

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

AUGUST 21, 2013

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

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

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

Supervisor then asked for a moment of silence in memory of two gentlemen who recently passed away: Thomas Sciortino who was a Town Constable and John Schlosser, who was a member of the Board of Assessment Review for many years.

**7:00 PM** – Supervisor opened the Public Hearing on Local Law No. E – 2013, a local law to amend the Code of the Town of Lloyd by adding Chapter 22 entitled, “Purchasing”, to provide for ‘best value’ bidding on purchase contracts and public works contracts.

**7:00 PM** – Supervisor opened the Public Hearing on Local Law No. F– 2013, a local law entitled “Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications”.

**7:00 PM** – Supervisor opened the Public Hearing on Local Law No. G – 2013, a local law entitled “Amendments to Chapter 98 of the Town of Lloyd Code: Water”.

**7:00 PM** – Supervisor opened the Public Hearing on Local Law No. H – 2013, a local law to amend the Zoning Map of the Town of Lloyd as part of a plan for the orderly, efficient, economically and environmentally sound development of the Town. The Town has prepared the proposed local law to amend the Zoning Map of the Town of Lloyd.

Supervisor asked if there were any questions on the proposed local laws.

Ethan Jackman rose to speak on Local Law No. F-2013, which is Cross Connection and Backflow Protection. He said as one of the very few property owners in this Town who has been subject to enforcement of this section he decided to see who else was being inspected. Last year the Supervisor was kind enough to provide a list of those commercial buildings and in all of downtown Highland and he was accompanied by four other buildings out of at least 30. The ones that could possibly present the most public health hazard from a backflow (namely, the five restaurants) received no inspections at all. He called the Constitution of the State of New York to the attention of the Board which says that anyone charged with law enforcement or administration in this State must apply laws equally to all parties who are subject to those laws. He said that he is not sure why his building and three or four others in Highland got on the list but it is unconstitutional to maintain a list of certain premises or certain people and pursue enforcement against them while not enforcing the same laws against everyone else in the same situation. He understands that the impetus for this law may have been that this is one large retail establishment in a shopping center that is deliberately not complying although he does not know if that is true. He suspects that the attorneys for that store know that this is not going to hold up. He does not intend to comply until everyone else is brought into compliance.

Brennie asked what happened.

Jackman replied that each year he gets a letter from the Water Department, this year it was a certified letter, telling him that the backflow preventer in the Ossie Building is due for its annual inspection which it has had for the last ten years. It always passes because nothing goes wrong with them anyway. Every year he has to pay a fee to have this backflow preventer inspected while everyone else who has commercial space for rent downtown does not have to comply because they are not on the list. He understands that the list comes from Ulster County Health Department and some buildings are on it and the vast majority of buildings in the Town of Lloyd are not. He read the proposed law for the first time a few minutes before this meeting and read something that is absolutely laughable: "the Superintendent, Administrator or their designee shall have the right to enter upon the premises of any consumer". He guesses that the person who wrote this never heard that even a police officer cannot enter premises against the will of the owner/occupant without a search warrant. He said that is all he has to say about this law. He does not intend to keep on being of the 1% in compliance while the Health Department and the Town does not look at the other 99%.

Paladino asked if was possible that in a given year certain buildings are inspected and other years some other buildings are checked.

Jackman said that the law provides that backflow preventer has to be inspected every year and his building has been inspected every year.

Guerriero said that the restaurants come under the UC Board of Health and all of the restaurants in the downtown have open drains so it cannot back up.

Brennie offered that the Board of Health does a yearly inspection and all of the restaurants are getting checked.

Jackman said that he was glad to hear that.

Brennie added that he does not need Board of Health approval to operate the Ossie Building; restaurants are inspected for obvious reasons. That valve is checked every year and he has previously replaced one in his building. The Lloyd Building Inspector came with a representative from the Board of Health and he believes that restaurants are in different category

Guerriero concurred and said that it may be because of chemicals and solvents used in certain buildings.

Jackman said that his building is used as a church.

Supervisor said that the preventer was installed in the Ossie Building when it was a massage school; he asked Adam Litman, Water and Sewer Administrator, to address this issue.

Adam Litman said that it is true certain establishments such as restaurants are checked by the Board of Health. Cross contamination is the issue and there are 73 backflow preventers installed, one of which is the Ossie Building. Each owner is supposed to comply with a yearly inspection, paid for by the building owner. The Water Department is a service provider to the general public and has to abide by the rules and regulations of the Ulster County Board of Health, NYSDEC and NYS Board of Health. The Water Department also has to enforce the regulations wherever there is a possibility that there could be a threat to public safety due to these establishments. They are trying to move forward so that a new list can be generated. Every industrial establishment, business, restaurant, church and school should be filling out the application which would grant inspection to see if they qualify for a backflow preventer. No individual is being singled out. One of the larger

establishments in question has complied this year. As amendments are made to the Code it will afford the opportunity to move forward to make sure that everybody is in compliance in order to protect public health.

Brennie asked how many of the 73 backflow preventers are being inspected.

Litman He said that he did not have that information with him but felt that there may be 10% of the preventers that are not getting inspected. Bill VanKleeck generates a list every month and sends out a letter notifying property owners that they have not complied and the Water Department has not received certification; if there is no response, a second and then third letter is sent. The amendment of the Code will allow enforcement.

Brennie said that there are businesses in Town that have not complied and there are those who are complying so they are trying to make sure there is complete compliance.

Litman said that the amendment will also give the ability to put out the applications to new commercial or industry that needs to be put in compliance.

Jackman stated that the four businesses he mentioned were in downtown Highland; he is aware that there are others in other parts of the Town. He thinks that passing the buck to UC Health Department does not promote public safety; he reiterates that if a government official in charge of law enforcement does not enforce laws equally, it is not constitutional. Courts have held that there can be a personal liability in cases like that. He does not think it is good enough to say that sometime in the future everyone will be brought into compliance.

Brennie asked Jackman if he felt that he was unfairly targeted for this type of inspection.

Jackman said that including his there are five buildings out of 30 in downtown Highland in compliance with this law now and he does not think that is right that they get this thing inspected every year while most of the buildings that are required to have them do not have them. He does feel that he is unfairly targeted.

Supervisor asked who determines that a backflow preventer must be in a building.

Litman said that the Board of Health originates what the Water Department goes by and it is up to the Water Department to do the application process and inspection of the buildings to make the determination for the Town.

Paladino asked if that was part of the new construction and renovation codes.

Litman answered that it was and includes any type of place where there is a possibility that cross contamination might happen.

Guerriero added that there may be a building with a change of use such as the Ossie Building is now a church and it is no longer the massage school; perhaps, there is no longer a need for a backflow preventer.

Litman said that he would have to look into BOH laws and regulations as he does not want to state that if the backflow preventer is there it needs to stay.

Supervisor recalled the conversation last year about this and felt that once it is there, it is there.

Guerriero asked the charge for the inspection.

Litman replied that he does not charge for it, it has to be a third party inspection.

Jackman said that the cost is between \$75 and \$125.

Brennie asked if he has a boiler in the Ossie Building as there is also a boiler inspection that is required.

Jackman said that there are furnaces not boilers in the building.

Litman explained that amending the Code, gives the opportunity to make sure that other businesses comply who could pose a threat to public safety and the water supply.

Supervisor asked him to explain what happens if the owner is not in compliance and there is a problem.

Litman responded the backflow preventer does exactly that within the distribution system where the water comes from at 40# or 50# in a positive pressure. In a business or industry, there is a possibility of slop sinks, washers, etc., where water is exposed to chemicals and other contaminants. If there is a break or loss of pressure in the distribution system, the backflow preventer stops the possibility of the contamination flowing back into the water distribution system. It makes a clean air break so that no water can evacuate back into the distribution system.

Jackman asked how water going into a sink can go back up into the water pipe and back into the system.

Alan Van de Bogart answered that it is siphoned back into the system.

Brennie is still concerned that Jackman feels that he is being targeted and the feeling that there is a conscious decision being made.

Jackman said that this happened a long time ago and he did not investigate this so he cannot really accuse anyone.

Litts said that the Board of Health has a list of types of businesses that require such an installment. The Ossie Building was given a special use permit for a massage school, there are chemicals that are used that trip that switch in order to get that special use permit the installation of a backflow preventer was required.

Brennie feels that the complaint is that is has to be inspected.

Litts thinks that Jackman feels that there are other businesses that should have them but do not.

Jackman clarified that 95% of the buildings in downtown Highland should have backflow preventers do not have them.

Litts asked what it is about the buildings that require those buildings to have them.

Jackman said that they are commercial buildings of that size.

Litts explained that it is not the size, it is the use of the buildings; once the backflow is in a building, it has to be inspected.

Supervisor feels that this local law gives a remedy if an owner refuses to inspect the backflow preventer; it gives the Town a way to move forward.

Mark Reynolds, reporter, asked for a thumbnail on the other three local laws.

Sean Murphy, attorney, regarding the 'best value' law, this is a mechanism where the Town does not necessarily have to use the lowest bidder in purchasing and in construction projects; consideration of perhaps the long term savings and maintenance or ability. As long as it can be documented why they Town does not have to go to the lowest responsible bidder but may use the best value bid.

Guerrero noted that it also states that public works contracts are excluded.

Litts said that in order to not go to the lowest bidder, an analysis must be done and it must be substantiated in writing why it is believed the best value is not the lowest bidder.

Murphy added that the amount of writing is not set in the statute but the best policy would be to document in writing why the Town Board thinks the best value is not the lowest responsible bidder. In the backflow preventer local law, 'Administrator' is being added to

the language as to who can do certain acts on behalf of the Water District; the language right now is 'Superintendent'. The local law for the zoning map relates to property on Commercial Avenue Extension between Commercial Avenue Extension and Toc Drive. It is a piece of property owned by Brad Builders and has just been rezoned to PRD. This is the property next to the old Countess Mara building.

Tony Prizzia posed that the law overseeing bidding is based on NYS law and asked how would it be prevented that bidding would be awarded to friends; the specifics of the bid should be the responsibility of the Town Board to lay out what is expected from that vendor.

Litts said that is why an analysis needs to be done in order to choose a non-lowest responsible bidder.

Murphy said that it is set forth in General Municipal Law, which was amended about two years ago and it states the definition of 'best value' and the criteria that applies.

Litts gave an example that there may be a service contract to paint the Meeting Room and someone came in with water-based paint that is good for three years and someone else said that they would do that with a guaranteed 30-year paint.

Prizzia contended that before it is put out for bid, water-based paint or another kind of paint would have to be specified. These bid laws were put in place many years ago for a good reason.

Litts added that there are times that it is advantageous not to go with the lowest bidder but there needs to be an analysis done at the time of bid. **START**

Murphy said that bid proposals are specific but you don't want to be so specific that there is only one product that can meet the bid requirements; for example if Rich Klotz is going to buy a plow or truck, he does not want to be so specific that there is only one vehicle to meet the bid requirements. He might get two bids and one bid might be a little higher but the plow is more durable or has easier maintenance.

Prizzia conceded that made sense.

Paladino added that reputation not just the price might be part of the consideration.

Supervisor explained that there was an issue with a bid this year and when he called the Association of Towns and asked their advice; they recommended the 'best value' law because it gives a little more latitude. For example, trimming around the Town Hall and you have one guy who comes in with a big mower and another guy with a push mower, the best value would probably be hiring the guy with the big mower.

Guerriero interjected with that bid, a higher bidder got the job and the lowest bidder did not get the job; but the lowest bidder came in to the Town Board to speak and ultimately got the job. He feels that he has been doing a satisfactory job and he has heard no complaints.

Murphy thinks that Prizzia is right and that the Board has to be careful and documentation has to be given.

Supervisor feels that the bid has to be clear. He asked if there were any more comments on the local laws and said that the public hearings will remain open.

## **1. REPORTS – Town Board Liaisons**

**Assessor** – Councilmember Paladino said that there is a resolution in this meeting to appoint Jennifer Mund as the new Assessor for a six-year term.

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

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

**Building Department** – Supervisor Hansut reported that last Friday the department got complaints in the downtown area about an odor of fuel oil. He commended Anthony Giangrasso and Shari Riley, who investigated it. They were able to locate the source of the odor. NYSDEC was contacted and the situation was resolved. DEC was in the area a week earlier and was not able to find it. Anthony Giangrasso has been very busy.

David Barton, Building Superintendent, explained that Giangrasso was originally hired to work 15 hours per week. Considering Barton's work with development and building, Giangrasso goes along with him on the building jobs to get him up to speed as Giangrasso is a plumber by trade, not a carpenter. He occasionally goes over the 15 hours. He was able to find the source of the odor and improve the detection of problems behind Mr. Rizzi's building as the slope is covered with pipes. He asked for 20 hours for Giangrasso in the 2014 budget.

**Dog Control** – Councilmember Brennie said that there was nothing new to report.

**Environmental Conservation Council** – Councilmember Guerriero reported that they are working on wetland laws; they are having a problem meeting a deadline regarding Black Creek and they need help from Ray Jurkowski, Morris Associates. Laura Oddo-Kelley is a new member of the ECC. He noted that she is of the Oddo House family in Clintondale.

**Grants** – Supervisor Hansut reported that the Transportation Enhancement Program Grant has been completed and filed. This grant is for the enhancement of the Rail Trail from the Walkway Over the Hudson to the New Paltz Road Pavilion which includes repaving and drainage work. Last time we finished third, hopefully, this time we will finish first. There has been a lot of work and effort.

**Highland Fire District** – Councilmember Paladino said that there was a meeting last Tuesday. They had a third-party audit that was required for the 2012 financials; there were no findings of any substance and they are operating in a proper manner. Their budget meeting is August 28 at the Firehouse.

**Highland Central School District** – Councilmember Paladino reported that there will be a meeting on August 21.

**Highway/Transfer Station** – Councilmember Guerriero

**Historian** – Councilmember Guerriero noted that Mrs. Alfonso has made a display of bygone Highland/Lloyd businesses and the mementos that were given to their customers.

**Justice** – Councilmember Litts said that he had nothing new to report; however, the Court is very busy.

**Lights** – Councilmember Brennie said he reported one light that was out to Central Hudson.

**Planning Board** – Councilmember Guerriero said that tomorrow night there will be a Tri-Board meeting at Town Hall on the Comprehensive Plan.

**Police** – Supervisor Hansut reported the police have been very active. There have been complaints of drug activity in the Hamlet and on Sunday, Chief Waage came from his house and arrested two people in the Hamlet for possession of marijuana which they were smoking in an alley. The department has been doing a lot of foot patrols and they understand the philosophy of the Town Board of zero tolerance. He gives them credit for this; they have made some arrests over the last couple of weeks. He announced that on Sunday, August 25, 3 PM, the Police Department is playing the Highland Fire

Department in a softball game at Tony Williams Park; instead of an admission fee, they are asking the spectators to bring school supplies: notebook, pens, crayons, etc. There is already quite a collection at the Police Department. This is one more example of how the Police Department has come around to community policing and it is appreciated.

**Recreation** – Councilmember Brennie reported that SummerFun had a successful season. It is now moving into the fall season with Pop Warner football and travel baseball. Tony Williams Park is being used seven nights a week. He said that he would follow up with Frank Alfonso to see if he would like to make an official comment on the lawn mowing services and talk to him about the best value law.

**Water, Sewer and Drainage** – Councilmember Litts reported that at the Committee meeting they discussed the new local laws that are on tonight's agenda.

Paladino asked if a representative from Sharon Drive attended the meeting.

Litts said that the only person that came in was the gentlemen from the end of Cuomo Drive and he brought in some photos; groundwater backs up into and floods his property. It is a NYSDOT problem since it is an extension of the NYS culvert under Route 44-55.

Paladino referred to Neal Richter at the Workshop Meeting talking about an issue on Sharon Drive with the private well system.

Murphy recalled that he was asked to come to the W/S/D meeting in October as their meeting was August 1 and the Workshop was on August 7.

**Zoning Board of Appeals** – Councilmember Litts said that there was no ZBA meeting this month.

**REPORT** – Claire Costantino, President, Hudson Valley Rail Trail, in her absence, Raphael Diaz read a thank you letter from Stride Athletes, Wounded Warriors, for the \$3,000.00 to support their programs, which was the result of the race. The Learn-to-Run program is going into season 15, twice a year for seven years, and will begin September 14. The only cost for the program is to join the Rail Trail Association. He noted that in this meeting agenda there is a resolution adopting Local Law I-2013 regarding Multi-use Trails; one of the articles has to do with bicycles and pedestrians which should have been in the law at its inception in 1998. The law requires bells or other audible device on bicycles; the other section states how a bicycle is to pass a pedestrian.

**REPORT** – Matthew Smith, Manager, Bob Shepard Highland Landing Park, reported that they are still working on the electrical system in the basement of the Education Building; Matt Serini has put in a couple of evenings of volunteer work doing that. He thanked Matt. The wood has been cleaned up and disposed of by Dick Hardman and himself; Dick Hardman also mowed and weed whacked several times. He thanked Dick. He is still awaiting the topsoil and he believes that he has someone to donate the topsoil. Thanks to Jeff Paladino, most of the grass seed will be donated by the company Jeff works with; he thanked Jeff. There is someone to do the planting so he asked if anyone knows where the Park can get some topsoil, contact him. There is a screener available. He will take anything that passes for topsoil and that will grow grass. Part of the south end of the Park has been opened; there is no grass but the sub-grade is done and it is not muddy; they will set out picnic tables tomorrow. In the last few days since it has been open, there have been a number of people enjoying the Park. The Highland

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Landing Park Association Annual Meeting was held at the Park on August 10; it was a potluck dinner and attended by 50 to 75 people, live music, and it was great. He said that made him want to get the rest of the Park open so that everyone can enjoy it. Lenny Auchmoody is going to be at the Park to screen material for the north end tomorrow; hopefully the screening will be complete within the next two weeks. Lenny is simultaneously crushing the bigger rocks that get screened out and is taking them to his plant where he crushes them into gravel for the sub-grade for the parking lot and temporary Riverwalk. The temporary Riverwalk extends from the boat launch ramp to the tourism dock, about 450-feet, 10-feet wide. He met with a Hudson River tour boat operator on site today and he would like to start docking at the Park this fall and his plans are similar to what we have been looking for; he wants to dock and load or unload buses and leave. He does not want to leave the boat there permanently or have people park their cars there all day. He said that he has to meet with him again to finalize that. He has several other calls recently from other tour boat companies with similar arrangements. He believes that the thing that made it interesting was the gondola project and the article that was in the paper. They are excited about stopping at the Park and getting their passengers up to the Walkway.

Smith also reported on the gondola that he has had a couple of meetings and several phone conversations about the Hudson Skyline project. Originally it was to be called 'Hudson Highline' but that has been changed to 'Skyline' because one of the local papers got the name wrong; he noted it and Donna Deeprise said that she liked 'Skyline' better. He said that he has been uncomfortable about 'Highline' as there is a similar name for an elevated rail that they have turned into a park in New York City. He has started a citizens' support committee of people who are interested in pursuing this to write letters, talk to their friends, talk on social media; he asked if anyone is interested to get in touch with him. NY Secretary of State Caesar Perales is coming to the Walkway on Monday. One of the things he is going to talk about, according to his press release, is the Bob Shepard Highland Landing Park and how to get the people from the tourism ships up to the Walkway.

Supervisor asked if Matt thought he would bring a check with him.

Smith also has a donation of a helicopter and pilot on August 30 to fly just above the treetops of the route of the gondola so that it can be photographed for perspective of what will be seen. Dave DuBois, who owns the u-pick orchard in Town and is sold on the idea that this will bring people to his place; he is on the committee. Dan McLaughlin will be riding in the helicopter to take the photos. He thanked Dave and Dan. He noted that Dan was a door gunner in Viet Nam, so this time he gets to take pictures. The gondolas will be 75 to 100-feet above the Walkway and the view will be spectacular.

Supervisor reported that the Senior Citizens' breakfast was held at Tony Williams Park on Monday, August 19, and was attended by 90 seniors. James Morris provided music. He thanked Woodcrest Bruderhof for the pastries, rolls and food, along with serving and interacting with the seniors. Hannaford and Bagels and Bites also donated. Nat Borsina, 86 years old, was honored; everyday he is busy picking up garbage, weed-whacking, cutting grass, for many years volunteered at the Highland Cemetery and is a great asset to our community. Also honored was James Morris,



who lives at Valley Vista. Supervisor recalled that on the second day he took office, he asked for a stick that can pick up garbage and a five gallon jug. Since that day, every day, he is picking up debris and garbage throughout the Hamlet and Route 9W. He was kind enough to play music at the seniors' breakfast; he, too, is a great asset to our community.

## **2. OLD BUSINESS**

Nothing to discuss.

## **3. NEW BUSINESS**

**A.** CSEA sick bank policy

**B.** Highland Remembers, 9/11 Memorial – Wednesday September 11, 2013, 6:30 PM at Fire House.

## **4. PRIVILEGE OF THE FLOOR**

Supervisor noted that Church Street is now One Way and said that he was a little nervous when the signs went up yesterday. He thanked Rich Klotz and his crew and NYSDOT; after the signs were put up it was decided that another was needed. He thought that his phone would be busy with people being upset but it has been very good; comments have been positive.

Litts asked if the Police Department has done a good job keeping people from going the wrong way.

Supervisor said that they did and the barricades will be up for a week or two. He said that he found a paper from December 2, 1970 that Church Street was turned One Way. Elders of the community told him it was returned to two way because the fire trucks (the firehouse was then at the corner of Church and Main) had a hard time turning in and out of the firehouse; the new sidewalks were installed which widened the road. He noted that in sitting in the office everyday you hear the tires screeching and when the kids get out of school they are walking down this way so he feels this will be an improvement.

Mark Pampinella, Pine Terrace, referred to the discussion in a previous meeting about the construction on Chodikee Lake Road; a few neighbors are accompanying him at this meeting and others are viewing from home. The residents of Pine Terrace would like to know the status of the situation and if anything has been discussed. Instead of individually, they are requesting answers as a group.

Supervisor said that he has spoken to David Barton, Building Supervisor; this is something that was discussed three years ago. It is the understanding of both he and Barton that everything that is happening on Chodikee Lake conforms to their agricultural distinction. As far as the noise complaints, that is a different topic and he referred to the Noise Ordinance and there is compliance with that law.

Martha Teck, Pine Terrace, is concerned about the odors, visual effect and quality of life.

Barton said that a farm is like a separate country and the highest priority of the legislature of New York State has always been to protect farmers; the Right to Farm has been enacted in every county of NYS. The farm that is closest to Pine Terrace is Agricultural District #1, which indicates how old it is and how long it has been in place. The houses on Pine Terrace were built after that. Currently we have a law to protect houses close to

a farm if the farm came after the houses. In this situation the farm was first. Farms are 'hands off' in our Code and in Ag and Markets. This was researched about three years ago resulting in a meeting with farm representatives, Ray Costantino was in office, Ag and Markets representatives were here and he spoke with the Department of State. His department enforces the maintenance code for things like unloading and DOS Code Division said that his department cannot do anything. His department does not even inspect agricultural buildings. That is how outside what he calls 'normal jurisprudence' farms are. He was asked if he had been out the site and Barton said that he has.

In answer to the question what is and what is not farming, Barton replied that on the side of the road where Pine Terrace is there has been a trucking business there since 1954. In answer to the question if it is trucking or farming, Barton said that in this instance it is a single property, no separation between the expansion and the use; the use is the entire property.

Supervisor said that he looked in the Town Code and he does not believe that road has any weight restrictions. He said that DFY was up there and trucks would go up with supplies and tractor trailers would use the road.

Litts added that right now there are logging trucks going through there two or three times a day.

Ken Kilpatrick did not feel the noise problems has been as bad but the bull dozer on Sunday it is very noisy.

Pampinella asked how much the neighbors had to complain and how often to get something done.

Supervisor thought at the last meeting that the property owner offered to speak with any of the neighbors at anytime and gave his cell telephone number and he asked the neighbors if anyone has done this.

Pampinella replied that someone did but it was translated back to the group that the homeowner approved of what was going on over there after he spoke with the property owner. They have previously reached out to the owner and they have not been able to stop the problems.

Supervisor suggested calling the Town of Lloyd Police and they will come out and do a report and it will be forwarded to the Building Department; this is not what you want to hear and it may not be resolved the way you want it to be resolved.

Pampinella said that it is hard to identify the trucks as they do not have DOT registration numbers; there is a lot of trucks on the road with unsecured loads. The NYS Police have investigated.

Brennie said that if the Board had the ability to stop it, they would have done so; however, their hands are tied.

Murphy felt that David Barton covered the subject well and did an investigation and he does not feel there is any illegal activity; he feels Barton knows what is going on out there. It is Barton's opinion that there are no laws that are being violated that he can enforce. If the NYS Police are investigating, he knows that they are very diligent. He said that he has not been to the site but he has spoken to Barton and it is his understanding that there are no laws being violated. The Right to Farm law is a strong law and is public policy throughout the State.

Kilpatrick asked if there is anyone to check the soil to see if it is contaminated.

Pampinella said some of the material came from a sewer system demolition and said that the neighbors are not going to pay for a test for contamination.

Murphy suggested calling the State Police if they feel that there is illegal dumping activity.

There was illegal activity on Kisor Road and the NYS DEC came in and shut it down, 20 years ago, but if there is illegal fill DEC will come out and they are very diligent.

Pampinella asked how many times a day do they have to call the NYS Police about the noise.

Supervisor said if the State Police go out there and there is a violation they will issue a ticket then and there.

Murphy added that there is a Town of Lloyd Noise Ordinance and an complaint can be filed pursuant to the Town Noise Ordinance; there are parameters that need to be met.

Pampinella invited the Board to come for a cup of coffee on Sunday morning, afternoon or evening.

Teck asked the amount of acreage of the farm.

Litts replied that the farm proper is 196 acres but the adjacent properties that abut the farm puts it up to 214.

Teck said that she has a half acre and asked if he needed to dump by her home.

Litts said that he has close to hundred cows, 66 pigs.

Supervisor interrupted and said that he did not want this to become a debate and Litts had offered to speak to any or all of the neighbors.

Litts said that he will sit down and talk with anybody; a person did come two weeks ago and spoke with his brother for forty minutes. He was not available as he was in a hay field; however, he has received no calls from any one of the people here. No one has come to the house or the farm.

Supervisor suggested that anyone would like to discuss this after the meeting; they would be welcome to do so. As to the question of salary of Councilmen, he said that each Councilmember receives a yearly salary of \$9400 and change; some members receive health insurance, others have taken a buy out.

Litts added that he does sit on five different boards and he is only paid for sitting on this board.

Guerriero commented that Litts has been a member of various Town boards for the last 25 years and Litts corrected him to say that he started in 1977, 36 years.

Pampinella said to Guerriero that he apologized to him if he felt that he was making an accusation toward him.

Guerriero appreciated that but he did not feel that it was fair to discredit somebody; the Board is here to help people compromise and feels that if the neighbors get together and talk with Litts, something can be worked out.

Supervisor again offered to sit and talk with the neighbors and the meeting was going to move on.

Reynolds asked the location of the spill found by Anthony Giangrasso.

Supervisor said that the address is 4 Milton Avenue, in a garage; they could not smell the oil in the garage but they could once they were outside.

Reynolds asked about the hot dog stand on Route 299 and asked if permits were required for that.

Supervisor replied that the operator has a NYS business license and he is also a veteran and he can be on the property to sell hot dogs on the NYS property.

Matt Smith said that he was glad that they found the source of the oil spill as he noticed it at Highland Landing Park last week; he did see a bit of oil in the water but then did not see it again. Apparently it has been leaking for quite some time.

Barton said that they are going to put a notification out to residents that if anyone notices anything like that to call their office directly or the Police Department who will call the Building Department as their job is monitoring discharges. His office did not get the phone call until Thursday and the odor was noticeable for three days.

Kilpatrick noted that there was a newspaper article about a 4-year-old child with leukemia and it said that there were four others but the article did not mention where the children lived.

Supervisor said that he has reached out to Dr. Carol Smith, Ulster County Department of Health, with whom he has been playing telephone tag. He has a meeting in Kingston tomorrow for another County committee on which he serves; he intends to knock on her door and ask for her help. It is his hope that once the County is onboard they will interview the families; there are a couple of the families that have not come forward publically. The families have been communicating with each other. It is not known if there is a common denominator.

Kilpatrick said that there is a burned-out trailer on Chodikee Lake; five years ago, the owner was given a 2-year limit to move it and it is still there.

Supervisor said that they will follow up on that.

Bob Hebel, Vineyard Commons, thanked the Town Board and the people who worked to put together the senior breakfast together. He felt that it was fantastic.

Liz Weisz asked if that particular farm is for both farming and construction.

Barton answered that the construction use was Code specific for use of the farm and has been ongoing.

## 5. MOTIONS AND RESOLUTIONS

**A. MOTION** made by Litts, seconded by Brennie, to approve the minutes of the Workshop Meeting of July 3, 2013, Special Meeting of July 5, 2013, Regular Meeting of July 17, 2013.

**Five ayes carried.**

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

General	G684 to G809	\$ 64,406.78
Highway	H279 to H323	\$103,040.99
Miscellaneous	M128 to M136	\$ 79,182.86
Prepays	P272 to P306	\$ 48,759.44
Sewer	S163 to S197	\$ 12,692.12
Water	W177 to W203	\$ 8,239.22

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

**Five ayes carried.**

**C. RESOLUTION** made by Brennie, seconded by Paladino, to approve the following budget amendments for the 2013 budget:

GENERAL

Recreation	7310.40	+\$100.00
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Gifts/Donations 00-2705 - \$100.00  
(donation for pickle ball equipment from Lloyd Development Association, Inc.)

**HIGHWAY**

Willow Dock Rd 5112.51 +\$10,000.00

General Repairs CE 5110.40 - \$10,000.00

(requested by Rich Klotz, Highway Superintendent)

*Weisz noted that the pickle ball equipment was never purchased for Berean Park and she asked why it has taken so long; it is unfortunate that it was not available for use during this summer. She wants to know how long that process takes for something like that to occur. A clinic to teach pickleball was volunteered and that service was not utilized.*

*Supervisor offered to check with Frank Alfonso, Recreation Director, and he speculates that he was trying to find the equipment to buy.*

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

**Five ayes carried.**

- D. RESOLUTION** made by Brennie, seconded by Paladino, to amend the contract for Chief Daniel Waage to include Life Insurance currently offered in the PBA contract as per Article 25 Section A, B and C.

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

**Five ayes carried.**

- E. RESOLUTION** made by Brennie, seconded by Paladino, to amend the contract for Lt. James Janso to include Life Insurance currently offered in the PBA contract as per Article 25 Section A, B and C.

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

**Five ayes carried.**

- F. MOTION** made by Brennie, seconded by Paladino, to close the Public Hearing on Local Law No. E – 2013, a local law to amend the Code of the Town of Lloyd by adding Chapter 22 entitled, “Purchasing”, to provide for ‘best value’ bidding on purchase contracts and public works contracts.

**Five ayes carried.**

- G. MOTION** made by Brennie, seconded by Litts, to close the Public Hearing on Local Law No. F– 2013, a local law entitled, “Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications”.

**Five ayes carried.**

- H. MOTION** made by Litts, seconded by Brennie, to close the Public Hearing on Local Law No. G – 2013, a local law entitled, “Amendments to Chapter 98 of the Town of Lloyd Code: Water”.

**Five ayes carried.**

- I. MOTION** made by Brennie, seconded by Paladino, to close the Public Hearing on Local Law No. H – 2013, a local law to amend the Zoning Map of the Town of Lloyd as part of a plan for the orderly, efficient, economically and environmentally sound

development of the Town. The Town has prepared the proposed local law to amend the Zoning Map of the Town of Lloyd.

**Five ayes carried.**

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

**WHEREAS**, a proposed Local Law No. E – 2013, a local law to amend the Code of the Town of Lloyd by adding Chapter 22 entitled “Purchasing” to provide for “best value” bidding on purchase contracts and public works contracts, was introduced at a meeting of the Town Board held on the 17<sup>th</sup> day of July, 2013 at 7:00 p.m.; and,

**WHEREAS**, a public hearing has been held thereon on the 21st day of August, 2013 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law E – 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to provide for “best value” bidding on purchase contracts and public works contracts. (See Attached)

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

**Five ayes carried.**

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

**WHEREAS**, a proposed Local Law No. F – 2013, a local law entitled “Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications” was introduced at a meeting of the Town Board held on the 17<sup>th</sup> day of July, 2013 at 7:00 p.m.; and,

**WHEREAS**, a public hearing has been held thereon on the 21st day of August, 2013 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law F – 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law entitled “Amendments to Chapter A109 of the Town of Lloyd Code: Cross-Connection and Backflow Protection Specifications”. (See Attached)

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

**Five ayes carried.**

**L. RESOLUTION** made by Brennie, seconded by Litts,

**WHEREAS**, a proposed Local Law No. G – 2013, a local law entitled “Amendments to Chapter 98 of the Town of Lloyd Code: Water” was introduced at a meeting of the Town Board held on the 17<sup>th</sup> day of July, 2013 at 7:00 p.m.; and,

**WHEREAS**, a public hearing has been held thereon on the 21st day of August, 2013 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon.

**NOW, THEREFORE, BE IT RESOLVED** that Local Law G – 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law entitled “Amendments to Chapter 98 of the Town of Lloyd Code: Water”. (See Attached)

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

**Five ayes carried.**

**M. RESOLUTION** made by Paladino, seconded by Guerriero,

**WHEREAS**, proposed Local Law No. H of 2013 was introduced at a meeting of the Town Board held on the 17th day of July, 2013, at 7:00 p.m.; and,

**WHEREAS**, this local law amends the zoning map of the Town of Lloyd; 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; a change of the zoning map of the Town of Lloyd to change the designation of the property identified on the town's tax rolls as SBL 88.17-11-2, located at 6 Commercial Avenue Extension/Toc Drive and currently titled in the name of Brad Builders, Inc., from R1/4 to PRD, 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.

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

**Five ayes carried.**

**N. RESOLUTION** made by Paladino, seconded by Brennie, to approve the transfer of \$10,000.00 from the Rail Trail reserve 00-108 to Capital Project account Rail Trail West account 50-04-5680-32 for the expansion of the Hudson Valley Rail Trail West.

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

**Five ayes carried.**

**O. RESOLUTION** made by Brennie, seconded by Guerriero,

**WHEREAS**, proposed Local Law No. H of 2013, a local law to amend the zoning map of the Town of Lloyd, was introduced at a meeting of the Town Board held on the 17th day of July, 2013, at 7:00 p.m.; and,

**WHEREAS**, this local law amends the zoning map as follows: Address: 6 Commercial Avenue Extension/Toc Drive, SBL: 88.17-11-2-6, Brad Builders, Inc.; and,

**WHEREAS**, a public hearing has been held thereon on the 21st day of August, 2013, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon; and,

**WHEREAS**, the Town Board has received a referral response with recommendations from the Ulster County Planning Board regarding the proposed amendment to the zoning map; and,

**WHEREAS**, the Ulster County Planning Board recommends several modifications, including the submission of alternative site layouts to identify the one that best reflects the design goals of the community; a set-aside for open space to be identified on the proposed concept plan; and that a traffic study should be conducted for the proposal; and,

**WHEREAS**, the Town Board has considered these recommendations and is relying on the Town of Lloyd Planning Board to address the issues raised in the response and recommendation from the Ulster County Planning Board, and believes that the issues contained therein will therefore be adequately addressed.

**NOW, THEREFORE**, it is resolved that Local Law No. H of 2013 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 zoning map of the Town of Lloyd.

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

**Five ayes carried.**

**P. RESOLUTION** made by Litts, seconded by Brennie,

**WHEREAS**, the Town of Lloyd Town Board is in receipt of a proposed update to the Town's Comprehensive Plan entitled "Town of Lloyd Comprehensive Plan 2013"; and,

**WHEREAS**, the Town Board is empowered to approve the Comprehensive Plan; and,

**WHEREAS**, the Town has determined that this is a Type I action under the State Environmental Quality Review Act (SEQRA); and,

**WHEREAS**, the Town Board has reviewed Part 1 of the Full Environmental Assessment Form; and,

**WHEREAS**, the Town Board has scheduled a public hearing, to be held by the Town Board with respect to the adoption of the updated Comprehensive Plan, at the Highland Fire Station #1 on the 28<sup>th</sup> day of August, 2013 at 6:00 p.m.; and,

**WHEREAS**, the Town Board has determined that there are no other involved agencies, and has expressed an intent to be lead agency in the environmental review.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Lloyd Town Board hereby declares itself lead agency for the review of this action.

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

**Five ayes carried.**

**Q. RESOLUTION** made by Brennie, seconded by Litts, to appoint Jennifer Mund as Sole Assessor of the Town of Lloyd with an appointment term of six (6) years commencing October 1, 2013 through September 30, 2019, with a base salary of \$58,000.00 with a payable transitional period starting September 16, 2013, pending pre-employment physical.

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

**Five ayes carried.**

**R. RESOLUTION** made by Brennie, seconded by Litts, to approve the contract for new Assessor Jennifer Mund effective, October 1, 2013 through September 30, 2019, and authorize the Supervisor to sign.

*Supervisor and Town Board members welcomed Jennifer Mund.*

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

**Five ayes carried.**

**S. RESOLUTION** made by Paladino, seconded by Litts, to appoint Elaine Rivera to review single audit performed by Kimble & O'Brien, PC at a remuneration of \$1,500.00.

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



**Five ayes carried.**

**T. MOTION** made by Paladino, seconded by Brennie, to approve the Town of Lloyd Sick Leave Donation Program Policy and direct the Supervisor to submit the Policy to the Town's Labor Attorney, William Wallens, to be incorporated in the CSEA Collective Bargaining Agreement.

**Five ayes carried.**

**U. MOTION** made by Brennie, seconded by Paladino, appointing the following to the Committee to oversee the management of the Sick Leave Donation Program: CSEA President or his designee; Michael Guerriero, Councilmember; Denise Rhoades, Secretary to the Highway Superintendent.

**Five ayes carried.**

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

**WHEREAS**, a local law, being proposed as Local Law No. I – 2013, was introduced at this meeting as follows: Local Law No. I – 2013, a local law entitled “Amendments to Section 74-3 of Chapter 100 of the Town of Lloyd Code: Multi-Use Trails” regarding the activity and behavior requirements of cyclists.

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 18th day of September, 2013 at 7:00 p.m.; and it is further

**RESOLVED**, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

**Local Law I - 2013**

A local law to amend Section 74-3 of Chapter 100  
of the Town of Lloyd Code: Multi-Use Trails

**Section 1.**

This local law shall be known as the “Amendments to Section 74-3 of Chapter 100 of the Town of Lloyd Code: Multi-Use Trails”.

**Section 2. Purpose**

The purpose of this local law shall be to amend Section 74-3 of the Town of Lloyd Code.

**Section 3.**

Amendments to the Town of Lloyd Code Chapter 100: Multi-Use Trails; be it enacted by the Town Board of the Town of Lloyd that the Town of Lloyd Code, Section 74-3 “Activity and Behavior Requirements” is hereby amended as follows:

Section 74-3. L. is re-lettered 74-3. M. A new Section 74-3. L. shall be added as follows:

“Section 74-3. L. Bicycles.

- i. Persons riding bicycles on any multi-use trail must yield to pedestrians using the multi-use trail.
- ii. No person shall operate a bicycle on any multi-use trail unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle

shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle.

- iii. When overtaking pedestrians on any multi-use trail, cyclists must give ample reasonable warning and must pass said pedestrians in single file at a prudent and responsible speed. When coming from the opposite direction, cyclists must pass pedestrians in single file at a prudent and responsible speed.”

**Section 4.**

This local law shall supersede all prior and consistent local laws.

**Section 5.**

This local law shall take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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

**Five ayes carried.**

**MOTION** made by Guerriero, seconded by Brennie, to go into executive session with Richard Klotz, Highway Superintendant to discuss personnel at 8:30 PM.

**Five ayes carried.**

**MOTION** made by Litts, seconded by Paladino, to come out of executive session at 8:38 PM.

**Five ayes carried.**

**W. RESOLUTION** made by Guerriero, seconded by Brennie, to authorize payment to Denise Rhoades, Secretary to the Highway Superintendent, for the medical insurance buy-out for the time period effective the first of the month following the day she became a full time employee on July 17, 2012 until the time when she provided the paperwork to receive such buy-out in July, 2013.

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

**Five ayes carried.**

**MOTION** made by Litts, seconded by Paladino, to adjourn the meeting at 8:42 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk