

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

SEPTEMBER 16, 2015

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

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

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

PROCLAMATION

Vito F. Dispensa, Jr.

Memorial Resolution

RESOLUTION made by Councilmember Guerriero, seconded by Councilmember Horodyski,

WHEREAS, Vito F. Dispensa, Jr., a lifelong resident of Ulster County, was taken from our midst on September 9, 2015; and

WHEREAS, Vito F. Dispensa, Jr., married Martha Attard at St. Augustine Church, Highland, New York, on January 6, 1957; and

WHEREAS, Vito F. Dispensa, Jr., was an electrician, and a longtime member of the IBEW Local Union 363 out of Harriman, NY, and

WHEREAS, Vito F. Dispensa, Jr., was a faithful member of St. Augustine Church and a 3rd degree Knight of Columbus; and

WHEREAS, Vito F. Dispensa, Jr., proudly served his country as a United States Marine from 1954-1956 and his military service would be one of his legacies in the Hudson Valley; and

WHEREAS, Vito F. Dispensa, Jr., was the Commander of the American Legion Post #193 Highland, New York, for the last six years; and

WHEREAS, Vito F. Dispensa, Jr., spent countless hours aiding not only the surviving veterans but also making sure all veterans who pass away receive Military Honors with respect and dignity working numerous funeral details in the Hudson Valley; and

WHEREAS, Vito F. Dispensa, Jr., was the Ulster County American Legion 2nd Vice Commander; and

WHEREAS, Vito F. Dispensa, Jr., was the Chairman of the Ulster County Veterans Cemetery in the New Paltz Rural Cemetery; and

WHEREAS, Vito F. Dispensa, Jr., was very active in local politics serving as a Town of Lloyd Councilman and a Committeeman of the Town of Lloyd Democratic Committee; and

WHEREAS, Vito F. Dispensa, Jr., donated his professional services as an electrician to many not-for-profit organizations; and

WHEREAS, Vito F. Dispensa, Jr., was also an avid outdoorsman and was a member of the Lloyd Rod and Gun Club and enjoyed fly fishing all over the country; and

WHEREAS, Vito F. Dispensa, Jr., was known for his kindly manner, his sense of humor, his honesty and integrity, his friendship to all, his devotion to family and community; and

WHEREAS Vito F. Dispensa, Jr., is and will be sorely missed by his community, friends and family; and

NOW, THEREFORE, BE IT RESOLVED that this Regular Meeting of the Town of Lloyd, Town Board, be opened in memory of Vito F. Dispensa, Jr.; and

BE IT FURTHER RESOLVED that a certified copy of this resolution is delivered to Martha Dispensa, his widow, with the deepest sympathy of this Town Board of the Town of Lloyd.

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

Five ayes carried.

Supervisor commented that Vito will definitely be missed. He was a phone call away if electrical help was needed for events in the hamlet. He would drop whatever he was doing and take care of the matter. He thanked the Town Clerk for writing the proclamation; she replied that it was an honor to do so.

1. REPORTS – Town Board Liaisons

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

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

ECC /Zoning Board – Councilmember Michael Guerriero said that he was not able to attend the Zoning Board of Appeals meeting. He received a letter from Tom and Linda Cahill, who attended the meeting last week, about the BAN for improvements to the Highland Water District. He would like a response to them from the Town Board regarding their property which is in the Water District but not receiving the benefit of town water.

Supervisor acknowledged that was brought up at the public hearing and said Sean Murphy, attorney, is now researching the issue.

Murphy said he did not know how that originated and that he was going to ask Ray Jurkowski, Morris Associates, consultants for the Water and Sewer Districts to look into it. The problem is that there are several parcels within the district where water is not available. The parcels cannot be released from the district statutorily as long as there is debt.

Peplow explained that the water tax was reduced to 10% for people who were in the Water District but who could not have water service.

Murphy said that the Cahills, 40 Bell Drive, are ‘10-percenters’ but they still object to paying 10% of the tax rate for service that they are not getting. This issue has come up several times. Since more money is being borrowed, the amount of the 10% will be go up so it is a legitimate concern. He would like to know the origin of the 10% decision and to come up with a solution to recommend to the Board. This issue has been discussed at the Water/Sewer/Drainage meeting. He added that it is to the credit of the parcel owners that they have been paying their 10%.

Horodyski said that the more users the better the water district.

Supervisor recalled that this was discussed at the time of the improvements to the Sewer Plant. When John Jankiewicz was Water and Sewer Administrator, it was something about these properties bordering the districts would at some point have the ability to hook into the districts.

Guerriero said that he had talked with a former councilman regarding the 1983 water district.

Murphy thought he could ask Lewis DiStasi, former town attorney, about this issue.

Highland Central School District – Councilmember Kevin Brennie reported that the school year has started and the district has begun to tap into the capital improvement fund for maintenance that was approved last spring. They have made improvements to the high school gymnasium with some of the money and it looks as if it were rebuilt. The fall sports are off to a good start.

Historian – Supervisor read the July and August report: For the summer months, our exhibit in the Town Hall featured HIGHLAND – THE IDEAL VACATION SPOT – beginning with the oldest overlooking the Hudson River, called Bellevue Villa. Resorts were located from the Hudson River to Clintondale, from Chodikee Lake to Tuckers corner, almost every road and surrounding village streets. I would say there were approximately twenty-five (25) resorts (give or take a few). Those were the days the vacationers walked or visited the village to purchase Highland Post Cards and souvenirs, stopped by a soda fountain (at one time we had four or five) for a cold drink or ice cream cone (Vadala’s, Mueller’s Drug Store, Doty and Humphry Drug Store and the Sugar Bowl).

Have been busy gathering information and photos for the exhibit at the Highland Caboose at the entrance of the Rail Trail located the Haviland Road site. The caboose is now restored and is open to the public on weekends. Having visited this historical site, there was a constant number of visitors of all ages. Another plus for the Rail Trail. THANKS TO THE EFFORT OF DONNA DEEPROSE AND RAFAEL DIAZ!

Attended the Annual Meeting of the Highland Landing Park and Pot Luck Dinner with Gail Russell and Grace Phillips. This is now the Treasure of the Highland waterfront.

Gail received an inquiry from the Meekins family about a sign that was dedicated to their grandfather, Dr. Carl F. Meekins, at the Highland High School Football Field. (Upon visiting the field – no sign). The dedication took place in 1968 – we were able to attain this information from our files regarding this event. Plans now are for a new sign which will take place for a re-dedication to which the family will be invited. Dr. Meekins arrived in Highland in 1928 with his wife Pat. He was a great contributor to the community, the schools, and the residents and was always available.

Storefronts are filling up with new merchants and are also featuring window displays of By-Gone Days in the Hamlet.

Finished up the summer season with the Senior Breakfast at the Highland Landing Park.

Attendance was a record crowd and a wonderful breakfast was served.

Supplies for these two months cost \$17.62. Respectfully submitted, Elizabeth Alfonso

Planning Board – Councilmember Mike Horodyski reported that the Planning Board is busy and, thankfully, not with accessory-use apartments; however, there is an accessory apartment on the agenda for tomorrow’s meeting. Shamrock Liquors is asking for site plan approval for an addition on their Route 9W property. Selux, Lumen Lane, is on the agenda for two additions and future improvements. Serve Pro is proposing to construct office space and a warehouse on Lumen Lane.

Supervisor added that Zumtobel has received grant money and that will save 200 jobs in our community.

Police/Fire/Town Justice – Supervisor Paul Hansut thanked Town of Lloyd Police, Highland Hose, Veterans, Boy Scouts, Girl Scouts, and all who participated in Highland Remembers, the 09.11 ceremony, on Friday. It was very well attended. He has received many calls commending the Town of Lloyd for continuing the community remembrance of that day as many communities have gotten away from it. He said that he appreciated Congressman Chris Gibson for coming up from Washington to be here and, as always, Ulster County Executive Mike Hein was very well spoken; it was nice to have him here as well.

He read the letter he received September 12: “In behalf of the Bridgeview Homeowners Association Board and members of the Bridgeview community, thank you very much for completing the sidewalks on Argent Drive in Bridgeview. This will make it safe for our mothers, children and the rest of the Bridgeview community. Regards, John Bernhardt, Vice Chairman”

Water/Sewer/Drainage Committee – Councilmember Jeff Paladino said that there is a resolution on the agenda to move forward with the \$1.7-million BAN. The Committee will propose two different extensions of the sewer line, one on South Chapel Hill Road and one on Lower Grand Street, at an informational public meeting in October for those who might be interested.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

Rafael Diaz noted that there will be a presentation on September 30 with Chris White, Deputy Director Ulster County Planning Department of Phase IV Rail Trail extension, from Highland Hose Station II on New Paltz Road to South Street. He said that he was part of the committee and was impressed by the proposal of HVEA of Beacon, NY. The Hudson Valley Rail Trail has towers that were donated by Herb Litts and family for the gateway arch at the beginning of the Rail Trail, which is at the culmination of the west side of the Walkway. HVRT has been looking for something to join the two towers at the top and Pete Bellizzi has told him that he has found something that will work. The location will be almost where the caboose/kiosk is on the Rail Trail. Marist ROTC is coming on October 17 to clean up on the slope of the Rail Trail. The Learn to Run program started its 19th class with 17 participants. He and Donna Deeprise have kept the caboose open on weekends for two months, averaging 170 people a day; there were even more people visiting this past Sunday. It has been a big success; people who visit the caboose are now making the connection with the Rail Trail. Both cyclists and walkers comment that it is a great trail. Upcoming activities are the Pumpkin Run, October 31; Moon Walk on October 9 and HudsonFest on October 11.

Donna Deeprise added that during the time she has been at the caboose, she received two complaints about the caboose. One was from a little boy about four years old who announced he was not leaving the caboose until the train took him across the bridge. The second was a little girl who was disappointed that there was no ice cream in the caboose.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park, commented that Vito Dispensa was a good friend of Highland Landing Park and did quite a bit of electrical work there at no charge. He donated the underground wire that comes from the pole to the building, pulled the wire in by his truck and hooked it up. He then said, “Thank you, Vito. We are really going to miss you.”

The donation of the .5 acre property to the north of the Park is proceeding. Ray Jurkowski of Morris Associates will have to prepare the environmental and Sean can proceed. He thanked Sean Murphy for his help.

Historian Liz Alfonso mentioned in her report that the town's seniors met at the Park for a breakfast. They seemed to have had a good time.

There is a 30-foot diameter, 1-foot deep hole that has been dug in front of the building for the compass rose. Hank Behr, former owner of Custom Concrete, and Lenny Auchmoody are doing the work. The survey and excavation work have been done and Fall Fittings is fabricating the aluminum edging that goes around the star design of the compass. A welder volunteered to weld that aluminum material together. The 50-foot nautical-style flag pole, furnished by the Highland Rotary in memory of Leo Rizzo, will be installed in concrete at the same time. A load of river stone has been delivered that will be used as top dressing between the edges of the parking lot and chain link fence on the railroad side of the Park and by the building. The stone will be placed on top of a weed-proof fabric. This is a project that will be handled by Lenny Auchmoody. He thanked everyone who has been involved at the Park.

2. OLD BUSINESS

A. Update on ramp repair

David Barton, Building Department, distributed information on the renovations to the rear ramp upstairs at Town Hall, as compiled by Anthony Giangrosso. The first page is the information for the bids and the second page is the design specification for the awning. The third page is a \$26,000 estimate of the original plan. In talking with the Court and the Court Officer, they would prefer a steel fence. There are three bids: G. Dan. Ros. & Sons, Inc., \$7,450.00, he will donate the labor to install the awning if he gets the job; C.A.B. Construction is \$6,850.00 and Nathan Lewis Construction (he did the windows in the building) is \$11,500.00. Considering Best Value, G. Dan. Ros. comes out light by \$200 or \$300, then C.A.B. and then Nathan Lewis.

He suggested that the Town Board looks over the information. All three contractors live in Highland; two have done satisfactory work for the town before.

Supervisor said he would like to get this done before the snow flies.

Paladino asked if it was composite decking which is known to be slippery.

Barton answered that it is Docksider Decking which is non-skid. There will be stainless connections as the acid rain tends to rust out even galvanized steel.

Supervisor asked if the Board would like some time to consider this and if they wanted to wait a month.

Matt Smith asked if the ramp is salted in the winter.

Barton replied that they use ice melt; calcium chloride.

Sean Murphy asked if the construction materials would be from the NYS bid.

Barton said that they would not use the NYS bid but they would go through Pro Build, who did a nice job for the new windows at Town Hall windows for a good price.

The materials will be at their cost plus 5%. They will bid it out but Pro Build is usually the best price. The cost of materials is estimated; the only prices that are definite are the awning, decking and fence. Adams Fencing will do the fence.

Supervisor posed that the Board could approve just the labor costs.

Barton confirmed that and said that his department will handle everything else. Either Frank Alfonso or Anthony Giangrosso will GC the project; it will be cheaper. The project will take probably two weeks. He hopes to have the material costs for the Workshop meeting in October.

Mark Reynolds, reporter, said that expanding the building to the rear parking lot has been discussed; in that case, the ramp would not be needed.

Supervisor agreed that options have been discussed but he does not feel that he can subject the taxpayers to a \$2.5-million project. The reason for the upgrade is that we can get more use out of the building that we have. The ramp has been mentioned in the in the last couple of insurance inspections.

Matt Smith asked about repairing the first floor back door.

Barton replied that is a separate item to be done before the snow flies. The other end of the equation is the salted water runs straight down the building from the ramp so improving the ramp will eliminate that problem.

Regarding the sign ordinance that is on the agenda, he would like to postpone that for one month. Sean Murphy properly advised that another public hearing should be set for next month to accommodate the changes. That will give everyone the opportunity to speak on the changes.

3. NEW BUSINESS

A. Proposed Design and Construction Standards for the Highland Water District.

Sean Murphy said that Ray Jurkowski, consultant, and Adam Litman, Water and Sewer Administrator, have suggested that the town adopt design and construction standards for new developments and hook-ups to the system. Litman would like to be able to give new developments the standards and materials specifications with which they need to comply. He said that he reviewed it but he is relying on Jurkowski and Litman for expertise. These are for review of the Board. It has been discussed if these should be incorporated into the statute by local law. He recommends that they are adopted by resolution. The Town Clerk doesn't like that because they the designs are changed and a record of that is misplaced. Everyone has to be working off the same regulations. They can be incorporated into the statute, Chapter 98. The cost is the only reason for not doing that; it is less expensive to pass a resolution.

Horodyski pointed out that the resolution works until there is construction done without the design standards.

Murphy said that one of the problems is that a year from now there may be a change and the local law needs to be changed; however, if it is in the statute there is no question and it can be researched online in the Code.

Supervisor feels that is the way to go.

Paladino added there have been questions about fee schedules.

Horodyski said that the local law provides continuity.

Murphy said that if there were no cost involved, he would recommend changing the statute; the cost would be between \$1200 and \$1500. He thought that it might be a bit more expensive to publish by General Code Publishers because of the length of the law.

Peplow will get an estimate from General Code Publishers.

Supervisor stated this will be discussed at the Workshop meeting.

B. NYS Office of Parks, Recreation and Historic Preservation proposed water and sewer connections to west side of Walkway over the Hudson.

Supervisor explained this is request for authority for survey work and for their consultants to go on town property.

Paladino said that this has been discussed with Ray Jurkowski and Elizabeth Hart, Walkway over the Hudson. Bringing water from Mile Hill Road will only benefit the Walkway project. He explained that the sewer line is going down Haviland Road midway between the Frozen Caboose and the Rail Tail parking lot then across the wooded area onto the Rail Trail. The Cappilino property, and maybe a little further on, will be able to T into that; he would like to see something similar with the waterline. He would like to see a cost estimate for a similar path for the water which would benefit potential development on Haviland Road. There were three different plans: (1) off Mile Hill; (2) down the Rail Trail and the Board supports (3) running the line down Haviland Road.

Horodyski said that the Walkway plan is to bring the waterline from Mile Hill Road through wetlands into the backside of the proposed Walkway building.

Murphy considered that if it was run from the Rail Trail, the properties along the Rail Trail could hook up from the back.

Horodyski thought that the Rail Trail option would be the most expensive.

Murphy and Paladino felt that might be more workable as going down Haviland might involve going through rock.

Paladino would like to know the cost difference. Hookup to the Bridge Authority was also discussed because they don't have water on the north side of their property.

Supervisor said that Walkway has received a grant; this is their project and they want to go through the Town property.

Horodyski said that he would have liked the Welcome Center on our side.

Supervisor recalled that the cost was prohibitive to go down Haviland Road; they tried to go up further but the private property owners would not give them easements so they found this way of coming through.

Horodyski added NYS Parks wants a new location on this side. Obviously the trailers that they are now using are not sufficient.

Murphy suggested involving the Bridge Authority and making joint application with Walkway to extend the district. He agrees with Supervisor that they won't come that way on a grant.

Supervisor said that in talking with Ray Jurkowski, there were options of down Haviland, down the Rail Trail and coming from Mile Hill. The Mile Hill option is the best way to do it for the grant money they received.

Murphy remarked that this resolution is just to go on town property to do the surveys and it allows consultants to do necessary work on the Town of Lloyd property.

Kate Jonietz said that they are putting the town on notice for the right of access for land surveyors and engineers; typically, land surveyors have right of access as long as they put you on notice.

Supervisor concluded that if anyone sees surveyors on the property that they are allowed access.

- C. Ulster County Department of Planning Public Information Meeting discussing the Hudson Valley Rail Trail West Phase 4 Project on Wednesday, September 30, 2015 at 7 p.m. at Town of Town Hall
- D. Paper shredding truck at Town Hall on Friday October 9 between 3PM and 5PM. Free of charge. (Plastic ID card, CDs, DVDs, prescription bottles, paper clips, file folders).

4. PRIVILEGE OF THE FLOOR

Mark Reynolds, reporter, asked for clarification of the second to last page of the Digital Sign Law, where it talks about making changes to the existing static billboard. The question is if someone has a wooden billboard on their property and they want to make it digital, does it mean that it is only that person on that parcel or if someone was a neighboring parcel and they wanted a billboard on each of them, if that person takes his down, does that mean that the first person gets to put a digital billboard up?

Barton said that it is his opinion that if you want to make one sign digital until 2020, when they all come down, one can be made digital but another one has to disappear.

Murphy agreed with Barton that is the way that this is written.

Horodyski said that you have to somehow get someone to give up one or buy it and take it down or if you own two, one comes down and the other becomes digital until the year 2020 when they all come down.

Barton does not feel that anyone will invest in a digital billboard with the prospect of taking it down in 2020, it is too expensive.

Horodyski gave the example of four billboards on Haviland Road, if they want to make one digital, one has to come down; if you want two digital, two have to come down. Regardless, they all have to be removed in 2020.

Paladino concluded that no one will make that investment.

5. MOTIONS AND RESOLUTIONS

- A. **MOTION** made by Paladino, seconded by Horodyski, to approve the minutes of the Workshop Meeting August 5, 2015 and the Regular Meeting of August 19, 2015.

Five ayes carried.

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

General	G627 – G694	\$69,039.88
Highway	H324 – H346	\$11,049.03
Miscellaneous	M129 – M152	\$52,979.65
Prepays	P357 – P404	\$80,403.19
Sewer	S221 – S247	\$13,085.20
Water	W273 – W315	\$72,171.14

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

Five ayes carried.

- C. **RESOLUTION** made by Brennie, seconded by Guerriero, to authorize the use and closing of the Hudson Valley Rail Trail Parking Area at 101 New Paltz Road and the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to Tony Williams Park. Setup for the event will begin at 7:30 AM and the event will end at noon. The Rail Trail will be closed from 9:00 AM to 11:00 AM on Saturday October 31, 2015 for the Highland High School Interact Pumpkin Run at the request Claire Costantino, President of the Hudson Valley Rail Trail Association.

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

Five ayes carried.

- D. **RESOLUTION** made by Brennie, seconded by Guerriero, to authorize the use of the Hudson Valley Rail Trail Parking Area at 101 New Paltz Road, the portion of the

Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to Tony Williams Park and the portion of the Hudson Valley Rail Trail from the Hudson Valley Rail Trail Depot to the Commercial Avenue parking area by the Hudson Valley Rail Trail Association on Friday October 9, 2015 for the Annual Harvest MoonWalk from 6 PM to 10 PM as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd insurance requirements.

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

Five ayes carried.

- E. RESOLUTION** made by Brennie, seconded by Guerriero, to authorize the use of the Hudson Valley Rail Trail Parking Area at 75 Haviland Road and the portion of the Hudson Valley Rail Trail from Walkway over the Hudson to Mile Hill Bridge by the Hudson Valley Rail Trail Association on Sunday October 11, 2015 from 6 AM to 9 PM for the HudsonFest, as requested by the Hudson Valley Rail Trail Association. All vendors will provide certificates of insurance as per Town of Lloyd insurance requirements including liquor liability of \$1,000,000, where applicable.

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

Five ayes carried.

- F. RESOLUTION** made by Horodyski, seconded by Guerriero, to suspend the NO PARKING regulations on both sides of Haviland Road on Saturday September 19, 2015, between 8:30AM and 1PM for the Walk to End Alzheimer's event on the Walkway over the Hudson.

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

Five ayes carried.

- G. RESOLUTION** made by Paladino, seconded by Brennie, to suspend the NO PARKING ordinance along the south side of Haviland Road to allow vehicles to park along the south side of Haviland Road on Sunday, October 11, 2015 from 7AM to 9 PM during HudsonFest as requested by the Hudson Valley Rail Trail Association.

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

Five ayes carried.

- H. MOTION** made by Paladino, seconded by Guerriero, to close the following streets for Harvest Fest on Saturday, October 17, 2015 from 8:00 AM to 8:00 PM Elting Place southerly to and including Main Street, Church Street, Vineyard Avenue, northerly to Woodside Place; with no overnight parking permitted on said streets starting Friday October 16, 2015.

Five ayes carried.

- I. MOTION** made by Horodyski, seconded by Paladino, to close the Public Hearing relation to the increase and improvement of facilities of the Highland Water District, consisting of the construction of water system improvements at 8:02PM.

Five ayes carried.

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

WHEREAS, the Town Board of the Town of Lloyd (herein called the "Town"), in the County of Ulster, New York, on behalf of the Highland Water District (herein referred to as the "District"), has caused Morris Associates Engineering Surveying Consultants, PLLC, engineers duly licensed by the State of New York (the "Engineer"), to prepare a map, plan and report entitled "Feasibility Report for Town of Lloyd – Highland Water District Capital Improvement Project," dated August 2015 (the "Report"), for the increase and improvement of facilities of the District, consisting of the construction of water system improvements, including, but not limited to: (i) the connection of existing wells to the water system; (ii) the repainting of the existing two (2) million gallon water storage tank and the addition of mixing to such tank and (iii) the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for future capital projects of the District; and any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing;

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$1,714,000 and said map, plan and report have been filed with the Town Board;

WHEREAS, the Town Board, acting as lead agency, has given due consideration to the impact that each of the projects described herein may have on the environment, and has determined that such projects constitute Type II actions pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5 (c), and therefore no further environmental review is required;

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on September 2, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 12 Church Street, Highland, New York;

WHEREAS, a notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law and mailed by first class mail to each owner of taxable real property in the District;

WHEREAS, such public hearing was duly held by the Town Board on the 2nd day of September, 2015 at 7:00 o'clock P.M. (Prevailing Time) at the Town Hall, 12 Church Street, Highland, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

NOW, THEREFORE, BE IT DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$1,714,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$1,714,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order after Public Hearing in the office of the Clerk of Ulster County within ten (10) days after adoption thereof.

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

Five ayes carried.

Supervisor noted that there was some conversation at the public hearing about the generators at the Water Plant and he spoke to Ray Jurkowski, consultant, about that. Jurkowski is going to look into including those in the BAN in the spring. Another public hearing would be required if the generators were done now, which would include sending out the 1600 notices. Guerriero had some valid concerns about that so it will be in the next round.

K. RESOLUTION made by Paladino, seconded by Horodyski,

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of Highland Water District (herein referred to as the "District"), in the Town of Lloyd (herein called the "Town"), in the County of Ulster, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) **AS FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$1,075,000 for the increase and improvement of facilities of the District, consisting of the construction of water

system improvements, including, but not limited to: (i) the connection of existing wells to the water system and (ii) the repainting of the existing two (2) million gallon water storage tank and the addition of mixing to such tank; and any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,075,000. The plan of financing includes the issuance of \$1,075,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$1,075,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

- (a) The period of probable usefulness of the object or purpose for which said \$1,075,000 Bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "New Paltz Times," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

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

Five ayes carried.

L. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, following preparation of a map, plan and report and an estimate of cost for the increase and improvement of facilities of Highland Water District (herein referred to as the "District"), in the Town of Lloyd (herein called the "Town"), in the County of Ulster, New York, and after a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be so increased and improved;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK (by the favorable vote of not less than two-thirds of all the members of said Board) **AS FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$639,000 for the increase and improvement of facilities of the District, including the preparation of surveys, preliminary plans and detailed plans, specifications and estimates necessary for planning for future capital projects of the District. The estimated total cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$639,000. The plan of financing includes the issuance of \$639,000 bonds of the Town to finance said appropriation and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District on an ad valorem basis, in the same manner and at the same time as other Town charges.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of \$639,000 pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

(a) The period of probable usefulness of the object or purpose for which said \$639,000 Bonds are authorized to be issued, within the limitations of Section 11.00 a. 62 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the serial bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and the renewals of said bond anticipation notes, and as to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution shall take effect immediately and the Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in the "New Paltz Times," a newspaper having a general circulation in said Town, which newspaper is hereby designated as the official newspaper of the Town for such publication, together with the Town Clerk's statutory notice in the form prescribed by Section 81.00 of the Local Finance Law of the State of New York.

Guerriero remarked that the \$639,000 is all for engineering costs.

Horodyski confirmed that and said that the idea is if there is another economic stimulus package offered, as there was for the improvements to the Sewer Plant, the town will be ready with the project. No one is saying that when the map, plan and report are completed to spend \$7-million without help for somewhere.

Adam Litman said that when the plan is completed, it becomes shovel ready so when a grant or additional funding opportunity comes up, we would be able to move forward because the map plan and report is done. If it is not done, we might miss that opportunity.

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

Five ayes carried.

M. MOTION made by Paladino, seconded by Brennie, to close Main Street from Church Street to the intersection with Vineyard Avenue and Vineyard Avenue from Main Street to Milton Avenue on Saturday October 24, 2015, from 3pm to 10pm for the celebration of Halloween in the Hamlet; and to close Church Street from Main Street in a southerly direction to the intersection with and including that portion of Vineyard Avenue to Milton Avenue from 6:00pm to 6:30pm for the Lil' Goblins Parade and to re-open Church Street and said portion of Vineyard Avenue from Milton Avenue to Church Street upon the parade's completion.

Five ayes carried.

N. RESOLUTION made by Guerriero, seconded by Brennie, to accept the resignation of Kevin Klotz as Laborer, effective September 19, 2015.

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

Five ayes carried.

O. RESOLUTION made by Guerriero, seconded by Paladino, to hire Kevin Klotz as Water/Waste Water Maintenance Worker at a rate of \$20.24 per hour effective September 19, 2015 at the recommendation of Adam Litman, Water/Sewer Department Administrator.

Supervisor remarked that this is housekeeping required for Civil Service; this position was posted.

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

Five ayes carried.

P. RESOLUTION made by Horodyski, seconded by Guerriero, to accept the resignation of part time Police Officer Michael Rizzo, effective August 28, 2015.

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

Five ayes carried.

Q. TABLED Resolution

WHEREAS, a project for Tillson Avenue, Route 9W to Route 44-55 in the Town of Lloyd, Ulster County, PIN 8757.81 is eligible for funding under Title 23 US Code, as amended, that calls for the apportionment of the costs such program borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Town of Lloyd desires to advance the project by making a commitment of 100% of the non-federal share of the costs of right of way acquisition;

NOW, THEREFORE, THE TOWN OF LLOYD TOWN BOARD, DULY CONVENED, DOES HEREBY RESOLVE that the Town of Lloyd Town Board approves the above-subject project; and it is hereby further

RESOLVED that the Town of Lloyd Town Board hereby authorizes the Town of Lloyd to pay in the first instance 100% of the federal and non-federal share of the cost right of way acquisition work for the project or portions thereof; and it is further

RESOLVED that the sum of \$174,840 is hereby appropriated from and made available to cover the cost of the participation in the above phase of the project; and it is further

RESOLVED that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Town of Lloyd Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor thereof; and it is further

RESOLVED that the Town of Lloyd Supervisor be and is hereby authorized to execute all necessary agreements, certification and reimbursement requests for Federal Aid and/or applicable Marchiselli Aid on behalf of the Town of Lloyd with the New York State Department of Transportation in connection with the advancement or approval of the project and providing for the administration of the project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations therefore that not so eligible; and it is further

RESOLVED, that, in addition to the Town Supervisor, the following municipal titles: the town engineer or town attorney, are also hereby authorized to execute any necessary agreements or certifications on behalf of the municipality/sponsor with NYSDOT in connections with the advancement or approval of the project identifies in the State/Local agreement;

RESOLVED that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary agreement in connect with the project; and it is further

RESOLVED this resolution shall take effect immediately.

Supervisor said that this was on the agenda last month and he has spoken to Tom Baird, engineer with Barton Loguidice and Horodyski. He is going to try to set up a meeting with NYSDOT to clarify some of this language.

Horodyski said his issue was that the RESOLVED says that the Town of Lloyd is going to 'pay 100% of the federal and non-federal share of the cost right of way acquisition work for the project' and the next RESOLVED says that sum is '\$174,840 is hereby appropriated from and made available to cover the cost of the participation in the above phase of the project' further RESOLVED 'that in the event the full federal and non-federal share costs of the project exceed the amount appropriated above, the Town of Lloyd Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Supervisor'. He reads this to say that the Board is approving \$174,840 but in reality it is a blank check for whatever reason. The town is on the hook to pay it. Sean Murphy will say that the Board will need to do a resolution anyway because it would be spending money. Because of this paragraph, the Board has already agreed to approve whatever they say. He suggested to Tom Baird to strike that paragraph and the Board will approve \$174,840, if it does go over, bring it back to the Board.

Murphy agreed that is exactly what the language says. NYS is saying that they want the town to commit to the project to the end and if it costs more, they want the Board to commit to that cost.

Horodyski posed that if the project is for \$3-million and the project comes in at \$6-million because the contractor completely fouled up, the town is on the hook to write a check for whatever the town share is for the \$6-million. The hope is that the Supervisor can talk to the DOT but the expectation is there has to be a special meeting next week to approve it. The issue is that there will be a half million dollars at risk. If the town says they are out any reimbursement money the town already received for the design which he feels is inferior; for \$3.4-million dollars, you get two stop signs and a leveled out Tillson Avenue. The problem is not fixed.

Guerriero asked about the contribution from Mountainside Woods.

Horodyski replied that it is \$250,000 which goes right to this project.

Supervisor said that was discussed with the engineer is that if the project is not done, they are going to take the money and it is going to go elsewhere.

Horodyski feels that the money is already gone to the Tappan Zee Bridge; that is why every time Barton Loguidice submits something to the NYSDOT they ask for another list of information. The money is not there.

Murphy agreed and said that there has been two years of submissions.

Supervisor added that it has been seven years and that it is very possible that there will be a special meeting next week. He is going to call DOT for a meeting but he doubts that is going to occur.

R. RESOLUTION made by Horodyski, seconded by Guerriero,

WHEREAS, CSX Real Property, Inc. owns property in the Town of Lloyd, which property is used for railroad purposes and which runs generally north to south along the Hudson River; and

WHEREAS, the Town is desirous of installing a guardrail along a portion of said property adjacent to Oakes Road; and

WHEREAS, CSX has agreed to reimburse the Town for the reasonable cost of said installation, not to exceed \$12,454.50; and

WHEREAS, CSX has provided the Town with a letter-contract outlining the terms of said agreement; and

WHEREAS, the Town Board wishes to enter into said Agreement and proceed with the installation of the guardrail along Oakes Road, as set forth in said letter-contract and estimate attached thereto.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The letter-contract annexed hereto as Exhibit "A" between CSX Real Property, Inc. and the Town of Lloyd be, and the same is hereby, approved.
2. Paul J. Hansut, Supervisor, is authorized on behalf of the Town of Lloyd to sign said Agreement.

EXHIBIT A

LOCATION: HIGHLAND, NY - Contract No: CSX798348, Milepost: QR 71.8, Division: ALBANY, Sub Division: RIVER

PROJECT: INSTALL 400 LF OF GUARDRAIL IN ACCORDANCE WITH ATTACHED BID

Town of Lloyd

Attn: Mr. Richard Klotz

12 Church Street

Highland, NY 12528

Dear Mr. Klotz:

This letter is in reference to your willingness to install a guardrail along Oakes Road at a reasonable cost, not to exceed USD \$12,454.50, to be billed to CSXT. For their safety, the City's workers must remain at a distance of greater than 25 feet from the centerline of the activerailroad tracks.

Consider this letter as your authorization to proceed with the installation on behalf of CSXT. It is mutually understood and agreed that the City will indemnify and save harmless CSXT from injury to, or death of any employee(s), contractor(s), agent(s) or guest(s) of the City and/or damage to property arising from the acts or omissions of the City in performance of the work which result from the negligence of the City or its actions.

Your authorization to perform work under the terms of this agreement will terminate effective 11:59 p.m., 31-OCT-15.

Before starting work you must notify CSXT Roadmaster Jonathan Brammell at 440-992-1785 or CSXT Division Engineer at 518-767-6557 in Selkirk, NY to determine if flagging protection is required and make necessary arrangements for same, if needed.

If the City is agreeable to the above terms, please sign and return a copy of this letter to my attention. Thank you for your cooperation in this matter.

Sincerely,

(signed)

Nathan T. Floyd

The foregoing letter-contract, (HIGHLAND, NY), Contract number (CSX798348) is hereby acknowledged and accepted this 16 day of September, 2015.

MUNICIPALITY:

By: _____

Print Name: _____, Title _____

Municipality: Town of Lloyd

RAILROAD:

By: CSX Real Property, Inc. for CSX Transportation, Inc., under the authority of Property Management Agreement and Limited Power of Attorney dated as of March 1, 1990.

By: _____

Print Name: Nathan Floyd

Title: Property Management Specialist Company: CSX Real Property, Inc.

Superintendent Klotz said that the only change was the numbers for the insurance.

Horodyski said that he saw Denise Rhoades' letter that CSX would pay up to \$12,000.

Murphy confirmed this is the guardrail for Oakes Road. There is an indemnification clause as the town's insurance company said that the town should get an indemnification policy so Superintendent went back and increase the bid amount and got the execs to kick in the extra amount so the insurance is including into the new amount of \$12,354.50. They went up by the cost of the railroad protection policy but CSX agreed to reimburse the town for the additional amount.

Superintendent said that resolutions will be needed for the parking situation on River Road; CSX is still complaining about the boat trailer traffic.

Brennie added that CSX wants everything done yesterday but it has been like that for 100 years.

Murphy said regulations will have to be changed and a sign erected so that no boat trailers go down Ransom Road.

Horodyski added that if it is done correctly, it should be done by statute.

Matt Smith asked to confirm that CSX did not want boat trailer traffic coming to the boat launch ramp from the south; they don't want boats approaching or leaving the launch using the roads to the south.

Superintendent confirmed that they do not want boat traffic to use Haviland, Ransom or Mile Hill Roads.

Smith said that is fine as far as the Highland Landing Park is concerned because the launch ramp is actually designed to encourage people to turn north on River Road.

Murphy reiterated that the concern of CSX is crossing the railroad tracks to the south, coming or going.

Supervisor asked what signs are installed there now.

Superintendent said that those signs indicate Low Grade and they were installed by the Highway Department.

Smith said that he knows of several roads in Newburgh where they do not allow boat trailers.

Superintendent suggested putting a sign at the beginning of Haviland Road and the beginning of Mile Hill at Haviland; also a sign for No Parking on Oakes Road. Regarding the speed issue on Oakes, a 35 MPH sign can be installed.

Smith would like a sign at the boat launch ramp to say No Left Turn.

Supervisor suggested that Superintendent should work with Murphy to put together the resolutions.

Murphy said to get all of the new statutes together to do at the same time.

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

Five ayes carried.

- S. RESOLUTION** made by Paladino, seconded by Horodyski,
WHEREAS, proposed Local Law F of 2015 was introduced at a meeting of the Town of Lloyd Board on the 20th day of May, 2015; and,
WHEREAS, this local law amends Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd; and,
WHEREAS, the Town Board has determined that this matter constitutes an Unlisted Action under the State Environmental Quality Review Act (SEQRA), and the Town Board declared Lead Agency to do all necessary reviews in this matter; and,
WHEREAS, a Short Form EAF has been prepared on behalf of the Town; and,
WHEREAS, the Town Board has determined that the proposed action, to wit, an amendment to Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd, will have no significant adverse environmental impacts.
NOW, THEREFORE, IT IS RESOLVED that the Town Board, as Lead Agency under the New York State Environmental Quality Review Act, finds that the

proposed action will not result in any adverse environmental impacts and hereby issues its declaration of non-significance.

Supervisor said that lead agency needs to be declared again because of a change in the local law.

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

Five ayes carried.

T. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, a local law, being proposed as Local Law F 2015, was introduced at this meeting as follows: Local Law F 2015, a local law to amend the Code of the Town of Lloyd, Chapter 100, Zoning, Section 100-28, entitled Signs (copy of Local Law attached).

WHEREAS, the Town Board of the Town of Lloyd has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the town, and the Board having declared its intention to assume lead agency to do all necessary reviews in this matter; and

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 the Town Board hereby is designated as lead agency to conduct all necessary reviews in this matter; and it is further

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 21st day of October, 2015 at 7:00 p.m.; and it is further

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

LOCAL LAW F - 2015

**A LOCAL LAW TO AMEND CHAPTER 100, ZONING,
SECTION 100-28 OF THE CODE OF THE TOWN OF LLOYD**

Section 1 Purpose.

The purpose of this local law is to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd.

Section 2

The Town of Lloyd Code, Chapter 100, Zoning, Section 100-28, entitled "Signs" be, and the same hereby is, amended as follows:

The second sentence of paragraph B. (2) is amended to change "... within 30 days ..." to "... within 60 days ...".

The first sentence of paragraph C. (6) is amended to change "... does not exceed two square feet" to "... does not exceed three square feet ...".

Paragraph D. (4) is amended to add the following subsection: "(a.) Exemption: Signs with changing text or images are allowed if the rate of change of the face of the sign is more than twenty (20) seconds between changes."

Paragraph D. (6) is deleted, and Paragraph D. (7) is renumbered D. (6).

Paragraph E. (2) a. iii. is deleted and replaced with the following:

"iii. An area of 10 square feet in business or agricultural districts, nor three square feet in residential districts."

Paragraph E. (2)(b) 3. is deleted and replaced with the following:

"3. An area of 10 square feet per sign, six feet in height from grade to top of sign, and shall not be located nearer than 15 feet to any street or lot line or any building, unless attached directly to said building."

Paragraph G. (1) is deleted and replaced with the following:

"(1) For each permitted Class I home occupation, one non-illuminated sign with an area of not more than three square feet per face."

Paragraph H. (2) is deleted and replaced with the following:

"(2) Designed Business District, General Business District and Highway Business District (HBD).

a. For lots with a single stand-alone business establishment, the following signs shall be permitted:

1. Not more than two wall signs, which shall be located on the establishment's principal façade. The total sign area of all wall signs shall not exceed one square foot per three linear feet of the establishment's front building wall length or a maximum of 50 square feet, whichever is less.
2. Not more than one monument sign with a sign area no larger than 50 square feet per face and a height maximum of six feet (including the base). The sign must be set back 15 feet or more from the edge of pavement and must be fully located on the applicant's property.
3. One sign at each point of access to the lot, for internal direction, shall be permitted, provided that the individual signs are no more than two square feet per face and are limited to generic text such as "entrance," "exit," "office," and "parking." Permits will be granted only if the applicant can clearly demonstrate necessity to the Planning Board based on motorist safety and that any such on-site directional sign will be set back at least five feet from any public right-of-way or property line.
4. In the Highway Business District, additional standards are listed in the Design Standards for the HBD."

Paragraph H. is revised to add a new Section (4), as follows:

"(4) Digital Signs / LED signs / Electronic Message Center

- a. Digital signs are allowed in the DB, GB, HBD, and Walkway/Gateway Zones subject to the following conditions:
 - i. Digital signs are limited to the number and maximum square footage allowed for the property in the zone it is located in.
 - ii. Digital signs shall have a minimum 19mm pixel pitch.
 - iii. Illuminance limit for the digital sign shall be no greater than one-half candle power at the property line.
 1. Luminance for the digital sign shall not exceed 5,000 nits during daylight and 150 nits at night.
 - iv. Change of façade shall not occur less than twenty (20) seconds between changes.
 - v. Changes to the façade/lettering shall be "instant"; no scrolling, fading, or animation during changes.
 - vi. If the display malfunctions, the display must automatically go dark.
 - vii. Signs shall not flash, nor have moving images or flashing in their backgrounds.
 - viii. In no case shall a parcel with a digital sign on the premises have any temporary signs.
 - ix. No change to existing static billboards shall be made to alter them to digital billboards without removal of an additional billboard. Thus, for every new static billboard conversion to a digital billboard, one static billboard must be removed.
 1. A billboard is any sign structure larger than 20' x 10' (200 sq ft) in area
 - x. Digital signs shall have an automatic dimmer for evening and night hours. This dimmer shall be either photo sensitive or time programmed. Brightness of the digital sign should be keyed to the ambient light.
 - xi. Maximum of one digital sign per sign structure.
 - xii. Maximum letter size shall be no greater than 12 inches.
 - xiii. No segmentation of digital messages.
 - xiv. The digital sign must be located no closer than 300 feet from a property either zoned for residential use or built as a residential property (including but not limited to, single family home, two family home, multifamily residence, townhouse, garden apartment, condominium), whether or not the property is currently being used for residential purposes.
 1. Exception: Digital Signs shall be allowed in Gateway, PUD, MUD with no regard to distance from residential uses, subject to the restrictions above.
 - xv. The Planning Board shall have complete discretion to waive or vary any aspect of this section."

Section 3

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

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

Five ayes carried.

MOTION made by Paladino, seconded by Brennie, to go into executive session regarding a particular personnel matter at 8:25PM with David Barton.

Five ayes carried.

MOTION made by Brennie, seconded by Horodyski, to come out of executive session at 8:36PM.

Five ayes carried.

U. RESOLUTION made by Brennie, seconded by Paladino, to accept the resignation of Shari Riley as Municipal Code Enforcement Officer and Stormwater Officer, effective October 7, 2015.

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

Five ayes carried.

MOTION made by Horodyski, seconded by Brennie, to adjourn the meeting at 8:37 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk