Scott, Jr., realized that there would be that much rock. He acknowledged that the Dapps told him at the onset that the rock would be a problem.

Diane DiSomma asked if the Town Board could make any changes at this time.

Supervisor replied that they could not because the site plan was already approved. They perhaps could have changed the local law. A public hearing on the proposed change to the noise ordinance would have to be held and then the law adopted; the project would have been done by the time the local law was changed. He admitted that he did not do his due diligence and acknowledged that does not help Ruth Dapp and her lost summer. He did talk with Brad Scott, Jr., last Friday and he said that the noise, other than the construction of the buildings, should be coming to an end.

Diane DiSomma said that she pulled up to the site last Saturday and she was beside herself but she talked to a nice gentleman who said that it would only be a couple of more days.

Supervisor said that a benefit to the Town is that \$90,000 is going to Recreation; the taxes will be a nice number when all six buildings are built. He has spoken with Brad Scott, Jr. and he said that his is willing to come over and meet with the neighbors. Scott said they are going to be luxury apartments and not going to be Section 8. He hopes to hold on to these apartments for an extended period of time. Brad Scott, Jr. was born and raised here; he could have taken this project elsewhere but wanted to bring tax relief to the Town.

Diane DiSomma asked if it is going to lower her taxes.

Supervisor responded that it is going to help. She said she would like to meet Brad Scott, Jr.

Ruth Dapp said that she finds it hard to believe that the son is the developer because Brad Scott, Sr., has been coming to her house for years.

Supervisor confirmed that he is the developer and project manager of that property; he works in the city and his father is here.

Brennie said that he is following in his father's footsteps.

Supervisor said that it is a family LLC and believes that when it is done that it will be a benefit to the Town. They put \$1.5-million into Orchard Hills and brought that back to being a nice place.

Horodyski commented on 'retribution' and said that no one on the Town Board or none of the officers in the Town would tolerate retribution. He appreciates the thoughts of that but they are heavy accusations and that would not be tolerated. There would be swift and violent action if an officer engages in that.

Ruth Dapp felt that she may have chosen the wrong word.

Supervisor added that he felt in the last two and half years that no one has been ridiculed, made fun of, cut short or told to keep quiet at any Town Board meeting; two weeks ago when he made those comments, some people thought that he was belittling Ruth Dapp but he was not. He said that he apologized to her mother and it was not the intent. He said that he understood what she has gone through. Once this project began, Caswell's pool was seen. After Caswell made his comments, he called Dave Barton and asked what was happening with the other pool and Barton said that he is taking care of it.

Diane DiSomma questioned what was happening with the traffic issues now that these buildings are going up.

Supervisor explained that the Town is waiting for NYS DOT to come back to the Town; this has been an unwieldy process and offered to show the file to her.

Horodyski said that this issue shows everything that is wrong with New York State. He used to live in Sunnybrook and was concerned about the traffic pattern for Toc Drive especially with the three separate developments at the end of Toc Drive and stressed that they had better figure out a traffic pattern. The Town is now stuck because of the NYS DOT which decides, in their own time frame, after review upon review.

Supervisor said we send them comments, they send the Town comments, and it is costing the Town a lot of money to do this. This construction was supposed to start this year; it is now off until 2015 and hoping for 2016. The fear is that they are going to pull the money for this project and use it for the Tappan Zee Bridge. As part of the mitigation,

Mountainside Woods put up \$250,000 to help with the Town's share of fixing that intersection. The Town cannot do anything until the NYS DOT responds that the final draft has been approved; the right of way process is going to start hopefully in the next month or so. The property owners along that corridor will have to be advised that their property will be affected. It is hoped that they do not want a million dollars for right of way because that slows down the process.

Ruth Dapp said that on a weekday a couple of weeks ago, there was a fire in someone's kitchen on Toc Drive and the street was blocked.

Supervisor explained that there is going to be an outlet onto Hilltop from Mountainside Woods; it was hoped that there could be access to New Paltz Road but they could not make a deal with the property owners.

Horodyski said that issue would be no different regardless of the new development there.

5. MOTIONS AND RESOLUTIONS

A. **MOTION** made by Horodyski, seconded by Brennie, to approve the minutes of the Workshop meeting of July 2, 2014 and the Regular meeting of July 16, 2014.

Four ayes carried.

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

General	G607 to G699	\$106,690.82
Highway	H319 to H366	\$ 49,369.61
Miscellaneous	M110 to M125	\$ 29,725.29
Prepays	P244 to P296	\$173,391.96
Sewer	S205 to S228	\$ 15,135.84
Water	W234 to W256	\$ 13,705.61

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

Four ayes carried.

Supervisor announced that he has been informed that the audio portion of the meeting is not being broadcast through the Channel 22 live stream; he does not know why.

C. **MOTION** made by Brennie, seconded by Horodyski, to authorize the use of the Hudson Valley Rail Trail parking area at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to Tony Williams Park by the Hudson Valley Rail Trail Association on Friday October 10, 2014 for the Annual MoonWalk from 6 PM to 10 PM, as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd insurance requirements.

Four ayes carried.

D. **MOTION** made by Brennie, seconded by Paladino, to authorize the use of the Hudson Valley Rail Trail Parking Area at 75 Haviland Road and the portion of the Hudson Valley Rail Trail from Walkway Over the Hudson to Mile Hill Bridge by the Hudson Valley Rail Trail Association on Sunday October 12, 2014 from 6 AM to 9 PM for the HudsonFest, as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd Insurance Requirements including Liquor Liability of \$1,000,000 where applicable.

Four ayes carried.

E. **MOTION** made by Paladino, seconded by Brennie, to suspend the No Parking ordinance along the south side of Haviland Road to allow vehicles to park along the south side of Haviland Road on Sunday October 12, 2014 from 7AM to 9 PM during HudsonFest, as requested by the Hudson Valley Rail Trail Association.

Four ayes carried.

F. **MOTION** made by Horodyski, seconded by Brennie, to appoint Brook Nam to the Town of Lloyd Environmental Committee at the recommendation of Jack Maguire, Chairperson.

Four ayes carried.

G. **RESOLUTION** made by Brennie, seconded by Horodyski, to authorize the following officers, Sgt. Roloson, Sgt. Kalimeras, Officer Day, Officer Vasta, Officer. Burns, Officer Scott, Officer. Zani, Officer Ventura, Officer Szostak, Officer. Weed, Officer

Kelly, Officer Manley, Officer Masten, Officer Miller and Officer Puckett, as designated by Chief Daniel Waage, to perform duties of the Court Officer as requested by the Town of Lloyd Justice Court, with their regular salaried or hourly rates of pay including overtime to be paid from the courts budget, on an as needed basis at the recommendation of Justice Terry Elia.

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

Four ayes carried.

H. RESOLUTION made by Horodyski, seconded by Paladino, to enter into an agreement with Benetech, Inc. for Affordable Care Act Compliances at an annual rate of \$7,200.00 and authorize the Supervisor to sign the agreement.

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

Four ayes carried.

I. RESOLUTION made by Brennie, seconded by Paladino, to hire Frank Palmateer III as full time laborer for the Highway Department at an hourly rate of \$18.07 per hour with a start date of September 1, 2014, pending successful completion of his pre-employment physical at the recommendation of Richard Klotz, Highway Superintendent.

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

Four ayes carried.

J. RESOLUTION made by Brennie, seconded by Horodyski, to hire Alyssa Hanofee as part-time temporary clerk at the rate of \$10.50 per hour for the purpose of document and plat scanning at the recommendation of David Barton.

Supervisor thanked Marissa Totten for the work that she did in the Building Department for two months this summer.

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

Four ayes carried.

K. RESOLUTION - TABLED

WHEREAS, Rhinebeck Bank, as Developer, owns certain property, as shown on a certain map of a subdivision entitled "Pleasant View Subdivision", said map being filed in the Ulster County Clerk's office on April 11, 2007 as filed map no. 2007-109; and

WHEREAS, pursuant to and in accordance with the final subdivision plan approval of the Town of Lloyd Planning Board for this project, Developer is obligated to construct a certain roadway and storm water control facilities; and

WHEREAS, Developer is required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town Engineers, Highway Superintendent and the Highway Department's Engineers.

WHEREAS, Rhinebeck Bank and the Town have agreed to the terms of a written Agreement setting forth the parties' obligations regarding the above; and

WHEREAS, the Town Board wishes to approve such Agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Agreement by and between Rhinebeck Bank and the Town of Lloyd, a copy of which is attached hereto as Exhibit "A", be, and the same is hereby, approved.
2. The Supervisor, Paul J. Hansut, is hereby authorized to sign said Agreement.
3. Developer is to post such bonds as required by the Agreement and pay such fees as required by the Agreement by transmittal of the bonds in cash or security to the Town Attorney and Town Supervisor, in accordance with this Agreement.

L. RESOLUTION made by Horodyski, seconded by Brennie, to accept the highest bid obtained through Auctions International for:

1987 Oshkosh P-2523 Dump Truck for \$18,200 from Highway to Town of Thompson

1997 Chevy C/K 2500 Pickup for \$2,400 from Buildings/Grounds to Joseph Ferraro

1995 Chevy C/K 2500 Pickup for \$860 from Water & Sewer to Crystal Kaba

1999 Ford F150 Pickup for \$1,050 from Highway to Charles Forzano

at the recommendation of Richard Klotz Highway Superintendent.

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

Four ayes carried.

M. RESOLUTION made by Brennie, seconded by Paladino,

08.20.2014

WHEREAS, an application has been made to the Town Board of the Town of Lloyd to rezone property comprising +/-428.53 for the development of the Hudson Valley Wine Village Project which application was amended via a letter dated February 18, 2014 to include two additional tax map parcels, 96.3-1-32 and 96.3-1-19 for a total of +/-437.03 acres; and

WHEREAS, the HVWP will comprise single and multifamily residential, resort hotel, commercial office and light industrial uses; and

WHEREAS, applications will be made to the Town Board regarding the drainage, sewer and water approvals for the project, including but not limited to, the extension and/or creation of the drainage, sewer and water districts as necessary to service the proposed project; 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, given that the Town Board must determine whether and how to rezone the property, it would be most appropriate for the Town Board to assume SEQRA lead agency status; and

WHEREAS, the Applicant has requested that it be directed to prepare a Generic Environmental Impact Statement; and

WHEREAS, the Town Board declared its intent to be SEQRA Lead Agency for the review of the Proposed Action, a Type I action pursuant to SEQRA and undertook the necessary steps to coordinate with all involved agencies as required by SEQRA including circulating the notice of intent to act as lead agency to all involved agencies; and

WHEREAS, all the involved agencies either consented to the Town Board becoming lead agency or failed to respond within the thirty day timeframe provided for in SEQRA; and

WHEREAS, the Town Board resolved to be SEQRA lead agency and issued a positive declaration of environmental significance requiring the Applicant to prepare a Generic Environmental Impact Statement; and

WHEREAS, the Applicant provided a draft scoping document for the GEIS; and

WHEREAS, the Town Board held a duly noticed public scoping meeting and accepted comments on the scope until October 28, 2011; and

WHEREAS, the Town Board referred the draft scope to the Town Planning Board and Town Zoning Board, as well as the involved agencies for comments on the scope; and

WHEREAS, the applicant revised the Final Scope as directed by the Town Board and the Final Scope was accepted by the Town Board as meeting the requirements of 6 NYCRR Section 617.8 at its meeting in December 2011; and

WHEREAS, the applicant prepared and submitted preliminary Draft Generic Environmental Impact Statement (DGEIS) and the preliminary DGEIS was reviewed by the Town Board as lead agency and by its consulting engineers and determined not to be complete at the Town Board meeting in November 2013; and

WHEREAS, the applicant has revised and resubmitted the second preliminary DGEIS which was again reviewed by the Town Board as lead agency and by its consulting engineers;

WHEREAS, the Town Board determined that the DGEIS was complete and the public hearing on the DGEIS was duly held on March 19, 2014 and the public comment period ended on April 18, 2014;

WHEREAS, a preliminary FGEIS was submitted to the Town Board and its consultants for review and comment and changes were made to the preliminary FGEIS; and

WHEREAS, the Town Board accepted the FGEIS on July 16, 2014;

NOW, THEREFORE, BE IT RESOLVED as follows: The Town Board hereby adopts and incorporates by reference herein the SEQRA Statement of Findings, dated July 20, 2014 attached hereto as exhibit A. The Town Board hereby directs Town Staff to duly file and provide the SEQRA Statement of Findings to the involved and interested agencies as required by SEQRA. The SEQRA Statement of Findings shall also be posted on the Town website at www.townoflloyd.com. A copy of this resolution shall be filed with the Town Clerk and provided to the Applicant.

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

Four ayes carried.

N. RESOLUTION made by Horodyski, seconded by Paladino,

WHEREAS, an application has been made to the Town Board of the Town of Lloyd to rezone property comprising +/- 428.53 for the development of the Hudson Valley Wine Village Project which application was amended via a letter dated February 18, 2014 to include two additional tax map parcels, 96.3-1-32 and 96.3-1-19 for a total of +/- 437.03 acres; and

WHEREAS, the HVWP will comprise single and multifamily residential, resort hotel, commercial office and light industrial uses; and

WHEREAS, applications will be made to the Town Board regarding the drainage, sewer and water approvals for the project, including but not limited to, the extension and/or creation of the drainage, sewer and water districts as necessary to service the proposed project; 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 established itself as lead agency pursuant to SEQRA; and

WHEREAS, the Town Board as SEQRA lead agency has completed the SEQRA process by adopting a Generic Environmental Impact Statement and issuing a SEQRA Statement of Findings concerning the Hudson Valley Wine Village Project; and

WHEREAS, the Town Board examined the proposed rezoning of the property in detail in the GEIS and the SEQRA SOF;

WHEREAS, the Town Board evaluated the proposed zoning of the property and determined that it is consistent with the Town's Comprehensive Plan;

WHEREAS, the Town Board evaluated the proposed zoning in light of the Town's Waterfront Revitalization Law and has determined that the zoning is consistent with that Law;

WHEREAS, the Town Board has caused to be prepared the proposed Local Law G of 2014 amending the Town Zoning Code and Map;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Town Board hereby introduces proposed Local Law G of 2014 amending the Town Zoning Code and Map which is attached hereto as Exhibit A. The Town Board further directs that the proposed Local Law be provided to the Ulster County Planning Department and to the Town of Lloyd Planning for their recommendations with respect to the Local Law. The Town Board further directs that a notice of public hearing be published and filed in compliance with the Municipal Home Rule Law, the New York General Municipal and Town Laws and the Town of Lloyd Code including providing a copy of the public notice and local law to adjoining municipalities and to Ulster County as required by State and Town laws and regulations. The public hearing shall be held at the Town of Lloyd Town Board meeting scheduled for Wednesday September 17, 2014 at 7:00 p.m. at the Town of Lloyd Offices located at 12 Church Street in Highland, New York 12528. Written public comments may be submitted until the close of the public hearing to the Town Clerk of the Town of Lloyd. The Notice of public hearing and the Local Law shall also be posted on the Town website at www.townoflloyd.com. A copy of this resolution shall be filed with the Town Clerk and provided to the Applicant.

Deeproose asked if it was an approved site plan.

Horodyski said that it was a conceptual plan and he asked if there was a map like that laying out the conceptual plan.

Bakner said that the conceptual plan can be found on the Town website as part of the final generic environmental impact statement, 2.1.1 of Appendix D.

Horodyski said that the conceptual plan will show that the single family houses are removed, the light industrial in the southwest corner is straightened out.

Mark Reynolds, reporter, asked if there will be adjustments made when it eventually goes to the Planning Board.

Bakner replied that the Planning Board has that ability but it is expected that the developer will come in with something that looks very much like the conceptual plan; it is maximum density. If there are any changes, that can be accommodated as long as it is not larger.

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

Four ayes carried.

O. RESOLUTION made by Hansut, seconded by Paladino,**GENERAL**

Unallocated Insurance	1910.40	+\$10.00
Contingency	1990.40	- \$10.00
Street Lighting	5182.40	+\$4,110.00
Contingency (replace lights downtown)	1990.40	- \$4,110.00
Rec BSHL Park	7110.42	+\$10,000.00
Insurance Recovery (first insurance check for fixing damages at Park)	00-2685	- \$10,000.00
Parks Capital Improve	7110.50	+\$1,530.00
Building CE (to cover the purchase of the trailer to be able to enforce lawn codes)	8010.40	- \$1,530.00

Youth Prog Mtc PS	7310.11	+\$3,000.00
Youth Prog Berean Park PS	7310.12	+\$1,435.00
Youth Prog SummerFun PS	7310.12	- \$1,381.00
Recreation Clerical PS	7310.10	- \$1,280.00
Contingency	1990.40	- \$1,774.00

Celebrations	7550.40	+\$725.00
Farmers' Mkt (to offset expenses for the Farmers' Market from the revenue)	00-2564	-\$725.00

Police Life Ins	9045.80	+\$825.00
Contingency (to cover the extra police officers that signed up for life insurance after budget was completed for 2014)	1990.40	-\$825.00

Unemployment	9050.80	+\$36.45
Contingence (to cover unemployment for former police officer)	1990.40	-\$36.45

HIGHWAY

Unallocated Ins	1910.10	+\$425.00
Machinery CE	5130.40	-\$425.00

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

Four ayes carried.

MOTION made by Brennie, seconded by Paladino, to adjourn the meeting at 8:35 PM.

Four ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk