

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

SEPTEMBER 21, 2016

**Present:** Supervisor Paul Hansut  
Councilmember Kevin Brennie  
Councilmember Michael Guerriero  
Councilmember Joseph Mazzetti  
Councilmember Jeffrey Paladino

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

**Absent:** None

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

Elizabeth Alfonso, Town Historian, wanted to share what the historian's office provides for the community and a happening that they had in August. She received an e-mail from Dario Fatello, video photo journalist and his partner Daniela Meile on April 14, 2016. He stated that at a flea market in Rome he purchased a small suitcase. The suitcase contained photos and negatives of the Hudson Valley Wine Company (Blue Point Road) and the Bolognesi Family dating back to 1958. Dario and Daniela were intrigued by the stories and photos of the Bolognesi Family. They are writing a documentary and producing a video of the family and the winery and requested further information. The Town Historian's Office responded to their request and Dario and Daniela informed them they would be visiting the Town of Lloyd later in the summer.

Dario and Daniela arrived in New York on August 18<sup>th</sup>, and met with Randall Hillebrand, Associate Professor, and the television/film department at Hofstra University. They had met him in Rome in the summer of 2015.

They came to the Town Hall Thursday morning, August 24<sup>th</sup>. Since they were unable to contact the caretaker and knowing that the property was private (No Trespassing) we made arrangements for them to tour the premises with the help of Police Chief Dan Waage and a special escort to the property with Sgt. Philip Roloson. Dario and Daniela were able to spend the day with Steve Erichson (caretaker), who was most informative about the estate and grounds (vineyard, winery, main house, employee's homes, etc.). When they came back to the office they were ecstatic. On Friday the 25<sup>th</sup>, arrangements were made to interview residents who lived and worked on the winery estate, Charlotte Williams, now a resident of Golden View, her son, Joseph Williams, and David Williams. David's father, Sam Williams, was in charge of the Winery, grounds and the Wine master. An interview also took place at the winery with Steve Erichson, caretaker.

Alfonso said she had the pleasure of being present at their interviews and that it was most heartwarming to listen to their years spent with the Bolognesi Family and the winery. They are looking forward to the next chapter. This report has been submitted through the efforts of Gail Russell, Grace Phillips, and herself and many hours were spent searching, sorting, and filing.

### **1. REPORTS** – Town Board Liaisons

**Audit** – January 1 to June 30, 2016: Councilmember Brennie, Councilmember Mazzetti

July 1 to December 31, 2016: Councilmember Guerriero, Councilmember Paladino

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**ECC /Zoning Board – Councilmember Guerriero**

Guerriero reported the ECC along with volunteers removed about a half a ton of water chestnuts from the Black Creek which cleared the waterways for the canoes and kayaks.

**Highland Central School District – Councilmember Mazzetti**

Mazzetti reported 1,752 students returned to school on September 8<sup>th</sup> to see a lot of new options. In addition to daily hot meals each day students will be able to choose from further healthy choices such as salads. In addition, the elementary school started a “grab and go” program where students will be able to eat in the classroom to meet their nutritional needs and be able to perform in class. Curriculum night was at the elementary school on September 12<sup>th</sup> and 14<sup>th</sup>. Monday, September 19<sup>th</sup> at 6:30 pm was the PTA meeting at the Elementary School and the PTA book Fair is on October 3<sup>rd</sup>. The Middle School introduced a new Mid-Eastern Culture and Language elective this year which is a one-year opportunity for the current sixth grade students which was made possible through a highly competitive federal grant funded by the US Department of State Bureau of Education Cultural Affairs. Only twenty-three schools in the nation were awarded the grant. On Tuesday September 13<sup>th</sup> the High School had their open house and Saturday September 24<sup>th</sup> is the homecoming football game. Wednesday October 5<sup>th</sup> is the Tri M induction ceremony for students. There have been many capital improvements to all the Highland Central School District buildings. Several people have asked him what do they do if they have an issue with their child’s grades or teacher. He advised them to call the school or send an email to the teacher directly. If the teacher does not respond in a timely fashion, they should then call the building principal or ultimately the Superintendent of Schools. All the contact numbers are available on the school website. Parents and/or residents can also attend the School Board meetings the first and third Tuesday of every month at the High School.

**Planning Board – Councilmember Paladino**

Paladino reported that it was a quiet month for the Planning Board. The proposed Dunkin Donuts near the Mobil Gas Station on Rt. 9W is moving forward. They have a proposal from Tremont Hall for apartment units on the north side of the old Vintage Village property. He congratulated Mid-Hudson Cross Fit on Commercial Avenue as they are under new ownership and management.

Paladino referred to a conceptual map of Haviland Road and discussed the grants Walkway Over the Hudson will be receiving through the state for their development of the entrance to the Walkway. They have asked them to incorporate the west side of the parking lot which is currently a dirt shale area where equipment is being stored. The concept plan is for a bus turnaround and to add on an additional twenty parking spaces for regular vehicle traffic. It will create a more efficient and safer way for traffic to move about. The proposal will probably not happen until 2018.

**Police/Fire/Town Justice – Supervisor Paul Hansut**

Supervisor said that he was honored to attend the dedication ceremony of the chair of honor at the Highland Firehouse, a project taken on by the fire department and the American

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Legion. The chair will be in the firehouse in recognition of all the POW/MIA men and women that never came home from war. Joe Defilipo, the chair of the event, with the help of the fire district planned the project.

Supervisor stated that on the agenda Resolution L is for the Board to approve a contract between the Town of Lloyd and the Town of Lloyd Police Benevolent Association with the part and fulltime dispatchers. He commended the efforts of Councilmembers Paladino and Mazzetti for their diligent work on this very fair and equitable contract.

Supervisor stated that the Town of Lloyd Police Department and Chief Daniel Waage will be hosting a Narcotics Awareness Class and discussion focusing on heroin and opiates on October 12<sup>th</sup> at 6 pm at the police headquarters for Town of Lloyd residents. The intention of the class is to educate members of the community focusing on parents with the identification of narcotics and identifying signs and symptoms of those who use drugs, providing prevention techniques and resources for individuals and families in need. The class will be instructed by Chief Daniel Waage, Raymond Harvey MD, Cheryl DePaolo from the Ulster County Prevention Council as well as other members of law enforcement and counseling professions. Any Town of Lloyd resident interested in attending is asked to contact Sgt. Phil Roloson via email at [proloson@lloydpolice.com](mailto:proloson@lloydpolice.com).

Supervisor said he received information from Ulster County Executive, Mike Hein, that the Ulster County Office of the Aging are inviting seniors to an informational session on Medicare and what to expect for 2017. The “lunch and learn” will be held on Tuesday October 4<sup>th</sup> at noon at the BRC, One Development Court in Kingston, room 114. Anyone interested in attending is asked to call the Office of the Aging at 845-340-3456 to reserve a spot as space is limited.

#### **Water/Sewer/Drainage Committee –Councilmember Brennie**

Brennie reported the project on Highland Avenue to upgrade the water has been completed. Resolution P on the agenda is to give the “10 percenters”, those in the water or sewer district that do not have access to water or sewer service but pay 10% on their tax bill relief from the cost they previously had to pay.

#### **REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail**

Bellizzi reported a few updates for the Rail Trail. The Association paid for half of the lawn mower with the Highway Department so they can mow the Rail Trail at least twice a month. They have done some paving on Mae Lane and on the left side of the pavilion for more parking there.

Bellizzi said he applied for the kiosk through Ulster County and he would like to put it on the west side of the Rail Trail where the dog bags are. On October 4<sup>th</sup> at 10am there will be a ceremony in the middle of the Walkway Over the Hudson recognizing the Walkway, the Hudson Valley Rail Trail, and the Dutchess County Rail Trail as the recipient of Rails to Trails Conservatory National Organization induction into their Hall of Fame. Everyone is welcome to attend. There will be a week-long celebration including a ceremony at Harvest Fest on October 9<sup>th</sup>.

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Bellizzi feels that they need to regulate the buses after they unload their passengers because they tend to block fire lanes and cause havoc when they do so.

Paladino said the proposed bus turn around will alleviate that problem because there will be a loading/unloading area as well.

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

Donna Deepröse reported for Matt Smith. In the last few weeks a lot of work was done and they received publicity for it in both the Southern Ulster Times and New Paltz Times. The compass rose is almost finished and within the last several days concrete was poured for a walkway surrounding it. There will be new concrete steps with a non-slip surface that go down to the Twaalfskill Creek for canoes and kayaks.

The flagpole placed at the Bob Sheppard Park by the Highland Rotary and friends and family of Leo Rizzo in his memory will be dedicated on September 24<sup>th</sup> at 10am. Rizzo was a founding member of both the Highland and New Paltz Rotary Clubs. There will be a plaque with Rizzo's name on it; the Rotary also donated a larger flag.

They received donations to put plaques on the bulkhead engraved as people desired. They had to remove the plaques after they were installed because they had trouble keeping the plaques from being trampled on and coming loose. It has taken a while in order to work out how to appropriately place the plaques. They are back at the park installed in the original location but now they are housed in a slanted steel frame.

The Highland Landing Park Association will be having their annual meeting on October 1<sup>st</sup> at 5pm. Part of the meeting will be to talk about the business at hand and the rest will be a party to celebrate what they have achieved. There will be a band, dancing, and food. The meeting is called "Meet, Eat and Move your Feet" and everyone is welcomed to attend.

**2. OLD BUSINESS**

- A. Supervisor said he received an email from Tom Baird from Barton and Logudice advising the Town that they have received authorization to proceed with the right of way acquisition part of the Tillson Avenue project. Resolution M on the Agenda is in regards to the Tillson Avenue Project.

Brennie gave a brief update of the revision of the Town towing code. The first draft was presented on August 3<sup>rd</sup>, 2016 and they have had discussions with the Town Board and the police resulting in a new draft that is available this evening. They would like to set a public hearing for October. Christine Chale, attorney for the towing code, is not available on the date of the next Town Board meeting so Brennie suggested a different day for the public hearing. The draft is still a working document. If anyone has any comments or concerns to email them and they will be read during the meeting. Everyone will have an opportunity to comment at the Public Hearing or this evening.

**3. NEW BUSINESS**

- A. Supervisor stated that four years ago they submitted a grant application for a "Safe Routes Home" project. This grant was from the state to improve transportation for school children

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going back and forth to school. The Town was not successful in obtaining that grant. However, they received an opportunity with the county for the same type of grant this year. He met with Deborah Haab, Superintendent of Schools, and asked her to give a presentation on what the grant is and the goal of the Town.

Haab stated that the community is concerned about school children walking safely to and from school and the effort that has been made to change some of the bus stops to be safer and more efficient. There are no shoulders on the roads and very few sidewalks. The school district subscribes to an Ulster County Boces service for grant writing. The grant is available through NY State Department of Transportation and is to provide safe connections for children and community members to and from different venues. They talked about a safer way to walk is to further connect the elementary school and middle school from building to building, to the village, to the new library and at some point to the Rail Trail. They would also like to be able to widen the shoulders on the roads.

Haab stated that the grant requires a twenty percent local share. The school district cannot apply but would support the Town in their efforts, pay for and make their grant writer available if the Town were to apply. The dollar amounts that are available are from \$250,000.00 to \$500,000.00. The School District hopes that the Town Board would be interested in pursuing educational resources through the grant. The pre-application is due September 30<sup>th</sup> and the application deadline is October 21<sup>st</sup>.

Supervisor said that the Town Board would need to do a resolution tonight. He felt they are in a good position to receive the grant this time.

Mark Reynolds, Southern Ulster Times, asked if "Safe Routes Home" is the same as "Safe Routes School".

Supervisor responded that it was.

Roger Spool, founder and executive director of Step One, spoke about the local Heroin crisis. They are applying for a Department of Health Transformation grant which is used to help agencies meet the growing needs of the community and for the integration of primary health care into mental health and substance abuse treatments. Particular populations do not access healthcare in the appropriate ways and when they do it tends to be to the emergency room. The hope is by integrating the primary healthcare into the treatment programs they will have a heads up on the medical condition for those kinds of crisis' creating a tremendous cost savings. Also by monitoring people's health there is less chance of relapse, recidivism, and a whole host of other costs.

Spool said they would like to construct a 1600 square foot single story building at 102 Vineyard Avenue. It will have a 400-square foot educational/community room and have a separate handicap entrance, bathroom and kitchen. The rest of the building will house a small suite of medical offices that the institution will use to provide health services. The goal is a total integration so they will have a better grasp on what is going on with their clients and be better apt to serve them. There will be a medical doctor on site and a nurse who will be responsible for researching the health backgrounds so they can better access the needs of their clients.

He would like a letter of support from the Town Board that will be included with the grant application for submission next week. Spool feels the project will be extremely helpful to the community. As part of the project they would like to construct a foot bridge over the

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creek to access municipal parking. They have maxed out their parking and this will allow for additional spaces as well as creating a safe smoking space for their clients instead of smoking on the street. He feels that his clients spend a lot of money within the Town and that they are part of the economy.

Brennie inquired whether they were a not for profit agency and if so they would not pay property or school taxes.

Spool said that they are a for profit agency and have three locations.

Jill Indelicato, resident, asked if AA and Al-anon meetings would take place within the new building.

Spool replied that they would as that is what a 12-step program is. The medical facility would be open only for their clients.

Supervisor said they would have to add a resolution to tonight's meeting to include a letter of support for Step One in their application for the grant.

Brennie inquired as to how many employees they would have.

Spool said they now have thirty-seven employees; they will hire an additional three with hopes of expanding and hiring an additional five.

Guerriero asked what the maximum number of clients was that they could accommodate.

Spool responded that they are at capacity now and that their next step is to open an office in New Paltz.

Indelicato asked how many active clients they have at the moment.

Spool responded that they had about 1200 clients come through the program last year and they have about 650 active clients they treated within the three facilities. Sixty percent of their work is done at the facility in the Town of Lloyd.

Paladino asked if they had done a plot plan for what they are proposing.

Spool said there is no plot plan but rather preliminary drawings of the building and bridge. They have met many times with the Town of Lloyd Building Department. He said they are paying 25% of the costs as the grant will cover 75%.

Haab said the Highland Central School District would also compose a letter to be part of the grant application.

Supervisor said they would make Resolution T to authorize the Supervisor to sign a letter of support for Step One, 102 Vineyard Avenue, to apply for a grant.

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

Paladino said, for disclosure purposes, that Premier Auto Body a tow company that is currently on the tow list is a tenant of a real estate business he owns, known formerly as the Milano Industrial Park on North Road. He contacted the Association of Towns legal counsel and in their opinion that is not a conflict.

Jill Indelicato referred to the new towing law draft where it states "only one corporation, business operator, principal or entity may operate a listed a tow company out of a given parcel or lot". She does not know the situation with any tow company but asked if someone has a tow truck but does not own a property why can the vehicle not be towed to someone else if the money is still being collected for the tow. She also asked if there are any tow companies that own a truck that can tow it to someone else's yard.

Brennie responded someone can do that but in order to be on the tow list it is one business per lot.

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Guerriero said the person that tows are going to secure that vehicle and be responsible for it.

Indelicato said she realizes that but what about the person that has a tow truck and can get paid for towing it to, for example, a collision expert. She wanted to know if there is a reason they have to have a property and would that be putting anyone out of business that just owns a tow truck.

Brennie said the tow law does not put anyone out of business; anyone is free to operate their towing business as they want. It is not a "right" to be on the tow list, there are certain criteria that need to be met in order to be on the list and if the criteria are not met then that business cannot be on the tow list.

Indelicato asked if every other town's tow ordinance dictates that as well.

Brennie replied that they did.

Guerriero stated that this stipulation was also in the current ordinance.

Brennie said the towing ordinance is to protect not only the residents of the Town of Lloyd but those people who are traveling through Town as well.

Supervisor asked Murphy in the towing law that is presented which was discussed in an executive session under attorney/client and the attorney was present, should the Town Board waive the attorney/client executive privilege to move forward.

Murphy said that the Supervisor needs to speak with the attorney that was present and that he is hesitant to answer any questions concerning it since he recused himself. The draft law is public information.

Brennie said what was discussed in executive session is attorney/client privilege.

Murphy said if the law that is on the agenda tonight is set to schedule a public hearing then the law can be discussed.

James Horan, from the firm of Stenger, Roberts, Davis and Diamond and one of the attorneys for Joseph DiBlanca, said his office had sent a letter on September 16, 2016 to the Town Clerk to forward to the Town Board which was also copied to Christine Chale and Sean Murphy, attorneys. He said the Town Board should be aware in reviewing the local law regarding the tow list that there is a federal statute which comes into play that's been litigated quite heavily. There is a second set circuit case regarding Loyal Tire in the Town of Monroe and a recent federal court case involving the Village of Wappingers Falls, Pistolesi v. Calabrese (police chief of the Village of Wappingers Falls). In these cases, the federal court threw out a provision that the Village of Wappingers Falls had adopted that prohibited more than one business from operating from one given location. They based the holding in that case and other recent cases by interpreting the statute that is at issue. The courts have been pretty firm in saying that any restrictions upon tow lists must be related to safety. To the extent that the federal court threw out the provision barring more than one business from operating in the same location saying that it was not related to safety reasons. He believes the Town Board should look at these cases when reviewing the local law to prevent any challenges. Horan feels because of the nature of the laws they typically involve sometimes a good bit of litigation because of the various competing interests.

He has been involved in drafting tow list laws for the Town of Wappingers Falls, Town of Hyde Park, and Village of Wappingers Falls. When reviewing the tow laws because there are federal statutes that come into play the operation of tow trucks is considered interstate commerce. Mr. Brennie indicated that many people travel through the area so the federal statute has been upheld saying towing is a business that regulates interstate commerce. Horan

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thinks the Town has an obligation to look at the federal cases and the federal statute that controls them in addition to state law provisions.

Brennie asked Horan if they were the attorneys that represented Wappingers Falls in the case he was referring to.

Horan responded that he was not.

Brennie said they received Horan's correspondence and gave it their due diligence and they will move forward with the public hearing.

Paladino asked Horan if the cases were related to safety.

Horan said the statute referred to as the Federal Aviation Administration Authorization Act, deals with aviation issues as well as the regulation of private motor carriers meaning trucks that would haul goods. In that respect it would be freight companies, oil companies etc.

Paladino asked where the correlation is of the cases.

Horan responded that the specific case is Pistolesi v. Calabrese, which was a Southern District case, the provision in the Village of Wappingers Falls regulations said "Applicant shall not qualify if they maintain a business on the very same premises or real property owned and operated by another Tow Rotation Service." It said they could not be on the list if someone else owns a business on that property. The court in the case found that "By preventing two separate tow companies from operating at the same location requirement for limits the number of actors in thus services in the tow list market. Furthermore, eliminating secondary companies like action from the market may impact not only the number of services available to consumers but also the prices at which those services are offered... Requirement 4 artificially eliminates services from the market thereby superseding congress's intent that "competitive market forces" control the services that motor carriers provide. Because it alters the natural balance of competitive market forces, Requirement 4 significantly impacts deregulatory and preemptive goals of the FAA." They said that the restriction on two businesses in one location was not related to safety and therefore it was preempted by the federal statute.

Paladino asked whether that Town had to change their code in that case.

Horan said that section of the code had to be stricken and was not enforceable against Pistolesi's company. He was able to operate two tow businesses at the same location by a federal court order.

Bob Gorman, Gorman's Garage in Poughkeepsie and first vice-president of the Empire State Towing Association, said they were extremely disappointed. He has Peter O'Connell's comments which are six pages long and gave copies to the Town Board. The comments are too numerous and too technical to discuss all of them this evening. He would like to address a couple of things Attorney Chale has done in the ordinance. Having a tow business be in business a minimum of five years before they are considered to be on the list is extremely important for safety purposes. They are trying to prevent a tow company who is removed from the list and closes that business from opening a business under another business name in thirty days. Chale has taken out the provisions for tow trucks and a flatbed which both are extremely important for safety.

Brennie interrupted that it was not Attorney Chale who took those out but rather a Town Board decision to do so.

Gorman said when one discusses the two trucks, with a tow truck minimum of ten thousand pounds GVW (Gross Vehicle Weight) and a flatbed minimum GVW of fifteen thousand, if you have a Class1 vehicle and look at a TRA Municipal Tow Guide and you have a Class 2



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vehicle, they are light duty towing. The flatbed is not going to touch a F350 four-wheel drive pickup that weighs almost ten thousand pounds and is fifty feet off the road. He has had to use two cables from a medium truck to take it off of seventy-five feet which was wedged between two trees. You need a minimum of two drivers with the endorsements to tow. The endorsements are not needed when the police call in an emergency situation. However, the endorsements apply and are extremely important if a vehicle is taken from a safe haven or from a customer on a second tow.

Another issue is that the DMV registered shop is actually a NYS repair shop registration. There are technicalities like that that Pete O'Connell addressed in his six pages of comments. Included is a tow ordinance that he said was not adopted by Troop F but gives the police a "three strikes and you are out" in a certain time period. That information has never been available to them before as they evolve over time. It is a good thing to copy in the Town of Lloyd's towing ordinance because if a tow operator does not show up three times in the twenty minutes they have, barring extenuating circumstances, then the police have a procedure in place. If there is no resolve, then there is the Town Board.

Paladino asked if Troop F did not adopt it why would the Town of Lloyd want to consider doing it and asked if anyone has it yet.

Gorman responded because it is a good idea. They are working with the State Police on the state level to try to consolidate the entire State Police tow list into one unit.

Paladino asked whether Troop F incorporated those things into their new tow code.

Gorman said unfortunately they did not. You cannot limit two trucking companies operating out of the same location, but you can limit two tow companies being on the list from operating out of the same location. New York City does it all the time. Pete O'Connell is researching that particular court decision and will give a clearer concise answer to it. There is federal commerce clause that he was referring to that prevents a local municipality from preventing a tow company from outside from working inside. That is why originally there was a half mile. It is a safety/liability issue to not have two tow companies' storage yards mixed with everyone's personal items. Empire State Towing Association is not in favor of the twenty-four-hour free storage because they have to insure for everything including hook-up and garage keepers that insure the vehicle when it hits the ground. A couple of hours is reasonable but insurance companies covers storage the minute the car hits the ground; that is why is working on eliminating the twenty-four-hour free storage.

A municipality does not want to have a towing company that has only been in business for a year and works out of a small little company with one truck. That is not the type of person to be on the tow list for safety reasons. The business should be established for five years and have a tow truck and a flatbed at the scene. They should have a company with a lifting boom, a tow truck with lifting ability and a flatbed because of all the four wheel drives.

Gorman suggested a meeting with the attorney and Pete O'Connell to go over the facts as it would save time and effort in trying to identify all the issues.

Paladino asked what the issue is of a half of a mile additional radius versus the "in town" limit. If it is not challengeable in town then what makes it challengeable out of town.

Gorman said they can put in within a reasonable distance.

Brennie said the reason they took out the half a mile is because tow operators that operate within the Town of Lloyd cannot go to the next town precisely because of that.

Gorman said they could if they wanted to challenge it.

Brennie said they do not want to hurt any businesses in the Town of Lloyd so they do not really want businesses from out of town to participate in the towing rotation.

Gorman said that they may want to consider limiting the list to a certain number. The additional applicants would go on a waiting list.

Paladino felt that having a waiting list would open them up to be challenged.

Gorman said it would be too much work for the police to have to inspect fifteen different tow companies. The volume has to be taken into consideration. It is too much work to keep track of all the drivers, inspections and paperwork.

Brennie believed that is an issue that is not overwhelming them.

Paladino inquired as to why they would want to limit business. He thought that by registering the vehicles and business through the DOT that there would be less work and asking the municipality to do all the inspections would open them up to greater liability. He asked why the town should perform inspections that have already been done by the DOT.

Gorman responded that NYS registration is a two-year renewal and the only time the DOT checks the trucks is when they are on the road going through a truck stop. No one is verifying their license in a twenty-four-hour day. The police should scan, inspect and verify through the operator's license periodically at the scene before they authorize the tow. If they do not inspect at the scene and an operator's license has been suspended, then they are in trouble. That is why they picked to have the tow operators have a two million liability policy; one million for the operator and one million for the town. Larger tows or hazard materials tow should be even more. DOT checks when the operator initially applies to the DOT.

Scott McCarthy, resident, asked Gorman when he refers to two businesses is he referring two separate businesses owned by one person or tow operators owning two separate businesses at one location. He felt that is something that they need to clarify

Gorman said he did not know but Pete O'Connell is looking into it. It is his understanding that if there are two tow companies operating at one yard and one person could own both companies but those two tow companies could not share that one yard or one address.

Supervisor asked Gorman if these concerns were addressed back in April at the meeting with the firm of VanDeWater and VanDeWater.

Gorman said no because when they got to the second page of the original ordinance he stopped because there were already companies that were not meeting the criteria to be on the list. He felt that Kyle Barnett and Jim Nelson from VanDeWater and VanDeWater did not agree with him so he left the meeting.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Brennie, seconded by Paladino to approve the minutes Workshop Meeting August 3, 2016 and Regular Meeting of August 17, 2016.

**Five ayes carried.**

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

General	G-853 to G-926	\$ 35,077.52
Highway	H-373 to H-413	\$ 110,035.10

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Miscellaneous	M-207 to M-224	\$ 25,257.00
Prepays	P-324 to P-388	\$ 65,785.25
Sewer	S-222 to S-248	\$ 14,811.93
Water	W-336 to W-365	\$ 176,108.99

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

**Five ayes carried.**

**C. MOTION** made by Mazzetti, seconded by Guerriero to authorize the Heirs2Christ Youth Group to host "Heirs2Christ 5K Race" on Saturday, October 8<sup>th</sup> beginning at 8:00 AM and concluding at 12 noon. The race will begin at the Hudson Valley Rail Trail Depot and will go west to Tony Williams Park and return to the Depot; this portion of the trail will be closed during the race from approximately 9:30 to 11:30 AM. The organizers of the event will contact Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary signage and the use of monitors on the trail before and during the event at the recommendation of Hudson Valley Rail Trail Association.

**Five ayes carried.**

**D. MOTION** made by Paladino, seconded by Brennie 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 from 9:00 AM to 11:00 AM on Saturday October 22, 2016 for the Highland High School Interact Pumpkin Run at the request Peter Bellizzi, President of the Hudson Valley Rail Trail Association. The event organizers of the event will coordinate with Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary Signage and the use of monitors on the trail before and during the event

**Five ayes carried.**

**E. MOTION** made by Paladino, seconded by Guerriero to authorize Walkway Over the Hudson to use the parking area at 75 Haviland Road on the evening of September 30<sup>th</sup>, for the "Starry Starry Night Benefit Celebration" from 5:00 PM to 11:00 PM. They will establish an access lane using cones and signage from Haviland Road to the gate just west of the caboose at 75 Haviland Road and will monitor such access lane during the time that emergency access is required in conjunction with the event at the recommendation of Hudson Valley Rail Trail Association.

**Five ayes carried.**

**F. MOTION** made by Guerriero, seconded by Paladino to suspend NO PARKING on both sides of Haviland Road on Saturday October 15<sup>th</sup>, 2016 between 8:30AM and 1PM for the Walk to End Alzheimer's event on the Walkway over the Hudson.

**Five ayes carried.**

**G. RESOLUTION** made by Paladino, seconded by Guerriero to approve the installation of a

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ten-foot-high by four-foot-wide Tourism kiosk at the Hudson Valley Rail Trail Rotary Pavilion on New Paltz Road by Ulster County Tourism who will maintain the kiosk.

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

**Five ayes carried.**

**H. MOTION** made by Mazzetti, seconded by Guerriero to close Vineyard Avenue from Milton Avenue to Main Street for the event to be known as Apple Oktoberfest on Saturday October 22, 2016 from 3pm to 10pm.

**Five ayes carried.**

**I. MOTION** made by Mazzetti, 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 29, 2016, 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.**

**J. RESOLUTION** made by Paladino, seconded by Brennie to accept the resignation of Nick Paradies as part time dispatcher effective October 14, 2016.

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

**Five ayes carried.**

**K. RESOLUTION** made by Mazzetti, seconded by Brennie to hire Nick Paradies as a part time police officer at the rate of \$18.25 per hour effective October 14, 2016 at the recommendation of Police Chief Daniel Waage.

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

**Five ayes carried.**

**L. RESOLUTION** made by Mazzetti, seconded by Brennie

**WHEREAS**, Town of Lloyd and the Town of Lloyd Police Benevolent Association, Inc., for part time and full time dispatchers affiliated with the New York State Union of Police Associations, Inc. are parties to a collective bargaining agreement which has an expiration date of December 31, 2014; and

**WHEREAS**, the parties have now reached an agreement as of the date of execution of this Memorandum of Agreement on the terms and conditions for a successor collective bargaining agreement for the period of January 1, 2015 through December 31, 2018,

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**NOW THEREFORE BE IT RESOLVED**

That the Memorandum of Agreement between the Town of Lloyd and the Town of Lloyd Police Benevolent Association, Inc., for part time and full time dispatchers is ratified.

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

**Five ayes carried.**

**M. RESOLUTION** made by Brennie, seconded by Paladino

**WHEREAS**, a Project for Tillson Avenue: Route 9W to Route 44/55 in the Town of Lloyd, Ulster County, PIN 8757.81 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be 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 Lloyd Town Board, duly convened does hereby

**RESOLVE**, that the Lloyd Town Board hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the 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 of right-of-way acquisition work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$288,000 is hereby appropriated from the capital fund code 50-04-5781-40 and made available to cover the cost of 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 exceeds the amount appropriated above, the Lloyd Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is further

**RESOLVED**, that the Town of Lloyd Supervisor be and is hereby authorized to execute all necessary Agreements, certifications or 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 are not so eligible, and it is further

**RESOLVED**, that in addition to the Town Supervisor, the following municipal titles: Town Engineer, Highway Superintendent are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with

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NYS DOT in connection with the advancement or approval of the project identified 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 connection with the Project, and it is further

**RESOLVED**, this resolution shall take effect immediately.

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

**Five ayes carried.**

**N. RESOLUTION** made by Guerriero, seconded by Brennie

**WHEREAS**, a proposed form of Local Law entitled “Local Law F - 2016; A local law amending Chapter A110 entitled ‘Towing List’ of the Code of the Town of Lloyd” (the “Proposed Local Law”) has been submitted to the Town Board of the Town of Lloyd; and

**WHEREAS**, the Proposed Local Law would modify certain provisions of the Code to clarify certain procedures and requirements for creation and use of a towing list by the Town Police and establish penalties for certain offenses regarding towing; and

**WHEREAS**, pursuant to the State Environmental Quality Review Act (SEQR), the Town Board has determined that the Proposed Local Law is best described as a local legislative decision concerning routine administration and management under the State Environmental Quality Review Act and that adoption of this Local Law constitutes a Type II action which will not have a significant effect on the environment;

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Lloyd as follows:

1. The Town Board of the Town of Lloyd shall hold a public hearing on October 26, 2016, at 7PM. at the Town Hall, 12 Church Street, Highland, New York, to hear all interested parties on said Proposed Local Law; and
2. The Town Clerk is hereby authorized and directed to publish notice of said public hearing in the official newspapers of said Town.

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

**Five ayes carried.**

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Brennie commented that there has been a resolution prepared to adopt towing fees. Charges have ranged from \$75 to \$600 and they want to make it more uniform.

- O. RESOLUTION** made by Paladino, seconded by Mazzetti  
**WHEREAS**, a local law, being proposed as Local Law G – 2016, was introduced at this meeting as follows:

Local Law G – 2016, a local law to amend Chapter 10 of the Town Code of the Town of Lloyd entitled “Ethics, Code of”.

**WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law;

**NOW, THEREFORE, BE IT RESOLVED** that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 19<sup>th</sup> day of October, 2016 at 7:00 p.m.; and it is further

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

**RESOLVED**, that the Town Clerk is hereby directed and authorized to cause public notice of said hearing to be given as provided by law.

**LOCAL LAW G OF THE YEAR 2016**  
**A LOCAL LAW TO AMEND CHAPTER 10 OF THE TOWN CODE OF THE TOWN OF**  
**LLOYD**  
**ENTITLED “ETHICS, CODE OF”**

The following amendment is made to the Town of Lloyd Town Code, as follows:

**Section 1. Purpose**

The purpose of this local law is to amend the Town of Lloyd Town Code Chapter 10 by revising the manner in which the Board of Ethics may take requests for advisory opinions to include written requests from residents of the Town.

**Section 2.**

The Town of Lloyd Code, Chapter 10, sub-section 10-18 B, is hereby deleted.

**Section 3.**

The Town of Lloyd Code, Chapter 10, be, and the same is hereby amended to replace the current sub-section 10-18 B, as follows:

“B. Role of Board of Ethics. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Town that have requested ethical clarification regarding their own conduct with

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respect to Article 18 of the General Municipal Law and this code. The Board of Ethics shall also render advisory opinions to the Town Board regarding the conduct of any officer or employee of the Town with respect to Article 18 of the General Municipal Law and this code. Such advisory opinions shall be rendered pursuant to the written request of the Town Board, a Town officer or Town employee, or members of the public who are residents of the Town of Lloyd, under such rules and regulations as the Town Board may prescribe, and shall have the advice of an attorney furnished to the Ethics Board by the Town Board. In addition, the Ethics Board may make recommendations with respect to the drafting and adoption of the town's Code of Ethics and any amendments thereto. The Town Board retains subpoena power in connection with the collection of information for the Board of Ethics, and the Board of Ethics shall have no subpoena power in connection with its duties.”

**Section 4.**

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

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

**Five ayes carried.**

**P. RESOLUTION** made by Guerriero, seconded by Brennie

**WHEREAS**, within the boundaries of the Highland Water District located within the Town of Lloyd, Ulster County, New York, there are certain properties which cannot obtain access and service to the system; and,

**WHEREAS**, said properties are subject to an Ad Valorem assessment based upon the assessed valuation of the parcel; and,

**WHEREAS**, the Town, in the past, in consideration of the inability of said parcels to obtain service from the water district has based this assessment on ten percent (10%) of the assessed valuation of said parcel; and,

**WHEREAS**, the town board as commissioners of the Highland Water District wish to set a standard assessment for all parcels located within the district which are unable to obtain service from the system to provide a more equitable method of applying the Ad Valorem assessment to said properties;

**NOW, THEREFORE**, it is hereby

**RESOLVED THAT:**

All tax parcels located within the Highland Water District which are unable to obtain service due to the lack of Water District improvements proximate to said parcel shall be charged based upon a value of One Hundred Dollars (\$100.00) per parcel multiplied by the tax rate for said special district for any given tax period.



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

**Five ayes carried.**

**Q. RESOLUTION** made by Brennie, seconded by Paladino

**WHEREAS**, within the boundaries of the Highland Sewer District located within the Town of Lloyd, Ulster County, New York, there are certain properties which cannot obtain access and service to the system; and,

**WHEREAS**, said properties are subject to an Ad Valorem assessment based upon the assessed valuation of the parcel; and,

**WHEREAS**, the Town, in the past, in consideration of the inability of said parcels to obtain service from the sewer district has based this assessment on ten percent (10%) of the assessed valuation of said parcel; and,

**WHEREAS**, the town board as commissioners of the Highland Sewer District wish to set a standard assessment for all parcels located within the district which are unable to obtain service from the system to provide a more equitable method of applying the Ad Valorem assessment to said properties;

**NOW, THEREFORE**, it is hereby

**RESOLVED THAT:**

All tax parcels located within the Highland Sewer District which are unable to obtain service due to the lack of Sewer District improvements proximate to said parcel shall be charged based upon a value of One Hundred Dollars (\$100.00) per parcel multiplied by the tax rate for said special district for any given tax period.

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

**Five ayes carried.**

**R. RESOLUTION** made by Brennie, seconded by Guerriero to approve the following budget amendments to the 2016 Budget:

GENERAL

Building & Grounds PS	1630.10	+\$6,000.00
Parks PS	7110.10	-\$6,000.00
Parks CE	7110.40	+\$5,615.00
Summer Fun PS	7310.13	-\$5,615.00

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Berean Park PS	7310.12	+\$1,369.00
Summer Fun PS	7310.13	-\$1,369.00
NYS Retirement	9010.80	+\$3,170.00
Contingency	1990.40	-\$3,170.00
HIGHWAY		
NYS Retirement	9010.80	+\$1,985.00
Social Security	9030.80	-\$1,985.00
WATER		
Highland Ave Water Main	8342.40	+\$37,818.00
Future BAN exp	9730.60	-\$37,818.00
NYS Retirement	9010.80	+\$1,033.00
Social Security	9030.80	-\$1,033.00
SEWER		
NYS Retirement	9010.80	+\$729.00
Admin Professional Serv	8110.30	-\$729.00

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

**Five ayes carried.**

**S. RESOLUTION** made by Mazzetti, seconded by Guerriero to authorize the Town of Lloyd to apply for a “Safe Routes” home and/or school grant application.

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

**Five ayes carried.**

**T. RESOLUTION** made by Brennie, seconded by Mazzetti to authorize Supervisor to sign a letter of support for Step One, 102 Vineyard Avenue, to apply for a grant.

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

**Five ayes carried.**

Paladino said he would like to discuss the bill from VanDeWater and VanDeWater at the next workshop meeting. He feels at a minimum they should pay the portion of the bill that includes the meeting in which Councilmembers Brennie and Guerriero attended.

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Mazzetti agreed.

**MOTION** made by Mazzetti, seconded by Paladino to go into executive session to discuss personnel with Richard Klotz, Highway Superintendent, at 8:50 PM.

**Five ayes carried.**

**MOTION** made by Brennie, seconded by Paladino to come out of executive session at 9:07PM.

**Five ayes carried.**

**MOTION** made by Brennie, seconded by Paladino to adjourn the meeting at 9:08 PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk