

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

SEPTEMBER 19, 2012

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

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

Absent: Councilmember Kevin Brennie*

7:00 PM – Supervisor opened the meeting and asked Sean Murphy to lead the Pledge of Allegiance

Supervisor asked those present to remain standing for a moment of silence for those Americans who lost their lives abroad in the last two weeks.

1. REPORTS – Town Board Liaisons

Assessor – Councilmember Paladino

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

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

Building Department – Supervisor Hansut noted that he has the report for August if anyone would like to see it, it is available.

Dog Control – Councilmember Brennie

Environmental – Councilmember Guerriero related that there is a park on the Black Creek, dedicated to the three Highland soldiers who lost their lives, which is accessed by stairs from the Rail Trail leading down to the park. The stairs now need to be sealed. Jack Maguire said that he would supply the material and a detail of volunteers is needed to do the work.

Paladino suggested that is something Buildings and Grounds may be able to do and the Supervisor said that he would look into it.

Grants – Supervisor Hansut reported that the Town is actively pursuing the Safe Route Home Grant, \$23.9-million offered in total by New York State; Liz Axelson, Planner with Morris Associates is working with Rich Klotz, Highway Superintendent. They have looked at the areas of concern for safe routes home and along with Paladino, met with Highland Central School District to present the grant application. Questionnaires were sent to all parents in the district to get input from the community; the grant is moving forward. He was at the Ulster County Transportation Council office this morning and found out that the City of Kingston and Saugerties are also looking into the grant.

Highland Fire District – Councilmember Paladino reminded everyone that the beef BBQ is this Sunday, September 30, from 2 to 3:30 PM at Station II.

Highland Central School District – Councilmember Paladino reported that there will be a Tri-Board meeting tomorrow and the school district has committed to attend; he feels that it would be advantageous for them to understand the status of the Gateway District, from Haviland Road to Milton Avenue and there will also be a presentation on the Winery. The second week of school is underway and it is going smoothly.

Supervisor commended Paladino on his dedication as liaison; he attends all of the School Board meetings in relaying information back and forth between the Town and HCSD. He has come up with good ideas for shared services that may impact the future of the Town budget.

Paladino added that they are now investigating sharing one fuel vendor for the Fire District, School District and the Town to save some money. He and David Barton, Building Supervisor, will meet with the School Board next month at their meeting to update them on Town development and what the Town is doing to attract businesses.

Highway/Transfer Station – Councilmember Guerriero

Historian – Councilmember Guerriero

Justice – Councilmember Litts reported that everything is running normally.

Lights – Councilmember Brennie

Planning Board – Councilmember Guerriero

Police – Supervisor Hansut noted that he has the activity report for the months up to August if anyone is interested in seeing it. The first meeting with the NYS mediator

09.19.2012

will be October 2 for the PBA contract. Three candidates were interviewed this evening for the open Police Chief's position but a decision has not been made by the Board.

Recreation – Councilmember Brennie – Supervisor said that Brennie would be late as he is now coaching Highland Boys Junior Varsity Soccer.

Water, Sewer and Drainage – Councilmember Litts reported that the monthly meeting was held; Water and Sewer departments are working on their 2013 budgets.

Zoning Board of Appeals – Councilmember Litts said that there was only one applicant for which there will be a public hearing this coming month. He recommends that all members of the Planning Board, Zoning Board of Appeals and Town Board attend the seminar series that is being given by Ulster County Planning Board on October 11 from 7 PM to 9:30 PM, also open to the public. The series will be on the coordination roles and the responsibilities between the ZBA and Planning Board. They will discuss site plans, sub-divisions, variances, interpretation, etc.

***7:15 PM** – Brennie arrived at the meeting.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

This year's Harvest MoonWalk will be held on Friday, September 28 at the Hudson Valley Rail Trail Depot and along the rail trail from the Highland Rotary Pavilion to Tony Williams Park. The event will take place from 7 to 9 pm. This year's event will include "Ghost Walk" performed by approximately 20 Highland High School students. Harvest MoonWalkers can join the student tour guide who will walk them through the trail and introduce each station where the monologues will be taking place. The tour will take approximately 25 minutes and will run every 15 minutes. At 8:15 Jonathon Heiles will once again entertain us with his storytelling conveniently located by the bonfire. The admission fee for the event is \$5.00 for adults with children six and under free. Included in the admission fee is access to the trail after dusk to enjoy a bonfire, a storyteller, cider, donuts and popcorn. Susan Van De Bogart is chairman of this year's event. All are encouraged to join us for an evening of fun and camaraderie with friends and family.

Highland HudsonFest Weekend is almost here. Not too late to order your tickets for the "An Evening Under the Stars!" Gala to be held on Saturday October 6 from 6 pm to 10 pm. The evening will include a cocktail reception on the trail at 75 Haviland Road and dancing to the sounds of the Jon Bates band. The ticket price is \$80 per person that includes an open bar throughout the evening, delightful food provided by The Would Restaurant and dancing to a live band. The evening will also feature a Silent Auction with some outstanding items. These items include Jet Blue, Delta and Virgin Airline Tickets, hotel stays at the Intercontinental Hotel Times Square, the Hyatt 48 LEX NYC, the Distrikt Hotel NYC, New York Palace and Carlson Hotels Worldwide. More local items include Rocking Horse Ranch Family Day Pass, Brasserie 292 Brunch for Two, Inn at Twaalfskill Brunch for 6, Men's Room Gift Certificate, Zimmer Brothers, Amanda Snyder Spa Session and an original painting of Apple Greens by New Paltz Artist Cami Fishcer with more to be added. We have had an excellent event the past two years. We encourage all to attend. You can obtain tickets by calling 691-8881 or by showing your social media savvy by order your tickets on line at www.HudsonFest.com.

Sunday October 7 features the Annual Highland HudsonFest on the trail at 75 Haviland Road from 10 am to 6 pm. The day will showcase Highland and Hudson Valley merchants, farms, vineyards, restaurant, artists and more. We invite everyone to come enjoy an autumn day strolling along the trail while enjoying fresh-squeezed lemonade, sampling amazing food selections from local restaurants, finding a local craft treasure or even tasting the delicate juices of the Valley's local vineyards. A day on the trail that should not be missed.

Work has been performed on the western end of the parking area at 75 Haviland Road to compliment the work previously performed on the east end of the entrance. The work consists of the placement of River Rock along Haviland Road and the planting of juniper plants, ornamental grasses and spirea bushes on the slope at the secondary entrance. This improvement, as well as the previous improvements made at the entrance to the 75 Haviland Road parking area, is being done at no expense to the taxpayers of the Town of Lloyd.

The five additional benches discussed previously, have been ordered. They will be installed in October.

This fall's Learn to Run Program, coordinated by Rafael Diaz, began on Saturday September 8th with approximately twenty participants. This has been an outstanding program for the rail trail. We cannot thank Rafael enough for bringing this outstanding program to our community.

The Highland Rotary Club has completed their paving project at 101 New Paltz Road that included the paving of four handicap spaces along the trail and the paving of the entrances at 101 New

09.19.2012

Paltz Road and Mae Lane. It is a wonderful addition to the parking area and we thank them for their generous donation.

The Hudson Valley Rail Trail participated in the Parks & Trails New York's 2012 NYS Trail User Count. The results were overwhelming. The two hours count performed on Wednesday August 15 from noon to 2 pm revealed 134 rail trail walkers, 12 runners, 74 bicyclists, 6 bicyclists with child in seat or trailer, 4 users with carriages or strollers, and 6 inline skaters or skateboards for a total of 236 users.

The two hour count performed on Thursday August 16 from noon to 2 pm revealed 228 walkers, 18 runners, 76 bicyclists, two bicyclists with child in seat or trailer, 2 tandem bicycles, 1 recumbent cycle, two tricycles, 11 users with carriages or strollers, 2 wheelchair users and one inline skater for a total of 343 users.

The two hour count performed on Tuesday August 21 from 4:30 to 6:30 pm revealed 286 walkers, 31 runners, and 122 bicycles, 7 users with carriages or strollers, 2 unicycles, and 1 red wagon for a total of 448 users.

The two hour count performed on Sunday August 19 from noon to 2 pm revealed 535 walkers, 9 runners, 255 bicyclists, 3 bicyclists with child in seat or trailer, 1 recumbent cycle, 14 users with baby carriage or strollers and 14 inline skaters or skateboarders for a total of 831 users.

During the four counts, there were 1,858 rail trail users. The counts were performed at the 75 Haviland Road entrance to the trail to include those entering the rail trail at this location and those coming from other remote parking areas. Approximately 60% of the users used the rail trail to access Walkway. Approximate 40% of the users accessed the Hudson Valley Rail Trail or were already on the trail coming from other locations. That equates to 232 users each hour with 40% or 93 users accessing or using the Hudson Valley Rail Trail to walk, jog, run, cycle, in line skate or to bring young children or physically challenged individuals to the trail each hour.

The Hudson Valley Rail Trail Association finds it truly amazing that so many individuals from all walks of life are using the Hudson Valley Rail Trail as their outdoor recreational experience. As a community, we should all be very proud that this unique venue exists in our community.

Paladino asked why the study was done and posed that the data will be useful in pursuing grants for the Rail Trail.

Claire Costantino replied that Parks and Trails New York decided to do the study and invited 15 rail trails to do this; the results will be used in all of the supporting data for expansion in NYS and for future grant applications by HVRT.

Paladino asked if the results showed if the people using the Rail Trail were from Highland or elsewhere.

Costantino answered that it did not but Walkway over the Hudson does ask where people are from.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park

All steel sheet pile bulk heading is in place. All wood pilings are driven. All old wood pilings have been removed (approximately 60-70). We are going to try to sell them and if that does not work they could be re-sawn or cut down for firewood. They were supposed to be removed by the contractor but I have been doing some horse trading and I told them that we would get rid of the organic material in return for extra work on the dock and that is what we did. Contractors are welding on the steel bulkhead cap, 22-inches wide with 4-inch legs on each side, about half of which is done. They are installing the tie-back system, which prevents the bulkhead from leaning out; if a big ship is tied up, it will resist 100 tons of pull into the River.

The property south of the boat launch ramp area has been bulk headed. We did not have enough money to do this part of the project as we budgeted years ago and could not complete the project in today's prices. The project was broken up into pieces; the main part was the bulkhead. We really wanted the boat launch piece completed also. The bulkhead south of the boat launch area borders the boat launch ramp turns and heads to the Mariners' Restaurant property line was bid at \$140,000. I talked with the contractors about how much we wanted the boat launch ramp and the sub-contractor, Bongiovanni, donated the material and labor to install; it is now done. They originally said that we would have to make and install the cap as it is an uneven radius and hard to make. They have since donated the materials and labor to finish it. Patty and Rick Brooks of Brooks & Brooks, Surveyors, sent a couple of their surveyors down to make a drawing of the radius so Bongiovanni can bend the cap in their shop rather than piece it together on site. Thanks to Brooks and Brooks.

Arold Construction and Bongiovanni have both been very helpful and generous. I am delighted with both of them. Arold donated about \$40,000 worth of work immediately after the ground breaking which was all of the clearing and grubbing between the old cement wall and bulkhead; they took down the old cement wall, crushed it and removed concrete in front of the building and crushed that.

I am on the site full-time so I observe everything that goes on.

We (Highland Landing Park Association) continue to fundraise for money for the completion of the boat launch ramp. We need \$70,000 and have approximately \$45,000 so far; approximately \$25,000 is still needed. The boat launch ramp was another part of the project that had to be cut for lack of funds. I believe that we are going to be able to complete it.

I would like to use this opportunity to ask for donations for this important component of our Park. The boat launch will directly affect a number of local businesses such as gas stations, auto repair shops, deli's, restaurants/diners, motels, etc. It will be a valuable recreational asset for our entire area. Our boat launch will fill a gap for 30-plus miles on the west shore of the Hudson as there is no public boat ramp between the Rondout and Newburgh.

Mike Furlani, Furlani Ironworks, is donating two large bollards for tying up large ships to our dock the cost of which would be \$1,500 each – thank you, Mike.

Completion of the project is expected in the fall, with the addition of the donated work and boat launch ramp.

Smith showed a poster to the Board, illustrating a boat launch ramp, which is being used in the campaign to raise money for the ramp; it shows that the funds are up to \$44,000 and \$70,000 is needed. Elliot Auerbach, Ulster County Comptroller, suggested that people should sign the bulkhead so out of that idea, the fundraising committee is offering stainless steel plaques, which will be glued to the top of the bulkhead by epoxy as a permanent fixture.

Donna Deepröse said that the plaques are 3" x 4", 4"x6", 6"x8", and larger, incrementally. Smith explained that the prices were \$250, \$500 and \$1000, engraved with any sentiment the donor chooses. He felt that it is going to sell well and the first person he asked about the price suggested the prices and ordered a \$500 plaque.

Deepröse added that the price includes text; if a graphic design is desired, that will be an extra fee and will need to be priced.

Supervisor said that he has had an inquiry from Empire Cruise, based in New York City, asking about the future of the Park and if they are going to be able to dock their boats.

Smith said that five years ago, when the property was first purchased, he was getting calls several times a month regarding docking ships; he expects that he will be getting calls again when the cruise boat companies see the progress.

2. OLD BUSINESS

A. Discussion of agreement for road and drainage maintenance with Town of Plattekill and Town of Lloyd Highway Departments for MML Homes on Crescent Avenue.

Sean Murphy, Attorney, said the he spoke with Paul Keller, attorney for the Town of Plattekill, who indicated that he had not heard from MML Homes recently regarding the matter and he was going to reach out to them. Murphy asked him to find out what they need and he told Keller that the Town was on board with snowplowing and spring clean up. He did not hear anything further.

Kate Jonietz said that there is a drainage issue.

Murphy did not think that the towns were going to exchange the drainage maintenance.

Rich Klotz, Highway Superintendent, confirmed that Lloyd would do snowplowing and spring clean up.

Jonietz read from the meeting of May 16 in which Klotz said that the Town of Plattekill takes care of Mill Street in Lloyd and he still wants to keep control of the drainage. She spoke with Jason of Casey Engineering, the engineers from MML and he requested a letter is sent to the Town of Plattekill stating that the Town of Lloyd is willing to enter into the agreement for the snowplowing which would be reviewed and ratified by both towns at a later date. There is some confusion as to what is going on at this development.

Klotz clarified that he wanted to retain control of the Town of Lloyd portion of the drainage, not Town of Plattekill drainage. He said that they changed the drainage at the project and they wanted it to dump on the Lloyd side. They have to contact Shari Riley, MS4 Coordinator, regarding the drainage. If Lloyd's catch basins are dirty, he will clean them but he is not going to clean Plattekill's.

Murphy said that he will get a letter out tomorrow and will talk with Rich Klotz to make sure that they are on the same page.

B. Letter to NYS DOT regarding Hudson Valley Rail Trail west from Tony Williams Park to South Street- PIN 8780.22.

Supervisor said that he asked Ray Costantino, Project Manager Hudson Valley Rail Trail, to come to the meeting to report on the meeting they attended.

Costantino said that he is envious of Matt Smith who is having so much fun with the contractors at the waterfront park. The rounded-off number for Rail Trail West is \$1.9-million, \$1.6-million or 80% is NYS aid for the project. This is a TEP grant which is fixed at \$1.6-million; the TIP grant for Rail Trail East was unlimited as long the project was approved, if there was more money needed they allocated more. Rail Trail West is tied to the \$1.6 and Rail Trail has to come up with the local share. When the estimates and design report were made they knew that the project was going to be more than \$1.9-million. The project was broken into three sections, west to east, Section A is the piece on South Street; Section B is the piece along Route 299 and Section C is from Highland Hose Station II to Tony Williams Park. They tried lobbying NYS to re-scope the project for only Section C and not all of the way to South Street because they can do Section C for \$1.9-million with the money that they had and it was turned down. He continued to make calls requesting re-scoping as they could not do the project without more money. The reply was that they petitioned for that and that is the way the grant was written and that it was not fair to the other applicants that were turned down. There is a new regional director, Bill Gorton, who lives in New Paltz and he went to Gorton to request more money. Gorton is having second thoughts on allowing the Rail Trail to go to South Street; they have always envisioned connecting to New Paltz via the Rail Trail but there is no money allocated. Gorton said that even if the Town of Lloyd had the \$3.2-million he would not want them to spend it to extend to Route 299 when NYS has no plans to build a trail right away. Gorton suggested calling a meeting with the people in Poughkeepsie and to make sure that he is invited and that is the meeting to which the Supervisor referred.

The meeting with Bill Gorton and the other people at DOT was on July 18 and the mood changed. They would like the Town to finish the design report to South Street but to re-scope the project. Section C will take the Rail Trail to Highland Fire Station II to the parking lot that is shared with the fire department; the Town of Lloyd owns the parking lot and the Rail Trail. They asked for a letter from the Town requesting that it only build Section C. He referred to a 3-page letter dated August 21 to Carolyn Ryan, NYS DOT Region 8 from Supervisor Paul Hansut asking their permission to re-scope and build Section C with the money that they have. The Rail Trail Association is asking the Town Board to authorize the Supervisor to sign and send that letter to the NYSDOT, Region 8.

After the Town gets the permission to re-scope, they will still have to find the local share. The money that was borrowed from the General Fund was repaid and there is about \$85,000 in the Rail Trail Reserve Fund. Kate Jonietz was working on four small requisitions for Rail Trail West and that should total about another \$11,000, which brings it to \$96,000. There is some money in Rail Trail West deposited for the local share; there is \$96,000-plus cash on hand. They have approximately \$100,000 and \$300,000 is needed.

They researched the TEP guidelines and more TEP funds cannot be added to this grant; there is \$50,000 that is not being used and there is a push for NYS to release those funds. Something can be done using ingenuity which would be 'other non-cash sources such as donations of land, material and labor'. He feels that there is no reason why they cannot work with the Highway Department as long as the manpower is available to pave the Rail Trail instead of using prevailing wage, as long as they can get credit for the \$200,000; it can be done for half that price. There are no more super funds to dip into; they did not have to come up with the construction phase of Rail Trail East, \$2.5-million that did not have to be matched and was granted. The Town picked up 20% of \$2.5-million, \$500,000. Money was spent on the parking lot.

Costantino said that he would be glad to work with the Town Board, the Highway Department, or anybody else for the funds. He called Assemblyman Frank Skartados who told him that there are no member items; Congressman Maurice Hinchey is retiring. The project needs to be re-scoped to move forward; there is no commitment to spend the money and to obligate the Town not knowing where the local share is going to come from.

Paladino asked if there are any deadlines.

Costantino answered that there were no deadlines and that the money has been available for six years. He noted that at the time of the hurricane in the fall of 2011, the Rail Trail was used to get to the other side of Town as New Paltz Road and other streets

were flooded. If the Rail Trail is completed to Station II, it makes a connection; the rail bed was designed for the 100-year-flood waters.

Paladino asked if Barton & Loguidice is seeking money for the Rail Trail.

Costantino said that they have been looking for money and that doors open the more that you talk to people.

Brennie asked if he has spoken to Scenic Hudson.

Costantino liked that suggestion and said that there is a piece of property that came with the Rail Trail, he is not sure if it is a buildable lot (near the Valk property on New Paltz Road); he would like to consider selling it as it is not needed by the Rail Trail.

Supervisor suggested calling Hinchey's office; Costantino said that he did and left a message.

Litts then suggested the Dyson Foundation.

Costantino related that the Dyson Foundation is doing a lot of health-related grants now and not projects like this. He elaborated that the plan is to link the Dutchess Rail Trail, HVRT, New Paltz, Gardiner, etc. The Southern Ulster Chamber did the study for the rail trail connection to New Paltz and it has been stalled because of the two big intersections.

Litts added that the County put out an RFP to improve the road from New Paltz High School to Route 299 and will be designed with a bike lane.

MOTION made by Brennie, seconded by Litts, to authorize the Supervisor to sign and mail letter to Carolyn Ryan, PE, NYS DOT Region 8, in support of re-scoping PIN 8780.22 Hudson Valley Rail Trail project.

Five ayes carried.

Mark Reynolds, reporter, asked on how much the Town has spent so far on Rail Trail West.

Supervisor said that he does not have the numbers available and suggest that Reynolds calls Karen McPeck, Bookkeeper, for the figures.

C. Discussion of LED lights and review of proposal from LitGreen.

Supervisor recalled the presentation on LitGreen lights regarding the potential savings to replace the current lights.

Kate Jonietz said that there are 88; 6 at Hilltop Lane/Diana Ridge/Carmella Road area; 40 in the Main Street/Memorial area; 8 at Fieldstone Court and Deer Crossing and 34 at the Sterling Drive area. In addition there are 14 shoulder-high lights in the Memorial Park on Milton Avenue and are different style lights. There is no money to fix the eighty-eight decorative lights in Town which are at the five to six year age so that either the ballast or bulbs need to be replaced. Of the 40 lights 20 are 100 Watt metal halide lights and 20 are 150 Watt high pressure sodium lights using 5,850 Watts; the new LED lights use 2,240 Watts. There is an energy savings of 62% just by changing the bulb. They figure that it is one half hour to take the ballast out of the bottom, put the new power pack in, take the bulb out and put in the LED bulb. The quote was \$130 but there are a few lights that are very high and a bucket truck will be needed. Therefore, the price is going to change a little bit and she will have the new price by Friday.

Supervisor said that to replace three lights at Deer Crossing was \$1,400. The Town received a \$9,000 grant from Senator Larkin; they called Larkin's office and converted the grant so that the money could be used for this project and \$21,050 was budgeted for a generator so there is a total of \$30,000. This amount could be put toward this project and not purchase the generator this year. There may also be some money in contingency to complete the project. He feels that this is efficient and will save the Town money.

Jonietz said that the lights will last for ten years; LED lights are not as susceptible to wear from the weather, extreme heat and extreme cold.

Paladino asked if there were guarantees on the equipment and a certain amount of savings.

Jonietz said that she is not aware of any guarantees but will ask.

D. Discussion the proposed sale of property adjacent to 43 Maple Avenue SBL: 88.17-4-9.

Murphy said that this has been previously discussed, David DiBella owns property on Maple Avenue, the lot next to his goes up a hill and he asked to buy it; it is assessed at \$1,300 and he offered \$1,500, contingent upon the lot being merged with his

adjoining lot into one tax lot, at his expense. This is subject to permissive referendum. There was some discussion if the Town should get an appraisal; if it is excess property the Town Board can sell the property but they need to get fair market value for it. It will cost \$350 to \$400 to get an appraisal. The only value to the land is to the adjacent owners. He is asking the Board if they would like an appraisal of the property. The lot is an acre and is buildable.

Litts posed that as DiBella wants it for parking there is access to a Town road and as it is an acre it is a buildable lot; other properties that have been surplus were very small pieces that are not buildable. There is water and sewer available.

Murphy spoke with David Barton, Building Supervisor, who said that it is buildable but it would require major construction to build on it. The agreement DiBella will sign will state the lot will be combined with his lot and not stand alone.

Elaine Rivera added that it has no River view and the minimal value says that it is not a buildable lot without putting substantial money into it due to the terrain and the topography. She is concerned that another abutting owner may feel that the property should have been offered to them.

Murphy said that if the Board approves this contract, subject to permissive referendum you are approving this contract; it could be advertised and letters could be sent to the abutting landowners. It is a separate distinct buildable lot. There is a paved parking spot that he is using for a number of years and his purpose is to own the parking spot that he has been using.

Rivera wants to make sure that if the property is sold to this gentleman that he pays all costs.

Murphy said that DiBella is aware of this and he understands that an appraisal would be at his expense.

Litts feels that the Board should look at all the options.

RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town of Lloyd (the "Town") owns a certain parcel of land, which land is adjacent to certain lands of David DiBella ("DiBella") located at 43 Maple Avenue, Town of Lloyd, Ulster County, New York; and,

WHEREAS, DiBella wishes to purchase said parcel from the Town; and,

WHEREAS, the Town shall sell and DiBella shall purchase said parcel measuring 0.85 acres and further described as SBL: 88.17-4-9.

WHEREAS, the purchase price for said sale shall be \$1,500.00; and,

WHEREAS, the sale and transfer shall be contingent upon DiBella paying all legal and closing costs; and,

WHEREAS, the premises are transferred and shall be conveyed subject to zoning and subdivision laws and regulations; and,

WHEREAS, DiBella has executed a proposed Agreement for Sale of Property containing the terms and conditions of the above-referenced transfer, and the Town Board wishes to approve and authorize said Agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Agreement is attached hereto as Exhibit 1, and the same is hereby approved by the Town of Lloyd.
2. This resolution is subject to permissive referendum, and the Town Clerk shall publish a notice in the official newspaper of the Town within ten (10) days after adoption of this resolution containing the information required in Town Law Section 90, which notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof, and that it was adopted subject to permissive referendum.
3. This resolution is not final and shall not take effect until thirty (30) days after its passage, provided no petition is filed with the Town Clerk pursuant to Town Law Section 91 requesting a special election. If an election is so requested, the resolution shall not take effect until an affirmative vote is rendered by the voters entitled to vote, pursuant to the Town Law.
4. Upon this resolution becoming final and taking effect, the Supervisor is then authorized to sign the Agreement on behalf of the Town and a copy of the Agreement shall be furnished to David DiBella.

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

Four ayes carried.

3. NEW BUSINESS

A. Request to use 75 Haviland Road Parking Area- The ALS Association Greater New York Chapter for Hudson Valley Walk to Defeat ALS sponsored by walk on October 21, 2012. See resolution "I"

B. Discussion regarding agreement with Pancake Hollow Farm and Rescue to hold dogs at no remuneration.

Sean Murphy asked about the Town's insurance coverage.

Kate Jonietz responded that she was waiting for an answer from the insurance company.

NYS Agriculture and Markets said that McKee and his partner are the shelter managers and they are the only people to have contact with the animals, there are no volunteers; they both have rabies vaccinations.

Murphy will talk with Andrew McKee about this plan; the Board consensus is that this is a convenience for him when he needs to pick up a dog at odd hours.

Supervisor stated that this will be on next month's agenda.

4. PRIVILEGE OF THE FLOOR

Costantino said that with respect to the question Mark Reynolds asked earlier in the meeting regarding the money spent on Rail Trail West he is unable to answer Reynolds using the numbers on the spreadsheet from the Bookkeeper. For edification of the Board, money was borrowed from the General Fund and put into that pay item to start that project; the \$100,000 was replaced in 2011. There are Reserve Funds that were transferred into that item to pay for some bills so there has never been any taxpayer money spent on Rail Trail West to date.

Matt Smith reiterated that the Highland Landing Park Association is selling metal plaques as a fundraiser which can be engraved and will be placed on the top of the bulkhead. He showed the Board a sample of the smallest plaque.

Leonard Hossenlopp said that he has made an agreement with the Town's Environmental Conservation Committee to take care of the easement and the dock at Chodikee Lake. He has spent a lot of time there and because of that he has gotten involved with the Hasidic camp, teaching the kids about ecology, and they have been helping to clean the woods and docks. He has read negative things about the camp during the summer and wanted to make a rebuttal. He read in the newspaper that a comment was made at the last Town Board meeting about finding excrement in a bucket near the dock. The only buckets that he has seen near the dock are used to throw water on the dock to cool it as the kids walk barefoot on the dock.

Supervisor said that the resident that brought in complaints about the buckets was referred to the DEC and asked them to look at the situation; there have been a lot of complaints from the residents in the area but not from the Town Board who just listened to their comments.

Hossenlopp would like to present the other side and proposes a seasonal speed limit of 15 MPH.

Supervisor explained that the Town does not have the authority to change speed limits; the Town has to petition NYS DOT for a speed limit change. He noted that the complaints have been constant parking issues, noise and speeding; that three-month period the camp is in session appears to be a great inconvenience for the people who live out there.

Paladino added that the Board would like to have a representative from the camp come to a meeting to talk over the issues and try to get them rectified.

Hossenlopp said that he did speak to one of the Town policemen and was told that there are a lot of prank calls to 911 and it turned out that in order to get an outside line, the camp phone system requires dialing 91. They are going to try to change the phone system. Regarding the noise, 6 PM is the latest he heard the PA system when checking the area; it is used during the day.

Brennie said that there is not an agreement on that; some say it is happening and some say that it is not happening.

Hossenlopp feels that there are a lot of unfounded claims. One of the complaints was trash along North Chodikee Lake Road and he has been cleaning the road beginning last fall through the winter. He witnessed neighboring kids yelling obscenities at the campers. They do have a problem when the charter buses are there for arrivals and departures.

He submitted the following, regarding camp Karlin Stolin:

09.19.2012

1. Seasonal Road sign...15 MPH, needed in July and August, especially needed for arrival and departure of campers and parental visitation days.
2. Camp beneficial to community:
 - a. 400 camps in July, 700 in August plus staff
 - b. Income:
 - ~ use Lowes annually to buy materials needed throughout summer and bought materials for new synagogue from Lowes
 - ~ hired local building contractors
 - ~ Waste Management garbage services, dumpster and compactor
 - ~ Hired Deans, a local paving business
 - ~ Stop & Shop and ShopRite for food purchases
 - ~ staff counselors frequently use Hess
 - ~ Parental visitation days, Parental drop off and pick up days: families take their children to local stores and attractions, they hike the Rail Trail including the Walkway over the Hudson, visit the mini-golf, rented jet skis on the Hudson
 - ~ Camp events going off grounds: i.e. bowling in Poughkeepsie, upstate amusement parks.
 - ~ Staff has used local attractions in their off-time: jet skis, horseback riding.
 - ~ businesses frequented are First Care Urgent Care, Rite Aid, gas stations and car repairs
 - ~ Sorbello's Landscaping
3. See notes from ECC meeting:

Town Board member Mike Guerriero attended

Donna Deeprise attended board meeting, stated attendee stated: camp had buckets of excrement near or on dock.

Discussed camp: neighbors complained of noise, garbage, traffic blockage, campers on bicycles in streets.

ECC member said has run into kids from camp on Rail Trail and stated has had conversations with boys biking on Trail, very polite, courteous, well mannered, never a problem, make a point not to get in way.

After meeting:

Met with Town of Lloyd police officer, he stated that it went well today (08/20/12) re; buses and departure of children, road was not blocked, mentioned about previous incident: car speeding with youth in sunroof yelling out, stopped by officer in unmarked vehicle and warned and said parents were notified. I asked him if he had any other problems with Camp other than traffic, he responded that half the calls from Chodike Lake Road are prank "911" hang up calls, he said he thought the kids like to see the police respond, also, he talked about garbage as a problem, all along the road. Explained I have been collecting the garbage since the winter and road has never been cleaner and that much of the garbage was from locals (non-Kosher food waste and wrappings), the last issue was noise, he stated that the noise is excessive ...all the way at the end (the cul de sac), it has been very loud and several times of the day, I stated that I have been there every day and several different times of the day (for the DEC dock maintenance and for teaching the kids environmental issues) and have heard only occasional announcements and some late afternoon or early evening music. Also informed officer that some of the boys were helping to keep the dock and nearby wooded areas clean.
4. Problems camp has encountered: neighbors not allowing access to easement at end of road to hike into Black Creek State Forest and having Town of Lloyd Police tell them they would be arrested for trespassing; mailbox destroyed end of block by charter bus; campers distributed cakes and pies to neighbors as good neighbor token...refused by some; this past winter copper was ripped out of cabin and two vans were stolen; youth yelling from vehicle.

Reynolds asked if there was a dollar value of the LED light proposal.

Supervisor said Option #1 was \$27,200 for the 40 lights; Option #2 was for the 88 lights at \$59,840; Option #3 for every light would be \$69,360, 102 lights; there is no RFP as they are the sole source and are the only company to supply these lights.

Reynolds asked for an update on televising the meetings.

Supervisor replied that the equipment is at Town Hall.

Kate Jonietz added that a representative from Cablevision was to come on August 29 to train her; she called to confirm two days prior and they asked about the equipment that the Town has and she gave them the information. They informed her that there are two other towns that have the same equipment and are in the same position as the Town of Lloyd. Cablevision is not trained on this new equipment so they have to be trained first and then they will be able to train us. She questioned them as to why they did not know this in April. Everything is done, the satellites are working. Cablevision Channel 22

shows a blue screen and gives some information that the channel is under construction. She asked them if contact information could be put on the screen. Litts said that the screen says 'no municipal events scheduled'. Jonietz said that it is her understanding that they know how to create the panels but they do not know how to install them. She feels that if they gave her the manual she could probably figure it out before they do. Supervisor would like to try to keep moving forward and he will be at Cablevision studios for Meet the Leaders in October.

Supervisor read a note from the President of Mid-Hudson Senior Citizens of Highland:

*Paul, Herbie, Jeff, Mike and Kevin,
Thank you for the lovely senior citizens breakfast that was held at Tony Williams Field on August 20. How nice it was that the weather cooperated in making this a pleasant and memorable event. We hope that this will become an annual tradition that all Highland seniors can enjoy.
Sincerely, Rose Sinagra.*

Litts noted that there was a letter received by the Town Board members from a resident regarding hydrofracking and he read from the letter, "I believe residue of fracking was used at my own corner at the intersection of North Riverside and Jane Wood Road, in or around early January of this year".

Supervisor explained that the brine that the state is using is salt brine and that is what gave the resident headaches. Ulster County did a memorializing resolution to ban using brine from fracking. It is not used anywhere in Ulster County or the tri-county area. He feels that when they start thinking about using the brine from fracking that is the time to address the issue.

Litts said that NYS uses salt brine and a pre-treatment on their salt called 'Magic'.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Paladino, to approve the minutes from: Workshop meeting of August 1, 2012; Special meeting August 15, 2012; Regular meeting August 15, 2012.

Five ayes carried.

B. MOTION made by Litts, seconded by Brennie, to reappoint Jody Pavero to a 5-year term on the Board of Assessment Review, October 1, 2012 – September 30, 2017, at the recommendation of Elaine Rivera, Assessor.

Five ayes carried.

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

General	G781 to G870	\$ 56,662.54
Highway	H416 to H457	\$ 37,470.22
Miscellaneous	M317 to M341	\$543,116.48
Prepays	P207 to P243	\$ 70,802.47
Sewer	S238 to S249	\$ 9,637.74
Water	W341 to W369	\$ 14,821.32

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

Five ayes carried.

D. RESOLUTION made by Paladino, seconded by Guerriero, to establish the position of Wastewater Treatment Plant Operator Trainee at the rate of \$18.00 per hour and appoint Donald L. Parker, Jr. Wastewater Treatment Plant Operator Trainee from the Ulster County Certification of Eligibles at the recommendation of Adam Litman, Wastewater Administrator.

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

Five ayes carried.

E. RESOLUTION made by Paladino, seconded by Guerriero, to terminate the employment of Water/Wastewater Senior Account Clerk/Typist effective September 4, 2012.

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

Five ayes carried.

F. RESOLUTION made by Brennie, seconded by Litts, to hire Mia McCarthy for the position of part-time dispatcher with a salary of \$12.00 per hour upon completion of pre-employment physical at the recommendation of Lt. Wade Sargent.

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

Five ayes carried.

G. RESOLUTION made by Brennie, seconded by Paladino, to hire Steven Delmar for the position of part-time dispatcher with a salary of \$12.00 per hour upon completion of pre-employment physical at the recommendation of Lt. Wade Sargent.

Supervisor noted that Steven Delmar has been a dedicated employee of the Recreation Department and he is happy that Delmar is coming aboard at this position and he will hopefully further his education and move up the line.

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

Five ayes carried.

H. RESOLUTION made by Brennie, seconded by Litts, to hire Christopher Swenson for the position of part-time police officer with a salary of \$19.50 per hour upon completion of pre-employment physical at the recommendation of Lt. Wade Sargent.

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

Five ayes carried.

I. RESOLUTION made by Paladino, seconded by Brennie, to approve the exclusive use of the 75 Haviland Road Parking Area by the ALS Association Greater New York Chapter sponsoring the Hudson Valley Walk to Defeat ALS for their registration, food, entertainment, etc. on October 21, 2012 from 6 AM to 2 PM at the request of Claire Costantino, President Hudson Valley Rail Trail.

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

Five ayes carried.

J. RESOLUTION made by Brennie, seconded Paladino,

BE IT RESOLVED, that the Town of Lloyd hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained or time sheets submitted by these officials to the clerk of this body:						
Title	Name	standard work day hours/day	Term begins/ends	participation in er's time keeping sys	days/ month based on ROA	not submtted
Town Clerk	Rosaria Peplow	6	1/1/2012-12/31/13	N	27.78	
Councilmember	Jeffrey Paladino	6	1/1/2010-12/31/2013	N	2.92	
Councilmember	Michael Guerriero	6	1/1/2012-12/31/2015	N	1.12	
Justice	Eugene Rizzo	6	1/1/2012-12/31/15	N	15.33	
Highway Superintendent	Richard Klotz	6	1/1/2012-12/31/2013	N	39	
Dog Control Officer (appointed)	Andrew McKee	8	1/1/2012-12/31/13	N		X

09.19.2012

Deputy Town Clerk	Kathy Schoonover	8	1/1/2012-12/31/2013	Y		
Deputy Town Clerk	Rena Rizzo	7	1/1/2012-12/31/2013	Y		
Bookkeeper	Karen McPeck	7	1/1/2012-12/31/2013	Y		
Clerk to the Justice	Lucy Davoli	7.5	1/1/2012-12/31/2013	Y		
Clerk to the Justice	Stacey Lopez	7.5	1/1/2012-12/31/2013	Y		
Secretary to the Supervisor	Kathleen Jonietz	7.5	1/1/2012-12/31/2013	Y		
Secretary to the Highway Superintendent	Denise Rhoades	8	1/1/2012-12/31/2013	Y		

On this 4th day of October, 2012 (signature of Clerk) Date enacted: 09/19/2012

I, Rosaria Peplow, Town Clerk of the governing board of the Town of Lloyd of the State of New York, do hereby certify that I have compared the forgoing with the original resolution passed by such board at a legally convened meeting held on the 19th day of September, 2012 on file as part of the minutes of such meeting and that same is true copy thereof and the whole of such original. I further certify that the full board consists of five members, and that five of such members voted in favor of the above resolution. IN WITNESS WHEREOF, I have hereunto Set my Hand and the seal of the Town of Lloyd.

Roll call: Hansut, aye; Paladino, aye; Litts, aye; Brennie, aye; Guerriero, aye.
Five ayes carried.

K. RESOLUTION made by Brennie, seconded Guerriero,
WHEREAS the Town of Lloyd received a grant in the amount of \$250,000 from the NYS Dormitory Authority for the Walkable Hamlet Project, and
WHEREAS the Town of Lloyd received a Legislative Member Initiative in the amount of \$15,000 from Assemblyman Thomas Kirwan for the additions to the Walkable Hamlet Project and
WHEREAS the Dormitory Authority of the State of New York and the Town of Lloyd entered into a grant disbursement agreement detailing a project budget whereby the Town of Lloyd would provide matching funds for the Walkable Hamlet project not to exceed \$50,000 and this amount was placed into the Capital Fund for the project from the General fund and
WHEREAS the full project costs totaled \$301,567.91
WHEREAS the funds for the Town of Lloyd’s share of the Walkable Hamlet Project was taken from the contingency line (1990.40) in the 2011 budget in the amount of \$36,567.91 as pursuant to Resolution F from the December 29, 2011 Town Board meeting
NOW THEREFORE BE IT RESOLVED that the remaining \$13,432.09 in the Capital fund account under this project be returned to the General fund of the Town of Lloyd.

Roll call: Litts, aye; Hansut, aye; Paladino, aye; Guerriero, aye; Brennie, aye.
Five ayes carried.

L. RESOLUTION made by Brennie, seconded Litts, to approve the following budget amendments:

GENERAL

Town Board PS	1010.10	+\$3,175.00
Contingency	1990.40	- \$3,175.00
(To cover hours worked for Town Board Clerk)		
Legal Notices	1315.40	+\$500.00
Contingency	1990.40	- \$500.00
Audit/Accounting	1320.40	+\$446.00
Contingency	1990.40	- \$446.00
Police Equipment	3120.20	+\$33,486.00
Police CE	3120.40	- \$33,486.00
(to purchase police car)		
Street Signs	3310.40	+\$320.05
Contingency	1990.40	- \$320.05
Recreation Mtc PS	7310.11	+\$2,609.00
Recreation SummerFun	7310.13	+\$2,263.00
Recreation Berean Park	7310.12	-\$ 705.00
Contingency	1990.40	-\$ 4,167.00
Transfer Station CE	8260.40	+\$500.00
Contingency	1990.40	- \$500.00
NYS P&F Retirement	9015.80	+\$9,687.00
NYS Retirement	9010.80	-\$9,687.00
(allocate funds from one retirement line to the other, as per estimate of payment due in December 2012)		

HIGHWAY

Highway Garage	5132.40	+\$1,500.00
Snow Removal PS	5142.10	- \$1,500.00
Brush & Weeds CE	5140.40	+\$100.00
Snow Removal PS	5142.10	- \$100.00

WATER

Transportation & Distribution CE	8340.40	+\$1,000.00
Misc Rev	20-2680	- \$1,000.00
(sale of old meters to be able to purchase new meters)		

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

Five ayes carried.

M. RESOLUTION made by Litts, seconded Guerriero,

WHEREAS, the Town of Lloyd is in receipt of a US Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) Federal Grant (DSR-U-TL-01) for \$75,532.50 to stabilize a 120-ft streambed and streambank section of the Twaalfskill along the upper reaches River Road in the Town of Lloyd; and

WHEREAS, the total estimated project cost is \$100,710; and

WHEREAS, the Town Board has previously authorized the Town of Lloyd Town Supervisor to sign Agreement No 68-2C31-2-0260 with the USDA-NRCS for said work; and

WHEREAS, a topographic survey and construction plans, specifications and bid documents were developed for the project and were approved by the local representatives of the USDA-NRCS; and

WHEREAS, the Town Highway Department will be responsible for supervision, traffic control and the purchase of fitted rocks and other materials; and

WHEREAS, said bid and construction documents sought bids for a contractor to provide equipment and manpower to provide the necessary excavation work and to set fitted rocks along the streambed and streambank as detailed; and

WHEREAS, the project was let for public bid on 4 September 2012; and

09.19.2012

WHEREAS, five (5) sealed bids, complete with the required Non-Collusion Certification, were received by 11:00 AM on 11 September 2012 at the Office of the Town Clerk; and

WHEREAS, said bids were opened and read publically aloud at 11:00 AM on 11 September 2012, with a local representative from USDA-NRCS in attendance; and

WHEREAS, Ben Ciccone Inc was the low bidder for \$13,436.00; and

WHEREAS, said low bidder, Ben Ciccone Inc, has agreed to meet with the Town Highway Superintendent and USDA-NRCS tomorrow afternoon September 20th to discuss the project;

NOW THEREFOR BE IT RESOLVED THAT the Town of Lloyd Town Supervisor be authorized to sign the Form of Agreement as contained in the Project Bid Documents with Ben Ciccone Inc for \$13,436.00.

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

Five ayes carried.

N. RESOLUTION made by Brennie, seconded Paladino,

WHEREAS, the Town Board has previously been made aware of the deterioration of the culvert over the Twaalfskill Creek at North Road; AND,

WHEREAS, the Town has previously passed a resolution to finance the project through a Bond Anticipation Note (BAN); AND

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, received authorization from the Town Board to design a replacement; AND

WHEREAS, Morris Associates, Engineering Consultants, PLLC has prepared bid documents, along with proposed request for proposal documents, and have delineated the project labeled as the North Road Culvert Replacement, calling for the fabrication and delivery of a new culvert and accessories; AND,

WHEREAS, the Town has publicly advertised and received a formal bid on or before September 18, 2012 from one contractor for the construction of the work as called for by the bid documents; AND,

WHEREAS, Morris Associates, Engineering Consultants, PLLC also solicited multiple vendors in an attempt to maximize the number of bidders, and feels re-bidding will not result in a cost savings for the Town; AND,

WHEREAS, the Town Board has received a recommendation from Morris Associates, Engineering Consultants, PLLC, regarding the award of the bid,

1. This Town Board award the project known as the North Road Culver Replacement, for the fabrication and to LHV Precast, Inc. for the amount of \$ 49,462.10;
2. Morris Associates, Engineering Consultants, PLLC, be, and they hereby are, authorized to oversee and inspect the construction for compliance with the contract documents.
3. The project shall be funded from the previously approved Bond Anticipation Note (BAN).

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

Five ayes carried.

MOTION made by Litts, seconded by Brennie, to go into executive session with Sean Murphy Town Attorney to discuss current litigation with Vineyard Commons at 8:40 PM.

Five ayes carried.

MOTION made by Litts, seconded by Guerriero, to come out of executive session at 9:02 PM.

Five ayes carried.

MOTION made by Litts, seconded by Guerriero, to adjourn the meeting at 9:03 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk