

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

SEPTEMBER 7, 2011

Present: Supervisor Raymond Costantino **Also present:** Sean Murphy, Attorney
Councilmember Kevin Brennie Rosaria Peplow, Town Clerk
Councilmember Nancy Hammond Wendy Rosinski, Secretary
Councilmember Jeffrey Paladino

Absent: Councilmember Herbert Litts, III

5:10 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

Supervisor asked for a moment of silence for Herbert Litts, Jr., who passed away Monday, September 5, the father of Town Board Councilmember Herbert Litts, III and Zoning Board of Appeals Member John O. Litts.

1. REPORTS

A. Assessor – Elaine Rivera

Supervisor explained that Rivera is ill and Litts, as liaison, is not at the meeting so there is no report.

B. Building & Zoning Department – David Barton reported that the damage from Tropical Storm Irene has consumed his time for the last week and a half. The mowing has been completed at the properties that were discussed last month and the charges will be placed on their 2012 County and Town taxes.

He recalled that residents of Cambridge Court came to a Town Board meeting last year about being in a flood plain, a creek ran through the property and it was filled in when the development was built. Five properties were recently removed from the FEMA flood plain maps due to the owner's efforts. The amendment will be applied to Municipality and will always be tracked against the parcels if subsequent homeowners have any questions.

At the Tri-Board meeting, he handed out census data which showed that the Town is trending to older residents; the income data is coming out on September 13 and the goal is to track properties as to income, sex and marital status on a map. He showed the Board a 'use map' which indicates by colors the uses in the Town: green, single family; pink and yellow, agricultural or vacant; which he put together and he wanted the Board to see how GIS is being used. Design standards were discussed at the Tri-Board which can be accomplished by creating centers in the Town and pinpoint higher income and density. The next Tri-Board meeting will be in two weeks. There is a list of things to be considered and hopefully decisions will be made. Comments have been received from the Ulster County Planning Board on the proposed PRD local law, there are three things they have requested and the last is design standards.

Supervisor referred to the census report which shows that there are less elementary age school children, trending down 10% over the last 10 years; the need for affordable housing and senior housing is trending up. Those trends were evident when the Planning Board and Town Board adopted the Master Plan in 2006. The Town Board has been using the Master Plan since then, looking for senior and affordable housing.

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Barton added that the Town is trending down in the under-5 to 19 year-old age group and the 35 to 44 year old age group; trending up significantly in the 50 to 64 age group. He noted that there was one misquote in the *Southern Ulster Times* where it was suggested that in the 60 to 64 age group was only 29% or 15%, it is actually two 70%'s. He said that the point is the 55 to 59 year old age group is up 70% in the last ten years, the 60 to 64 is also up almost 70% and the 65 to 74 is up 15%. It is a huge number. The number for the Town to think about and work with to create jobs is the 35 to 44 year old age group, which is now 15.51%, which is all of the middle-age income earners, with them goes the under-5 to 19 year old age group which is down in total about 3%. The median age of the Town is now 40.7 and the 2000 number was 37.5. The trend is the older age group is increasing and the income makers are decreasing

He said that Ted Kolankowski of Barton & Loguidice has been helping him independently on his own tab. In looking at other studies, ultimately if the income earners in the 35 to 44 age group leave, there will be no one take up the tax burden for the 50 to 64 age group, no children in the school so there would be an unfair tax burden.

Brennie asked if there was any data on single family homes.

Barton replied that that information would be available on September 13.

Supervisor said that is what Dennis Doyle, Ulster County Planning Board, was talking about when he said that we have to keep the attendance up in the schools.

Barton added that he spoke to Doyle about this and he talked about school closings on the public level as the student population lowers.

Supervisor asked if the residents of assisted living were considered as residents of the Town and then asked where they fit in the data.

Barton answered that he did not know and said that the table of population data is enormous.

Supervisor said that he read an analysis that the assisted living residences have waiting lists or are at maximum, there is a need for assisted living in the Town of Lloyd.

Hammond noted that she understood that it is a residence for an older adult who needs help with day-to-day living; adults with limited income live in subsidized apartments.

Barton said he probably won't know the data on the subsidized apartments but will know the assisted living or a nursing home if that is the full-time residence. The incomes of the median range, for example, the 50 to 64 age group will be known as of September 15. He offered copies of the census data if anyone would like to see it.

In another matter, he said that he created a stormwater map based on data supplied by the GIS person from Vineyard Commons, which is the first subdivision to comply with the Stormwater law passed two years ago. He feels that this is a success for the Town as the data was difficult to get.

Supervisor added that the stormwater plan worked and there is less water leaving the site now than before it was developed and did not impact the downstream of the Twaafskill.

Barton concurred and added that even the water quality that is leaving the site has significantly improved.

Peplow clarified that the law said that Vineyard Commons had to supply GIS data, with which Barton agreed.

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Barton added that that this one of the enforcement tools on stormwater discharge. If something fails, he can point at it.

Brennie confirmed that this law was not put together behind the scenes that no one knew about it, it was done with due diligence and appropriate for the size of the development.

Hammond asked if Vineyard Commons would have to do updates.

Barton answered that, they would have to do a SWIP if they disturb more than acre and that would not be in their best interest and would be an extremely extensive process. He recalled that this plan was reviewed and approved by Bill Rohde, engineer, of Rohde Soyka Andrews, and managed by Paggi who did the engineering for Vineyard Commons.

Barton said that as a result of Hurricane Irene, there were multiple damaged structures in the Town and noted that there is a building in danger of collapsing; he and Bill Rohde, the engineer who is acting in behalf of the property owner, are going to review the problem tomorrow.

His office collected the damage assessment forms from property owners for about four days until the Town received the Presidential Disaster Declaration. Residents have been using the computers in the Building Department to access the FEMA website to obtain the forms that are needed and his staff has been helping them.

Barton said that on the day of the hurricane, he responded to Valley Vista nursing home on North Road as there was water flowing through it and the basement was flooded. They would have been put on school buses and taken to SUNY New Paltz as the Town of Lloyd had no place for the residents and staff to go.

He said that it has been raining all day today and the Twaafskill is expected to crest at 9 PM tonight; historically, the Twaafskill crests at the same time as the Rondout Creek so he has been watching the report on the Rondout to determine the end of the worst case. Some homeowners along Vineyard Avenue, especially at the corner at VanWagner and further downstream that he strongly encouraged leaving their homes and so far there has been compliance.

Supervisor noted that the sidewalk collapsed across the street from the M&T Bank on Milton Avenue this morning. Photographs were taken in 2010 under the bridge to show the condition and he talked to NYSDOT about the bridge. He realized that the sidewalk would eventually fall in. NYS told him that the sidewalks were the responsibility of the Town and needed to be repaired by the Town; it has been barricaded. The NYSDOT inspectors and bridge engineers were there and are allowing traffic to go over the bridge; the Town does not have a report as to the action they are going to take.

David Campala, Water and Sewer Departments, said that there is a water main, sewer main under the bridge and a water service running into Aphrodite's Antiques building; the water main is fine.

Barton added that there is a gas meter at the corner where the collapse occurred.

Supervisor asked if he has cautioned the owner of the building about the foundation and Barton said that he has.

Paladino asked Campala what he felt would be the best course of action.

Campala said that as the creek water is going down, he should shut off the water under the bridge; the next point would be to shut the main off from Route 9W to Vineyard.

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Barton said that when he and Lt. Wade Sargent were at the site this morning, he could see that under the bridge, there is a little dam on the downstream side, which is clogged with debris.

He updated the Board on Roger Spool's building, which was built across the Twaafskill and upstream from the Milton Avenue Bridge. He said Mr. Spool submitted a demolition permit and Barton is waiting for an engineering report on how the building is going to be removed without anything falling into the Twaafskill. He felt that if anything falls into the creek, it will punch a hole in the Aphrodite building at the bridge on Milton Avenue.

C. Highway – Frank Lombardi

D. Police – Chief David Ackert reported that he put a purchase order in for a recording system to be used in taking statements from people and conducting interviews. If the purchase order is approved and they may go forward with the purchase, the Ulster County District Attorney's Office will give the Police Department \$1000.00 toward the purchase; the recorder is audio and video and was approximately \$3,000.00.

Supervisor asked if it was mounted.

Chief answered that it will be mounted and hidden. He also submitted a resolution for this meeting to hire Brian Scott as a Police Officer; he has 11 years of experience, full time in another town and has been a sergeant for a few years.

Hammond asked if he is going to continue working his other job and Chief answered that his last official day at that job will be Friday, September 9.

Hammond then noted that the Chief was not present at the meeting in which she and the Board thanked the Town departments for the wonderful job they all did during the storm emergency and she asked the Chief to relay their thanks to the Police Officers, reiterating how proud the Board is.

E. Recreation – Frank Alfonso reported that Tony Williams Park is being used during the fall season by Pop Warner Football and SUNY New Paltz, who will be practicing baseball on the field three days a week for four weeks. SUNY New Paltz will pay a fee and, hopefully, donate a field tarp. He said that there was a lot of water in the Park during Hurricane Irene but within that day, the water cleared out; he does not know where the water drains and said that the fields are in good shape and dried out.

He said that Highland School District will be using the Village Field for soccer practice and the Wiffleball League would like to use the field on Sundays for the next six weeks. The infield at the Village Field has a lot of weeds, which happens about every other year; he spoke to a Buildings and Grounds worker at the high school and when he gets time, he will use a machine they have to chew it up, the infield will then be raked out and cleaned up before the year is over.

Alfonso said that Berean Park had a lot of water but it is fine; he asked the status of the improvement project.

Supervisor said that the contract was signed today with Roehrs Construction and noted that due to the storm he is most likely busy elsewhere but should be able to get the shop drawings approved and in place. Andy Paccione, Water Department, would like to drain the Reservoir when the Twaafskill goes down as it is full and there is no beach left.

Alfonso added that he is applying to the Highland Central School District for the use of the Middle School for the winter programs; Men's Basketball on Tuesdays and Thursdays in the Middle School; Youth Basketball will start in December for ten Saturdays; Youth Wrestling will begin in November.

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Paladino asked about the SummerFun program.

Alfonso replied that he did not have a complete report but he said that the personal services for Waterfront was over budget about \$700.00 and the SummerFun budget came in under about \$3000.00.

Hammond asked if the extra week of SummerFun was worth repeating in 2012.

Alfonso said that Week 6 was successful but Week 5, which was traditionally the last week, came in with the fewest campers. Staffing issues have to be worked out, which was one of the reasons that money was saved in the budget, but there was never a week that there was not adequate coverage. Lifeguards accompanied the campers to Splash Down and the Ulster County Pool. Supplies for the program were either on budget or under, in spite of the extra week. Overall attendance is higher every year. Full-day camp has been requested but there are no facilities to handle that; fortunately there was only one day this season that it rained and not many campers came to the program.

He added that Tony Williams Park was busy all summer and used by the public as the tennis courts, basketball courts and the Rail Trail. Pickleball is active at Berean Park Berean Park will have to be closed to public use when Dave Roehrs begins the work there.

Rosinski said that ten of the picnic tables from Berean Park would be moved to the Hamlet for the Block Party on September 10 and ten will be moved to the Transfer Station for the winter.

Alfonso said that removing the tables would be convenient for the start of construction; he is hoping that with the improvements the Park will be used more as a passive park in a nice setting. Many people go to Tony Williams and have lunch at the gazebo or pavilion.

Supervisor asked if the NO SMOKING signs were up and Alfonso confirmed that some were up and more will be added.

- F.** Town Clerk – Rosalie Peplow reported that tax collection penalties and interest amounting to \$42,364.33 were given to the Supervisor in August (\$41,066.54 in 2010). There will not be a Primary election in the Town of Lloyd this month. The hunting licenses went on sale on August 15; residents with life time licenses have come in to obtain their doe permits.

Nina Postupack, Ulster County Clerk, has sent a notice that there will be an exhibit at the Ulster County Building entitled *It's Not Unusual*. The theme of the exhibit is that it is not unusual that archives contain the unusual, the rare or the surprising. The exhibit will be on display from September to December 2011 from 9 AM to 5 PM.

- G.** Water – Andrew Paccione

Supervisor asked Raymond Jurkowski, Morris Associates; Andy Paccione, Water Department and Dave Campala Sewer Department, to give their reports.

Paccione reported that after the storm there was 3½ to 4 days worth of stored water; he received a generator from H. O. Penn on the third night and it was wired up by Ray Armstrong to get the Water Plant on line, it ran until Wednesday night; Central Hudson did not get the Water Plant on electric power until 10 AM on Thursday morning. The water plant would have run out of water without the generator.

Dave Campala said that he believed what Central Hudson told him about restoring the power to the water plant but Central Hudson kept pushing back the date to turn on the power and he finally hooked up the generator.

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Supervisor said that the Water Department would not have been able to get the generator until after the storm anyway as the generators were reserved in the emergency; three generators were also borrowed from the Town of Poughkeepsie.

Paladino asked the size of the generator needed and they answered that it was 250 KW.

Paccione said that when they went back on Central Hudson power, the plant lost one of the main micro-processors for the operation of the filter, so they are running everything manually. There was an indication that something was wrong when it went on generator.

Campala said that there was a power surge because it blew one of the capacitors in phase protection.

Supervisor feels this could be included in the FEMA claim with which Jurkowski agreed as it is part of the storm event. He noted that two men from Campala's crew are working at the Sewer Plant helping Adam Litman.

Campala said that they are working to clean up the oil; all of the sump pumps are back on line; one of Poughkeepsie's generators is running and the main, old generator in the building is running.

Ray Jurkowski, Morris Associates, said that he had a couple of items related to both the Water and Sewer Departments. His office inspected the dams and Reservoirs 1, 2, 4 and 5, to determine the condition and found that the dams themselves are in fine shape; there are some maintenance items to deal with; however, a dam breach did not contribute to the flooding event. Reservoirs 1 and 2 had water actually flowing over the spillways, which is a normal event during high water conditions. Reservoirs 4 and 5 had been drained down quite a bit (Campala said that it was reduced 6-feet below the spillway.), which helped to hold the volume of water. There will be a follow-up maintenance report that will outline the preventative maintenance issues; there was no major erosion and the dams were not compromised. He stressed this as he understood there was a rumor that the dams broke.

After the storm, he met with Kingsley Arms, contractors, working on the Sewer Plant rehabilitation to prepare an emergency action plan which was submitted to the NYS Department of Environmental Conservation. The existing generator and a 60 KW generator from the Town of Poughkeepsie are in operation giving temporary power to the facility; Litman and the contractors are working to get various components of the system up and running. The pumps for the digesters are up and running, they are working on the secondary tanks and tomorrow they hope to get the primary tanks up and running. If all goes well, the requirements will be met that have been set forth in the emergency action plan, as far as getting the clarifiers up and operational. The DEP was there yesterday to confirm the progress and were satisfied with the work completed to date. They continue to work on stream disturbance, dredging out the stream and addressing the on-going issues.

They met with the insurance adjuster and will be working very closely with them to prepare estimates on the work that needs to be done based on the damage at the plant. The adjuster indicated that they will provide money up front to the Town so that some of the bills can be paid; this is usually paid in a large lump sum upfront once the estimates are put together and coordinated with the insurance adjuster.

Hammond asked if the structure of the Sewer Plant was compromised.

Jurkowski answered that the tanks were not but the grit building which was an addition to the Plant and closest to the stream was compromised. They spoke with the adjuster to see if they would pay for only stabilization of that structure or the full

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amount to replace the building. His staff continues to be at the plant to monitor the systems and the staff is working toward permanent solutions.

Supervisor said that Jurkowski's office is going to handle the Town's flood insurance and FEMA claims, in addition to working with the contractors that are there.

Jurkowski confirmed that they have tried to be very direct with the contractors and they were aware that documentation was necessary to retrieve any type of funding or reimbursement from the agencies. Morris Associates has asked for daily sheets for input on labor force, materials, equipment; also noted is the Water and Sewer Departments, using their equipment and manpower as part of the relief effort. He also had a conference call with Environmental Facilities Corporation, the funding agency for the plant. Based on the issues of the storm, they have created a relief fund for damages to existing sewer plants. EFC have indicated that they are awarding up to \$1-million of additional funding in 0% interest loans; obviously, they want to see what can be obtained through FEMA or an insurance claim first.

Hammond asked if there is a back up plan considering what has happened and what may happen.

Jurkowski replied that there is a great deal of debris that has been washed down the stream and the contractor has been dredging that portion of the stream. There are materials in the delta at the mouth of the Twaafskill into the Hudson River, which needs to be fixed. He feels that it would be beneficial to the Town to speak to FEMA and he understands that Bill Rohde, engineer, is dealing with that situation. The unfortunate situation was that the plant was under construction and not stabilized as when the plant is completed and is one of the causes of the debris and washouts occurring at the plant.

Paladino asked if FEMA gave a timeline to the process.

Jurkowski said that a disaster has been declared for Ulster County and the County is working with FEMA directly to set up the initial meetings. FEMA may be coming out as early as next week. Documentation continues and photos were taken before and after the event. Tomorrow his staff and Campala are going to inspect the collection system, the water distribution system, as well as other items that have come up since the event. These other items are water lines that are partially exposed, sewer crossings in the creek that are in jeopardy of collapsing that will be added to the list of potential projects and funding through FEMA.

Paladino asked if he was aware of any breeches in the lines.

Campala replied 'not yet, but soon', the sewer line hanging over the stream on River Road is about to fall in. He felt that as soon as the water goes down, something has to be done as the concrete pier that holds the cable is almost gone.

Supervisor added that there is a suspension sewer pipe behind 4 River Road (Jim Fawcett's).

Campala said that at Vineyard Avenue and Tillson Avenue, a 20-foot long sidewalk is lying on a 6-inch water main; NYSDOT took out the curb but he told DOT to leave the sidewalk there as he did not want them to pull it with their loader. He will bring his backhoe to lift the sidewalk off the main. Lombardi is going to dig up VanWagner where there is a sinkhole and the water main is hanging in the air.

Paladino suggested that any work that is done at the Vineyard Avenue site should be documented for both FEMA and New York State.

Campala added that the sewer main is hanging under the bridge at Vineyard and White Street; the bridge is clogged with debris at that point.

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Supervisor suggested working with the Highway Department to open it up.

Campala stated that if NYSDOT would have one of their contractors clear the debris that is in the stream at the Milton Avenue bridge; he would like to disconnect the water as they begin to dig.

Supervisor said that he felt that Campala should wait for NYSDOT. The collapse happened this morning and after the Town secured it the DOT took charge. He asked Campala to work with Barton to determine if the water should be shut off.

Campala said the other problem is River Road where the main sewer line for the Town is very close to being very exposed; the T-wall is in the stream and diverting the water back toward River Road; if there is a lot more rain, the main sewer line is going to be running into the Twaafskill; he did speak to Lombardi, Highway Superintendent, about the problem today.

Supervisor would like him to contact Bill Rohde, engineer to figure out what to do on the curve.

Paladino asked if additional help, workers or excavators, were needed as it can be documented for insurance purposes.

Campala spoke to Lombardi who said that a big machine is on its way to move the T-wall that is in the stream and he has help coming.

Jurkowski said that the contractors at the Sewer Plant have plenty of manpower and equipment and have been working diligently.

Supervisor said that it is hoped that the Sewer Plant will be running on Friday. He noted that there was a worry as to where the money would come from. Jurkowski has contacted Environmental Facilities Corporation who has said that if a BAN was needed, they would buy it at 0% interest.

Sean Murphy, Attorney, said that the main ways to do it is either a Revenue Anticipation Note (RAN) or a Bond Anticipation Note (BAN); RAN requires anticipation of revenue coming in, which could be from FEMA. The Town can get a RAN when a commitment is received from FEMA, which is a little quicker and borrowing can begin the next day. There is a 20-day period before the borrowing can begin with a BAN. If money is to be borrowed for the Sewer District, a public hearing has to be set and everyone in the District needs to be notified of the public hearing between ten and twenty days before the meeting. After the meeting, the BAN has to be filed and published, which is another 20-day period, resulting in a 45-day process.

He spoke with Dave Horton, Marshall & Sterling, who confirmed that the insurance money will be paid but he explained to Horton that the Town is looking to borrow money and a timeline is needed so that the Town knows if it is going to be reimbursable or paid up front. Horton indicated that he is going to communicate with Jurkowski but Murphy felt that Horton was saying that the Town may not have to go out for money from another source. Horton anticipates that the underwriter will agree that the Sewer Plant is catastrophic and will work with the Town to see that the reimbursement comes in as soon as possible. He feels that the Sewer Plant is in good shape and the funding is in motion.

Murphy added that numbers are needed for the Highway damage and after determining where the Highway is with FEMA, the Town can do a RAN or a BAN.

Supervisor said that information is being gathered, he feels that more damage will be found even a month from now and the Town needs to keep the case open.

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Jurkowski feels that the insurance company is probably the best bet as that money will come in and some of the bills can be paid; he will be speaking with the insurance adjuster tomorrow morning. They will discuss his findings and Jurkowski will make sure that he did not miss anything during his inspection.

Murphy stated that the Board is authorizing borrowing to obtain a RAN or a BAN; in general the Town should ask for more money as all of the money does not have to be used.

Jurkowski agreed and said some of the problems won't be evident until the water recedes.

Supervisor said that there are FEMA inspectors in town and they are meeting people who have filed claims; FEMA is not promising anything, they are looking at the cases. You are given a case number at the online registry; FEMA goes to house with their identification, they verify the case number and ask for proof that person owns the house, they ask for income tax statements and copies of insurance policies. He has offered to advocate for the owners of the two houses on River Road that are engulfed with gravel; he asked them to let him know if there is anything the Town can do.

H. Sewer - Adam Litman

Reports were given under Water department head report.

2. OLD BUSINESS

A. Tropical Storm Irene

Previously discussed.

B. Sewer Plant /EFC

Previously discussed.

3. NEW BUSINESS

A. Highland Rotary

Supervisor asked Sue Naglieri and Steve Laubach of Highland Rotary to come to the Board table.

Naglieri said that the Highland Rotary Club raises funds to help with community and international projects; over the years, they have put aside money earmarked for the Rail Trail New Paltz Road parking lot, hoping that someday the parking lot would be fully paved. Considering the economy and that grant money is not available, the Rotary would like permission from the Town Board to install handicapped parking, additional paving at the entrance and the private drive.

She said Bill Rohde, Rohde Soyka Andrews, engineers (her employer), put together bid packages and discussed the best utilization of the money with the Supervisor. The bid package has been sent out to see if it would be a feasible project. It is a six-part bid: spread the stockpile of stone; place boulders to create a barrier between the Rail Trail and the parking lot; paving the three areas (1000 square yards of paving); striping the handicapped parking lot and to relocate the mailboxes at the private drive.

Supervisor added that this started when Steve Laubach was Rotary President and he chose this project as his presidential project; \$5000.00 was allocated. Laubach continued to advocate for this project and the fund has grown to over \$20,000.00. The Rail Trail has used this promise of a gift in many grant applications to show that there was support from other enterprises. As the grants are not available, it is time to

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do the project. The private driveway is actually Town property with a right of way to private properties.

Naglieri said that the bids they receive will be evaluated and reviewed by the Rotary board. In answer to Brennie's question, the Rail Trail Association is aware of the project.

Hammond asked if they have determined how much they are able to do with the money. Naglieri replied that there will be a committee of five Rotary members but they have not discussed it yet. It is their goal to fund the whole project but she feels that paving at the driveway and the handicapped parking are the priorities. She would like to get the project done this paving season, which usually ends toward the end of November.

Supervisor feels that Rohde and Lombardi will be able to intercede with Ulster County in obtaining permits.

Laubach noted that the Hudson Valley Rail Trail was a Rotary project from the beginning. The Rotary built the Rail Trail and the Pavilion; they would like to finish the job.

Naglieri added that the Rotary would like to continue to work within the community and she then asked the Board to tell them what the next steps would be for the Rotary.

MOTION made by Hammond, seconded by Brennie, that the Highland Rotary Club has the permission of the Town Board to make improvements, including handicapped parking, to the Rail Trail trailhead parking lot on New Paltz Road, with the thanks of the Town Board.

Five ayes carried.

Supervisor announced that the Rail Trail Moonlight Walk will be held on Friday, 7:30 PM, It is the one time of the year that the Rail Trail is opened for nighttime activity; it is a fund raiser and there will be a \$5.00 admission charge.

Wendy Rosinski announced that the fall Block Party will be held in the Hamlet from 7 PM to 10 PM on this Saturday September 10th. The theme is line dancing and she invited everyone to come and line dance in the street.

Supervisor announced that the 9/11 Highland Remembers ceremony will be held at Highland Hose Station One at 1 PM. There will be a dedication of the new flagpole in front of the Town Hall, which was donated by Dave Roehrs, at 12 PM.

Paladino introduced Tracy and Robert Shaw, 15 Orchard Lane, who have questions on the work that was done by a neighbor on his property and they are asking for direction on how to handle the situation.

Shaw explained that they bought their house in 2004 and did not have water problems; in 2005 it rained everyday in September and October and there was no issue. Their neighbor at 13 Orchard Lane has a driveway that slopes to a garage under his home. This neighbor deposited several hundred tons of fill from a neighbor's pool installation. Shaw notified the Town as he knew that the fill would cause a problem on his property.

Paladino asked Barton what the process would be to help Shaw.

Barton said that Shaw should contact Shari Riley, Stormwater Officer; he did not fall under the SWIP law as less than an acre of land was disturbed. His office has been dealing with the neighbor, Victor Alvarez, since 2007. He felt that Alvarez does not understand that the problem is not surface water, it is the ground water. He met Alvarez four years ago and he

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suggested that a sump pump should be installed as the high ground water will always come into his basement. He recalled seeing the water run down his driveway and the fill has not fixed the problem, he has less water but he still has a water problem.

He explained that for both Shaw and Alvarez, the road creates a dike and does not allow the water to run to Black Creek; there is a catch basin which has not been cleaned. He is assuming that it goes downhill to North Eltings Corners. He noted that water will not go up hill in the back of Shaw's property; it is his opinion that it has to go across the road to the existing catch basin system.

Shaw said this situation has caused animosity with his neighbor and he feels that if he would bring in fill to raise his property, Alvarez will raise his; their septic has been inundated again from the recent rains. He recalled that when he installed a hot tub, it required a building permit and a fire inspection. He then questioned how Alvarez could bring in the fill and not follow any guideline.

Tracy Shaw added that Alvarez is now bringing in more fill and has marked his property to do so.

Murphy stated that Shari Riley did send him paperwork on the situation; it is his understanding that the landscaping is under an acre and pursuant to Chapter 55 of the Town Code, no permit is needed. This may be a private nuisance, which is someone that creates something that diminishes the value or damages private land. Generally water cannot be diverted and it will take the natural flow, downhill; it is his understanding that Alvarez is not in violation of the Town Code, Building Code or the stormwater chapter of the Code. The Town does not have any jurisdiction to stop him as he is in not violating the Code. He feels that they have a case of continuing trespass.

Supervisor asked if building permits would be issued today for those houses, considering the conditions and would the houses be too low. He concluded that engineering needs to be done on the road.

Barton answered that the policy is that drainage plans are required on the proposed survey, which is the responsibility of the applicant.

Tracy Shaw said that she spoke to Riley in April who said that she would issue a Notice of Violation to Alvarez; she then asked for status last week as more rain was coming and she had not heard. During Irene, they brought in a backhoe to try to build a swale to move the water to the back of the property.

Supervisor suggested meeting with Lombardi and Rohde to discuss the storm drainage system on the road, noting that the Town cannot go on private property to do this. Highway money can be spent as long as we stay on the highway right of way to protect the Town highway. He would like to get a report and the Town will let them know if there is or is not anything that the Town can do; their contact numbers are 845.629.3811 and 883.9669.

Len Casabura, 1 Christopher Avenue (corner of Brinkerhoff), said that he sent a letter to the Town Board a couple of years ago about drainage on his property and nothing was said or done about it. A year ago he attended a Town Board meeting about the same problem and he was told that it would be looked into. Due to the event of Hurricane Irene, he now has lakefront property. He would like to know what the Town can do for that neighborhood as he is not the only property affected by it. There is only one catch basin for the block and it is next to his property, which is totally inadequate.

Supervisor said that Bill Rohde, engineer, did design some catch basins and piping to get the water to go out to Maple Avenue; this subdivision was done before the regulations for drainage were put into place. He surmised that it was originally a low area, and was filled

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in. This water comes from the pond behind the Hess gas station and the overflow comes past the drainage ditch, historically, to the River. Drainage would need to be put in there after the fact.

Casabura said that a system cannot be put in to fix the house because the stream and pipe are higher than his basement floor; he cannot dig up the road. The pipe comes under Christopher Avenue proceeds behind Ron Perkins' (4 Brinkerhoff) house and goes to another catch basin on Perkins' property, turns and goes into Brinkerhoff Avenue and turns again and goes down to Maple Avenue, to another catch basin which goes under River Road.

Supervisor said that this should be addressed with the new Highway Superintendent next year as he has advocated less paving and more drainage and ditching; the Town already has the engineering, the money has to be allocated.

Casabura recalled that there was \$75,000.00 put into a fund for this drainage between seven and ten years ago and this money was not used. He said that he now has \$30,000.00 worth of damage to his house.

Supervisor said that there is no record of money allotted to the Christopher Avenue project. There was \$1-million borrowed to do drainage throughout the Town, after FEMA's work was done, the BAN had to be paid off. There is no longer a Drainage Committee spending the money and there is no money allocated for drainage; there is no reason why the Highway cannot do drainage along their highways to protect their roads. Highway funds cannot be used to do private drainage.

Brennie asked if this is a philosophical battle and does Highway feel that it is their responsibility.

Supervisor replied and said that more money was allocated to paving than for drainage; he feels that Highway has to switch gears and catch up with the drainage for a couple of years and spend the half million dollars on drainage.

Casabura did not have photos of the water but said that there is 4-inches of water on the road right now; his neighbor, Gene Mayer (3 Christopher Avenue) had the Fire Department at his house during the hurricane. Casabura came home from vacation after the hurricane to find the damage.

Supervisor again noted that if these houses were built today, there would not be a problem.

Brennie asked who would prioritize the drainage problems.

Supervisor answered that there was a committee and they were, in the case of Shaw, discussing a contract with Brooks and Brooks, to survey for \$3000.00 to see if they could get to the pond. Highway funds can not be used to draining on private property through the backyard. There was no money to collect and no provisions to pay off the drainage bond.

Brennie asked how the Highway Superintendent feels and if he is caught in a battle of the wills.

Supervisor suggested that conversation at the budget hearings next week and advocate for Christopher Avenue; Lombardi thinks that drainage is not Highway.

Casabura did not want to argue but said that the pipe goes under the Town road and he cannot dig up the road; it cost \$1000.00 to have his furnace fixed, he lost the washer and dryer; no hot water for five days and finished basement had 20+ inches of water. He did fill out the FEMA forms online. Cahill Photography has pictures on Facebook, along with other photos of the Town.

Supervisor remarked that he has advocated for Casabura and has gotten nowhere; the flooding of Casabura's basement is not the Town's responsibility; however, he feels that drainage

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could be done since it has been engineered. He felt the mindset of the Highway Superintendent has to be switched. He said that he would advocate for him at the budget hearings.

Brennie feels that if the Highway Superintendents do not feel that it is within the realm of their duties, a lawyer has to be hired.

Supervisor did not feel that it was a legal issue

Casabura does not feel that he can wait until next year to lobby the Highway Superintendent as he is worried about the next storm. He will talk to Lombardi, Highway Superintendent tomorrow.

B. Comments from Ulster County on PRD

Barton said that he has received comments from the Ulster County Planning Board on the PRD language; he distributed the document to the Board and there are three modifications. One of the modifications is the inclusion of the PRD in the Water and Sewer Districts; the second is the affordable housing regulations, Chapter 100-36, both of which are simple modifications. The third modification is design standards, which was discussed at the Tri-Board meeting and he suggests a committee to develop the design standards.

Supervisor asked if the Winery project would do their own design standards.

Barton answered that they are going to do them and submit them for approval. The UCPB supports the Town's desire to add flexibility to the zoning statute but they also would like the Town to lock in design standards. He feels that the design standards should not be locked in as what is decided for the Hudson Valley Wine Village project may not be appropriate for other developments.

He said that as these are required modifications, the Board can move forward with a super majority to adopt the PRD as it exists; Ulster County Planning Board asks that the Board gives UCPB reasons why they did not take their recommendations.

Paladino commented that he felt that they already have given recommendations on density.

Barton said that they were already built in and felt that the Town did a good job on what was wanted in the PRD's.

Supervisor feels that some things have to be called out as 'design standards' as there are these things in the law but they are not spelled out as 'design standards' and that is what they want.

Brennie and Bakner feel that some standards are already built into the Code

4. MOTIONS AND RESOLUTIONS

A. MOTION made by Paladino, seconded by Brennie, to appoint Chief John Gallagher, Highland Hose, to the Emergency Management Committee replacing former Chief Dan Bassanese.

Four ayes carried.

B. RESOLUTION made by Paladino, seconded by Hammond, to hire Brian Scott as a part-time Police Officer, pending satisfactory results of his department background check and pre employment physical, at a rate of \$19.50 per hour at the recommendation of Chief David Ackert.

Roll call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, abstain.

Three ayes carried.

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Terresa Bakner, attorney, updated the Board on the status of the Hudson Valley Wine Village project; the Town Board received an application for a zone change, it is complicated in that the project density and conceptual plan is laid out just as a concept and that was presented at the last meeting. As part of that presentation, the Town Board was asked to take the first step in the SEQRA process which was the Town Board declaring the intent to be lead agency, in the Type I Action because it affects potentially over 400 acres in the Town. The Town Clerk sent out notices to all of the other involved agencies and more than 30 days has elapsed, which means that the Town Board is in a position procedurally where the Board can declare SEQRA lead agency. A letter was received from NYS Department of Environmental Conservation, which said, “..this letter serves to confirm that this department has no objection to the Town Board assuming lead agency for this project”; which is good as the DEC has said that they have faith in the ability of the Town Board to handle a project of this type. The NYSDEC will occasionally, seek to be lead agency for regional projects and they did not do that in this case; they did give a lot of comments as to what to include in the scoping document for a Generic Environmental Impact Statement (GEIS). She distributed copies of the comment letter.

As attorney for the Town Board, she is assisting on SEQRA issues; in addition Ted Kolankowski and the staff at Barton and Loguidice are acting as Town planners on this project, Bill Rohde, Rohde Soyka Andrew, engineering and Ray Jurkowski, Morris Associates for water and sewer; the Board has a lot of staff to help with the process.

Bakner said that the resolution on this agenda does two things: confirmation that the Board has gone through the SEQRA process and is now lead agency and then a determination of significance is made. For some small projects a determination of negative significance would be issued; clearly, that would be completely inappropriate in this case where it is contemplated to rezone portions of 400 acres. It is a good idea to issue a positive declaration of environmental significance for this project. Because of the size of the property the applicant desires to do a generic environmental impact statement, which is used for a concept, a plan for what might be developed in the future. There are a number of steps that the lead agency has to take in issuing a positive declaration.

She asked the Board to look at the Environmental Assessment Form. The applicant always prepares Part I of the Full Environmental Assessment Form because it is a Type I Action, which is presumed to require an EIS. The first part was part of the application and was sent to the involved agencies; the next part (Page 11 of 21), Part II of the EAF. This has been filled out on behalf of the Board by Barton and Loguidice and was reviewed by Dave Barton, as well as Part III. She reviewed Part II, of potential impacts, with the Town Board; further, on Page 14, the applicant will be required to prepare a stormwater report and a stormwater pollution prevention plan; vehicles will impact air and a proposed increase in the land amount committed to industrial use. The applicant has been working with Ulster County regarding the land along Route 9W for pre-approving sites for use by technology companies. A survey of the site has been done and they have found no threatened or endangered species; the action will affect agricultural land resources and aesthetic resources such as scenic views. She continued to review the impacts of the project and suggested that the Board contacts her if there is any disagreement with the findings.

Brennie referred to Page 19, Community Character, and asked her to explain Example 2.

Bakner explained that it is a guesstimate if there would be a demand on community resources that would be under/over 5%; Barton and Loguidice have assessed it to be less than 5%.

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- the smaller impact. There are several impacts that cannot be mitigated. In Part 3 in the issuance of a positive declaration and the large impacts are evaluated to determine if they are significant and she reviewed these impacts with the Board. The applicant is proposing to put in a packaged sewage treatment plant which will be reviewed by Morris Associates. Paladino clarified that this environmental assessment is just a step in the process and does not mean that this will allow the development or the amount of houses.
- Bakner agreed and said that the Town Board has the absolute authority to decide whether or not to grant a zone change and how much of a zone change, which is in the Town Board's legislative authority. The EIS is a way of evaluating what is being proposed and determining if it is acceptable from an environmental and legislative standpoint.
- She said that if the Board is in agreement with issuing a positive declaration and requiring the environmental impact statement, the Board will adopt the resolution that is on tonight's agenda, which is based on all of the background documentation.
- She recommends that the Town Board has a public scoping for the outline for generic environmental impact statement so that the public has an opportunity to bring their input to the project as early as possible. The draft scope was not ready for the Board's review and acceptance at this meeting, to put it out for public comment and to send to the involved and interested agencies and that will be available at the next Town Board meeting. There will be a public scoping meeting and a period of time for people to submit written comments. The applicant has submitted a draft scoping document and the Town's planners have reviewed it and suggested some items and there is a letter from NYSDEC asking that certain things be added. It will come to the Board and be sent to the interested agencies, as a draft; comments will be received and then the draft will be changed and the Town Board will approve it.
- Hammond said that the Board has just received the EAF and is concerned about voting on it tonight.
- Bakner explained that the Board will be voting on the resolution; the content of the resolution is a requirement that there be a generic environmental impact statement. At this point in the process, there are two choices: a negative declaration which means that there is no environmental impact statement or a positive declaration which means an environmental statement and a process for evaluating all of the impacts. Tonight's resolution is whether or not the Board thinks that this project should have a generic environmental impact statement.
- Hammond asked that after reading the EAF and she has a question, if there is still time to bring it up.
- Bakner replied that she will have time as the contents of the GEIS is what is covered in the scope, so if there is some question that should be addressed, it would be addressed as part of the scope.
- Peplow noted that the resolution does say that the Board has reviewed the EAF and it says that there will be a public scoping but the date has not been determined.
- Bakner agreed and said that the date of the public scoping is unknown because a notice of public scoping has to be issued, which will be done at the next Town Board meeting. If the Board chooses, it could wait to adopt this resolution at the next Town Board meeting and also accept the draft for public comment. It can be done either way.
- Hammond said that she uncomfortable voting on something that says that she has reviewed, which she has not.

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Bakner said that if she feels that strongly about it, it can be tabled until the next meeting as it will not have any effect on the process and the notice of public scoping can be adopted at the same time.

Supervisor asked if the Board could get anymore conservative as this is a preprinted form and 'yes' has been answered to almost every adverse condition; the Board would not get less stringent than this.

Bakner agreed and said that she is comfortable going through it word-for-word and felt that is what was done at this meeting; Parts 2 and 3 were reviewed; the positive declaration which is attached to the resolution follows Part 3. It is up to the Board.

Paladino said that he had no objection to adopting the resolution as the Board has been advised that there is a positive declaration.

Peplow asked when Item 4, SEQRA documents, are posted on the website as this is done by Wendy Rosinski or David Barton.

Bakner answered that there is no deadline to put on the website. Nothing has to go to the newspaper as scoping has not been yet set.

Peplow clarified that these documents will be held and everything will be sent to the agencies listed after the next meeting when the resolution will be done.

Bakner said that she may definitely wait until the next meeting when it can be sent to everybody.

Peplow confirmed that Bakner will send a notice to her that will go in the paper as to the date.

Paladino said that he would be willing to move on the resolution.

Bakner added, for Hammond's comfort, that the notice of determination of significance is published in the ENB, it says, "potential significant environmental affects have been identified and the Town of Lloyd Town Board in accordance with the SEQRA regulation has determined that a positive declaration of environmental impact shall be issued and a generic environmental impact statement shall be prepared by the applicant and the potential significant environmental affects identified are a visual impact on the Hudson River and nearby historic areas, impact on downstream water systems caused by the alteration of drainage flow or patterns, increased erosion and sedimentation, increased traffic and the need for the design and development of onsite new public and private roadways as well as potential off site improvements such as turning lanes, a change of community character and density of land use, beyond that provided for in the Town's Comprehensive Plan and existing zoning code, increased demand for community services such as sewage collection and treatment and the provision and distribution of potable water, grading and clearing and impact on existing ecology and vegetative cover including natural resources such as wetlands and wildlife habitat. The project will permanently affect aesthetic resources in the community because it will alter the landscape between Route 9W and the Hudson River. The project is also located in close proximity to Franny Reese State Park and the Walkway over the Hudson. The project will also affect the community energy supply by extending energy transmission to serve residential and commercial use".

She concluded that the Board need only find one adverse significant environmental affect and there are approximately 20 listed here; she does not believe that anything obvious has been missed; if anything new comes up, it has to be addressed in the GEIS as part of the scope.

If there is anything that has been missed initially, there is plenty of time to add it.

Hammond clarified that if she has a question it can be covered in the scope.

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Bakner reiterated that if something comes up in the public scoping, it can be added; as this is a large piece of property, someone might know something about the property that is not evident and will come out in the scoping session.

C. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, an application has been made to the Town Board of the Town of Lloyd to rezone property comprising +/- 428.53 acres for the development of the Hudson Valley Wine Village Project; 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 sewer and water approvals for the project, including but not limited to, the extension and/or creation of the 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

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Town Board is hereby SEQRA lead agency for the environmental review of the project;
2. The Town Board having reviewed the full EAF Parts I, II and III hereby issues the attached positive declaration finding that after reviewing the criteria in Section 617.7(c), implementation of the action as proposed may have a significant adverse impact on the environment and given the nature of the project and the size of the property that a generic environmental impact statement will be required (please see attached notice of positive declaration fully incorporated herein);
3. The Town Board also hereby finds that public scoping will be conducted pursuant to Section 617.8(f) and a notice of public scoping providing for public review and comment will be issued when the draft scoping document prepared by the applicant has been revised pursuant to the suggestions of the Town consulting engineers;
4. The Town Board directs that all SEQRA documents for the project be posted on the Town website including the Notice of Positive Declaration and the full EAF Parts I, II and III; and
5. The Town Board further directs that a copy of this resolution, the full EAF Parts I, II and III, and the Notice of Positive Declaration be provided to all involved and interested agencies as well as the applicant and that all the publication, notice and

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filing requirements of SEQRA be complied with by the Town Clerk.
Roll call: Costantino, aye; Paladino, aye; Hammond, aye; Brennie, aye.
Four ayes carried.

MOTION made by Brennie, seconded by Paladino, to adjourn the meeting at 7:40 PM.
Four ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk