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Paladino answered that it is off Vineyard Avenue, just north of Hudson Valley Nursing Home on the other side of the street.

Supervisor directed the discussion back to the subject on the agenda, which is to establish regulations for a Planned Residential Development (PRD) under Chapter 100 of the Town Code. He offered that other comments will be welcomed at the portion of the meeting. 'Privilege of the Floor'.

Supervisor explained that the PRD zone was substituted by 'Traditional Neighborhood Zone', which did not work. Commercial Avenue was to be Traditional Neighborhood and when the zoning code was adopted, the zoning maps were not adopted for a couple of reasons (1) TNZ did not work in Lloyd because all of the streets had to be right angles, everything was square and (2) this Board did not feel that TNZ would not be good for Commercial Avenue, in particular, because of the existing commercial use on the street.

Litts explained to Kit Cowan that the old PRD did not have a commercial aspect at all; however, it may be a good idea to change the law to allow a portion of commercial i.e. a corner store, hair cutter, etc.

Alan Van de Bogart clarified that this PRD law that is the subject of the Public Hearing tonight does allow commercial and the Board agreed.

Paladino answered Cowan that the law allows 15 units per acre.

Reynolds asked the percentage of residential and commercial.

Elise Viola asked the Board to clarify what is being changed in the law and if this discussion is about putting PRD back in or is it creating a PRD to have certain attributes and regulations that reflect what the Comprehensive Master Plan states. She questioned the comment that the Town is not looking to increase residential housing but putting back this PRD, it will increase density.

Paladino explained that currently there is no PRD zone in the Town as it was taken out and it was replaced by Traditional Neighborhood district. He added that this law would allow for support businesses for the immediate neighborhood.

Litts feels that this PRD would allow for smart growth and that outside of the Hamlet, this PRD would allow for a concentration of residences and the convenience amenities. He said that the Town law does not allow that at this time.

Deeprose asked where in the document the type of commercial development is described that would be allowed.

Supervisor directed her to Page 5 of the document.

Paladino suggested looking at Section III, No. 2., the description of support businesses that become an integral part of the development and he read "Uses Permitted on Review (part of the development of the site plan) Upon review and approval by the Planning Board, neighborhood commercial activities may be permitted subject to the following conditions: no commercial activities will be permitted within the PRD containing fewer than 200 dwelling units; all commercial facilities must be designed as an integral part of the development; external advertising or other characteristics which would negatively alter the residential scenic quality or noise level or traffic load should not be permitted; commercial activities permitted within the PRD shall not in the aggregate exceed more than 4% of the total floor area within such development; provide further that the maximum floor area devoted to any single activity not to exceed 3,000 square feet; all commercial activities authorized must be intended for the primary use for the residents within the PRD district and their guests". That is the definition of general support businesses such as a small convenience store, a doctor, pharmacy, hair salon, etc. this is what the developer foresees there or wants to designate a section of the development to commercial space that is integral to the development.

Supervisor added that this has been on the Town of Lloyd website and can be reviewed and/or printed out.

Paladino then read the following: " A PRD is single family attached and detached dwellings, 0-lot line detached and attached dwellings, two-family dwellings, multi-family dwellings,

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condominiums and/or apartments; accessory uses or structures including non-commercial greenhouses and plant nurseries, unattached private garages and carports, tool houses and garden sheds, children's play areas and play equipment, swimming pool gazebos and the like when meeting the following conditions, shall be customarily and clearly incidental and subordinate to principal uses and structures, shall be located on the same lot as permitted use or structure or on a contiguous lot in the same ownership. Public, private or parochial schools, child care centers, recreation and community assembly facilities intended for the primary use of its residents within the PRD district and their guests. Public parks and public recreational facilities including golf courses, fields or specially designed areas; churches or similar places of worship, home occupations subject to provisions of Section 100-33 of the Zoning Code." These are the permitted uses within the PRD.

Fran Raucci, 2 Laretta Drive, asked if it was not true that the PRD was being considered because of the upcoming projects and would these projects go forward if PRD's are not approved.

Paladino answered that the Winery project would need a zone change to PUD as it is a combination of residential and commercial.

Terresa Bakner, planning consultant, explained using the example that Mountainside Woods is seeking to change some land from R1 to R¼ but they are keeping the traditional residential zones within the Town; the property is at the end of Toc Drive. This development is not the subject of any agenda item tonight.

Reynolds asked what projects in Town are PRD's.

Bakner answered that there are no proposed PRD's at this time.

Brennie stressed that the Town Board is not doing this because of any specific development.

Litts added that this came about because after the Master Plan was adopted, David Barton, Building Department Supervisor, came to the Tri-Board meeting, which includes the Planning Board, Zoning Board and Town Board, with the things that are or are not working in the Town's best interests and the topics were discussed. Barton brought up the topic that since the PRD was eliminated from the new Master Plan, he is finding problems with administering the Town law for many things, not just future projects. The Master Plan calls for enhancing the Hamlet of Highland but when the PRD which had been there since the 1970's was removed, it did not allow that. Barton introduced a new PRD law to be put back in the Code and the proposed new PRD law was discussed at the Tri-Board Meeting.

Ben Lombardi, 119 Chapel Hill Road, asked for an example of an issue that Barton was having with administering the law.

Supervisor answered that if there is a need to increase the density on Commercial Avenue, it is zoned ¼ Acre. The former bus garage is on one acre of property and four houses could be built on the property but no one would buy the property to put up four houses. The demolition of the building would be expensive and profit would not be realized from the construction of four new units. However, if the law changes, it may be possible to put in fifteen units with a commercial component and realize a profit.

Lombardi then asked how it would affect the abutting owner and the community as a whole.

Supervisor answered that the whole area could be developed and it is already in the water/sewer districts; approximately 40 units could be put on that piece.

Murphy said that one of the considerations when an application is made for a PRD is the adequacy of the services, it will be considered in the approval process. If a developer makes an application, all those factors are taken into consideration, environmental, traffic, water and sewer, including the character of the neighborhood.

Elise Viola, Perkinsville Road, noted the Master Plan states that a PRD should not be a floating zone, it should be studied ahead of time and adopted for specific areas; she feels that the adoption of a PRD should have very specific regulations such as cluster and conservation subdivision.

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Litts related that he did not want a PRD and that he did not want the Town Board or someone else to tell him what he can and cannot do on his property. If it is made a floating zone he could ask for it if he would like to have a PRD; this would not mean that he would get it but it goes through a process including public hearings, site plan review with the Planning Board; a typical project takes years to get through the process and within those years, residents can come and voice favor or opposition for a project. He felt it takes the landowner's option away if a PRD is locked in and the owner of the land could file an Article 78 against the Town and sue, which would cost the taxpayers money.

Viola felt that he made a very good point and that instead of creating zoning laws that make sense for people like Litts; the general Town planning is done on a per-project basis and in doing that it does not meet the needs of the collective.

Paladino asked for an example that the Town Board is accommodating developers.

Viola answered that Paladino has said to her that to make a specific developer's project feasible for them, they might need a specific zoning change. She feels that, as a taxpayer, it is not her responsibility make a developer's project feasible or profitable. As a taxpayer who is interested in the character of the Town, the congestion on the roads, what the Town looks like and who it attracts these impact the taxpayers, and is not in their best interest.

Paladino stressed that all of those concerns have to be addressed before approval to make sure that it does not impact the neighbors or their quality of life.

Litts said that he agreed with everything that Viola said and that is why he worked on the Master Plan for eighteen years because without the changes there can't be smart growth using the old zoning code. His personal goal is to see the Town move toward 'smart growth' which means think about the development site, mesh it the best that it can be, keep it visually pleasing, and all of that went into the Master Plan. The old Code would have allowed cookie-cutter houses all over the Town.

Carol Dufrane asked what was wrong with that and elaborated that these are massive subdivisions with massive amounts of people coming into Town, increasing the taxes, school taxes and traffic.

Paladino said the cost of highway maintenance and infrastructure is a tax burden.

Litts elaborated that Dufrane's has an excellent point and that is why smart growth is needed and said that taxpayers do not pay for what they use in services. He conceded that water and sewer is paid by each user but services including roads, lighting, the administration of the Town Hall cost money; businesses on average pay more in taxes than the services that they use. That is why smart growth provides business in the Town that offsets what the residential tax base does not pay; if the whole Town is developed into totally residential, there will be a deficit.

Dufrane agreed and said that right now there is too much residential being developed.

Brennie said that the Town Board does not have the power to prohibit someone from building on their property.

Litts, in answer to Dufrane's comment that is supposed to be protected by zoning, said that it is a double edge sword. There could be a little less than two hundred houses on two hundred acres because roads would have to be constructed. However, if clustering was allowed, there may be 60 houses; Mountainside Woods has the right to build 600+ houses on that property and he does not feel that is smart growth. The Town Board has negotiated down to 162 residences, which is smart growth.

Philip Rowland, 15 Fair Street, agrees that he would not want anyone to tell him what he can do with his property; however, if a PRD is needed for the village, he suggested designating PRD for the village.

Madeline Labriola, 8 Laretta Drive, said that there are public hearings and there are environmental studies but she is concerned that these opinions are heeded and questions if the people really have a say.

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Litts feels that she does have a say with him and he personally loves this discussion; he wished that everyone in the audience would volunteer their time.

Labriola, who has been a resident for 70 years, feels that the development is haphazard and is not in keeping with the tradition of rural community; although she agrees that some commercial and residential is needed. She feels that a project in the Town of 700, 800 or 900 houses is very frightening to her and other towns have laws on the books to prevent people from over-developing. She felt that a moratorium would allow more time to look at the environmental impact and to consider what the future will be like for our children and grandchildren. She asked why the PRD zone was taken out of the Master Plan.

Supervisor answered that the Planning Board gave the Town Board the Traditional Neighborhood in lieu of PRD but it did not fit, so the Town Board left it out and adopted everything but.

Brennie feels that everyone is concerned that the Town Board is trying to slip in the PRD to help a future developer that has not yet come forward; that is not the case, the PRD was in the Code since 1970 and has been gone for only a couple of years. It has nothing to do with any development that is before the Town.

Hammond encouraged those present to attend the Tri-Board meeting, which includes the Town Board, Planning Board and Zoning Board of Appeals, October 13 at 5:00 PM; it is open to the public.

Rose Sinagra asked the qualifications of David Barton to write a law.

Litts answered that Barton drafted the law and it was discussed by the 30 people at the Tri-Board meeting.

Paladino added that it was reviewed by the Town lawyers.

Terry Scott, Salk Drive, recalled that Town residents were not in favor of the Vineyard Commons project up and the Board allowed it to happen; she felt that that the project would never be filled.

Brennie asked Scott to explain the harm that she thought Vineyard Commons perpetrated on the Town.

Scott feels that the project is half empty.

Sinagra contended that the flooding of Vineyard Avenue on August 28 would not have happened if Vineyard Commons had not been built. She recalled that it rained for ten days about ten years ago and there was no flooding when the area was apple orchards. In another matter, she said that no one came to the doors in the area and suggested that residents should leave their houses and pointed out that the Supervisor, Frank Lombardi, Police and Fire Company came, looked, turned around and left.

Scott added that trees have been removed and the land paved.

Paladino feels that an engineer who is qualified should answer the question of the flooding; however, the fact is that less water came from that property than when it was an orchard.

Supervisor asked if there were any other comments on the PRD zone change.

Tony Hernandez, Hudson/Highland Hills, has observed an increase in water on a regular rainy day and feels that it is not true that it has no effect when trees are chopped down and concrete is put down; the water has no where to go but onto the asphalt and into the houses. He understands the impact studies but is also wondering about ulterior motives.

Jeff Anzevino, Director of Land Use Advocacy for Scenic Hudson, and a Town resident, said that Scenic Hudson has over 200 supporters in the Town and has worked closely with Town officials, other agencies and citizens to establish a network of parks in the Town, which not attracts hundreds of thousands of people to the Town of Lloyd each year. The parks and trails are important to the local economy. The PRD as written is inconsistent with the 2005 Comprehensive Plan. The Comprehensive Plan states that new development is to be directed to the Hamlet of Highland and away from outlying parts of Town. In the Comprehensive Plan on page 317 residential densities are discussed which under the proposed PRD floating zone could be increased from two acres per unit to 15 units per acre. The plan is clear that the

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densities are to be lowered and not raised in places away from the Hamlet; places along the bluffs that has been two acres per unit is recommended in the plan to be three acres per unit. He felt the 2005 Comprehensive Plan was a lot of hard work performed by volunteers and represents the community's vision and adopting the PRD as it is written would be diametrically opposed to that Comprehensive Plan.

He read part of the Plan on Page 317, "throughout the northern, western and southern portions of the Town, steep slopes and the presence of wetlands inhibit the development potential; in response to these environmental factors, the 1981 Comprehensive Plan recommended that allowable densities in these areas of Town needs to decrease, however, this recommendation has never been implemented. The current 2005 Comprehensive Plan reiterates this recommendation to reduce the allowable density in areas constrained by natural features. The environmental sensitivity is recommended to be reduced the same as it was reduced in Waterfront Bluffs Overlay District to protect the Hudson River Bluffs." It also says that land use and transportation are interconnected and a high density of residential development of the Town will have an adverse impact on the existing transportation network, forcing expensive road widening that will be detrimental for the Town structure and rural ambiance that Lloyd residents value. The 'rural ambiance' was cited as the number one priority of the Town and that is what we are losing by the urban sprawl that has been occurring in Lloyd over the years.

Paladino asked the area where Anzevino felt there was urban sprawl.

Anzevino answered Pancake Hollow and Chapel Hill Roads; he moved to Pancake Hollow in 1991, when it was a rural road.

Paladino contended that the zoning was one or two acre zoning, which is allowable zoning; he asked for an example of anything that this Board has done that is contradictory.

Anzevino continued with his statement to say that the concept of the PRD could have some merit if it was intended to strengthen the Hamlet but the fact that it could be allowed anywhere in Town is contrary to the Comprehensive Plan. The Comprehensive Plan recommends that the Town is studied for places for a PRD and that it not be allowed just anywhere. Zoning has to be consistent with the Comprehensive Plan. Ulster County Planning in a letter dated October 5, 2011, has a recommendation that basically says the same thing. It is an advisory as they did not have a quorum at the meeting. The letter said in part, that the PRD does not require or restrict a potential location of any PRD; this could result in applicants proposing PRD's in areas that may not be desirable or consistent with the Comprehensive Plan.

Scenic Hudson recommends that the PRD is revisited for more specific places in and around the Hamlet.

Donna Deeprise asked how they derived at the number 200 and asked the maximum for a buildable acre.

Paladino answered that he believed that there was a formula based on other Town laws that says support facilities would be recommended.

Murphy answered that is the density is 15 per buildable acre.

Reynolds asked if the Board would be approving something that is not in sync with the Comprehensive Plan if it approves this PRD.

Murphy said if the Planning Board was going to recommend the change, they would have to take into consideration if it did comply with the Master Plan.

Paladino said if the Board put this PRD in the middle of the Hollows, then it is against the Master Plan; however, it is a floating zone so it could happen in the right market and right market condition to make sense for the Town. Today versus ten years ago, with McMansions sprawled over five acres, the 1500 square-foot homes would be more desirable. Market conditions change and the Town has to adapt to the market. The senior market is a rising market and there will be need for affordable senior housing; there is a waiting list for Goldenview and the new housing in Milton. Vineyard Commons and Woodland Pond were built because it was thought that the demand was strong and the dollar amount would support the economy of what it was ten years ago. Obviously it did not happen. The developer and

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not the Town invested; it did not cost the Town a dime. Vineyard Commons gave the Town a million dollars worth of fees and now pays taxes, support the water system and it is a lot better than a vacant piece of swamp land.

Reynolds noted that Anzevino asked if the PRD as it is written now would be a contradiction to the Master Plan in terms of the floating zone issue.

Paladino responded that was not his opinion; he said that it only floats if you go beyond the parameters of what the Comprehensive Plan states, you could then argue that it is violated. There is no violation until someone has done that, and asked why put the Town in a finite box.

Viola answered that it is the only way to enforce proper Town Planning.

Paladino contended the person to argue with is the person who wants the PRD in the hinterland.

Viola feels they continue the same argument and that zoning is the system in place which is equitable to the Town at large; if zoning is changed for each project, there is no way to stick to the Comprehensive Plan and it is not good planning.

8:20 PM – Supervisor opened the Public Scoping of the Generic Environmental Impact Statement for the Hudson Valley Wine Village project, pursuant to the State Environmental Quality Review Act.

TOWN OF LLOYD

THE HUDSON VALLEY WINE VILLAGE PROJECT PUBLIC SCOPING HEARING

DATED: October 12, 2011

Lloyd, New York

8:20 p.m. - 9:20 p.m.

Donna M. Wells, Court Reporter

MINUTES OF PUBLIC HEARING

Mary T. Babiarz Court Reporting Service, Inc. (845) 471-2511

APPEARANCES:

TOWN OF LLOYD TOWN BOARD: Raymond Costantino, Supervisor; Jeff Paladino; Nancy Hammond;

Herb Litts; Kevin Brennie

Sean Murphy, Town Attorney

Rosalie Peplow, Town Clerk

Wilfred Rohde, Moderator, Rohde, Soyka & Andrews

Terresa M. Bakner, Land Use Town Attorney, Whiteman, Osterman & Hanna, LLP, One Commerce Plaza, Albany, New York 12260

Thaddeus M. Kolankowski, Jr., Town Planner, Barton & Loguidice, 2 Corporate Plaza, 264 Washington Avenue Extension, Albany, New York 12203

Kenneth Stenger, Esq., James Horan, Esq., of Vergilis, Stenger, Roberts, Davis, & Diamond, LLP, Attorneys for the Applicant, Hudson Valley Winery, 1136 Route 9, Wappingers Falls, New York 12590;

BY: KENNETH STENGER, ESQ.; JAMES HORAN, ESQ.

ALSO PRESENT:

Hudson Valley Wine Village, Harry Feinberg, Executive Vice President, Andrew Maxon; Steven Tinkelman, AIA, Managing Member; Robert E. Turner, R.A., Associate Director, Tinkelman Architecture, PLLC, 25 Van Wagner Road, Poughkeepsie, New York 12603; Chris Round, AICP, Vice President, The Chazen Companies, 100 Glen Street, Suite 3D, Glens Falls, New York 12801

SPEAKERS:

Steve Metz, Carol Dufrane, Madeline Labriola, Donna Deepröse, Kit Cowan, Daniel Rowland, Lance Madison
Jeff Anzevino, Mary DiLorenzo, Rick Remsnyder, Jim Fawcett, Lorrie Place, Judy Lux, Elise Viola, Susan Lindauer

SUPERVISOR: We're going to move onto the Generic Environmental Impact Statement for the Hudson Valley Wine Village, and I'm going to introduce you to Bill Rohde, and he's going to be our moderator tonight, so Bill.

MR. ROHDE: Obviously everybody's got the Notice of Public Hearing. I want to emphasize that this does not end the whole scoping session tonight. The written comments may be accepted until October 28th. That's about 14,

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15 days from now, so you get a chance to look at it, think about, submit your comments in writing. What I would like to do is to start off by saying what the primary goal of a scoping session is, and I think it's important for us to understand that. This is not going to be a debate. What you're doing is you're giving us information so we can present it to the Applicant and the Applicant can address it. So the primary goals of a scoping session are to focus on the Environmental Impact Statement and potentially significant adverse impacts and to eliminate consideration of those impacts that are irrelevant or non-significant. Scoping is not required, but the Town Board thinks it's important for you to put your input to them. Scoping may be initiated by a lead agency which is the Town Board. Scoping is conducted -- projects sponsored must submit a draft scoping that pertain to items identified in paragraph 617.8 of the Environmental Law, and I'm going to just say that what they have to do is they have to present to you a brief description of the action that we're talking about tonight which is The Hudson Valley Wine Village, and we do have somebody here that's going to give you a brief presentation; is that correct, Mr. Tinkelman?

MR. TINKELMAN: Yes.

MR. ROHDE: Thank you. After the presentation we will open it up for the public comments. I want to say one thing, I will stop you if you start to argue. If somebody says something don't repeat it, please, or we'll be here all night. State your name and where you live. Everybody understand, please. I would like to introduce to you --

MR. STENGER: My name is Kenneth Stenger. The reason why I started this is because I think many of you in the audience I have spoken to the last time, and the last time we were here we gave a big explanation of what we were thinking to do and I promised you all that there was a process here that we would all walk together. Today is the first step of that process. This is the public hearing on the scoping document, so I want you to think of the scoping document as the table of contents for a book of issues and that's what we're doing here tonight, and that's what we're going to do together, the first step. We've had two and a half years to identify the issues that we think affect our application and we put them on a 26 page scoping document which has been online for, I think, approximately three weeks, maybe a month, and I don't know if you've all seen it. It's not important that you've all seen it. It's been online for an extended period of time. It's not important that you've all seen it tonight. What's important is a process, a step we take together, and this process right now is to create that list of issues that you wish or we want to focus on to make sure that all of us are heard that will be part and parcel of the study conducted as part of the environmental study. I listened in between some phone calls from some other clients that I had to take concerns that have been expressed in the past hour and you need to put those concerns on the record tonight so we can keep a record of that and when this process is done we'll take that list of concerns and compare it to a list that's already on there and to the extent that those concerns are not reflected on that list your concerns will be added to them. This is not, tonight, about a public hearing on a project. It's not, tonight, on how do we deal with this issue or that issue. It's the first step in a long process. Here are all the issues. The Applicant has a job to go out to bring to you an explanation how it proposes to deal with those issues and then when they bring that explanation to you can pick that apart or not pick it apart, you're satisfied with it or not satisfied with it, but that's another night. Tonight is just making that list. Now, the proposed scoping document is on the Town's website. I urge you all to take a look if you haven't seen it before. It's 26 pages long, but what we have here is we have a period until October 28, 2011 in which in addition to whatever concerns that you elicit, put on the record tonight, that you can write. You can reduce those concerns to writing to get them into the Town, and, I for one, encourage you to do that. No Applicant cannot benefit by having the broadest spectrum of concerns and strategies at the earliest part of the process and that's what we're doing here tonight.

Now, I don't know how many of you were here before, but let me just give you a little piece of history on this land. This is probably a little small now. It was probably about half as many of you before as there are tonight, but I see some of the same faces and I think that some of you have seen this map. This is a unique piece of property. I represent the Fineberg Family. The Fineberg Family owns this piece of property out on 9W which is about, I think, approximately three miles south of here. You probably all know it as The Winery, and some of us who grew up around here remember it as a place where concerts were had 30 years ago, so that's a unique piece of property from a lot of perspectives, from its geography, its history in this Town to it's a unique piece of property for the Fineberg Family because they've owned it for nearly three decades. It's a unique piece of property from a lot of perspectives. I see my friends here from Scenic Hudson. I know several years ago Scenic Hudson expressed an extraordinary interest in participating in an effort to purchase that land and that effort didn't come to bear, didn't reach fruition. The Fineberg Family declined to sell the property because they wanted to put their land to work. They wanted to put their land to work for themselves and when we were retained -- I'm just the lawyer explaining the process. You'll here from Mr. Tinkelman shortly who will talk to you a little bit substance -- we were charged with we've got this beautiful piece of land, look at it and tell us what uses would be best for the owners and the Town, catalogue those, try to put together a proposal and bring that to the Town, bring that to the public, bring that to this process, this process that you're a part of, and so that's what we did, and I want to just tell you in very, very, very short order the concepts here. This is like a three-legged stool. We spent two and a half years thinking this through and this was our best idea. It may not be the best idea, that's why you have a public process because you react to what you hear in the audience. Some people are going to say, well, don't build anything. Well, that's probably not going to be up there in our pantheon of great ideas, but we have a three-legged stool. I just want to explain that concept. What we thought was we're looking at an economy that's

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very, very different than the economy that existed five years ago which marked the adoption of, I think, the Master Plan here in the Town of Lloyd which was the culmination of a lot of hard work, and I had no idea that Mr. Litts participated in that effort nor that it took that long until I heard it in the earlier part of tonight's meeting, but the hallmark planning is that you deal with needs as they exist and you have to have some flexibility to deal with needs as they change, and when I got involved in this which was about two years ago the needs go back to the original charge which is the best use of this land for the owners of the land and the Town, and we believe the needs changed. In this economy, 2006 had an economy. We have a different economy now, and we believe that our best use was to create a plan that would lower taxes, create rateables, drive jobs, and increase demand for housing. So, here is the three-legged stool so we understand it all because it's important, I think, that you be able to quote me as accurately telling you this because if you hear it differently from somebody else, if you hear it from anyone else that describes the project differently than I am going to describe it to you right now in terms of its concept you're not hearing the truth. So here is the plan.

You see this lower level here, this gray area, now, I think you can all -- you know where Blue Hill Road is, it's down a little south of that. That gray area is designed to be built out as a light industrial site with approximately 400,000 square feet. Now, that is the first phase of this thing. That creates the rateables. It creates the tax base without a demand for services because it doesn't generate kids, but it generates jobs. The second phase of this second stool, so to speak, or the second leg on the stool, is this piece up here which is the tourism recreational partial of this. How many of you have been to The Winery -- so then you know, you know the whole buildings, right, you know the clock tower. How many of you have been to the concerts -- there's someone. So here is proposed to put a hotel conference center and there you got more. What do you have, you have rateables, you have jobs, again, without a demand for services. Now, the Feinberg Family owns this land outright. They're not a developer coming into Town saying I have to have this approval done in the next two years otherwise I'm going to go broke. I got to build houses right away because I have to take down construction markets to make sense of my project. They've been here for 30 years. They are proposing to stay here for another because here's the third leg, and they have to work in this sequence because the economics won't allow it any other way. In order to get the jobs and taxes from the industrial section you have to bring water down 9W. You have to be able to build roads to get to the hotel section. You have to spend a lot of infrastructure. So the back end of this deal for the Fineberg Family is, based on demand, is this orange portion here being rezoned to be allowed for housing. Now, I want to talk about housing. I've never seen a housing market like this in my entire life. There's 143 houses for sale, I believe, just in this Hamlet if not in this Town. If this three-legged stool goes in sequence correctly, bring me the jobs, bring me the rateables here. You bring the rateables the taxes will have a positive effect of bringing your taxes down. Bring the jobs and it will have a positive effect of creating demand for existing houses. Go up to the hotel and you do the same thing over again, and we're not here to argue the project whether it's 1,000 jobs, 500 jobs. I'm just trying to get the broad view so you'll understand the plan. Come up here and bring the hotel. As we unfold this we'll talk about the details of the job, but bring the hotel. Now we have another set of rateables. We have another set of jobs and what do we have, we have demand of housing. I'm sitting here listening to all of you folks talk about-- the last hour was very good for me to listen to, so I want you to understand in terms of this being the last leg, which is the housing leg, that leg is going to be entirely based on demand. I would like to sit here and say, okay, we built out over 20 years because that's our estimate of what the build out will be after this piece and this piece come into play because without this piece or this piece coming into play there is no economic business base or use for all of us, you just put the housing here. On the other hand, without the housing on the end you can't really justify the expense in the infrastructure to get down so you can create these rateables and jobs. That's why it's a three-legged stool. Now, again, I say to you tonight that people will say I've heard from some folks who are being told that the housing component's going to come first and it's going to be built out right away, and it's going to bury you in school taxes, and traffic you don't need, but that's not so, but that should be a concern that you express tonight so it gets on the list because that's what a scoping session's about because you need more than me to say it's not so. You need to see in the application that it's not so. So that's a perfect example of a concern that goes on that list. Here's where we're at in terms of the action that we're asking the Town Board to take and then I'm going to turn it over to Steve Tinkelman so he can just talk to you in a little bit more detail about the project so that you will have the best background we can give you for expressing your concerns that we put on that scoping list.

THE SPEAKER: When you say, sequential, is it contractually sequential?

MR. STENGER: It's the issues that you put on the scoping list.

THE SPEAKER: That's fine.

MR. STENGER: Because that's the kind of question, that's the kind of way this process works, can you answer that question for me when we get down through this, so I like that. So here's what we're asking the Town to do. Town to rezone this entire piece which is a unique piece because it's owned entirely by one family, not a series of parcels that have been acquired, to allow this three-legged stool to function, to allow the creation of the jobs, the rateables, and, hopefully, to drive the demand that will first fill up all the empty houses in the Town of Lloyd, and, hopefully, not go buy all these new houses in these subdivisions that we've been hearing about until we get the chance to fill some of our own. And I come back to the Master Plan, and, again, I didn't realize that it had been so long in the making, and I think that when we work that hard to make something you want to stick by it

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because it represents the values of your Town and you work hard, but, things have changed radically. Things have changed radically all of our lives and in this Town and every town I worked in this side of the river and that side of the river. We need jobs. We need a tax base that doesn't rely on our houses being taxed out of existence. We need rateables that don't create a commensurate demand for services particularly in the school districts. In 2006, not for the lack of talent or creativity, nobody could have foreseen where we stand in 2011. Well, maybe you could have, I didn't. And so I don't think in 2006 that the plan could have seen that in 2011 jobs, rateables, are a premium. So that's what this is about and our action that we ask this Town Board to consider is to rezone to allow this single piece of property to be used in this multi-fashion purpose, and to amend the Comprehensive Plan to reflect the current needs of this Town for jobs, rateables, and lower taxes. Now, that's a decision for the Town Board to make at the end of this process, but I wanted you to kind of understand the choices or the frame of the issues that are before you, and none of the things I've said tonight should take away at all from any concern about traffic. I've heard drainage. I've heard flooding. That's what the process is about. That's what we're supposed to do together. The last thing I really want to make clear because you may hear from some folks tonight that will say otherwise, and that is that what we're doing here tonight is not project specific. It doesn't bring to this Board or to you a project that you can approve or look at. We really can't do that. We have people, and Steven will talk more about this, there are people who are greatly interested in developing this piece, the commercial piece, to create rateables and jobs, but until we know where we stand with the zoning we can't get to the place where we can develop a project to present to the Planning Board, so the thing that you need to know is that what we've asked the Town Board to do at the end of this process is to set parameters within which we can make those applications to go to the Planning Board. We are not asking this Town Board to approve any development. No development is proposed. We are asking this Town Board for permission to be able to give life to this three-legged stool and bring our applications to the Planning Board, and there will be that process which will then follow, so that's what we're doing here tonight. I want to introduce to you Steve. He's going to talk a little bit and then I will wrap up, and I think at this point in time we'll hand the meeting back to Mr. Rohde immediately, and folks, such as you just said, will that be sequential by contract or otherwise, ask the questions. We're going to take them all down. We're going to read that record together. We're going to try and build that into the final scoping document which will be our direction, our list from you as the questions we have to answer.

SPEAKER: Did you say that that pink --

MR. STENGER: This pink here is all one-family housing.

SPEAKER: The pink is part of the --

MR. STENGER: The pink area in this proposed plan that is not going to be rezoned. We currently propose to just keep this a single family dwelling. I think it's really important we all understand what this process is about. We will hear things during this process from the Planning Board, from the Town Board, from you, that may give us a better idea. We may hear things that say to us you know what, maybe it's smarter for us to move some of this housing away from 9W and up here on the bluff because if you look here we don't have any housing on that bluff.

MR. TINKELMAN: My name is Steven Tinkelman of Tinkelman Architecture in Poughkeepsie. We're the architects for the project. Thank you for all the things you just said. I suppose I just want to go back historically, and some of you have heard the rap already, so I apologize to those who have, but the charge we got from the Feinberg Family was originally to understand the piece of property. It's a magnificent 400 plus acres that are contiguous. It's a mile and a half of frontage on the Hudson River, and what I said last time in front of this group here was that it's a museum piece. It's not developed. There's a section where The Winery is that's somewhat on the bluff, but it's mostly off the bluff. So you can see this whole zone, this outside of the green here is the bluff line and Poughkeepsie didn't give you the respect that we're giving to Poughkeepsie, but the idea here is that in this proposal is that we are not building on the bluff, on the river, so that stays green and beautiful, and particularly in season you can really appreciate what I'm saying here. The charge, again, from the beginning was to really understand the land, and understand all the zoning that was in place, and to look at all the overriding issues that were important to thinking about what to do with this property. So we did what was important which was to walk the property, spend a lot of the time on it, to look at the Wine Village and to study those buildings to see which ones were appropriate for adaptive reuse. Some of those buildings were marvelous. The character within the complex is special and it inspires some great ideas which I think you'll see in the project. But part of it then was to put a team together of experts that we could look at the intelligence of the land, so that included biologists, wetland specialists. We did some serious mapping, three dimensional drawing of the site. We hired archeologists. We have traffic consultants, planners, engineers, the list continues. We went through discussions with Ulster County Planning, Ulster County Development trying to understand what kind of needs were out there, what planning on a larger scale issues were. We spent a lot of time with the Planning Board, the Town Board here and members of the staff of the Town of Lloyd just understanding the landscape and having the beginning of some good dialogue. So, again, the project is not designed -- and, again, that's what Ken was talking about, that this is a process that we have an idea of what we want to do here, and through this scoping process, through this environmental process we're going to begin to detail for you all these issues that are of concern that will begin to take shape and that will be our requirements going forward. There

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were some overriding sensitivities that we want you to be aware of. One is the bluff, and I think that that is a huge donation of an idea that the Feinberg Family have offered up in this plan. The second one was to have low impact or no impact on the neighbors whatsoever, so Blue Point Road, which is north of the site and leads us to the Wine Village, will not be used by this development. Blue Point Road is down over here, and all the houses that are on Blue Point Road will not be impacted at all. That road will not lead into this project. So we've completely built a new roadway system in this plan so that the quality of life that's existed on Blue Point Road will not be impacted. The same thing with the neighbors to the north and to the south, we have buffer zones, so the idea of really having no impact, and visibility was important for our planning. The most remarkable part about this site, as I said before, is from Route 9W you'll not see this project, so you'll have no idea really that this project exists until you enter into its site. Primarily, we would love to be able to develop along 9W and build the commercial corridor there, but unfortunately there's some pretty extensive wetlands and topography that don't allow that to exist, so that's not part of the project. So the idea here, as Ken talked about, is that we have some different zones that we've established for the development. This area here, as Ken mentioned, is the light industrial piece. The design and the design standards, and the setback requirements, and all the bulk issues, and all those things that are catamount to doing a good job will be developed and presented as part of this process, so there's no criticism of it today, but you'll have the opportunity to look at it, think about it and comment as we move forward with it. And that's true for all the parts of this whole thing that the ability of you to interact on very specific things is an important part of the process that Ken talked about tonight. So, again, tonight is just starting the process of a mandated environmental sequence that we're going through here. This area over here that Ken had mentioned is staying zoned as it currently is. It's only we're talking in the low 20s in the numbers of houses in that area. Originally we had planned to put the conference center and hotel up here. The view down the river is spectacular, but if you were a hotel developer the first thing that you would do in picking out a site would be that point up here. We felt that because of the impact on the bluff and because of some of the topography and some of the difficulty of impacting some wetlands that we would stay away from that. There are other reasons, but we made the concession of moving down and putting the hotel back in the Winery area. There's been some thinking about new construction there which we'll see some ideas as to what that will look like height wise. None of the buildings that we're proposing will be any taller than the clock tower structure there. Another case in point in terms of studying is we've hired a photographer that you have to do what they call leaf on leaf off studies, so we've actually marked out where we think the buildings are going to be, put balloons up there and the height of what the balloons are. They've been photographed with the leaves off the trees and on the trees, so you're going to be able to see the impact which you'll be amazed how little the impact is. As a matter of fact, with the leaves on you saw nothing. The next section in here is the proposal for the housing, different types of housing that we want to have a very broad envelope of what would be allowed. Again, you're going to have the chance to look at all the issues about what the design center building would be, setback, and parking; how much is left green. Again, we're talking about over 50 percent of the site is going to be left green. Again, I think tonight rather than talking about design because there are going to be other evenings that we'll be presenting and you'll be able to be commenting, this is really about the environmental process and what Ken said is that we're really trying to set the table to then go to work on the specifics here and then present different projects as we go forward with the Planning Board in the future. In closing here, I think that we've tried to be sensitive to the bluff, and to the neighbors, to the view, to the topography, to working with the site, and you'll see that as we go forward we have a great team here that, hopefully, will be able to answer all the specific questions that you have in the scoping process. We know the site really well. It's been three years of hard work. This is not a process that we take lightly and I know that we have a lot of work to do. The project has changed many times in those three years and a lot of it is because of good conversation, and we look forward to the conversation that's why we're really glad that you're here. We want to hear what you have to say, and you're going to also feel that we're responsible because we're going to address thoroughly all the issues that you present, so, thank you.

MR. STENGER: I want to thank you for allowing us that introduction. I'm going to give the floor back to Mr. Rohde. We are going to take down all your comments. What we're kind of looking for is, if you can, just tell us what you want us to study, what the issue is, what the topic is. If you can make that very clear to us then we can do our job better. Thank you very much. Mr. Rohde, it's your meeting.

MR. ROHDE: Thank you, sir. Yes, sir, your name?

MR. METZ: My name is Steven Metz. I live at 9 Mayer Drive. I just had a question. What didn't make sense to me was the proposed commercial construction going first. If it can't be seen from the road how are you going to get business there? So it seems to me that they're going to have to have some exposure to the road or how else are you going to get customers.

MR. ROHDE: If you have a question we're going to make it as a statement for them to study and to respond to. No answers tonight. We don't have any dialogue or anything going on. It's almost 9:00. We'd like to try to get out of here by what, 2:30? Yes, ma'am.

MS. DUFRANE: My name is Carol Dufrane. Did you say it was light industrial area or a small commercial area?

MR. ROHDE: No. We said light industrial area. Ma'am?

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- MS. LABRIOLA: Madeline Labriola, 8 Loretta Drive. I'm a little unclear as to what the zoning is now and what we want to change it to. Nobody mentioned that, and the housing I've heard as much as 900 houses. Am I wrong on that, and can they answer that tonight?
- MR. ROHDE: You'll find that on the website if you want to go on the website. It's on the website and in the first part of it describes the whole thing. They have maps on it that shows the zoning. Basically it's all R1, R2, as I remember it, the whole site is. But then it's got the light industrial, the tourists, recreation and then the single family. You'll be able to see that more clearly on the maps than on the website. Yes, ma'am.
- MS. DEEPROSE: I'm Donna Deeprise. This is related to the questions that have been asked and you may say that's on the website, but the zoning that's being proposed, it's all going to be one unit and except for the pink area is it all going to be within the same zoning? All the light industrial, the residential, and the conference center hotel area, is that all going to be one zone, and, if so, what zoning is it going to be?
- MR. ROHDE: As far as I understand, there will be three separate zones all mixes. It's very flexible.
- MR. STENGER: It's all on the website.
- MR. ROHDE: Go to the website.
- MS. DEEPROSE: The question I would like them to answer related to that is, how will it benefit the Town to allow light industrial there in that location when the decision was made when the Comprehensive Plan was developed to allow, provide and encourage light industrial north on 9W rather than that area? What is the benefit to the Town to change that?
- MR. ROHDE: Good statement. Yes, ma'am.
- MS. COWAN: My name is Kit Cowan, 235 Eltings Corners Road. My question is that I would like to have, know the impact of the traffic? If there's light industrial on there or even the whole complex how that would effect the traffic and how that would be dealt with?
- MR. ROHDE: The young man over there.
- MR. ROWLAND: Daniel Rowland, 15 Fair Street. You referred many times to the property, the one property. Are you planning on keeping it as a single property and distributing it parcel to parcel with leases or are you actually intending to sell it all over the 20 years? And another clarification, you mentioned several times about the conference center. Is that something you guys are intending to develop or have someone specific or that's just still in theory?
- MR. ROHDE: Thank you. That will be addressed. Yes.
- MR. MADISON: I'm Lance Madison, President of the Ulster County Development Corporation, and our mission is to promote quality jobs and business in Ulster County, and we've partnered with the Town of Lloyd many times over the years, and we're here to express our enthusiastic support for the concept and the vision of this project, and, of course, there's a long process to go through. We've had discussions with developers. We know there will be a lot of give and take, but I can tell you that this vision includes many of the strategic priorities that this whole community, the larger community of Ulster County, developed in what is called, The Ulster Tomorrow Sustainable Economy Development Plan, with hundreds of citizens participating and unanimously approved by the County Legislature as part of its Comprehensive Plan. That included four strategic industrial sectors; the tourism, agri business, greener enforceable product, and the creative/innovation economy which includes manufacturing. I can tell you that one of the biggest problems we have had in Ulster County, and, for that matter, in the Hudson Valley in economic development is finding infrastructure appropriate sites for manufacturers and other industrial enterprises of some scale that are appropriate that the market wants. We have people currently, today, asking us for such sites. Marge Gallagher, from the County Executive Office and others, are constantly fielding calls with us to find such sites. The jobs that are in those manufacturing jobs typically pay significantly higher than the median income. The tax base that's created is significant and so we're much looking forward to seeing how this project unfolds, but we're ecstatic that someone's willing to risk their capital, and their time, and their money, and their effort on an infrastructure ready to go site of this kind, particularly manufacturing, industrial property. One other, just, footnote. I won't monopolize the time. It's the Town of Lloyd's show. The Hudson Valley Economic Development Corporation has identified some strategic clusters, industry, in the Hudson Valley as a whole, one of which is the bio medical. A lot of that, as you know, is downstate towards Rockland and Westchester County, but we do have companies in that cluster in Ulster County some of which are looking for space and expanding and growing, and this is one of the areas that the project has identified as having potential, so we're very excited about the vision, the project. We look forward to seeing how it goes, and we hope also that you will look as you develop the studies to back up all this scoping up look at impacts of the tax base over time and on the schools because there's always concerns with residential about impact on the schools. Sometimes communities find the perception of negative impact from the tax point of view is exactly the opposite of the actual facts. If schools are lower in enrollment filling those classes up can actually be a positive fiscal impact on the school district and the tax situation. All that obviously has to be studied and in the shorter term it will be a tax base from the commercial industrial side, but I hope you will look at all those very factually and carefully. Thank you.
- MR. ROHDE: Yes, sir.

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MR. ANZEVINO: Jeff Anzevino, for Scenic Hudson and a resident in the Town of Lloyd. Scenic Hudson -- I'll dispense with what he said about Scenic Hudson -- we do share a long boundary with the managers of Franny Reese State Park.. We do share a very long boundary with that pleasure site and that's where our interest is in addition to representing our appearance here tonight. The scoping here is to identify the potential environmental and community impacts with the proposal -- the Town's vision as expressed in the two previous Comprehensive Plans, and rather than decrease density over the existing levels by 50 percent in the area this is looking to increase density by allowing up to 950 housing units, according to the website and the scoping document. So given what the project team has told us about changing conditions since 2006, what is changed since 2006 that would warrant the development of a lot of homes and other types of businesses in this place removed from the Hamlet which is what the Town's Comprehensive Plan says should happen. In other words, since 2006 the Hamlet is still struggling? What will the development of this entire new village on the bluffs represent? According to the Town's Comprehensive Plan in 2000 there were 3,818 homes, dwelling units, apartments, single family homes, residents in Town. We understand that there were perhaps another 500 built since the year 2000, so what would the addition of another up to 900 units in this area -- we're talking of about 20 percent of the additional dwelling units in the Town if this location removed from the Town where the Comprehensive Plan says where large scale development shouldn't occur. With respect to the industrial development, I think there are also a lot of -- the impact of developing green fields, cutting down high quality habitat which is the Blue Point bio diversity area. This is the Esopus Lloyd ridges and wetlands area identified by the New York State Hudson River Estuary Program. The entire site is also the scenic area of statewide significance, so I think we should weigh the pros and cons of taking places like other places in Lloyd like perhaps the Central Hudson site that is under utilized may at some point in the future be right for developments, and other places where the Town Plan says to extend water and sewer to the north. In our existing light industrial area pros and cons of developing existing areas than environmentally sensitive areas. The site hosts many wetlands and unregulated vernal pools, and the Town of Lloyd Comprehensive Plan recommends adopting a local law that regulates wetlands under 12.4. acres. We'd like to know how you develop a large scale development, particularly of that light industrial area where all that blue on the map in that area are wet areas and steep slopes represented by the close contour lines, how development, particularly in those areas and the residential family areas, would impact the Town's desire, as expressed in the plan, to regulate wetlands under 12.4 acres? We also understand that in that Blue Point bio diversity area -- the project team says they have a copy -- there are some species there that you should take a look at, the Yellow Breasted Chat. How would the necessary road improvements on Route 9W and other roads that would be necessary over the build out of this project? In other words, potential widenings, traffic signals and turn lanes affect the community character and rural setting of Route 9W south of Chapel Hill Road, so community character is a legitimate area of study under SEQRA. We think you can remove the alternative that would examine 1,200 units. I don't think it makes any sense to have that in the plan, and instead the alternative would be to just develop the champagne cellar area with the hotel and conference center without the industrial components and without the 950 residential units. We'll submit full scoping comments by the end of the comment period. I would just like to take a look at one thing on the map. Planned Residential Development; is that PRD? Okay. Thank you.

MR. ROHDE: Next.

MS. DiLORENZO: My name is Mary DeLorenzo. I live on South Chodikee Lake Road. I think you're kind of hindering what people are trying to find out because Mr. Stenger said we're asking the Town Board to rezone and then he didn't tell us from what, and then we're asking what is it zoned now and you're not telling us. So a couple of questions that I want to ask is about the zoning and I'm hearing about the PRD, so I kind of think it's unfair that you're not giving the audience what's zoned now and what are they looking for the Town Board to zone it to? So does everybody have to go on the website?

MR. ROHDE: Do you have availability to a website or not?

MS. DiLORENZO: No, I don't.

MR. LITTS: I'll help you out.

MS. DiLORENZO: Thank you.

BY MR. LITTS: You're welcome. Here's our current zoning map. If you look right here this is Blue Point Road. The green part right here is residential one acre. The light blue section out here out to the bluff should be residential. This is R2. This is R1. That's the existing zoning that's there now.

MS. DiLORENZO: So it's basically all residential at this time?

MR. LITTS: Yes. That is correct.

MS. DiLORENZO: And what they're asking for is light industrial, residential PRD, and I don't know what the hotel is. Is that business? So they're asking for three different zones.

MR. ROHDE: Do you mind if I just read that purpose. This is the introduction right here of the long form Environmental Assessment Form, but it's online and we can have a copy printed out for you. "The proposed action with the zoning amendment to the Town of Lloyd zoning map to provide for tourism, recreation, resort floating district which is the TRR-F District on a portion of the property in the area of existing Hudson Valley Wine Village." That's up here. "A light industrial district along Route 9W and a planned residential district with certain other portions of the property. These are presently zoned R1 and R2. A large portion of the property

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zoned R2 will remain under that zoning designation. The Applicant also petitions the court to create a zoning overlay district that will be imposed over the areas to be rezoned and the R2 district area to maintain the continuity between all the areas that are subject to this application. The overlay district will also allow the important Hudson River bluff areas to be conserved while allowing the property to be credited for that open space in other areas of this project," and that's what Mr. Tinkelman was talking about. You're preserving that whole area right there. "Subsequent to the rezoning amendment the proposed action includes a subdivision site plan approval of mixed use development. The development will encompass an integrated plan that includes a conference center, residential, retail, office and light manufacturing uses and public recreational facilities. For the purposes of this EAF," just for the purpose of this document as it stands right now, "the development is assumed to consist of a maximum of 950 residential units, 50,000 square feet of commercial office space "that's about an acre in size," and 400,000 of light industrial manufacturing and institutional space, a conference center and a 90 room suite hotel." That's what this document says, and you'll find this online.

MS. DiLORENZO: Thank you.

MR. ROHDE: Yes, sir.

MR. REMSNYDER: Yes. My name is Rick Remsnyder. I'm the Director of Tourism for Ulster County and I reside in New Paltz. I just want to point out that tourism is the number one industry in Ulster County with over \$440,000,000 generated annually. There are 637 tourism businesses located in Ulster County with 5,500 direct tourism jobs and nearly \$8,000 indirect tourism jobs. It is projected that this project will create 950 construction jobs and approximately \$1,000 well-paid permanent jobs. A project such as the Hudson Wine Village surely would be a boost to tourism and to growth in this region. A project like this would be a boost to visitation and rapidly growing market particularly in light of the fact that it's so close to the Walkway over the Hudson which has already attracted over 1,000,000 visitors in less than two years. There is also an interconnect with the walking trails in adjacent Franny Reese State Park which would allow for access to the walkway. This past weekend there were three articles in the New York Times extolling the virtue of our County and projects such as this would continue to make Ulster County an attractive place to visit. Thank you very much.

MR. ROHDE: Thank you. I'm going to try to get the people that haven't talked already. Yes, sir.

MR. FAWCETT: Jim Fawcett on River Road, and my question is public access to the bluff and to the contiguous Franny Reese Park, what proposal do the developers have in that regard?

MR. TINKELMAN: Can I answer that?

MR. ROHDE: Yes. Sure.

MR. TINKELMAN: I left out an important part, and I realize that one of the things that the project will show really is to that point which is really a part of why this is really a Comprehensive Plan that benefits the community in other ways besides tax base and jobs is we plan to continue the trail system that has been started on the Franny Reese Park that will run along the bluff that will bring you down to the river. We're planning to have some parking and public access so that you can drive in and take advantage of that. The trail systems that we're talking about will also be integrated to the housing that we're going to be constructing and designing so if you live there you're going to be able to enjoy the river as well and connect to that, so I felt that I should bring that up because it's an important part of some of the public amenities.

MR. ROHDE: Thank you. Yes, sir. Anybody else?

MS. PLACE: Lorrie Place, 51 Blue Point Road. What about all the wildlife that's there now? Where do they go?

MR. ROHDE: That will be very heavily studied. Yes, sir.

MR. ROWLAND: I got my degree in archeology, and I had read that Blue Point was used during the Revolutionary War as an outpost secondary to West Point. Has that been identified and properly excavated? Are you planning to do that, and, as a corollary, the grave of Jonathan Tompkins is on there. Was it determined to be a grave or just a headstone floating in the woods? Was there anything to address the cultural archeological records?

MR. ROHDE: Thank you. That will be addressed.

MS. LABRIOLA: Madeline Labriola, 8 Lauretta Drive. I was just concerned if one part of the project, like, the housing part really worries me a lot, the size of it, the affect on the environment. If that's taken out can the project still go forward? There was some parts of it that would be more acceptable or is it all or nothing because when it's all or nothing I don't like that because we need to be able to work it to the best use of the property and for the people. What about all the people who are not impacted because they can't see it, but they're going to be caught in the traffic? So there's always an impact to people.

MR. ROHDE: Anybody else?

MS. LUX: Judy Lux, 35 Perkinsville Road. You look at Mohonk and you've got a beautiful hotel. It's all green around it, and that's what attracts people to come to the hotel. They don't come to the hotel to look at small factories, to go to a shopping mall. They come for the beauty of our valley. I want our valley to stay beautiful. I would love for us to have something as beautiful as Mohonk here in Highland as a draw, maybe as the conference center, beautiful hotel, recreational facilities. To have 900 houses around that hotel I think distract from the beauty of the valley and the worth of that hotel as a draw to Scenic Hudson and to tourism.

MR. ROHDE: Thank you. Yes, ma'am.

MS. VIOLA: Elise Viola, Perkinsville Road. Related to what Judy just said, couldn't you look for another type of business that's more suited to preserving that rural character which would enhance or encourage the possibility of

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the hotel being successful? As Judy just stated, something like agra business, agra tourism, some kind of recreation that preserves the rural quality of that land instead of housing? Something that brings income and profit to that property and the project, but doesn't increase housing and doesn't decrease the effectiveness of a hotel which is there for tourists?

MR. ROHDE: Yes, ma'am.

MS. DUFRANE: Carol Dufrane, 4 Sharon Drive. I would like the interpretation of light industrial, what they mean by light industrial.

MR. ROHDE: Okay. That will be addressed. Yes, ma'am.

MS. PLACE: Lorrie Place, 51 Blue Point Road. The area there on the left that's going to be residential, the orange color, all that is where 925 houses are going to go? Since you're going to limit the salmon color to maybe 20 houses you're going to set over 900 houses in that area?

MR. ROHDE: You can look at the website. You can see where it is. It's very clear on the website. Okay?

MS. PLACE: Okay.

MR. ROHDE: Anybody else? Comments for the scoping session and things to be addressed in the Environmental Impact Statement please. Yes, sir.

MR. ROWLAND: I didn't bring it up last time, but there are 70 abandoned acres of vineyard, and I was hoping that there would be some sort of planning for their usage. Agriculture is the second largest part of our County's economy and it's the only part of the economy that's been here for the full 400 years we have.

MR. ROHDE: Yes, ma'am.

MS. COWAN: Kit Cowan. Are we still talking about the water and sewer plant? Are we talking about building that as part of the complex? That was mentioned in previous discussions. Is that still part of the whole package?

MR. LITTS: There's going to be Town water coming down to the site, and they would have a sewer package placed on site.

MR. ROHDE: Anybody else please? Yes, sir.

MR. MADISON: In looking at the impact of the light industrial type jobs on the number of livable wage jobs in the present community I think that's an important impact aspect to look at, and with and without the project.

MR. ROHDE: Yes, sir.

MR. ANZEVINO: Jeff Anzevino. The Town's 2005 Comprehensive Plan makes several recommendations regarding water and sewer service on page 92 all of which are intended to advance the goals of the -- living in that kind of Hamlet and retaining the rural character of other parts of Town such as this. These recommendations include expanding the existing water and sewer districts to areas adjacent to Highland, directing increased density to the Hamlet expanding municipal facilities from light industrial development on North Road and adjacent to 9W and that rapid expansion of water and sewer into areas which are distant from existing services, such as this, would incur substantial costs to the existing users and should be discouraged. So how does this proposal plan to meet the goals?

MR. ROHDE: Anybody else? Yes, ma'am.

MS. LINDAUER: Susan Lindauer, 44 Mayer Drive. Are there any plans in the light industrial development in this plan or in this complex for new schools because there's so many children in the area already and the schools are crowded? Are they going to plan to put in schools?

MR. ROHDE: That's a good question. Thank you.

MS. DEEPROSE: Donna Deeprise. I would like to draw more attention to what someone said here about the impact on the wildlife. I think that we're having some wildlife impacts that were not anticipated in the original zoning, the continued zoning. It's not only the impact on the wildlife, but it's also becoming the impact of the wildlife on the people, that we saw animals running through our yards that we didn't used to have. And just as a personal note, I drove home on North Corners Road today and in the part of it that's called, populated area, all the way along a large black bear and its two cubs crossed the road in front of me, and I'm sorry about that, it's wonderful to see, but I don't think those 945 families or whatever it is are going to want bears walking through their yard.

MR. ROHDE: Anybody else please?

MS. LABRIOLA: Madeline Labriola. I remember or took a note that said that the Comprehensive Plan was going to be changed as well. Did I misunderstand that with the zoning there is also the Comprehensive Plan? If that is true what is the change?

MR. ROHDE: Anybody else? Last call. Thank you very much.

MR. LITTS: Thank you all for coming. Please come to every meeting.

STATE OF NEW YORK)

) ss:

COUNTY OF DUTCHESS)

I, DONNA M. WELLS, a stenotype reporter and Notary Public within and for the State of New York, do hereby certify that the foregoing is a true and correct transcript of the minutes recorded by me and reduced to typewriting under my supervision to the best of my knowledge and ability.

1. LIAISON REPORTS

Assessor – Councilmember Litts
Audit – July 1 to September 30 – Councilmember Litts
Building Department – Supervisor Costantino
Building and Grounds – Supervisor Costantino
Dog Control – Councilmember Brennie
Environmental – Councilmember Hammond
Events – Wendy Rosinski
Grants – Supervisor Costantino
Highland Fire Districts – Councilmember Paladino
Highland Central School – Councilmember Hammond
Highland Landing – Matt Smith, Project Manager
Highway
Historian – Liz Alfonso
Hudson Valley Rail Trail – Supervisor Costantino
Justice – Councilmember Hammond
Lights – Councilmember Brennie
Planning Board – Councilmember Paladino
Police – Councilmember Hammond
Personnel – Councilmember Brennie
Recreation - Councilmember Brennie
Shared Services – Councilmember Paladino
Water and Sewer – Councilmember Litts
Transfer Station/Recycling – Supervisor Costantino
Zoning Board of Appeals – Councilmember Litts

MOTION made by Hammond, second by Paladino, to dispense with the liaison reports.

Five ayes carried.

2. OLD BUSINESS

A. Tillson Avenue/Toc Drive Project

Supervisor reiterated that at the last meeting he asked the Board to approve the supplemental agreement for this project and there were questions about the costs on the \$3-million project. He explained the history of the project which started in 1998 and it was determined that the intersection had three times as many accidents than any other State road.

In a meeting of TIP for Dutchess and Ulster County, the projects were rated; three bridge projects took priority and he spoke up about Tillson Avenue and the dangerous intersection. The other towns did not have a project to meet the criteria. Sidewalks can be funded on a street that connects two federally-funded highways (Route 9W and Route 44/55) which is how Tillson Avenue was added to the intersection project.

The project was dormant for six years; Lloyd shares voting rights with Marlborough; in 2008 it was decided to move the intersection project to 2016. There was a fatality of a motorcyclist at the intersection and the Town Board agreed that this project should move forward. He went to the TIP meeting and asked that the project be moved to the 2011 schedule.

A committee was formed: Nancy Hammond, Eric Norberg and the Supervisor; RFP's and qualifications were studied of engineering companies and three firms were chosen. Barton and Loguidice, who previously worked for the Town, impressed the committee for their knowledge of the bridge, Tillson Avenue and the Town in general; professional

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service is not chosen by price. B&L submitted a scope for the project along with their prices, which were pre-qualified by NYSDOT.

Supervisor said that this is the Preliminary Design Phase and the Town is trying to get some ideas on the project and there have been two public informational meetings. The fiscal year begins in October, so the project is now in 2012 and the work plan is for right-of-way acquisition, incidentals and design phase. He feels that if the project is ready, 2012 will be moved into 2013. Many of the projects on the TIP will not be ready to move forward, the towns that want to get their projects done will move the agenda. When the Marchiselli funds are received, the project will cost the Town 5% in total.

This project is complex and there are many water lines to deal with including a water line that runs behind Ethan Jackman's house dating before there was a Brescia Boulevard. Bill Rohde is going to talk about not having any impediments in the abutment; there will be no more water lines in the waterway, which means that the raw water lines will have to be dug deeply and will drive up the cost. He does not know the cost of the project.

Litts noted that the TIP says that the project is worth \$3,918,000 and asked if the DOT has funding for that amount; Supervisor answered that is what they have for now and it may change. Litts questioned the figures in the resolution.

Glen Gadaly, Barton & LoGuidice, said that he wrote the original grant. He introduced Tom Baird highway engineer and Rob Simpson of the transportation group in Albany and one of the owners of B&L. Councilperson Hammond asked them to come to this meeting as a result of the informational meeting on October 6 to answer all questions.

He stated that the job is to reconfigure the intersection as it is very dangerous, replace the existing culvert running on Tillson Avenue over the Twaalfskill (Litts had an idea expressed at the last meeting on how to do that at less cost) and to construct sidewalks on Tillson Avenue and, possibly, a multi-use path. This has been a long planning process and various Supervisors and Town Board members have been competing with other towns for the money; this is a grant and has recently increased from 80% to 95% outside money, with a contribution from the Town of only 5%.

He said that B&L has begun their work; working with NYSDOT, Region 8, is a complicated process, they are very good and very exacting, otherwise the Town does not get reimbursed. The Town fronts the money, the work is done, it is inspected and then DOT reimburses the Town.

Tom Baird said that the original funding on the Transportation Improvement Project from Ulster County, for Preliminary and Final Design Engineering and Right-of-Way Incidentals is \$375,000 (one year ago). B&L estimated that this work based on 2011 dollars would cost \$428,000; that is the agreement that the Town of Lloyd signed with B&L to perform this phase of work, knowing that they are only eligible for \$375,000 reimbursement. The reason that B&L did this was that some of the communities did not carry out their projects, the money became available to do this project earlier; one stipulation was that the project had to begin before the next Federal fiscal year which was October 1, 2011. He has a letter addressed to the Supervisor from Doreen Holsapple, the Administrative and Financial Advisor for DOT Region 8, , he read, "Thank you for your submission for your Government Reimburse Request Form of \$1,159, on September 28, 2010". If a submission was not made to DOT for reimbursement that money would be lost for another year; the funding would have gone to someone else. The letter further said, "As you are aware, the Federal Highway Administration has been forcing the withdrawal of funding for those projects that do not request reimbursement; therefore, we are suggesting to all sponsors to be diligent in requesting reimbursements in a timely manner". B&L asked their right-of-way consultant to do preliminary work and send them a bill; the Town paid the bill who submitted it for reimbursement and saved a year.

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The \$375,000 that was on the improvement program from 2009, B&L came up with \$428,000 a shortfall of \$53,000. Money set aside on TIP for right-of-way acquisition is \$287,000 but cannot be touched until Federal fiscal year 2012, October 1, of this year. An agreement was written that B&L would not invoice the Town for the \$53,000 shortfall, until it is available through the State and the Federal fiscal year of money.

On September 21, the Town got a letter from the State that the money would be available, also identifying the Marchiselli funds that would be applied to the project, which is great news for the Town. B&L estimated that that it would cost \$112,000 for the acquisitions not the \$287,000 available leaving \$175,000; \$53,000 would make up the difference of the \$375,000 to \$428,000. There is \$122,000 in surplus and there is no reason to touch that money at this point; that money could be transferred to construction or stay in right of way in the event that it is needed.

The original scope of the project impacted four properties but after the meeting on October 6, there may 14 properties and more money may be needed. Some of the property owners adjacent to Toc/Tillson agreed that they would be willing to give up some of their property to get a better intersection. That money represents the payments to the people for their property, which includes the attorney fees, closing fees and the filings on each property.

The \$175,000 that was in the resolution before, included \$53,000 to make up the original difference from the 2009 \$275,000 to the 2011 \$428,000; the other \$122,000 needs to be allocated with a commitment from the Town that the money will be involved with the project and stays with the project. By submitting that \$175,000 is proof to the DOT that the Town is going to move forward with the project.

Baird said that there was a lot of interest in a round-about at the intersection and also a traffic signal. This is a very difficult spot for a round-about but if it can work it would be a solution to traffic calming and if it can be done, B&L will design it. There will be a straight approach down Tillson and speeds would be down. There is also concern about a light and four-way stop signs at the intersection.

Reynolds asked if the round-about is possible because of the donation of land by Plavchak. Baird answered that does make it possible as Plavchak offered to move the driveway to the back of his house and is not concerned about the retaining wall. They are considering an oval-shaped round-about to take advantage the site. Originally, a round-about was deemed not feasible primarily because of the impact on that property and the pillars on the property across Toc Drive. A round-about is more expensive to build; a great deal depends on how the culvert and the utilities is handled. The project is difficult to design due to the three dimensions, rather than flat.

Gidaly returned to the issue with the resolution and if there were any questions as he was not at the meeting when it was discussed.

Litts asked for a projected percentage of the total cost of this project from preliminary design and asked why the design of the project is going to cost so much.

Baird said that a project like this could be between \$12-million and \$16-million. Regarding the cost he said that it was an extremely complicated project and it is the going fee for a project like this. He gave an example of a similar project in Warren County at \$6.5-million construction and the design fee is 10.2%. He reiterated that DOT Region 8 is very particular, dotting I's and crossing T's, there are normally extra submissions, long review times and that does add to the project.

He repeated the figures: in 2009, \$375,000 programmed in the project before B&L is involved; inflation costs; complications; 2011/2012 dollars as it they will be working on it in 2012; cost increase is \$62,428. Right now, there is nothing added to that not originally scoped out a year ago, before Barton & Loguidice, was on this project. Right-of- way incidentals: identifying the properties; getting some property maps,

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looking into the titles that is included in the \$428,000; there is \$9,000 in there for right-of-way acquisitions and \$12,000 or \$13,000 for incidentals.

Gidaly clarified that \$428,000 is not the fee for B&L.

Baird said that \$40,000 is for the surveyor, subcontractor cost for borings.

Litts said according to the NYSDOT shows \$287,000 for the attorney fees, closing costs and right-of-way acquisition and Baird agreed.

Baird said that \$9,000 was available; that money is not in the agreement yet with DOT as you cannot go into the phase yet; the Town has signed off on the \$428,000 but the DOT agreement is \$9,300 short of that because you cannot go into contract with DOT with acquisitions until you have design approval when you have all the design done and it is documented as to what is going to be done; Federal Highway Administration signs off on the environmental; then, the acquisition phase is authorized. That money will not be spent for another six months to a year.

Litts clarified that the DOT is allocating \$287,000 for acquisition no matter what year it is.

Baird agreed and said that the difference between the \$287,000 and the \$122,000 is \$175,000 that appeared on the resolution last week, \$53,000 of that makes up the difference between the 2009 and 2011/12 dollars in design and the \$122,000 of the \$175,000 is not allocated to anything at this point. There has not been a need identified for that extra money.

Gidaly offered that the extra money could be used for the infrastructure issue, the culvert, the cost of increased properties.

Litts said that he wants to be aware of what the Board is signing off on; he does not feel that it is that it is a difficult project as it is a culvert replacement and an intersection. When he programmed projects 10% of the cost of the design and 10% for project inspection; he noted that the design cost is 12% to 16%.

Baird talked with Doreen Holsapple, Financial Adviser, NYSDOT Region 8 and she said that the other Marchiselli funds, the Town is on for 9.3%; once that money becomes available in January from a legislative line item and this project is in permits, the Town will go down to 5%.

Gidaly said that it was an 80% project originally, it was fortunate it was in the period when the stimulus money was available and it became 100%, as a result of aggressive grant writing and as Hammond and the Supervisor say, 'showing up'.

Baird said that each property has to be looked at to minimize the right-of-way impact; the road will be tweaked over 2-feet at the top of the hill across from Smith Terrace; they need to look at every shrub, curb, sewer manhole, tree and the guy wire from the utility pole has to be looked at independently.

3. NEW BUSINESS

A. Reconstruction Plan for the Twaalfskill Creek to prevent future flood damage as prepared by Bill Rohde, Engineer.

Supervisor said that because of recent hurricanes Irene and Lee, work has to be done on the Twaalfskill Creek Bill Rohde did a draft plan and would like the consensus of the Board.

Rohde said that a conference he learned that in the 1880's, the amount of annual rainfall in this area was 36-inches; it has been updated to an average of 46 to 48-inches and we have reached 48-inches in September of this year. The last flood was in 1955. Some of the bridges have pipes going through them and he has given his plan to NYSDOT. The plan asks for a new Floodway Code, dredging the upstream ponds, improving and widening stream banks; he would like to go five feet from the edge of the stream to remove trees because of the erosion away from the roots. He would like to dredge the Twaalfskill from the Sewer Plant to the delta in the Hudson River. He has submitted many grants for dredging. The area has flooded three times in the last ten years: 2003,

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2007 and 2011. He will attend an applicant's meeting with FEMA on October 14 in Albany.

Supervisor said that the Town put in an application to dredge Schantz' Pond, Vineyard Avenue, and were not able to get the permit because the Town had no interest in the Pond, which resulted in talks about the Twaalfskill Drainage District. Everything on the west side of Highland Hills drains into the Twaalfskill. There is concern who will own and maintain the detention pond in that development but it could be included in the Drainage District. If the Drainage District is established, the District would have interest to dredge the ponds and grants could be submitted.

He said that Rohde is asking the permission of the Board to start this process of designing and putting the rules and regulations in place.

Hammond asked if there was an approximate cost.

Rohde said that his main concern now is the design criteria and culvert/bridge replacements in the Twaalfskill; in terms of cost it is a concept planning tool, subject to FEMA.

Hammond asked if FEMA has been to look at the Twaalfskill.

Rohde said they had not but he has been taking photographs.

Michelle Vanhosen, 40 Vineyard Avenue, asked about the status of the privately owned buildings that are built across the Twaalfskill and the status of the houses on lower River Road.

Rohde said that the white building has been removed from the site. The brick building is an historic structure and they will try to save it and give the stream a better waterway. The water surrounded the building and went over Milton Avenue because the sidewalk collapsed,.

Supervisor said that the Building Department met with FEMA and there was a class on what should be done with houses like this. The Board should speak with Barton but he learned that if the house does not have substantial damage then there is no reason for FEMA to do anything.

Vanhosen suggested that it is the choice of the resident if they continue to live there and asked if it is the Town's problem to fix it.

Supervisor answered that it is private property and it is not the responsibility of the Town; he said that channeling the stream behind the houses would eliminate some of the damage in the future. The stream filled up with sediment and there was no where for the water to go so it came out onto the street and around both sides of the houses.

He would like a motion to adopt this plan and encourage Rohde to move forward.

RESOLUTION made by Brennie, seconded by Hammond, to adopt the reconstruction plan for the lower Twaalfskill Creek, Town of Lloyd, as proposed by Bill Rohde, engineer:

Reconstruction Plan for Lower Twaalfskill – Town of Lloyd – Highway Department
Hurricane Irene – FEMA 4020-DR-NY – September 2011

Due to the series of flood events along the Twaalfskill over the past 10 years, it is recommended that certain design modifications be placed into effect to minimize future flood damage to the Twaalfskill, adjoining properties and roadways. These modifications will apply to those portions of the work being reconstructed. It is believed that if the work to be done is reconstructed to match pre-flood conditions, then the risk of future flood damage would not be mitigated. These proposed modifications should be easy to accomplish and be cost-effective in the long run.

1. **INTRODUCTION:** The Twaalfskill has two primary branches and is confined to the eastern part of the Town of Lloyd (east of the Illinois Mountain range).
 - a. The north branch originates in the Chodikee Lake basin, north of NYS Route 299. This branch is approximately 4.2 miles long.

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- b. The south branch originates at the peak of Illinois Mountain and flows south toward Chapel Hill Road, thence north along Vineyard Avenue through the Hamlet of Highland to River Road where it joins the north branch. This branch is approximately 4.6 miles long.
- c. The Twaalfskill eventually discharges into the Hudson River at Highland Landing at northerly fringe of the Robert Shepard Memorial Park.
- d. The total watershed area of the Twaalfskill is more than 7,000 acres in size.
- e. Most of the major developed areas within the past 40 years have occurred within the Twaalfskill watershed.
- f. During Hurricane Irene, flood waters breached several bridges from Reservoir Road, through the Hamlet of Highland and down through River Road. There was 2 feet of water flowing through the Hamlet.
- g. There are very few restrictions in the flow of flood waters within the north and south branches of the Twaalfskill. Some yards and adjacent flat areas and roadways along both branches of this stream flood on a regular basis.
- h. The proposed modifications presented herein apply only to the reconstruction plans as a result of Hurricane Irene on August 28 and the tropical storm that followed a few days thereafter.
- i. Future Work:

More serious flood mitigation work is needed beyond the reconstruction work presented herein. Such mitigation work includes (1) adoption of a floodway code, (2) dredging of ponds and stream beds that have filled in with sediment over the years; (3) upgrading undersized bridges; (4) improving and widening of stream banks that have shrunk over the years; and other work (yet to be identified) to reduce future flooding events.

This plan should be developed and implemented over the next 10 years in a segmented fashion by doing the more serious work first. Payment of this work can be accomplished by (1) seeking grants wherever possible; (2) Having a drainage fee applied to all properties in the Twaalfskill basin and (3) adopting a 10-year bond.

- 2. TREE REMOVAL: All trees along the edge of the stream should be removed in which any of the following exists:
 - a. Tree roots are exposed
 - b. Tree is leaning toward the stream
 - c. Tree appears to be unstable
 - d. Tree is aged and shows signs of decay throughout
 - e. Tree is partially undermined
 - f. Tree is within 5 ft of the high-water mark of the stream
- 3. EDGE OF STREAM: Remove all loose rocks and debris in and along edge of stream. If possible, do not reconstruct eroded sections of the stream, but try to maintain new waterway area if practical and will be functional. Place and fit large quarry rocks and chink in rock voids along outside edge of stream bends where significant erosion has taken place or can occur.
- 4. ROCK FILL ANCHORAGE: In areas subject to very high erosion, shotcrete should be applied to help anchor stacked and fitted rocks together, as directed. This method of rock anchorage should be in conformance with ACI 506 "Guide to Shotcrete".
- 5. CULVERTS AND BRIDGES:
 - a. All replacement structures should be properly sized to convey stream flows from a 100-year storm event.
 - b. All pipes and other forms of obstruction shall be removed from the waterway area of the culvert/bridge.
 - c. The inside top of the culvert/bridge shall extend to be no lower than 1 foot below the adjacent roadway.
 - d. Culverts/bridges shall have a smooth interior face to reduce turbulent flow conditions.

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- e. There will be no solid sidewalls on the culvert/bridge. An open deck shall be provided with a minimal curb and open safety railing system to allow extreme flood waters to flow over the culvert/bridge deck.
 - f. A smooth inlet and outlet headwall system shall be provided, so that flood waters may be safely diverted into the culvert/bridge.
6. STREAM WALLS:
- a. Constructed walls along streams shall be prohibited unless the effect of such walls will not alter the calculated or documented top elevation of floodwaters.
 - b. Stream walls shall be designed to allow future flood waters to flow over and around such walls without having any damage occur.

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

Five ayes carried.

4. PRIVILEGE OF THE FLOOR

Donna Deeprise requested that the Public Hearing remains open on proposed Local Law F. to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development (PRD).

Jim Fawcett, River Road, thanked the Highland Water and Sewer Departments for the good work that they are doing in his backyard to redirect the Twaalfskill, which is also protecting his building.

Litts asked him to write a letter to the Town Board with his comments and copy the Water and Sewer Departments adding that they do a great job and rarely get recognized for it.

Paladino commented that a letter to the editors of the newspapers would be even better.

Mark Reynolds, *Southern Ulster Times*, revisited his questions on the 2010 property casualty insurance and said that there were three bids received on the insurance requirements for the Town and they were opened on January 22 and seven days after that, Marshall and Sterling was allowed to revise and resubmit that bid. He would like to know why that happened and who permitted it. He explained that bid ended up in the incorrect side-by-side analysis.

Supervisor said that they revised their bid and no one had to permit; they were proposals for service contract.

Brennie added he did not feel that they were sealed bids and Peplow concurred that they were proposals.

Reynolds said that their number went from \$111,000 to \$103,000 and that was the number that Wendy Rosinski plugged into the side-by-side analysis; the next step that happened that W. A. Smith who was the low bidder at \$98,000, the numbers that were attributed to them were incorrect in Rosinski's side-by-side, it went to \$98,000 to \$104,000 and they seem not to be the low bidder. He asked how that happened and why the lowest bidder was not given the contract and there is no documentation in the file so say why the low bidder was not given the contract.

Supervisor answered that Reynolds had the ruling from Sean Murphy, attorney, and NYS that the Board does not have to give it to the low bidder; service contracts can be awarded by the quality of the agent or the service that the Town receives.

Reynolds contended that if the Town does give the contract to someone else, there has to be documentation why the contract was not given to that low bidder and secondly, the low bidder's number was incorrectly stated in the side-by-side analysis.

Brennie asked the purpose of the question and if Reynolds felt that there was an ulterior motive and he asked why he felt should be done.

Reynolds would like to know what happened that one company was allowed to give a revised bid and the others were not; he had spoken with the W. A. Smith Company and they were not

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apprised that a revision was allowed and he noted that the low bidder's numbers were changed. Municipal law says that reasons have to be documented as to why a bid was not accepted. Paladino said that the Board did not accept Marshall & Sterling based on the bid. Reynolds would like to know if there has been an investigation and if the Board is looking the situation as if numbers were changed there are violations of provisions of General Municipal Law which he has pointed out to the Supervisor. Supervisor said that this was not a sealed bid, this was not a capital improvement program; his office called around and asked for prices; for eight years, no one asked for a price and it went from \$100,000 to \$175,000. His office saved over \$20,000; the next year there was a better price and in two years there was \$50,000 in savings.

5. RESOLUTIONS

A. **MOTION** made by Hammond, seconded by Brennie, to approve the minutes from: Workshop Meeting of September 7, 2011; Special Meeting of September 13, 2011; Regular Meeting of September 14, 2011; Special Meeting of September 22, 2011; Special Meeting of September 28, 2011.

Five ayes carried.

B. **MOTION** made by Brennie, seconded by Paladino, to close the Public Hearing on Local Law No. H – 2011, a local law to rescind in its entirety Local Law No. 5 of the year 2011 entitled “A local law to amend Chapters 55, 89 and 90 of the Town Code in respect of construction of improvements and of performance bonds and other security” at 10:50PM.

Five ayes carried.

C. Supervisor announced that the Public Hearing on Local Law No. F – 2011, a local law to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development will remain open.

D. **MOTION** made by Hammond, seconded by Paladino, to set the Public Hearing on the proposed 2012 Town of Lloyd Budget for November 9, 2011 at 7:00 PM.

Five ayes carried.

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

WHEREAS, a proposed Local Law No. H – 2011, a local law to rescind in its entirety Local Law No. 5 of the year 2011 entitled “A local law to amend Chapters 55, 89 and 90 of the Town Code in respect of construction of improvements and of performance bonds and other security”, was introduced at a meeting of the Town Board held on the 14th day of September, 2011 at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 12th day of October, 2011 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and,

WHEREAS, this 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.

NOW, THEREFORE, BE IT RESOLVED that Local Law H – 2011 be enacted as the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to rescind in its entirety Local Law No. 5 of the year 2011 entitled “A local law to amend Chapters 55, 89 and 90 of the Town Code in respect of construction of improvements and of performance bonds and other security”. (See Attached)

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

Five ayes carried.

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

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WHEREAS, a proposed Local Law No. E – 2011, a local law to amend Chapters 55, 89 and 90 of the Town Code in respect to construction of improvements and of performance bonds and other security, was introduced at a meeting of the Town Board held on the 10th day of August, 2011 at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 14th day of September, 2011 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and,

WHEREAS, the Town Board has determined that the within local law is an unlisted action under the State Environmental Quality Review Act (SEQRA) and the Board has examined the short form EAF and considered the environmental effects of this amendment to Chapters 55, 89 and 90 and finds, as lead agency, that there is no environmental impact, hereby issuing its declaration of non-significance.

NOW, THEREFORE, BE IT RESOLVED that Local Law E – 2011 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend Chapters 55, 89 and 90 of the Town Code in respect to construction of improvements and of performance bonds and other security. (See Attached)

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

Five ayes carried.

G. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, a petition for rezoning has been made to the Town Board of the Town of Lloyd for a project to be known as Mountainside Woods on the parcels previously known as Westport, Ledgewood and Trailside by Falls at Lloyd, LLC (Falls at Lloyd), Sycamore Creek LLC (Sycamore), and Ash Creek LLC (Ash Creek), (the applicants) for the project described as the "Combined Westport Zoning Petition" for the Mountainside Woods residential project (the Proposed Action); and

WHEREAS, the concept plan and the zoning petition, propose to incorporate the adjoining Ledgewood and Trailside properties into the existing Westport application for a coordinated development across all three properties; and

WHEREAS, the revised concept plan takes the density proposed for the Westport property (324 units) and substantially reduces that density and further distributes that density across all three properties, resulting in a less dense development; and

WHEREAS, the subject site consists of 84, 37.4 and 33.2 acres of land, respectively, and is comprised of three tax map parcels in the Town of Lloyd identified on the tax map as section 87.004, block 5, and lot 1.2 (Westport; SBL 87.004-5-1.2), section 87.004, block 3, and lot 14 (Ledgewood; SBL 87.004-3-14), and section 87.004, block 5, and lot 2 (Trailside; SBL 87.004-5-2); and

WHEREAS, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA), and is classified as a Type I Action; and

WHEREAS, the prior proposal for the Westport site was the subject of a Draft Environmental Impact Statement (DEIS) as well as a Draft Supplemental Environmental Impact Statement (DSEIS) that were accepted as complete and the subject of public hearings before the Planning Board, which at that time served as SEQRA lead agency, but no FEIS was ever submitted by the applicant; and

WHEREAS, the Town Board previously initiated coordinated review of the Proposed Action and established itself as lead agency without objection from involved agencies; and

WHEREAS, the Town Board issued a positive declaration requiring the applicant to prepare a Draft Supplemental Environmental Impact Statement (DSEIS); and

WHEREAS, the Town Board determined to conduct public scoping on the DSEIS, accepted the Draft Scope prepared by the applicant, held a public scoping session, and accepted written comments and thereafter approved the scope; and

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WHEREAS, the applicant has submitted a Draft EIS for review by the Town which was previously found to be incomplete; and

WHEREAS, the applicant has revised and resubmitted a Draft EIS for review by the Town;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Town Board hereby determines based upon their own review of the Draft EIS and the attached letters prepared by the Town Attorneys and Consulting Engineers that the Draft EIS remains incomplete as set forth in those attached letters; and
2. The applicant is directed to revise the document as set forth in the attached letters and to resubmit the complete DEIS so that the public review of the DEIS may commence.

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

Five ayes carried.

H. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS, a local law, being proposed as Local Law No. I - 2011 was introduced at this meeting as follows: Local Law No. I - 2011, a local law to override the tax levy limit established in General Municipal Law Section 3-c and allow the Town of Lloyd to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by the General Municipal Law Section 3-c; and

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

NOW, THEREFORE, IT IS 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 9th day of November, 2011 at 7p.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.

EXHIBIT A

Local Law No. I of the year 2011

Town of Lloyd, County of Ulster

A local law to override the tax levy limit established in General Municipal Law Section 3-c

Section 1. Legislative Intent

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Town of Lloyd pursuant to General Municipal Law Section 3-c, and to allow the Town of Lloyd to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal law Section 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law Section 3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Lloyd, County of Ulster, is hereby authorized to adopt a budget for the fiscal year 2012 that requires a real property tax levy in excess of the amount otherwise proscribed in General Municipal Law, Section 3-c.

Section 4. Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court

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of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

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

Five ayes carried.

I. Resolution TABLED 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
Supervisor	Raymond Costantino	6	1/1/2010-12/31/11	N	19.79	
Town Clerk	Rosaria Peplow	6	1/1/2010-12/31/11	N	27.78	
Justice	Eugene Rizzo	6	1/1/2008-12/31/11	N	14.99	
Justice	Terry Elia	6	1/1/2010-12/31/13	N	11.9	
Councilmember	Nancy Hammond	6	1/1/2008-12/31/11	N	27.23	
Councilmember	Kevin Brennie	6	1/1/2010-12/31/13	N	8.15	
Dog Control Officer (appointed)	James Meyer	8	1/1/2010-12/31/11	N	10.23	
Recreation Director (appointed)	Frank Alfonso	8	1/1/2010-12/31/11	N	13.5	
Deputy Town Clerk	Kathy Schoonover	8	1/1/2010-12/31/2011	Y		
Deputy Town Clerk	Rena Rizzo	7	1/1/2010-12/31/2011	Y		
Bookkeeper	Karen McPeck	7	1/1/2010-12/31/2011	Y		
Clerk to the Justice	Lucy Davoli	7.5	1/1/2010-12/31/2011	Y		
Secretary to the Supervisor	Wendy Rosinski	7.5	1/1/2010-12/31/2011	Y		

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

General	G1105 to G1212	\$61,981.31
Highway	H434 to H480	\$51,550.48
Miscellaneous	M304 to M336	\$79,855.62
Prepays	P245 to P288	\$44,589.47
Sewer	S265 to S313	\$26,711.70
Water	W352 to W391	\$22,318.89

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

Four ayes carried.

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K. RESOLUTION made by Paladino, seconded by Hammond, to approve the following budget amendments:

General

Engineering	00-01-1440-40	+\$1,000.00
Contingency	00-01-1990-40	-\$1,000.00

(Due to Hurricane Irene work)

Life Ins Police	00-08-9045-80	+\$800.00
Contingency	00-01-1990-40	-\$800.00

(Additional Police Officers signed up this year)

Unemployment	00-08-9050-80	+\$636.42
Contingency	00-01-1990-40	-\$636.42

(Patmore unemployment)

Highway

Unemployment	01-08-9050-80	+\$715.00
Misc Brush & Weeds	01-04-5140-10	-\$715.00

(Christiana unemployment)

Water

Purification CE	20-07-8330-40	+\$35,000.00
Unexpended Balance	20-770	-\$35,000.00

(new natural gas boiler and additional expenses for the rest of the year)

Transport & Distrib	20-07-8340-40	+\$16,400.00
Unexpended Balance	20-770	-\$16,400.00

(extra expenses due to Hurricane Irene, hopefully to be reimbursed at least in part by FEMA)

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

Four ayes carried.

L. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, a local law, being proposed as Local Law No. J – 2011, was introduced at this meeting as follows: Local Law No. J– 2011, a local law to amend Chapter 10 of the Code of the Town of Lloyd entitled “Ethics, Code of”.(copy of Local Law attached)

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

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 9th day of November, 2011 at 7:00 p.m.; and it is further

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

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

EXHIBIT A

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

Section 1.

Chapter 10 of the Code of the Town of Lloyd entitled “Ethics, Code of” is hereby amended by deleting the current Chapter 10 in its entirety and enacting a new Chapter 10 as follows:

“Code of Ethics of the Town of Lloyd

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Section 1. Purpose

As A MUNICIPAL OFFICER OR EMPLOYEE, your job by its very nature places you in a position of public trust. You are responsible for ensuring that public resources are used in the best interests of the public. You also have a duty to use the limited public resources available to you as effectively and efficiently as possible. When serving in your public capacity, the interests of your municipality must come before your own. In fact and appearance, your actions and interests must be above reproach.

Section 2. Definitions

- (a) “Board” means the governing board of a municipality and any municipal administrative board (e.g. planning board, zoning of board of appeals), commission, or other agency or body comprised of two or more municipal officers or employees.
- (b) “Code” means this code of ethics.
- (c) “Interest” means a direct or indirect financial or material benefit, but does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization’s outstanding stock.
- (d) “Municipality” means the Town of Lloyd. The word “municipal” refers to the municipality.
- (e) “Municipal officer or employee” means a paid or unpaid officer or employee of the Town of Lloyd, including, but not limited to, the members of any municipal board.

(f) “Relative” means a spouse, child, step-child, parent, step-parent, brother-in-law, sister-in-law, grandparent, grandchild, sibling, step-sibling, sibling’s spouse, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

Section 3. Applicability

This code of ethics applies to the officers and employees of the Town of Lloyd, and shall supersede any prior municipal code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Town of Lloyd.

Section 4. Prohibition on use of municipal position for personal or private gain

No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

Section 5. Disclosure of interest in legislation and other matters

(a) Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose in writing the nature of the interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the municipality. In all other cases, the disclosure shall be filed with the person’s supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the municipal officer, employee or board having the power to appoint to the person’s position. In addition, in the case of a person serving on a municipal board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

Section 6. Recusal and abstention

(a) No municipal officer or employee may participate in any decision, including discussing the matter and voting on it, or take any official action with respect to any matter requiring the exercise of discretion, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

(b) In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or

(2) if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.

(3) if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required

(a) This code's prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:

- (1) adoption of the municipality's annual budget;
- (2) any matter that does not require the exercise of discretion.

(b) Recusal and abstention shall not be required with respect to any matter, which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;

Section 8. Investments in conflict with official duties

(a) No municipal officer or employee may acquire the following investments:

- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
- (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

- (1) real property located within the municipality and used as his or her personal residence;
- (2) less than five percent of the stock of a publicly traded corporation; or
- (3) bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties

No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) Can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) Can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) Violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) Requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

Section 10. Future employment

(a) No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 90 days following final disposition of the matter.

(b) No municipal officer or employee, for the two-year period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she served.

Section 11. Personal representations and claims permitted

This code shall not be construed as prohibiting a municipal officer or employee from:

- (a) Representing himself or herself, or his or her spouse or minor children before the municipality; or
- (b) Asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

Section 12. Use of municipal resources

(a) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(b) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

- (1) any use of municipal resources authorized by law or municipal policy;
- (2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
- (3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(c) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 13. Interests in Contracts

(a) No municipal officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every municipal officer and employee shall disclose interests in contracts with the municipality at the time and in the manner required by section 803 of the General Municipal Law.

Section 14. Nepotism

Except as otherwise required by law:

(a) No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.

(b) No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations

(a) No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

Section 16. Confidential Information

No municipal officer or employee who acquires confidential information in the course of exercising or performing their official powers or duties may use such information to further their personal interests or disclose or use such information unless the disclosure or use is required by law or is in the course of exercising or performing his or her official powers and duties.

Section 17. Gifts

(a) No municipal officer or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.

(b) No municipal officer or employee may directly or indirectly solicit any gift.

(c) No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:

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- (1) the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
 - (2) the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) the gift is intended as a reward for any official action on the part of the officer or employee.
- (d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- (1) A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
 - (2) A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.
- (e) This section does not prohibit any other gift, including:
- (1) gifts made to the municipality;
 - (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
 - (3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
 - (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
 - (6) meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

Section 18. Board of Ethics

(a) Membership. There shall be a membership of five members appointed by the Lloyd Town Board consisting of:

- (1) Five members of the general public residing in the Town of Lloyd; and
- (2) Two alternate members to act only in any meeting wherein an appointed member is absent or recused from sitting on a particular matter. The alternates will be chosen to sit on a particular matter on an alternating basis. An alternate appointed to sit on a particular matter shall continue to sit as a regular member in place of the absent or recused member and vote on the cases in which he or she has attended for the absent or recused member.
- (3) Upon adoption of this local law, the current terms of appointment of the existing Board shall be re-established by the Town Board such that the appointment of members to the Board shall be for terms so fixed that one member’s term shall expire at the end of

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the calendar year in which such member was initially appointed and the remaining members' terms shall be so fixed that the terms of two members shall expire at the end of the next year thereafter, and two members' terms shall expire at the end of the second year next succeeding the end of the year in which such members were initially appointed. At the expiration of each original member's appointment, each replacement member shall be appointed for a term of three years, which shall be subject to continuous term renewal in the discretion of the Town Board for a term not exceeding three years.

(b) Role of Board of Ethics. The function of the Board of Ethics is to render advisory opinions to the Town Board regarding General Municipal Law Article 18 and this local Code of Ethics when a request is made regarding a third party alleged ethical misconduct. The board of ethics shall also render advisory opinions to the officers and employees that have requested ethical clarification with respect to article 18 of the General Municipal Law and this code. It may also act as the repository of any financial disclosure documents. Such advisory opinions shall be rendered pursuant to the written request of the Town Board, a Town officer or Town employee, under such rules and regulations as the Town Board may prescribe, and shall have the advice and counsel furnished by the Town Board. In addition, it may make recommendations with respect to the drafting and adoption of amendments to the Code of Ethics, or a new Code of Ethics, upon the request of the Town Board. 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 19. Posting and distribution

(a) The Supervisor must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the municipality's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.

(b) The Supervisor must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee of the Town of Lloyd.

(c) Every municipal officer or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Town of Lloyd Town Clerk who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a municipal officer or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

Section 20. Training

(a) Municipal officials must attend periodic training, scheduled by the Town Board, concerning the requirements of the Code of Ethics and the procedure for seeking an opinion or investigation by the Board of Ethics. Training may also be received at the annual Association of Towns meeting. The Town Board may approve alternate training.

Section 21. Exception for bid to perform town work

(a) A member of a board or commission who is appointed by the Town Board and serves without remuneration may submit a bid to propose to perform paid work for the Town, provided that:

1. The procurement policy of the Town must be followed.
2. The job must be unrelated to the employee's duties as a board or committee member.

Section 22. Enforcement

- (a) Any municipal officer or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.”

Section 2.

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

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

Five ayes carried.

M. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, a project for Tillson Avenue, Route 9-W 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, a resolution adopted by the Town of Lloyd on December 13, 2006 approved and agreed to advance the Project by making a commitment of 100% of the non-federal share of the costs of preliminary engineering and right-of-way incidental work.

WHEREAS, it was subsequently found necessary to undertake additional preliminary engineering work not contemplated in the original agreement and authorized by the previous resolution; and

WHEREAS, it has been found necessary to increase the federal and non-federal share of costs for the additional preliminary engineering work for the project; and

NOW, THEREFORE, the Lloyd Town Board, duly convened does hereby

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

RESOLVED, that the 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 the additional preliminary engineering work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$175,000 (\$500,000 minus previous \$325,000) is hereby appropriated from 50-04-5680.32 and made available to cover the cost of participation in the above phases 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 of Lloyd Supervisor thereof; and it is further

RESOLVED, that the Supervisor of the Town of Lloyd 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: Deputy Supervisor is also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement;

RESOLVED, that a certified copy of this resolution shall 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: Costantino, aye; Paladino, aye; Hammond, aye; Litts, aye; Brennie, aye.

Five ayes carried.

N. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS, the Town Board has previously authorized the funds necessary to complete the upgrades to the Highland Sewage Treatment Plant under Contracts 07-002 through 07-005; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor; and

WHEREAS, during such inspection and administration work change directives 13, 14, and 14A have been requested of the Contractor by the Engineer; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants has reviewed the \$34,939 total cost from the Contractor(s) to comply with these three directives find it reasonable and justifiable and has provided their reasoning to the Town Board; and

WHEREAS, Morris Associates, P.S., L.L.C. has compared these costs to the overall project budget and find that with contingencies and past credits, these costs would still result in the project being under budget at this time, and will provide a change order(s) to authorize payment for the work under these directives; and

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board shall authorize the Supervisor to sign change order(s) resulting from Work Change Directives 14, and 14A for a total cost of \$13,104.

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

Five ayes carried.

O. RESOLUTION made by Paladino, seconded by Litts,

WHEREAS, on April 12, 2006, the Town Board of the Town of the Town of Lloyd (herein called "Town Board" and "Town", respectively), in the County of Ulster, New York, acting on behalf of the Highland Sewer District (herein called "District"), in the Town, held a public hearing and thereafter adopted (i) the Resolution and Order After Public Hearing authorizing the increase and improvement of facilities of the District, consisting of improvements to the waste water treatment and collection system, including, but not limited to, expanding the capacity of the existing waste water treatment plant by approximately 0.5 million gallons per day in order to provide adequate capacity for at least twenty (20) years as well as allowance for potential growth and expansion of the District, upgrading the waste water collection system, prevention of flooding caused by roof drains and sump pumps, elimination of inflow and/or infiltration flows and providing any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs (the "Project") at the estimated total cost of \$7,000,000; and (ii) the Bond Resolution, authorizing the issuance of serial bonds of the Town in an amount not to exceed \$7,000,000 to said estimated total cost of the Project; and

WHEREAS, at the time that the Project was so authorized, the Town had expected that it would qualify for funding as part of the Clean Water State Revolving Loan Fund Program ("CWSRLFP") of the New York State Environmental Facilities Corporation ("NYS EFC"); and

WHEREAS, the Town subsequently learned that the NYS EFC was unable to fund the Project as part of its CWSRLFP unless additional funding became available to the NYS EFC and as a result the Town Board determined that it was not in the best interest of the Town and the District to proceed with the Project; and

WHEREAS, thereafter the Town Board was informed by NYS EFC that additional funding through its CWSRLFP was available to fund the Project and the Town Board determined that it was in the best interest of the Town and the District to reauthorize the Project and the issuance of serial bonds to finance the cost thereof; and

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WHEREAS, the Town has retained the firm of Morris Associates, P.S. L.L.C., Engineering Consultants duly licensed by the State of New York (herein called "Engineer"), which then prepared the original preliminary map, plan and report for the Project, dated May 2005 and the Engineer also prepared an addendum to such map, plan and report, dated July 2009, (the original preliminary map, plan and report and the addendum being collectively referred to herein as the "Report"), stating, inter alia, that due to an increase in construction costs, including those related to labor and materials, the estimated total cost of the Project had increased to \$7,475,000; and

WHEREAS, the Town Board thereupon determined that the proceeds of the bond anticipation note then outstanding in the amount of \$1,000,000, previously issued pursuant to the bond resolution adopted on April 12, 2006 would be expended to pay a part of the said increased Project cost and, in furtherance thereof, the Town Board authorized the issuance of not to exceed \$6,475,000 serial bonds to pay the balance of said \$7,475,000 cost; and

WHEREAS, on February 9, 2011, the Town Board determined that: (i) due to an increase in the cost of labor and materials, the maximum amount proposed to be expended for the Project was \$8,285,000 and (ii) it is in the best interests of the Town to further increase the estimated total cost of the Project by said amount and to authorize serial bonds in the same amount to finance such increased cost; and

WHEREAS, the Engineer prepared and filed with the Town Board a second addendum to the Report, dated February 2011, including the increased cost of the Project; and

WHEREAS, following a public hearing held on March 9, 2011 to consider the increase in the estimated total cost of the Project from \$7,475,000 to \$8,285,000, the Town Board adopted (i) the Resolution and Order After Public Hearing so increasing the estimated maximum cost and (ii) the amending bond resolution which increased the total amount of serial bonds authorized to pay for the Project from \$7,475,000 serial bonds to \$8,285,000; and

WHEREAS, due to the severity and intensity of Tropical Storms Irene and Lee, the Project suffered damage both as to the portions which had been completed to that date and the portions still under or awaiting reconstruction and/or construction (hereinafter called "Project Damage"), and the cost of undertaking the restoration thereof has been estimated by the Engineer to be \$2,100,000, for the partial payment of which the Town expects to receive insurance proceeds pursuant to the existing policy in force designating the Town as the covered party with respect to the subject facilities of the District together with funding from the FEMA program of the United States of America and other sources, all of which shall be applied towards the cost of the Project Damage or redemption of said bonds and/or bond anticipation notes issued therefore or shall be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds and/or bond anticipation notes; and

WHEREAS, the Town Board and the Town have complied or will comply timely in every respect with all applicable federal, state and local laws and regulations, including environmental matters; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act, constituting Article 8 of the Environmental Conservation Law ("SEQRA"); the Town Board, acting as Lead Agency, has given due consideration to the impact that the Project Damage may have upon the environment and, on the basis of such consideration, the Town Board has heretofore determined that the Project Damage will not affect its determination that it is a Type II Action imposing no material adverse environmental impact and no further environmental review is required;

NOW, THEREFORE, BE IT ORDERED, that a meeting of the Town Board be held at the Town Hall, 12 Church Street, in the Town, on the 2nd day of November, 2011, at 6:00 o'clock P.M. (Prevailing Time), to consider improving the facilities of the District

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by undertaking the restoration of the Project Damage at the estimated total cost of \$2,100,000; said cost to be financed by the issuance of serial bonds in like principal amount as the same may be reimbursed by the expected receipt of insurance proceeds, funds received pursuant to the FEMA program of the United States and/or other funds received therefore and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk (i) publish at least once in the “*New Paltz Times*” and the “*Poughkeepsie Journal*”, each of which is designated as the official newspaper of the Town for such publication, (ii) post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, and (iii) mail or caused to be mailed, via first class mail, addressed to the last known address of each owner of taxable real property in the District, a notice of such public hearing in substantially the form attached hereto designated **Exhibit “A”** and hereby made a part hereof, certified by said Town Clerk, the first publication thereof, said posting and said mailing to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing; and be it,

FURTHER ORDERED, that the Order of the Town Board, adopted on October 5, 2011, calling a public hearing on October 26, 2011 to consider improving the facilities of the District, is hereby rescinded, repealed and revoked.

DATED: October 12, 2011

**TOWN BOARD OF THE TOWN OF LLOYD
EXHIBIT A
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Lloyd, in the County of Ulster, State of New York, will meet at the Town Hall, 12 Church Street, Highland, New York, on November 2, 2011, at 6:00 o’clock P.M. (Prevailing Time), for the purpose of conducting a public hearing to consider improving the facilities of the Highland Sewer District (the “District”) by undertaking the restoration of the portions thereof damaged by Tropical Storms Irene and Lee (“Project Damage”). The Town Board has estimated that the maximum amount to be expended for the Project Damage, is \$2,100,000; such cost to be financed by the issuance of serial bonds or bond anticipation notes of like amount as the same may be reimbursed by the expected receipt of insurance proceeds, funds received pursuant to the FEMA program of the United States and/or other funds received therefore. Any and all amounts so received shall be applied towards the cost of Project Damage or redemption of said bonds and/or bond anticipation notes issued therefore or shall be budgeted as an offset to the taxes for the payment of the principal and interest on said bonds and/or bond anticipation notes.

At said public hearing, the Town Board will hear all persons interested in the subject matter thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law.

Dated: October 12, 2011

Highland, New York

BY ORDER OF THE TOWN BOARD OF THE
TOWN OF LLOYD, COUNTY OF ULSTER,
STATE OF NEW YORK

By _____
Rosaria Peplow,
Town Clerk

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

Five ayes carried.

- P. RESOLUTION** made by Brennie, seconded by Hammond, to approve the following reconstruction plan for the Lower Twaalfskill Town of Lloyd prepared by Wilfred Rohde, engineer:

Reconstruction Plan for Lower Twaalfskill – Town of Lloyd – Highway Department
Hurricane Irene – FEMA 4020-DR-NY – September 2011

Due to the series of flood events along the Twaalfskill over the past 10 years, it is recommended that certain design modifications be placed into effect to minimize future flood damage to the Twaalfskill, adjoining properties and roadways. These modifications will apply to those portions of the work being reconstructed. It is believed that if the work to be done is reconstructed to match pre-flood conditions, then the risk of future flood damage would not be mitigated. These proposed modifications should be easy to accomplish and be cost-effective in the long run.

1. INTRODUCTION: The Twaalfskill has two primary branches and is confined to the eastern part of the Town of Lloyd (east of the Illinois Mountain range).
 - j. The north branch originates in the Chodikee Lake basin, north of NYS Route 299. This branch is approximately 4.2 miles long.
 - k. The south branch originates at the peak of Illinois Mountain and flows south toward Chapel Hill Road, thence north along Vineyard Avenue through the Hamlet of Highland to River Road where it joins the north branch. This branch is approximately 4.6 miles long.
 - l. The Twaalfskill eventually discharges into the Hudson River at Highland Landing at northerly fringe of the Robert Shepard Memorial Park.
 - m. The total watershed area of the Twaalfskill is more than 7,000 acres in size.
 - n. Most of the major developed areas within the past 40 years have occurred within the Twaalfskill watershed.
 - o. During Hurricane Irene, flood waters breached several bridges from Reservoir Road, through the Hamlet of Highland and down through River Road. There was 2 feet of water flowing through the Hamlet.
 - p. There are very few restrictions in the flow of flood waters within the north and south branches of the Twaalfskill. Some yards and adjacent flat areas and roadways along both branches of this stream flood on a regular basis.
 - q. The proposed modifications presented herein apply only to the reconstruction plans as a result of Hurricane Irene on August 28 and the tropical storm that followed a few days thereafter.

r. Future Work:

More serious flood mitigation work is needed beyond the reconstruction work presented herein. Such mitigation work includes (1) adoption of a floodway code, (2) dredging of ponds and stream beds that have filled in with sediment over the years; (3) upgrading undersized bridges; (4) improving and widening of stream banks that have shrunk over the years; and other work (yet to be identified) to reduce future flooding events.

This plan should be developed and implemented over the next 10 years in a segmented fashion by doing the more serious work first. Payment of this work can be accomplished by (1) seeking grants wherever possible; (2) Having a drainage fee applied to all properties in the Twaalfskill basin and (3) adopting a 10-year bond.

2. TREE REMOVAL: All trees along the edge of the stream should be removed in which any of the following exists:
 - g. Tree roots are exposed
 - h. Tree is leaning toward the stream

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- i. Tree appears to be unstable
- j. Tree is aged and shows signs of decay throughout
- k. Tree is partially undermined
- l. Tree is within 5 ft of the high-water mark of the stream

3. EDGE OF STREAM: Remove all loose rocks and debris in and along edge of stream. If possible, do not reconstruct eroded sections of the stream, but try to maintain new waterway area if practical and will be functional. Place and fit large quarry rocks and chink in rock voids along outside edge of stream bends where significant erosion has taken place or can occur.

4. ROCK FILL ANCHORAGE: In areas subject to very high erosion, shotcrete should be applied to help anchor stacked and fitted rocks together, as directed. This method of rock anchorage should be in conformance with ACI 506 "Guide to Shotcrete".

5. CULVERTS AND BRIDGES:

- g. All replacement structures should be properly sized to convey stream flows from a 100-year storm event.
- h. All pipes and other forms of obstruction shall be removed from the waterway area of the culvert/bridge.
- i. The inside top of the culvert/bridge shall extend to be no lower than 1 foot below the adjacent roadway.
- j. Culverts/bridges shall have a smooth interior face to reduce turbulent flow conditions.
- k. There will be no solid sidewalls on the culvert/bridge. An open deck shall be provided with a minimal curb and open safety railing system to allow extreme flood waters to flow over the culvert/bridge deck.
- l. A smooth inlet and outlet headwall system shall be provided, so that flood waters may be safely diverted into the culvert/bridge.

6. STREAM WALLS:

- c. Constructed walls along streams shall be prohibited unless the effect of such walls will not alter the calculated or documented top elevation of floodwaters.
- d. Stream walls shall be designed to allow future flood waters to flow over and around such walls without having any damage occur.

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

Five ayes carried.

Q. RESOLUTION made by Brennie, seconded by Paladino to establish the position of full-time Recreation Director at an annual salary of \$30,000 and appoint Frank Alfonso provisional Recreation Director effective January 1, 2012 for a minimum of 40 hours a week and to include availability nights and weekends as the programs require.

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

Five ayes carried.

MOTION made by Litts, seconded by Hammond, to adjourn the meeting at 11:41PM.

Five ayes carried.

Respectfully submitted:

10.12.2011

Rosaria Schiavone Peplow
Town Clerk