

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

SEPTEMBER 14, 2011

Present: Supervisor Raymond Costantino
Councilmember Kevin Brennie
Councilmember Nancy Hammond
Councilmember Herbert Litts, III
Councilmember Jeffrey Paladino

Also present: Sean Murphy, Attorney
Rosaria Peplow, Town Clerk

Absent: None

7:20 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

7:20 PM – Supervisor opened the Public Hearing on proposed Local Law No. E – 2011, a local law to amend Chapters 55, 89 and 90 of the Town Code in respect to construction of improvements and of performance bonds and other security.

Supervisor asked if there were any questions. There were none.

1. LIAISON REPORTS

Assessor – Councilmember Litts said that there was nothing new to report.

Audit – July 1 to September 30 – Councilmember Litts reported that he is up to date on signing the vouchers; however, there are questions on some and he hopes to receive replies on his quires

Building Department – Supervisor Costantino

Building and Grounds – Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond reported that the committee will meet next week and she asked Donna Deeprise, committee member, if there was anything she wanted to say.

Deeprise related that the committee was looking for new members and if anyone is interested, she invited them to come to the meeting Monday, 7:30 (third Monday of each month)

Events – Wendy Rosinski, in her absence, the Supervisor announced that the Highland Hudson Fest will be held October 9, beginning at 10AM, near the Rail Trail parking lot at 75 Haviland Road, a place to showcase the Hudson Valley.

Grants – Supervisor Costantino

Highland Fire Districts – Councilmember Paladino echoed Hammond's sentiments and offered kudos to Firemen, Police, Highway, Water and Sewer personnel for working through Hurricane Irene. Specifically, the firemen responded to 160 calls throughout the situation and the following week.

He also commended those responsible for the outstanding job they did for the 911 ceremony on September 11 and congratulated Everett Erichsen and the other firemen on the new monument.

Highland Central School – Councilmember Hammond reported that the new school year has started but there have been no meetings.

Highland Landing – Matt Smith, Project Manager, in his absence, Hammond stated that Matt Smith could not be at this meeting as he is helping some people who have had problems due

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to the storm and asked her to let the Board know that the Park weathered the storm fairly well. He asked that anyone who may have a question to call him.

Highway

Historian – Elizabeth Alfonso

Hudson Valley Rail Trail – Supervisor Costantino

Justice – Councilmember Hammond reported that the Lloyd Courts are very busy.

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino reported that a public hearing has been set for the September meeting on Savage-Brooks, a two-lot subdivision, which is conditional upon the proper wording of the approval from the ZBA on the flag lot. Public hearing is set for September 22, on the special use permit and site plan approval for John Diaz' concrete business on Riverside Road. Silver Fox Estates, an eight-lot subdivision on Cross Creek Road, off Route 9W north; there was spirited discussion with the residents of Cross Creek but he feels that the Planning Board and residents were satisfied with the answers from the engineers.

There was a Tri-Board meeting last month and the main discussion was design standards.

Police – Councilmember Hammond commended the officers for the wonderful job they did during the storm emergency and said that she was very proud of them, the Highway, Water and Sewer personnel.

Personnel – Councilmember Brennie

Recreation – Councilmember Brennie asked if there has been any update on the start of the construction improvements at Berean Park, in light of the delay because of the high water.

Supervisor answered that Dave Roehrs, Roehrs Construction, had his shop drawings approved and the contract has been signed; the water in the reservoir is being lowered; there was a lot of damage on the beach from Irene.

Brennie reported that Recreation generated about \$51,000.00 in revenues; it has been a very busy year.

Shared Services – Councilmember Paladino

Water and Sewer – Councilmember Litts said that the Water/Sewer Study Committee meeting was postponed and rescheduled for September 15 at 3 PM.

Transfer Station/Recycling – Supervisor Costantino reported that the Transfer Station was open every day last week and the week before; it is back to the normal hours now.

Zoning Board of Appeals – Councilmember Litts reported that he missed the last meeting (September 8) but there has been very little activity.

Supervisor said that the budget process began yesterday and they reviewed various budgets with department heads. Water, Sewer and Highway budgets will be reviewed on September 22 at 9:30 AM.

Raphael Diaz reported that Eric Norberg said that he has 30 arts and crafts people for Hudson Fest, in addition to food vendors and community information booths.

Supervisor is hoping for good weather and reminded everyone about the Rail Trail Gala on October 8 and to let him know if anyone would like a ticket.

2. OLD BUSINESS

A. Roemer & Wallens Contract

Supervisor said that Roemer, Wallens, Gold & Mineaux, LLP are the Town's personnel attorneys and we are negotiating with the PBA and Dispatchers' Union; he asked the Board to review the contract. He, Hammond and Paladino have had the opportunity to work with them and have appreciated their expertise.

B. Mountainside Woods

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Terresa Bakner, attorney, distributed packets of the resubmitted Draft Environmental Impact Statements, on the disc, and an amending zoning petition, submitted in behalf of Mountainside Woods by their attorney, Jane Dailey. Several months ago they submitted a DEIS and it was reviewed by the Town Board's consultant; it was determined that it was incomplete and did not contain all of the information that was supposed to be in the scope. The applicant came in and worked with the Planning Board and the Town's consulting engineers; the applicant worked very hard to answer questions in respect to the design of the conservation subdivision. She believes that this is the first conservation subdivision proposed in the Town under the new zoning regulations and subdivision regulations.

Brennie pointed out that the project started with 625 units and it is now down to 175 units.

Bakner said this is not a PRD it is just a change from one type of residential to another.

They are proposing to give the Illinois Mountain land to the Town; the project has been moved to the other side of the stream, away from any wetland areas; there will be no wetland impact. The area designated for open space recreation has been consolidated, rather than pocket parks.

Paladino added that the Planning Board is pleased with the applicant's effort to accommodate what the Town would like to see.

Bakner said after the DEIS has been reviewed for completeness, the next step (within 30 days) is to determine if it is complete again; if there are specific things to be changed, make specific comments and say, 'it will be complete once you do the following things'. This will be on the Town Board Workshop meeting of October 5; by October 12, the determination will be made what additional things need to be covered. It would be important to have someone here from Barton and Loguidice, as technical reviewers, for the Workshop meeting. The DEIS will be posted on the Town website.

Supervisor said that Barton provided packets on the proposed draft of the PRD overlay zone, language and design standards. This has been seen and discussed by the Town of Lloyd Planning Board; the Ulster County Planning Board response has been received.

Paladino noted that there is a typo that says 'PUD' and not 'PRD' in three places.

Bakner said that these are the design guidelines they have been using, as mentioned in the zoning code when it was adopted but did not want to make it part of the local law as it is hard to change a local law. These are guidelines and could change more often than the zoning local law.

Peplow noted that they tend to get lost if it is not part of the local law.

Bakner answered that they would be approved by resolution. They are referenced in the existing zoning code.

3. NEW BUSINESS

Councilmember Litts said that he wanted to publically acknowledge and thank the people of the Town of Lloyd and the Town Board for their condolences in the event of his father's passing; over 1000 people came to his wake and 300 to his funeral service. He said that he and his family appreciated their concern.

4. PRIVILEGE OF THE FLOOR

Randy Magee, 60 Bellevue Road, said that he watched the Highway department cover up a storm drain on Bellevue Road and was told that the drain did not function; he feels that the drain did work as he has pictures of it. His property is being flooded and would like the problem fixed; although he understood that the hurricane made problems all over town, he did complain before the hurricane.

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- Supervisor said that he knew that there had been a storm drain there because Mr. Santiamo put the drain in himself.
- Magee said that his neighbor pumps water into the road and it runs both sides of the road and down his property; he added that if an easement is needed to come onto the property, he would allow anything that needs to be done. He is using three sump pumps to drain his basement.
- Brennie asked if he has spoken to the Highway Superintendent.
- Magee said that the problem has been acknowledged and said that there was a metal plate over the catch basin that deteriorated and it was filled in.
- Supervisor said that there will be a meeting on September 22 with the Highway Superintendent and he will speak to him about the problem, adding that the Highway Superintendent is an elected official and he decides on the work to be done; the Town Board approves the money for the work that is to be done.
- John Canner, 10 Woodside Place, lived there for 22 years; in 2005, the flooding started, 37-inches in his basement. This was the time that the Highland Middle School property was re-graded; in 2007 and 2008, the flooding continued and last weekend he had 4-feet of water with two sump pumps removing the water. Through the years, he has lost washers, dryers and hot water heaters. He has spoken with Lombardi and he was told to write a letter to the Town Board; he decided to come to the Town Board meeting. He did speak with Shari Riley in the Building Department who determined that it was not his problem but the School District's problem. His neighbor had 7-inches of water in his basement; 8 Woodside Place had no water in the basement. This is the fourth time that the flooding has happened and he would like some help.
- Supervisor explained that the Village Field was a swamp originally and then the playing fields and parking lot were created. The water used to drain out Woodside, between the houses and through the rock cut, behind 8 Woodside Place. and further on; the drainage now comes into town by the Methodist Church. The drainage is not deep enough to protect Canner's house, it fills up and flows toward Woodside. The bubbling manhole cover will be addressed by lining the sewer pipe and the Sewer department is going to connect that manhole to the next one as an overflow. That is a dead-end manhole and there is so much water that cannot go down the hill so it bubbles out of the top.
- David Chapman, 17 Woodside Place, said that due to the large number of rain storms early in the spring when the ground was still frozen, his cast iron sewer line froze at 3-feet down; a plan was in place to make repairs when school was not in session.
- Bonnie Chapman, 17 Woodside Place, added that they have been putting off repairing their line until the Sewer department fixes its line.
- Supervisor said that he spoke to Dave Campala about putting in an overflow.
- Litts added that the Water and Sewer Committee met and decided to proceed with putting in the overflow; instead of bubbling out the top, it runs backward toward the NAPA store on Route 9W and Woodside Place.
- Chapman is concerned that the 8-inch line will not help him.
- Litts explained that the pipe will be relined to stop the water from leaking into the pipe through the cracks and bell housing and to keep only the sewage in the pipe. This will drastically reduce the flow in that pipe and combining that with the overflow, the problem should be solved. Morris & Associates, engineers, have done the study.
- Supervisor said that when the sewer pipe is relined and the ground water is kept out of it, much more water is going to go to John Canner's; the drainage needs to also be solved.
- Rose Bellacicco, 18 Woodside Place, said that they also lost everything this time in their basement apartment; the backyard filled up; they used three sump pumps and the water did not stop.

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James Bellacicco, 18 Woodside, said that they had dug a hole in the backyard, filled it with gravel, plastic barrel with holes in it with two sump pumps in the barrel and one on the ground closer to the house, which ran all night long and over 3-feet of water still came in the house.

Bonnie Chapman said that when the road was paved, it formed a trough in which the water runs. She also said that there are two abandoned houses (numbers 20 and 22) on the street that were also flooded and there is no one to take care of the problem.

Supervisor assured them that this problem will on the list of problems to be addressed.

Michael Bellacicco, 1 Toc Drive, next to Orchard Hills Apartments, before the house was built, a road from Toc would go into the apartment complex and there was a culvert pipe under the road to let the water pass. The culvert was never connected to other drainage; the water percolates out of the ground and into his house.

Supervisor asked him to sketch the property showing his house and pipe, indicate your name and phone number, which could be shown to the engineer.

Leonard Casabura, 1 Christopher Avenue, asked what happened to the Drainage Committee

Supervisor answered that the Town Board passed a resolution to borrow \$2-million to do drainage projects; \$1-million was borrowed.

Casabura interjected that it was \$1,175,000.

Supervisor said that they started to do drainage projects and it was then realized that the bond was coming due, there was no tax for it, no provisions to pay for it and drainage districts were not established. The bond became due so his office scraped up the money and paid off the bond, which ended the committee. He was not on the committee and was not in charge of the money; he did find some engineering drawings of Christopher Avenue from that time. He said that has to be on the list and he has been advocating drainage instead of using the money to blacktop.

Casabura appreciated what he said but at the time of the drainage bond, the project for his street would have cost \$60,000.

Supervisor answered Brennie's question and said that the theory of the Highway Superintendent that drainage is not in his job description. Highway money is collected to build and maintain the roads; if the drainage is to protect the road, within the 30-foot or 50-foot boundary, that is correct.

Brennie asked who did the drainage work.

Supervisor answered that it was the Highway Department and Highway will do the work if paid to do the work.

Litts said that the existing pipe system should be cleaned out at the very least.

Ron Perkins said that the last time it was cleaned out he took a fire truck down there and blew it out.

Casabura feels as if he is caught in a Catch 22; he feels that if the pipe is lowered, it would probably solve both his problem and Gene Mayer's and he would not have to put in a b-dry system in his house. The street floods in a typical rain storm.

Gene Mayer, 3 Christopher Avenue, said that it floods down to his second driveway, down to the front of the garage out back, across the back lawn and into the pipe; the whole street drains into his yard.

Supervisor thanked them for their input. The Board will budget money for the Highway and it is up to the Highway Superintendent as to how it is spent. He said that he will advocate drainage instead of paving roads to the new Superintendent of Highways; the balance of the drainage bond was used to pay off the bond.

Paladino felt that with the influence of the property owners and the Board, this will get done; he suggested that they attend the budget meeting for Highway on September 22.

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Hammond said that because they came to the meeting and spoke to the Town Board, the Board can stress to the Highway Superintendent that this is a top priority.

Brennie feels that this should be discussed with the candidates for Highway Superintendent.

Magee said that there is no one in charge of drainage; it is a job that does not exist.

Resident of Francis Drive/Crimi Circle asked that these roads are also put on the list for drainage conditions that need to be corrected.

Perkins said that he knows what the problems are and they were supposed to have been addressed in 2003 and it has not; he would like an answer as to what the Town Board is going to do to correct the problem.

Paladino assured Perkins that he will speak to the issue at the budget meeting on September 22, 9:30 AM, with the Highway Superintendent.

Jim Fawcett, River Road, stated he has a claim in to FEMA for the water in his backyard and damage and is concerned about shoring up the sewer line in the Twaafskill.

Supervisor said that he will attend a meeting in Kingston next week with FEMA.

Raphael Diaz offered he has attended Town Board meetings consistently for the last eight years and the drainage issue has been brought up.

Peplow said that as keeper of the Town records, she does have a file on the Drainage Committee meetings that were held and the projects that were proposed to the Town Board to be repaired by use of the bond money that was acquired.

Casabura asked why the committee ended and why did the work of the Drainage Committee stop. The Committee was to consist of the Highway Superintendent, one Town Board member, the Town attorney, the engineer to Town Highway, a Planning Board member and Town Building Inspector.

Supervisor said that the Drainage Committee spent over \$1-million and there was no way to charge back that money; the Committee ended because they had no money to spend.

Brennie guessed that each time there was a meeting it cost \$2000 because the consultants and lawyers had to be paid.

Casabura suggested a committee of the Highway Superintendent, Building Inspector, a Town Board member and a Planning Board member, who could meet and reestablish guidelines.

Supervisor would like to look at the project and decide the priority.

Litts said that the Board has to look at funding the projects.

Supervisor asked Casabura if he would be willing to sit on the committee.

Casabura replied that he will consider it but felt it might be a conflict of interest as he works for the Town and it would be said that his project was given preferential treatment.

Mark Reynolds, *Southern Ulster Times*, asked if the Town Board is willing to look into the 2010 procurement irregularity concerning the Town's Insurance. The 2009 records and all quotes from 2009 are missing. He is referring to the complete RFP process that happened and documentation that is in the file. The insurance quotes will reveal that there are significant discrepancies. He had been foiling for that since July, the 2010 RFP are in the file.

Supervisor said that he had it at one point and less than a week later said that he did not have it.

Litts asked if it was for a particular contract.

Reynolds answered that it was for the Town's liability insurance; 2010 was not given to the lowest bidder, he felt that the numbers on the side-by-side comparison done by Wendy Rosinski, secretary, is incorrect.

Paladino commented that professional services do not have to go to the lowest bidder.

Reynolds agreed but said that what is shown by Rosinski's numbers that the low bidder was W. A. Smith and should have gotten it was shown to be a higher number. He would like to

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know why it was not given to the lowest bidder and Town law states that you have to show why it was not given to the lowest bidder.

Paladino said he will investigate.

Canner asked why the maintenance of the roads and so on is determined by an elected official and is there anything in the Charter that can be changed.

Supervisor answered that the Highway Superintendent is an elected official because that is the way those positions were established. Residents could choose not to elect; by referendum; it could be decided not to have a choice and allow the Town Board to hire a highway manager.

Hammond said in order to do that, petitions would have to be signed by a percentage of the registered voters who voted in the last gubernatorial election; she believes that it is too late to put it on this year's ballot but will call the Board of Election for the procedure.

Deeprose posed then he would be an employee of the Town.

The Board agreed and said that he would serve at the pleasure of the Town Board.

Supervisor said that a Department of Public Works has been discussed which would include Water, Sewer, Drainage, and Highway and be overseen by an engineer hired by the Town Board.

Litts said that an engineer for a Department of Public Works would command a salary between \$150,000 and \$165,000.

5. RESOLUTIONS

A. MOTION made by Paladino, seconded by Brennie, to approve the minutes from: Workshop Meeting of August 3, 2011; Regular Meeting of August 10, 2011; Special Meeting of August 18, 2011; Special Meeting of August 31, 2011.

Five ayes carried.

B. MOTION made by Brennie, seconded by Hammond, to close the Public Hearing on Local Law No. E – 2011, a local law to amend Chapters 55, 89 and 90 of the Town Code in respect of construction of improvements and of performance bonds and other security at 9:20PM.

Five ayes carried.

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

General	G996 to G1104	\$ 62,547.73
Highway	H393 to H433	\$ 99,542.93
Miscellaneous	M265 to M	\$1,108,735.15
Prepays	P204 to P	\$ 44,442.10
Sewer	S237 to S	\$ 9,649.68
Water	W295 to W	\$ 84,430.07

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

Four ayes carried.

D. RESOLUTION made by Brennie, seconded by Paladino,

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

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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

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

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

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Town Board has determined to require public scoping for the GEIS in accordance with the SEQRA regulations at 6 NYCRR Section 617.8;
2. The public scoping meeting will be held at the Town Board's meeting on October 12, 2011 at 7:00 p.m. in the Town of Lloyd Town Hall Meeting Room at 12 Church Street, Highland, New York, 12528 and written public comments will be accepted on the draft scope until October 28, 2011—all written public comments should be directed to the attention of the Town Clerk at the Town of Lloyd Town Hall;
3. The Town Board directs that the attached notice of public scoping be posted on the Town website and published in the Town's official newspaper;
4. The Town Board directs that the attached notice of public scoping and the draft scope be provided to the involved and interested agencies and the applicant and that the draft scope be posted on the Town website; and
5. The Town Board requests that the Town Planning Board and Town Zoning Board of Appeals review the draft scope of the GEIS and provide comments in writing, if any, to the Town Board by October 28, 2011.

Terresa Bakner, attorney, explained that this resolution accepts the draft scoping document for the Hudson Valley Winery project; the Board has already decided that they want to do public scoping but now that the draft scope has been reviewed preliminarily by the Town's consultants (Barton and Loguidice), they feel that it can go out in draft form to the public and the involved and interested agencies for comment. This will be mailed to the involved and interested agencies, posted on the Town website so that it has maximum distribution and anyone can comment on it. The applicants met with NYSDEC to discuss the concerns of DEC; she asked them to let the Town know the next time they meet.

Bakner read the meeting notice for the draft scope on the DEIS for the Hudson Valley Wine Village project; written comments will be accepted until October 28. The Planning Board will have two meetings to review the draft scope and to give the Town Board their comment. There are 60 days, until November 9, under SEQRA to respond.

Hammond asked if the Board will receive the comments from the DEC.

Bakner said that she would contact Jim Connors, Chazen Associates, Hudson Valley Wine

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Village, for his meeting notes; DEC has an obligation to communicate with the Town Board. Dan Whitehead at DEC is reviewing it; he may be called directly if there are any questions.

Litts confirmed that DEC would also provide their comments to the Board.

Deeproase asked if a copy of the DEC letter was given to Jack McGuire, EEC Chair, and if not she would like one to give to him and Bakner gave her a copy.

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

Five ayes carried.

- E. RESOLUTION** made by Paladino, seconded by Brennie, authorizing the transfer of Donald Parker from the position of Groundskeeper II and Transfer Station Attendant to Laborer for the Sewer Department at the base rate of \$17.20 effective Monday September 19, 2011. This position has been posted as outlined in the CSEA Collective Bargaining Agreement and Mr. Parker is the only applicant and meets the qualifications necessary to hold the position.

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

Five ayes carried.

- F. RESOLUTION** made by Hammond, designating Frank Lombardi, Highway Superintendent to oversee and manage the operation and personnel of the Transfer Station and Buildings and Grounds effective immediately at no additional remuneration. The position of Highway Superintendent states that additional duties such as operations and maintenance of the Transfer Station can be assigned; and the Highway Superintendent possesses the manpower and equipment necessary to the operation and maintenance of the Transfer Station and Buildings and Grounds.

Resolution failed for lack of a second

Paladino presented an amended resolution, omitting Buildings and Grounds:

RESOLUTION made by Paladino, seconded by Brennie, designating Frank Lombardi, Highway Superintendent to oversee and manage the operation and personnel of the Transfer Station, effective immediately, at no additional remuneration. The position of Highway Superintendent states that additional duties such as operations and maintenance of the Transfer Station can be assigned and the Highway Superintendent possesses the manpower and equipment necessary to the operation and maintenance of the Transfer Station.

Roll call: Costantino, aye; Paladino, aye; Hammond, nay; Litts, aye Brennie, aye.

Four ayes carried.

- G. RESOLUTION** made by Brennie, seconded by Paladino, to authorize the Supervisor to sign the RDA Systems Level III Support Terms and Conditions. This is the agreement for the Upgrade D Bookkeeping System. (See Attached)

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

Five ayes carried.

- H. RESOLUTION** made by Hammond, seconded by Brennie, to approve the following budget amendments:

General Fund

Berean Park PS	00-06-7310-12	+\$1,000.00
Summer Fun PS	00-06-7310-13	-\$1,000.00
(Reallocate funds for summer salaries)		
Recreation CE	00-06-7310-40	+\$1,875.00

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Insurance Recovery 00-2685 -\$ 1,875.00
(Insurance payment received from Allstate for N. Machin damage sustained 6/3/11)

Transfer Station PS 00-07-8260-10 +\$16,000.00
Building & Grounds PS 00-01-1630-10 - \$16,000.00
(Reallocate payroll funds between Building & Grounds and Transfer Station)

Highway Fund

Carolyn Dr. & Joan Pl 01-04-5112-41 +\$7,222.00
Ose Road 01-04-5112-37 -\$ 4,254.00
CHIPS 01-3501 -\$ 2,968.00
(Add Joan Place to Carolyn Dr. project)

Sterling Place 01-04-5112-38 +\$23,871.00
Ose Road 01-04-5112-37 - \$ 1,000.00
North Road 01-04-5112-40 - \$20,000.00
CHIPS 01-3501 -\$ 2,871.00
(Sterling Place went over budget)

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

Five ayes carried.

I. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, a local law, being proposed as a Local Law, was introduced at this meeting as Local Law No. H – 2011, a local law to rescind in its entirety Local Law No. 5 of the year 2011 entitled “A local law to amend Chapters 55, 89 and 90 of the Town Code in respect of construction of improvements and of performance bonds and other security”.(copy of Local Law attached)

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 12th day of October, 2011 at 7:00 p.m.; and it is further

RESOLVED, that the within local law is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; 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.

Town of Lloyd, Ulster County, New York
Local Law No. H of the Year 2011

A local law to rescind Local Law No. 5 of the year 2011 in its entirety

Section 1. Purpose

To rescind in its entirety Local Law No. 5 of the year 2011 entitled “A Local Law to amend Chapters 55, 89, and 90 of the Town Code in respect of Construction of Improvements and of Performance Bonds and other Security”

Section 2.

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

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

Five ayes carried.

J. RESOLUTION made by Hammond, seconded by Brennie,

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WHEREAS, a local law, being proposed as Local Law No. F– 2011, was introduced as follows: Local Law No. F – 2011, a local law to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development.

(copy of Local Law attached)

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 12th day of October, 2011 at 7:00 p.m.; and it is further

RESOLVED, that the Town Clerk is directed to publish and post a notice of said public hearing in accordance with law and circulate pursuant to the Town of Lloyd Code, the New York State Town Law and the New York State General Municipal Law to the Town of Lloyd Planning Board, the Ulster County Planning Board, surrounding towns and any other interested agencies for response prior to the public hearing; and it is further

RESOLVED, that the Town Board of the Town of Lloyd has determined that the within local law is an unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the Town Board, with the Board assuming lead agency to do all necessary reviews in the matter.

LOCAL LAW

PRD

PLANNED RESIDENTIAL DEVELOPMENT

SECTION 1

A. GENERAL DESCRIPTION

The PRD District is intended to encourage flexibility and innovation in land use in residential developments. Through careful planning, such districts will provide for the best use of the site consistent with the goals of protecting and embracing the natural environment. At the same time, it is intended that projects within any PRD District provide a compatible blending with surrounding development, minimizing such negative impacts as land use conflicts, traffic congestion, and excessive demands on existing or proposed public facilities.

B. Establishment.

A Planned Residential Development District may be established by the Town Board either on its own motion or as a result of a petition from the owner or owners of property complying with the standards and requirements set forth in this chapter for Planned Residential Development Districts. The Town Board may waive or modify any part of the requirements of this section.

C. Application; review; public hearing; action.

Application, review, public hearing and action with respect to the establishment of a Planned Unit Development District shall be as follows:

D. Considerations

In determining whether exceptions to district standards should be allowed, particularly as regards the intensity of land use, the Town Board shall consider the following factors.

- A. The need for the proposed land use in the proposed location.

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- B. The availability and adequacy of water service.
- C. The availability and adequacy of sewer service.
- D. The availability and adequacy of transportation systems, including the impact on the road network.
- E. The pedestrian circulation and open space in relation to structures.
- F. The character of the neighborhood in which the PRD is being proposed, including the safeguards provided to harmonize the proposed use on adjacent properties with the neighborhood in general.
- G. The height and bulk of buildings and their relation to other structures in the vicinity.
- H. Potential impacts on local government services.
- I. Potential impacts on environmental resources including wetlands, surface water, flood plains, and plant and wildlife communities.
- J. The general ability of the land to support the development as well as stormwater management, including such factors as slope, depth to bedrock, depth to water table and soil type.
- K. The potential for re-development of brownfield and other underutilized properties.
- L. Other factors as may be deemed appropriate by the Town Board.

E. Procedures and Escrows:

1. The owner of the land or agent thereof shall submit an application for a PRD rezoning to the Town Board. An application fee set by the Town Board and amended from time to time in the Development Fee Schedule shall accompany the application. A sketch plan, drawn to scale, together with a narrative description, shall also accompany the application. The Town Board at its next regularly scheduled meeting may, if it determines the proposal merits review, refer the application with a copy of the sketch/plan to the Planning Board for its review and recommendation within 40 days of the date of the application. Any such referral to the Planning Board should not be construed as an approval of the application. If the Town Board determines that the proposal does not merit review because it does not meet the purposes of this Article, it shall not refer the application to the Planning Board and no further action on the application shall be taken. The application fee will be refunded to the applicant.
 - a. An escrow amount shall be established by the applicant to pay for the Town's consultant's fees, including engineering and legal fees, incurred in the evaluation of the plans and documentation for the PRD.
2. The Town Board shall require the applicant to furnish basic site data pertaining to the boundaries of the proposed PRD or of an amendment to a PRD, existing zoning, topography, subsoil conditions and such other data as the Planning Board may deem appropriate, and such preliminary plans as may be required for an understanding of the proposed development, with the petition for the desired PRD. All applications for PRDs or for amendments to PRDs shall be accompanied by a long form environmental assessment form as set forth in the New York State Environmental Quality Review Act. The Town Board will be the lead agency amongst all Town agencies.
3. PRDs shall be considered as a single parcel for the purpose of applying the regulations. The Planning Board will consider all zoning parameters for the district in which the PRD is located in making its recommendation.
4. The Planning Board may request such changes in said preliminary plans as are found to be necessary. The Planning Board may request such additional requirements as are deemed reasonably necessary to protect the established or permitted uses in the district(s) and to promote and protect the orderly growth and sound development of the Town. In making its

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recommendation on the proposed development and changes, if any, in the preliminary plans, the Planning Board shall consider among other things, the following:

- (1) The need for the proposed land use in the proposed location.
 - (2) The existing character of the neighborhood in which the use would be located.
 - (3) The location of principal and accessory buildings on the site in relation to one another.
 - (4) The pedestrian circulation and open space in relation to structure.
 - (5) The traffic circulation features within the site and the amount, location and access to automobile parking areas.
 - (6) The height and density of buildings and their relation to other structures in the vicinity.
 - (7) The proposed location, type and size of display signs, driveways, loading zones and landscaping. In addition, an applicant for a PRD shall, in order to insure uniform sign design throughout such district, submit his plans pertaining to signs in the district to include the location, type and size of all proposed signs.
 - (8) The safeguards provided to minimize possible detrimental effects of the proposed use on adjacent properties and the neighborhood in general.
 - (9) Adequacy of drainage, storm water management, water supply and sewerage disposal facilities.
 - (10) Is the project / rezoning consistent with the Town Comprehensive Plan.
 - (11) Such other matters as the Planning Board may consider pertinent.
5. The Planning Board shall recommend approval, approval with modifications, or disapproval of such application and shall report its findings to the Town Board within 60 days following the date of referral to the Planning Board. This period may be extended with the consent of the applicant.
 6. The Town Board shall within 45 days following receipt of the report from the Planning Board hold a public hearing on the proposal, with public notice as provided by law, as in the case of an amendment to this local law. If, however, a positive declaration of environmental significance is issued, the hearing shall be held after the acceptance of the DEIS as complete, preferably at the same time as the hearing on the DEIS.
 7. The Town Board may then amend this local law so as to define the boundaries of the PRD. Such action shall have the effect only of granting permission for development of the specific proposed uses, including building and area specifications, in accordance with the preliminary plans filed with the Town Board. Such amendment of this local law shall not constitute or imply a permit for construction or approval of construction plans.
 8. In the event that the Planning Board has disapproved such proposal, or approved with modifications which the applicant is unwilling to make, the Town Board shall either incorporate the proposed modifications or set forth its reasons for not incorporating such modifications. If the Town Board has not incorporated the proposed modifications of the Planning Board, such modifications cannot later be the grounds for disapproval of the site plan or subdivision plat by the Planning Board.
 9. If construction work on the proposed development has not begun within 3 years of the Town Board approval and the project is not under ongoing review by the Planning Board, and such work is not completed within the period of time specified by the Town Board, approval of the application shall become null and void. All rights granted under the PRD shall revert to the same regulations and restrictions as were effective before such approval, unless the Town Board for good cause authorizes an extension, which may be authorized without a public hearing. The Town Board may grant such extensions for up to three additional years, or parts thereof.

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10. Recreation fees shall be paid to the Town according to a schedule that may be amended from time to time. The fee shall be calculated at the time of the signing of the maps as that fee currently on the fee schedule.
11. The tract or tracts of land under application for consideration for a PRD may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. An application must be filed by the owner or jointly by the deeded owners or their agent of all parcels included in the project. In the case of multiple ownership, the approved plan shall be binding upon all the owners, and such owners shall provide written certification of such binding agreements.

SECTION 2 PERMITTED USES AND STRUCTURES

1. Single-family detached and attached dwellings; zero lot-line detached and attached dwellings
2. Two-family dwellings; multi-family dwellings; condominiums; apartments
3. Accessory uses and structures including noncommercial greenhouses and plant nurseries, unattached private garages and carports, tool houses and garden sheds, children's play areas and play equipment, swimming pools, gazebos, and the like when meeting the following conditions:
 - a. Shall be customarily and clearly incidental and subordinate to permitted principal uses and structures.
 - b. Shall be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
4. Public, private and parochial schools; childcare centers
5. Recreational and community assembly facilities intended for the primary use and convenience of the residents within the PRD District and their guests.
6. Public parks and public recreational facilities, including golf courses, fields or specially designated areas.
7. Churches and similar places of worship
8. Home occupations subject to the provisions of Section 100-33 of the Zoning Code

SECTION 3 USES PERMITTED ON REVIEW

Upon review and approval by the Planning Board neighborhood commercial activities may be permitted subject to the following conditions:

1. No commercial activities will be permitted within any PRD containing fewer than two hundred (200) dwelling units.
2. All commercial facilities must be designed as an integral part of the development; external advertising or other characteristics which would negatively alter the residential scenic quality, noise level, or traffic load shall not be permitted.
3. The commercial activities permitted within a PRD shall not in the aggregate exceed more than four (4) percent of the total floor area within such development, provided further that the maximum floor area devoted to any single activity shall not exceed 3,000 square feet.
4. All commercial facilities authorized must be intended for the primary use and convenience of the residents within the PRD District and their guests.

SECTION 4 PROHIBITED USES AND STRUCTURES

Any use or structure not specifically permitted.

SECTION 5 MAXIMUM DENSITY

The maximum number of dwelling units in any PRD District shall be computed by multiplying the net acreage to be developed by fifteen (15), excluding any area to be developed as a church, school, child care center, or commercial use (as approved by the Town Board.)

SECTION 6 MINIMUM OFF-STREET PARKING REQUIREMENTS

Off-street parking shall be provided so as to comply with the requirements of Section 100-29 of this Zoning Code. The following requirements shall additionally apply:

1. Off-street parking shall be provided on a site convenient to the building it is designed to serve.
2. At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of one hundred (100) feet from the nearest entrance to the building housing the dwelling unit the space is to serve.
3. Where appropriate, common driveways, parking areas, walks, and steps shall be provided, maintained, and lighted for night use
4. Screening of parking and service areas is encouraged and may be required through the ample use of trees, shrubs, hedges, and screening walls.

ALL DRIVEWAYS AND PARKING AREAS SHALL BE PAVED.

SECTION 7 SITE PLAN REQUIREMENTS

All developments requiring building permits shall conform with the applicable site plan requirements of Article 8: Section 100-53 of this Zoning Code.

SECTION 8 DESIGN STANDARDS

The following design standards shall apply for all PRD developments. These standards are in addition to any applicable standards from Appendix A of the Zoning Code: Design Standards. The Town Board during their review may waive any requirements of the following standards if they find that it is not in the best interest of the community.

1. Access
 - a. Access to each single-family dwelling unit shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles, and school buses.
 - b. Access to buildings containing multi-family dwelling units under individual ownership shall be provided via a public right-of-way or a private driveway owned by the individual in fee simple or in common ownership with the other residents of the PRD. Access and circulation shall adequately provide for firefighting and emergency vehicles, and school buses.
 - c. Access to buildings containing multi-family dwelling units not owned by their occupants shall be provided via a public right-of-way. Access and circulation shall adequately provide for firefighting and emergency vehicles, and school buses.
2. Obstruction of Vision at Intersections

Nothing shall be constructed that may interfere with the visibility at the intersection of any private drive, entrance or exit from a common parking area.
3. Area and Bulk Regulations
 - d. There shall be no minimum lot size, no minimum setbacks lines (except as specified in Section 7 of this section), and no maximum percentages of lot coverage in any PRD District.
4. Spacing of Structures
 - e. The location of all structures shall be as shown on the Final PRD Plan.

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- f. The proposed location of all structures shall be in harmony with existing or prospective adjacent uses and to the existing or prospective development of the neighborhood.
 - g. There shall be a minimum distance between detached structures as follows:
 - i. One and two stories -- 15 feet
 - h. No individual residential structure shall extend more than two hundred (200) feet in length.
5. Height of Buildings
- i. The maximum building height for any building located within two hundred (200) feet of an adjacent residential district shall be thirty-five (35) feet.
6. Common Open Space
- j. Quantity of Common Open Space
 - i. The Town Board shall determine the amount of acreage within any PRD district which shall be set aside for use as common open space.
 - k. Quality and Improvement of Common Open Space
 - i. No open space may be accepted as common open space under the provisions of this Zoning Code unless the location, shape, size and character of the open area are suitable for use of residents in the PRD.
 - l. Common open space must be for amenity or recreational purposes. The uses authorized for the common open space must be appropriated to the scale and character of the PRD considering its size, density, topography, and the number and type of dwelling units to be provided.
 - m. The development schedule, which is part of the Preliminary PRD Plan, must coordinate improvement of common open space with construction of residential dwellings so that such space becomes available as dwelling units are occupied.
 - n. The developer shall submit a Financial Guarantee in form of an irrevocable letter of credit, cash, or certified check as assurance that the buildings, structures, and improvements identified as common open space will be completed. If at any time, the financial guarantee lapses, the PRD approval shall lapse and may only be reinstated by action of the Town Board.
 - o. Maintenance of Common Open Space
 - i. All common open space shall be preserved for its intended purpose as expressed in the Final PRD Plan. The developer shall choose one or a combination of the following methods of administering common open space.
 - ii. Public dedication to the Town of the common open space. This method is subject to formal acceptance by the Town.
 - iii. Establishment of an association or non-profit corporation of all individuals or corporations owning property within the PRD to insure maintenance of all common open space. Such entity must be approved by the NYS Attorney General's Office and the appropriate filings made with the NYS Attorney General's Office.

7. Privacy

Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walls, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, the screening of objectionable view or use and the reduction of noise.

SECTION 9 SITE IMPROVEMENTS

1. Streets

The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area together with provisions for street improvements, shall generally comply with standards set forth in Chapter 89: Streets and Sidewalks of the Town of Lloyd Code. However, the uniqueness of each proposal for PRD may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications of the Subdivision or other Regulations. Upon application from the developer and good cause shown, the Planning Board may permit changes or alterations of such standards that are consistent with the spirit and intent of this Section.

2. Utilities

- a. The provision of underground utilities (including electricity, telephone and cable television) in both public and private extensions thereof shall be mandatory in every PRD.
- b. Provisions shall be made for acceptable design and construction of storm water facilities including grading, gutters, piping, and treatment of turf to handle storm water and prevent erosion.
- c. Fire hydrants shall be spaced according to the Town of Lloyd Water Department regulations for location of fire hydrants.
- d. Refuse Collection: All collection facilities and containers shall be permanently screened in a manner that is sufficient to completely remove facilities from sight. If individual dwelling receptacles, such as garbage cans, dumpsters, etc, are part of the plan, those receptacles shall be placed in their locations of collection no more than 18 hours before the collection, and shall be removed no more than 18 hours after collection.
- e. Streetlights shall be provided where practicable or for safety reasons. Streetlights shall be shielded and of appropriate wattage. The Planning Board should use its discretion to allow types of lighting that will complement the PRD neighborhood.

3. Pedestrian Circulation

- a. The "Complete Street" model should be used for design of the road way. Consideration must be given to all users of the roadway: bicyclists, public transportation vehicles and riders, pedestrians, and vehicular traffic.
- b. A pedestrian circulation system is required. Where practicable, the system and its related walkways shall be separated as completely as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement. This separation shall include, when deemed necessary by the Planning Board or Town Board, pedestrian underpasses and overpasses in the vicinity of schools, playgrounds, residential uses, and other neighborhood uses that generate a considerable amount of pedestrian traffic.
- c. Sidewalks may be required where practicable. The sidewalk shall be separated from the street by a grassy strip no less than 3 feet across. Sidewalks should not dead-end unless transitioning to a non-paved trail or park area. Sidewalks shall be constructed of concrete.
- d. Street Trees shall be located on the side of the sidewalk away from the street in order to minimize damage to trucks. Trees shall be planted at appropriate distances from the sidewalk to inhibit root damage of drains, septic pipes, sidewalks and roadways.

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

Five ayes carried.

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K. MOTION made by Brennie, seconded by Paladino, to place discussion of the establishment of a drainage committee and guidelines on the next Regular Town Board meeting agenda under Old Business.

Five ayes carried.

Supervisor noted that he read in the newspaper there will be a 'Mud Day' event, at the Bob Shepard Highland Landing Park, sponsored by the Lloyd Development Association and he is concerned that the Town has not received a certificate of insurance to protect the Town's interest.

Donna Deeprise will endeavor to furnish the Town with the use form and certificate.

Supervisor stressed that it is a not-for-profit organizing using Town property and are charging admission; a certificate of insurance must be submitted before the event. He asked Hammond if she knew of the event.

Hammond answered that she has been away from Town and did not know until she received a recent email.

Murphy said that the Rail Trail association does have check list and procedure and a recommendation is made to the Town Board for approval.

Deeprise added that the Highland Landing Park Association is working on an adaptation of the form.

Litts felt that there was some discussion about extending that to other Town properties as the Board talked about possible events at the Highland Landing Park.

Deeprise agreed that it has been discussed and they have the forms from the Rail Trail and she said that she look into it.

Supervisor said that he expected a lot of people to attend as there is a full-page article in the local paper and an ad in the *Poughkeepsie Journal*.

All agreed that an insurance certificate is needed before the event is held.

Hammond addressed John Gallagher, Highland Hose Fire Chief, regarding the National Incident Management System (NIMS) training and asked if it has been offered to Town personnel; she is NIMS certified.

Gallagher answered that the fire company has one instructor to teach the ICS 100 training; the NIMS 2008 training guidelines instructs what elected officials are required to do. He suggested that Hammond needs additional training as there have been some changes; (Incident Command System) ICS 100, ICS 200 and ICS 700 is required. The training can be done online and found at FEMA.gov, it is independent study and can be taken in about two hours. He feels that those who have taken the courses previously need to update. He will email the requirements.

He said that the Comprehensive Emergency Plan needs to be redone as the plan that was previously approved was very basic and not specific. It did not cover annexes that were mentioned; there is nothing in the plan that mentions flooding, wildfire or other types of disaster. He gave the Supervisor a plan to look at and the Town of Lloyd's plan could be modeled after that.

MOTION made by Brennie, seconded by Paladino, to go into executive session to discuss personnel at 10:00 PM.

Five ayes carried.

MOTION made by Litts, seconded by Hammond, to come out of executive session at 10:56 PM.

Five ayes carried.

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MOTION made by Litts, seconded by Hammond, to adjourn the meeting at 10:57 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk