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Field mowed by a contractor. The staff would consist of one full-time, one part-time, and one seasonal part-time employee and himself. Tony Williams and the Town Field are used every day for sports and there is a need to maintain the parks on a daily basis. Berean Park is still being used for parties on weekends and Monday through Friday for picnicking. There is garbage pickup there continuously. The guideline for the proposed budget is the same as in past years except in 2016 they were short one fulltime employee and he would like to hire a fulltime employee. They were fortunate to have a community service worker help them this year.

Peplow said it was her understanding that Alfonso would be taking on more responsibilities including Bob Shepard Highland Landing Park.

Alfonso replied the Highland Landing Park and Rail Trail garbage pickup and bathrooms. They have been doing it but they do not have the manpower to do it all the time.

Mazzetti felt that filling the full-time position and with the part-timers they have should enable them to function better with the responsibilities of all the parks.

Alfonso said that from the year 2000 to the present the Parks and Recreation Department has increased dramatically in additional responsibilities and in what they offer. They need to find a way to fully maintain the parks and keep them nice. He needs to know if what he has compiled is agreeable to the Town Board when they start to put the budget together.

Paladino asked if it made sense to have the parks privately mowed.

Alfonso said they have discussed that but no recommendations or decisions have been made.

Brennie said the plan they have now is probably the best one that works.

Alfonso agreed.

Mazzetti said he recalled at a meeting that they were going to eliminate the full-time position and privatize the lawns with companies bidding for those contracts. He asked if Alfonso just wanted to go back to the full-time person and not have the lawns privately mowed except for Tony Williams Park and the Town Field.

Alfonso said yes because that is the way it works the best.

**Town Clerk** – Rosaria Peplow

**Water & Sewer** – Adam Litman

**Supervisor** – Paul Hansut

## 2. OLD BUSINESS

### A. Town Code Chapter 10 Code of Ethics –Proposed law

Paladino said the Town Board received copies of the proposed law. The Board will review it and discuss it at the September Regular Town Board meeting and set the public hearing for the October Regular Town Board meeting.

Brennie said he did not think the entire Town Board was in agreement with the changes.

Paladino asked if the proposed law came in from Sean Murphy today.

Peplow replied that it had and the attorney asked that the Town Board review it and advise him if they want a resolution to set the date for the public hearing at the next meeting.

Paladino said if there are any changes to be made they will address them at the next Town Board meeting.

### B. Woodland Drive- truck traffic

Paladino asked if Klotz if there was any update to the situation on Woodland Drive.

Klotz said that he spoke with Dave Barton, Code Enforcement Officer, and it was a temporary situation. He called the NYSDOT and they stated that you cannot restrict access to someone's private property. Further discussion needs to be had with Dave Barton and Sean Murphy, Town Attorney.

Mazzetti said it was his understanding that if a commercial vehicle is parked in a residential neighborhood it is violating a Town ordinance.

Paladino said he would like to look into that further.

### **3. NEW BUSINESS**

#### **A. Ulster County Tourism request for approval of installation of Tourism kiosk**

Paladino said the Town Board has received a letter from the Ulster county tourism office regarding the kiosk and that he has no issue with it. The kiosk is intended for informational purposes that the County and the Town would be able to take advantage of. Peter Bellizzi, President of the Hudson Valley Rail Trail, will determine the location.

Mazzetti said he would like to know the location of the kiosk.

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

Peter O'Connell, attorney for Empire State Towing Recovery Association, said that he did not expect this type of meeting. He believed that the attorney who drafted the proposed towing code would be in attendance and the meeting would be one where there would be some discussion with the attorneys and all interested parties. He would like to make several suggestions on amendments to the proposed law to bring the law into compliance with federal and state law, to correct some legal errors in the law as well as some substantive changes. He has helped draft at least 20-30 towing ordinances in the last 35 years and previously while representing the Towing Association of America drafted the federal guidelines. He said all the particulars he has suggestions for are fairly standard.

Paladino said to clarify, the attorney for the towing code, Christine Chale, was present prior to the meeting in an attorney client session.

O'Connell stated that he will discuss the particulars that would be best for the towing attorney to review. There are mostly drafting considerations that the attorney should be aware of in putting the final touches to the law. One of the substantive issues which need to be addressed is whether there would be towers from out of the Town on the list. The insurance liability in the proposed law is higher than what one would see in most towing ordinances. Most are in the one-million-dollar range and it is unknown what the impact would be on the smaller tow operators. Regarding the provision that requires the tow operators be in good standing with the Department of State. Many tow companies are not incorporated nor have LLC's and have businesses that have no standing with the Department of State. For a legal matter that would have to be changed. He would like more information on the half-mile provision for storage yards out of Town. He has recommendations for deleted language in the section where there is a requirement for the towing company to have a location open to the public and where personnel employee records required by the article are maintained. He referred to tow operator Jerry Erichsen who has a repair shop, a separate towing facility and a storage yard. Erichsen's records are kept in his repair shop, not in his towing facility. He believes that language in the code is

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unnecessary as it could be punitive if enforced. He suggests in relation to flatbeds that they have at least a 15,000 pound GVWR (Gross Vehicle Weight Rating) which is standard with most towing ordinances. There is a provision in the towing draft to have both a NYS and federal DOT certification registration. If a tow operator has a federal or US DOT registration they do not need a state DOT registration. He does not feel the need for immediate inspections without a two week notice for other limited purposes within the law.

Brennie said the immediate inspections were if a tow operator is thought to be in violation of the ordinance.

O'Connell said they could inspect if the Town suspects a tow operator is in violation of the ordinance. If for example, there was a cancellation of insurance or if the drivers do not have their proper endorsements the police would need access to go into the facility but do not need to do an inspection. It is a matter of policing the businesses.

He suggested another deletion should be the provision where a heavy-duty tow has to have a Class A CDL and have several different endorsements for towing such things as hazardous materials, tank trucks and the like. There is no need for a Class A CDL if someone is driving a flatbed truck of over 26,000 pounds. That is a Class B license, it is a heavy-duty vehicle, it is not necessary to have a Class A CDL for that. The endorsements are only necessary if an operator is driving those types of vehicles. In an emergency towing situation, there is no need for the endorsements. A truck that needs to be towed locally with hazardous materials can be towed to a local facility for safety without a hazardous endorsement.

Paladino asked if the Class A falls under the heavy-duty list and if it is needed for heavy duty lifts as well.

O'Connell replied that it did that heavy-duty tow trucks need a Class A CDL, Class B would be sufficient for a flatbed truck and for trucks over 26,000 pounds, less than 26,000 pounds a Class D with a towing endorsement. It is a small correction. He felt that the ten rings on the telephone needed to be addressed and the 20-minute response time seemed to be absolute in the law. There are penalties if a tow operator is not there in 20 minutes. Every law he has seen has had a waiver for unusual circumstances. He feels that something should be written into the law to soften the 20-minute limit if it is justifiable.

Paladino said some of these issues have already been addressed. There is currently some information for the police officers to have some leniency with that particular issue.

O'Connell said he saw the police procedure list and feels there is inconsistency between the two. He said he took some language out of towing guidelines that Troop F is considering but they have a different type of provision for storage and penalties. He feels the penalties provision in the Town towing draft is very deficient as it does not get into things such as overcharging and refusal to allow people to inspect their cars. Although the Troop F guidelines have not been adopted, he feels they are more appropriate than what is in this draft.

Paladino asked if they have not adopted it then what is currently in there.

O'Connell said there are storage provisions that towing companies cannot charge storage for the days they are not open. He suggests instead have a tow company open between 9-5 Monday through Friday, weekends on call between 9-5 and they have to show up within an hour to release a vehicle on non-business days. He said there is already a provision in the draft for releasing a vehicle and believes that functioning in this manner is more fair to the

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tow operators.

Paladino said he believes that is in the fee schedule they have in the draft.

O'Connell felt to have a tower be on an hour's notice to come in is a cleaner way to address the vehicle release issue. There is a provision that requires tow operators to obey the rules and regulations set by the Federal Motor Carriers Safety Administration but they should be required to obey all state and federal laws. This provision should be broader in scope.

There is currently a provision which allows tow operators to establish their own rates and submit them to the chief of police. There is nothing in the draft that gives the chief of police the right to reject those rates or define them as excessive. There needs to be a safe guard whenever tow operators are allowed to set their own rates as it could potentially open the Town to a lawsuit.

Paladino said would like to obtain Troop F current guidelines and forward them to attorney Christine Chale to review for informational purposes and possibly to make minor changes to the code.

Brennie commented that many of the issues O'Connell has brought up have already been addressed. The Town Board met with the police and came to a tentative agreement on a tow ordinance and they will present it at the next Town Board meeting.

O'Connell said that he would be happy to clarify any of the suggestions he has made concerning the towing code because he knows the Town would appreciate a law that cannot be challenged.

Jerry Erichsen, Erichsen's Auto Body, inquired about the provision of the towing code which states all tow companies shall have staff at a secured facility at least between the hours of 9-5 Monday through Friday. He proposed that it be staffed at the main facility but not at the overflow facilities.

Paladino said the ordinance will not be agreeable to everyone. He suggested switching the vehicles and have the towed vehicles which are off the towing list in his main staffed facility.

Erichsen inquired about the heavy-duty tow vehicles such as tractor trailers which can take up an enormous amount of room.

Guerriero thought there was no provision in the code about housing heavy duty vehicles.

Erichsen said there may not be a heavy-duty tow for a year or he may get two within a month.

Guerriero and Paladino thought it should be addressed and that they could possibly make provisions for that. They will take the issue into consideration.

O'Connell interjected that he sees no reason to have additional locations staffed when customers could go to the main facility, where the paperwork would be and then go and obtain the vehicle for release.

Brennie said Erichsen can use his other lot for anything except for what is off is the Town of Lloyd tow list.

Erichsen said there has been a lot of talk and he has also received calls that some of the tow operators are trying to put the smaller tow companies out of business. It is untrue.

They are not trying to put the smaller companies out of business they just want it to be fair. They do not want one company to be able to monopolize the Town of Lloyd towing list.

Brennie said the sole purpose of drafting a new towing ordinance was to take a situation that was deemed unequitable and make it equitable. He felt that when the unequitable

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situation is taken away those involved will naturally lash out.

Erichsen said he loves the Town of Lloyd but the towing rotation got completely out of hand. He would like everything to be fair for everyone.

Mark Reynolds, Southern Ulster Times, asked if police call a tow operator and they cannot come can they just send anyone else.

Paladino said it should not be done. It becomes a question of enforcement at that point by the police. There could be disciplinary action and potential suspension from the list. It should be the next company on the list. There is no subleasing or subcontracting.

Brennie said it falls under enforcement with the police.

Guerriero said that a police officer asked him what to do when a call goes out to the next tow operator on the list and someone else shows up. He told him it is supposed to go to the next person on the tow list.

## 5. MOTIONS & RESOLUTIONS

- A. **RESOLUTION** made by Brennie, seconded by Mazzetti to hire Frank W. Alfonso, Jr. as a recreational attendant at the hourly rate of \$9.00 per hour at the recommendation of Frank Alfonso, Recreation Director.

**Roll call:** Brennie, aye; Paladino, aye; Mazzetti, aye; Guerriero, aye.

**Four ayes carried.**

Mazzetti asked if the recreational aide was a new position.

Brennie replied that it is a seasonal position.

- B. **RESOLUTION** made by Mazzetti, seconded by Paladino to accept the resignation of Jonathan Olori, transfer station attendant, effective September 11, 2016.

**Roll call:** Brennie, aye; Paladino, aye; Guerriero, aye; Mazzetti, aye.

**Four ayes carried.**

**Motion** made by Brennie, seconded by Mazzetti to go into executive session with Richard Klotz, Highway Superintendent, to discuss personnel at 5:25PM.

**Four ayes carried.**

**Motion** made by Paladino, seconded by Mazzetti to come out of executive session at 6:00PM.

**Four ayes carried.**

**Motion** made by Paladino, seconded by Brennie to adjourn the meeting at 6:01PM.

**Four ayes carried.**

Respectfully submitted,

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Rosaria Schiavone Peplow  
Town Clerk