

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

November 6, 2013

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

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

4:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

1. REPORTS

A. Finance – Karen McPeck, Bookkeeper to Supervisor

B. Assessor – Jennifer Mund reported that one of the biggest issues her office is working on this year is the Basic STAR re-registration and she said that she will use every opportunity that she can to talk about it so that everyone re-registers. This is the Basic STAR exemption and re-registration is through the Department of Taxation and Finance. If you currently have the Basic STAR exemption, you should have received a letter from the Department of Taxation and Finance with information on how to re-register. For those who have not received letter, you can register with the NYS Department of Taxation and Finance at www.tax.ny.gov or you can call 518.457.2036 and they will re-register you over the phone. She cannot re-register anyone through her office. This is a New York State program and must be done through the Department of Taxation and Finance. Second notices will be sent by the NYS Department of Taxation and Finance in December to those property owners who have not registered. If you are applying for the Basic STAR for the very first time as you have recently purchased a house in Town or you have never applied for the Basic STAR exemption that will still be done through her office. If there are any questions, do not hesitate to call her office. She will be at the November 19 School Board meeting with the Regional Director of Real Property Tax Services for the NYS Department of Taxation and Finance and he will be doing a STAR re-registration presentation. She is going to contact NYS to see if they have the numbers available as to who has re-registers. For property owners over 65 years of age who have the Enhanced STAR exemption, the Basic STAR re-registration does not apply to you. If you have had the Enhanced STAR in the past, you will be going through the normal renewal process and you will get a letter from her office in December, this is the same thing that has been done year after year. If you are a property owner who is going to turn 65 prior to December 31, 2014, contact her office for an application for the Enhanced STAR exemption. Her office has no capability of knowing who is turning 65 and will be eligible, so it is incumbent those people contact the Assessor's Office.

They have been reviewing the house sales as part of the systematic analysis and is part of the equalization rate process with the Department of Taxation and Finance in the Real Property Division. This is part of the re-assessment process and this will take up some of their time this fall.

Finally, she wanted the Board to know that Anne Feo has been really great during the transition and has helped tremendously in getting her acclimated, eagerly embracing and running with some of the new assignments that she has been given. They are working on streamlining some of the processes in anticipation of the increase of the workload due to in-house data collection and reassessment, which are services that will no longer be contracted out. They have been working on batching projects and working with the Water Department to streamline the re-levy process and it is working well.

C. Building & Zoning Department – David Barton asked, in the interest of time, if he could give his report on November 20.

D. Dog Control – Andrew McKee reported that it has been a quiet month; two dogs were picked up and one was redeemed, one was adopted and has a new home.

E. Highway – Richard Klotz said that he has received the last truck and the outfitting will be finished. MS4 requirements have been completed for the year; he will give the report to Shari Riley. The Department has been repairing manholes and clearing brush; they will begin to clean the leaves out of the drainage ditches so that they do not clog the culverts.

Supervisor said that two things came up which he discussed with Rich Klotz. One was a residence at 2 Tina Drive severely flooded during Hurricane Irene.

Klotz said that he worked with Shari Riley on that and reviewed the deeds; they found that it is the homeowner's responsibility to keep that section of creek open and his paperwork states that he has to maintain it. He said that a heavy flash flood brings debris with it and clogs up the culvert that is there.

Supervisor said that the homeowner was previously told that FEMA would take care of it and that is not accurate.

Klotz agreed that FEMA will not help in this instance but Shari Riley is looking into that possible other programs.

Supervisor congratulated Klotz on his re-election.

Litts asked how the Town is fixed for sand and salt for this winter.

Klotz replied that he had overbought salt for this year as it is customary to order more than is needed and the Town is in very good shape for the winter.

Supervisor asked the status of the Transfer Station and the problem with accepting CRT units.

Klotz answered that his office is still waiting for one more call. They checked on the company that Litts suggested and they wanted the Town to supply the pallets, containers and boxes that are used; and they charge \$75 a pallet and there are times that only two TV's fit on a pallet. Other towns are either not accepting CRT's or they are referring the resident to Ulster County Resource Recovery, where he believes they incur charges.

Supervisor asked if there will be information by the Regular meeting.

Klotz concurred that there will be a recommendation to offset the cost that the NYSDEC mandated for the Town.

Paladino asked about the lighting.

Klotz said that the contract was signed last week and the company should be in next week; he asked Adam Litman, Water and Sewer Administrator, if they had been to check the lighting at the Water and Sewer Plants.

Litman said that the company did not come to the plants; they called when he was in the midst of the audit from the other company.

Klotz said that he referred Limegreen to Litman. He added that the High School was having problems with the pumps and were in dire need to get the sump pumps working. He sent two of his men and it took them three hours. He told Peter Harris, Principal, that some of the money to fix the problem will have to be given to the Highway Department.

F. Hudson Valley Rail Trail – Claire Costantino, President, reported that the Caboose Restoration project under the guidance of Raphael Diaz met and will be producing plans to refurbish the two cabooses that are on the Trail. Ray Costantino is at this meeting on behalf of the Association to address the gateway arch and Central Hudson license agreement. Raphael Diaz will be giving the reports for the Hudson Valley Rail Trail for the next few months.

Paladino asked for an update on the HudsonFest.

Claire Costantino replied that HudsonFest is growing by leaps and bounds every year; there were over 70 vendors, 43 were paid vendors and the others were not-for-profit organizations who are not charged. It was an outstanding weekend with the Friday night MoonWalk and Saturday night Gala. Move Your Caboose Fun Walk and Race was not as well attended as hoped and next year will be moved to Saturday, as it is felt that people work on the Monday morning and may have been the reason for the low attendance; sometimes it takes three or four years for events to grow.

G. Justice – Terry Elia/Eugene Rizzo

H. Police – Chief Daniel Waage reported that October was one of the busier months of the year. There were 622 calls for service, other than public service there were 343 and 54 motor vehicle accidents that the Department handled; 132 tickets written, 25 parking and 105 UTT's. There were a total of 67 arrests for the month, including five juvenile arrests. The Officers and Sergeants logged in 150 hours of foot patrol in the Hamlet and 45 hours in the schools. The Chief and Lieutenant logged in 30 hours in the Hamlet and six hours in the schools. The Police Department is conducting a Thanksgiving Food Drive to assist local families in need. In October the Police also participated in Walkway over the Hudson Starry Starry Night Gala. On October 6 two adults and four juveniles were arrested for burglary and other felonies for breaking into the Blue Point Winery causing damages; the suspects were caught inside the building. On October 15

and 16 he and the Lieutenant attended a two-day NYS Intelligence Summit in Saratoga; the conference was on terrorism, school shootings, crime stats and trends. October 17 a 15-year-old juvenile was arrested and charged for the criminal sale of marijuana, 5th degree; after investigation, the juvenile was selling marijuana at the High School to other juveniles. Lloyd Police also arrested a 36 year-old Milton man for the criminal sale of marijuana, 5th degree, and endangering the welfare of a child for supplying the 15 year-old for distribution at the school. The Department also took part in OctoberFest in the Hamlet, the ALS Walk at the Walkway over the Hudson; they escorted the Pop Warner Cheerleader Champions through Town. There was a joint investigation between the Town of Lloyd Police and URGENT resulting in two arrests; one arrest for prostitution and one arrest for criminal sale of marijuana and endangering the welfare of a child. A 23 year-old Highland man was arrested for burglary, breaking into the Sunnybrook Clubhouse and causing damage; the subject was caught inside of the building on October 23. On October 24, they gave a tour of the Police Department to the Wolf Cub Scouts. October 25 was the Black and Blue Bowl at Highland High School and the Police were present. October 26 was the Halloween celebration in the Hamlet. The Police escorted the MHAL Pee Wee Football Champions. Month concluded with Halloween on the 31st. Court Officer Jim Plass reports confiscation of five knives at the Town Court.

Guerriero referred to the crosswalk in front of Highland Library and the signs that were ordered.

Chief said that the signs have been received and would like to discuss where the signs can be placed.

Guerriero said that he recently had to actually stop traffic to help a lady cross the street.

Litts asked if there was any news on the vandalism at the Highland Cemetery.

Chief replied that he does have several subpoenas out, some for technology that they are looking into but that is as much as he feels he can say at this time.

- I. Recreation/Buildings & Grounds** – Frank Alfonso reported that they have completed painting the sheds, pavilion and building at Tony Williams Park; there is still one shed to be removed. Highway fixed the guard rail and that area has been cleaned up; the tennis courts and baseball batting cage will remain available for use until the weather turns. People are still using the tennis courts and they bring their own leaf blower. The water is turned off but there is a porta potty. Pop Warner games are finished but they are still using it for practice. There are still some softball travel-teams at the Park; they paid a small fee and will probably continue this week and next week. At Berean Park, 29 picnic tables have been repaired and painted; they will be stored under the pavilion and will be ready for next season. Dave Campala of the Water Department pulled back some sand and will leave that until next spring so that there will be a lot of sand for next summer. The Highway Department came in with a BobCat and loosened up the old beach, which has not been used in about 20 years. They found a lot of sand when they dug deeply, so he hopes that next season will open up with the beach all of the way around the water. He would like to purchase some new grills for the Park as a lot have rusted out and to put in permanent lifeguard stands. He intends to clean up the area on Hilltop Lane and remove the guardrail and fence. The Village Field had two picnic tables which have been refurbished. There are two benches at TW Park basketball court, which he feels were made by Tony Williams but were not in good shape; they used the same specs and built two out of wood and hopefully they will last 20 to 30 years. Town Hall meeting room floor and hallways were cleaned and polished, and the windows have been washed. They will paint and rearrange the furniture in the Assessor's Office. Buildings and Grounds will continue to clean up the parks and Town Hall. For Recreation, the Wrestling program and the Youth Basketball program will start in December. The Adult Open Gym for basketball started yesterday at the Middle School. If they are able to put a league together, it will be two evenings a week; if they are unable to, it will be one night a week.

Supervisor asked if Alfonso checked into pruning the trees in the Hamlet.

Alfonso replied that he asked for prices from two different companies and he will follow up on that.

- J. Safety Committee** – Supervisor hopes to have a meeting of the Committee next week and a report will be forthcoming.

- K. Town Clerk** – Rosaria Peplow

Supervisor congratulated the Town Clerk on her re-election; she thanked him and congratulated him also.

Peplow reported that Ulster County Information Services sent a copy of the format for the new tax bills and she signed off on it. She is pleased with the new design as it will allow mailing the receipt in a standard window envelope. After closing the sales of the doe permits, NYSDEC listed the Deer Management Units that still had doe permits available for sale starting November 1. Deer Management Unit 3M which includes southern Lloyd, Marlborough and Plattekill was the only local area available. Sales began last Friday and 3M was being sold, on Monday, a hunter requested 3M and the computer showed that it was no longer available; however, she was notified today that there was a glitch in the program over the weekend and DMU 3M is now available for sale. She contacted the hunter who applied on Monday and was able to get the doe permits for him. There have been 786 Transfer Station permits issued to-date and \$5,207 was collected during the month of October at the Transfer Station.

L. Water & Sewer – Adam Litman, Water & Sewer Administrator, reported that during the month of October to the present, the Water Department switched from a blend to full-river water production. On September 23 the Water Department started salt shifts, for water production on low tides, and it appears that will continue until further notice. There are two people operating the salt shifts; one per day comes in for so many hours per low tide. This saves on overtime and it does not absorb three people throughout the week. It is working out well; there is enough water being made during those hours. The Water Department is still continuing the repairs on the second sludge pump at the water plant. On July 11, the NYSDEC performed safety inspections on dam spillways for the reservoirs and the issues are being addressed. It was mostly overgrowth of vegetation and trees. One of the things in the month of September was the concrete spillway on Reservoir #3 and all of the concerns have been addressed and completed. As Recreation mentioned, work has been done on the reservoirs and an excavator was rented for one week so that they could assist in the removal of sand from Reservoir #5 (the swimming reservoir) and they began the removal of brush. They started from the gate and worked their way up past #5 and the reservoir behind it, where the climb up the mountain begins. All of the trees noted in the DEC report have been removed; all of the stumps over 5-inches are still in place and the Water Department will have to find out the procedure the DEC recommends for the removal. There were issues by the main standpipe which supplies the water pressure to the distribution system and a lot of large trees that were overhanging the tank have been removed. The fall hydrant flushing was in October. They removed a hydrant, which had been out of service for ten years, from in front of Shamrock Liquors on Route 9W. The intention was to replace the hydrant but due to the large power pole and the general location of the old hydrant, they decided against it. A company will do a wet tap in December and relocate the hydrant about 20-feet to the north.

Calgon Carbon, UV system at the Sewer Plant, made all the repairs and adjustments to the system in September; in October the system has worked satisfactorily for the first and there were no issues. He completed and submitted the 2014 hauling permit; he is now waiting for the paperwork and billing. The yearly maintenance for the RBC's is now complete; the lubrications cost about \$3,000 last month. They are still working on the Maple Avenue side of the plant where the brush grows between the Sewer Plant and the road.

Litts asked how many water meters have been replaced of the intended 1600 meters.

Litman said that he does not have that number to date; he recalled purchasing a large quantity of transmitters earlier in the spring and that Bill VanKleeck sent out notifications for a second and third route. He is actively working on them. There was a good response from residents on the first route but a few have not responded.

Litts noted that there are six routes and asked how many of those routes are on the new remote reading sensors.

Litman answered that the first is probably 90% completed; VanKleeck is working on the second route and has started the third. Some routes have 600 meters and some 400 meters.

Litts posed that by getting three routes done this year, the project would be halfway done.

Paladino asked if the hydrant testing would be this fall and if he has communicated with the Fire Department.

Litman said that as part of the hydrant flushing, the crew has a list of the hydrants that need maintenance and he said that two hydrants need to be replaced. Dave Barton is

going to supply a recent by GPS map so that he can coordinate the flow testing. He did let the Fire Department know that he would not attend the meeting last month. He is open to attending this month; however, he has not made much progress in addressing the hydrants. He does not believe that the weather is going to hold up to do the weather coordination this year. He was considering banding, which is like a reflective dog collar on the hydrants. He looked into different types and the pricing varies greatly and will continue to look for an easier way to identify the hydrants, in the most cost effective way.

- M. Supervisor** noted that OctoberFest was a nice event but, unfortunately, the rain washed it out; he feels it will continue to grow. Halloween was a successful event with about 1,000 children who had a great time.

2. OLD BUSINESS

- A. Discussion of Economic Development Committee survey of Highland parking areas.**

Supervisor asked if the Town Board members have had a chance to read the report.

Brennie commented that he thought the report was well done and the only concern he has is that they want to eliminate some parking along the painted wall in the parking lot next to Sal's. Loss of parking spaces is one of the worst things you can hear if you own a business in the Hamlet.

Guerriero mentioned that the dumpsters are in the back of the parking lot and the trucks have to get in and out. He said that he thought that it was a good report, well thought out and detailed; Peter Brooks is very detail oriented.

Litts felt that they put a lot of time and effort into the report.

Supervisor said that the Board would continue to review it and consider changes for next year; he appreciated all of the work that the committee put into it.

Peter Brooks, Planning Board, invited Board members to the meeting next Tuesday to continue the discussion.

- B. Discussion of Comprehensive Plan**

Litts said that the Committee met a week ago at 7:30 in the morning to review the comments that were accumulated by David Barton. The Committee addressed each section including the comments from Ulster County and from individuals. The re-writes were made and there is a final draft copy of the Comprehensive Plan, which has been distributed to the Town Board. He personally commended the Committee for their work as they worked extremely hard on it and he thinks that it is an excellent document. The document is not perfect and he does not believe that a perfect document could be attained as it is a high-level vision for what is anticipated for the Town in the future; the future does not always hold true to what we believe it might be. He thinks that is a very good document and it is time for the Town Board to make a decision.

Paladino concurred with Litts' thoughts and feels that it has been well vetted and the Committee has taken several steps to review the comments, adjustments were made and the public appreciated that their comments were considered. There is a funding application deadline of November 15 to be submitted to NYS for the waterline; it is his understanding that the submission should match the Comprehensive Plan. Continuing the comment period has been discussed but his opinion is that it is time to adopt the document.

Guerriero asked what is being changed and if the public is aware of the changes.

Paladino felt that the Agricultural zone is being maintained as a two-acre zone versus what proposed was proposed as a one-acre zone.

David Barton said that several changes were made because of the comments from the public, the public hearing and the feedback from the Town Board; this is the fifth month since the beginning of the comment period and the public hearing was closed on October 16. He and his department have put together a list of the comments pulled from the transcript of the public hearing and all of the written comments that came in before October 16. Nothing was included after October 16 because it was too late but those comments are included in the record but not addressed.

He then explained the highlights of the changes in the document. The Agricultural zone will remain two acres, one acre was proposed but comments came back on that proposal. Purchase and transfer of development rights were taken out as any landowner always has the right to purchase the development rights so it was deemed inappropriate to put in the Comprehensive Plan. Originally he disagreed with this but he has changed his perspective as the zoning should conform to the density in

certain locations. Julie Dempsey, Director, Highland Library, asked for the Comprehensive Plan to speak for the Library. That data was not available before but this information might help the Library in grant applications. The document now strongly advocates keeping Highland Library in the Town Center (downtown) and Julie Dempsey's language was added verbatim because it was that good. All of the references to the Winery project were removed; there is still mention of developments around the Town in a general sense. Reference to the development to the south of the Hamlet remains and one of the things pending before the Planning Board is the Winery so it is included in this discussion. Items were added about seeking grant funding for marketing the downtown; there is more ability in the document to actively pursue funding to assist the downtown. Millrun Park was more aggressively mentioned, which is along the creek behind the former Vadala's drug store on the east side of Vineyard Avenue; hopefully, there will be a committee appointed to pursue this. Under Natural and Cultural Resources, 7.1, language was added to inventory the Town's natural, cultural and historical resources and map the visual qualities that residents most value, using work that has already been performed by various agencies.

Mark Reynolds, reporter, noted that the plan talked about avoiding strip development. Ulster County comment under Land Use Goals said that no amount of design guidelines will rescue this 1.5 miles from commercial zoning, strip commercial, and there will be real consequences for the transportation system as well as for existing commercial activity centers. He asked if that issue has been addressed and if anything has been changed.

Barton said 'no' but the response to the County is that 1.5 is too long and to look at what the Winery project is considering. He feels that the LB zone needs to be removed as it is no longer in the Code but it is still on the map. The point from where the Winery begins is actually about 1,200-feet so it is not 1.5 miles. The County response is to rezoning en masse from Rite Aid to the Town border, which is still under discussion. He is not confident that the Town is fully in agreement with the County response.

Reynolds recalled that when Barton spoke to the Marlborough board, he talked about bringing it to the Marlborough line.

Barton said that the response to Ulster County is that it is 'our Town'. The County is afraid that there will be strip malls up and down Route 9W. He believes that right now Lloyd needs someone to come in and develop a property. Yesterday, he met with John Quinn, realtor, about positioning some of these properties in a better way to bring in more vitality. He said that the current Planning Board in the Town of Lloyd is probably one of the best.

Brennie posed that the Town may have to approve a strip mall.

Litts said that he was very surprised by the comment from Ulster County Planning Board because they have worked very closely with the Town of Lloyd and the Planning Board. Everything has to be referred to them so when a project comes up UC Planning Board will make their comments. He is surprised that they would think that the Town would build strip malls up and down Route 9W. It has not been done in the past and he does not see that for the future. There are a lot of checks and balances in the present system to make sure that would not happen. County Executive Mike Hein is very much in favor of bringing the waterline down to the Marlborough line. There would be a lot of advantages to the Town of Marlborough if they go off line from the aqueduct in 2016; DEP is in favor because that gives them an alternative to supply Marlborough with water.

Paladino agreed and noted that the County came to Lloyd and gave accolades to the smart development on Highland Square and Mountainside Woods. They appreciated that Lloyd did not let Rite Aid just put up a metal building but insisted on upgrades to beautify it and make it more what the Town wanted. The County has praised Lloyd in the past. He is also surprised at their comments.

Barton said that he has had discussions with Dennis Doyle, Ulster County Planning Chair, and he feels that the Planning Board was also surprised. He said that the Rite Aid site was designed in anticipation of more growth around it and incorporating a good design model by landscaping and positioning of the buildings. He feels that the Lloyd design standards are second to none in Ulster County and although Dennis Doyle may feel that the Town cannot control that sort of development down Route 9W, the Planning Board, the standards that are put into place and with the

exceptional zoning, Lloyd is far ahead of other towns. He feels that Town of Colonie may have better zoning; however, it is a larger town and has an airport.

Reynolds asked for the location of the 1,200 foot strip.

Barton replied that it is from Rite Aid south to where the Winery begins. He suggests that one should look at the map as the Winery is an enormous property at 400-plus acres. The way that they have structured the conceptual plan for the Winery, very little will be seen from the road. The stretch from the Marlborough Town line north past Sam Williams Road to Blue Point Road is only one small section, a 40,000 square foot commercial space. This is the result of three years of discussions to make sure that the Winery understood the position of the Town. Dennis Doyle was in on those discussions.

Supervisor stated that the Town was having these conversations with March Gallagher and the County Executive and then this report came out. It seemed as if it was a different direction Lloyd was going in and then Doyle's letter and Robert Leibowitz' letter; there was conflict. He contacted the County Executive again and he is supporting the water line going down Route 9W. There is no property that would satisfy the needs of a strip mall. Dennis Doyle responded to the comments of Scenic Hudson. He is not aware of any comments to the Ulster County Planning Board other than those of Scenic Hudson.

Litts said that the focus has been on the Winery but a month ago the mobile home park on Mackey Road off Route 9W was asking for water down there because they are having issues with their water supply. There were two or three entities that came before the Town Board asking for water as there is no adequate water supply. It is for development to the south and not just the Winery.

Guerriero asked about the upgrade to the Water Plant and what will have to be done to supply Marlborough.

Litts responded that the Water Plant has capacity to make 4-million gallons and 600,000 to 700,000 gallons are now being used.

Barton and Brennie said that the intent was to overbuild the plant and the waterline south has been talked about for thirty years.

Ray Costantino commented that a 1.5 mile of strip malls brings to peoples' minds South Road in Poughkeepsie. He suggested looking at the geography of that Route 9W strip, there are sheds, high power lines, swamps, cliffs, houses; there is no land available to build a strip mall. There is no property to develop on Route 299 other than Central Hudson's piece. He added that the Water Plant is only running one shift; it could be run with a second or third shift to make more water. That plant is designed for 4-million gallons.

Supervisor said that the Board has also received a letter from the Planning Board: "... at the scheduled Planning Board meeting on October 24 the Planning Board discussed comments made by the Ulster County Planning Board in response to the proposed Comprehensive Plan. The Comprehensive Plan is proudly made up of citizens from the Town of Lloyd. The Ulster County Planning Board did praise the Comprehensive Plan overall with a few exemptions. We as a board stand by our recommendation which is to change 9W south to GB even before the Comprehensive Plan review began. The motion was made by Fred Pizzuto reiterating the Town Board's intention to support the GB zone and it was seconded by Larry Hammond with a vote of 7 to 0 with 2 absent. Submitted by, Scott Saso, Chairperson."

Peter Brooks, Lloyd representative to the Ulster County Planning Board, stated that aside from the issue about them not liking the strip zoning, their comments are almost always things you ought to change. What you don't get in their report is what was said during the Ulster County planning meeting and that was a lot of praise for the Comprehensive Plan and they really thought it was a very good plan but then, their comments are always critical comments. They don't send comments that say 'that was lovely'; they send comments that say 'this is what we think you can do better'. He thinks that some people are wrongly taking the point of view that the County was slamming the Comprehensive Plan. He does not think that is true at all. He feels that they have a very favorable view of it.

Paladino added that Reynolds wrote in the newspaper that 'the overall plan comes away with a positive grade' and it continues to talk about that it 'lays out investment strategy to support land use'. The article credits the Committee.

Brennie feels everybody is not going to be pleased and the endeavor is to make the best decisions with the best information available.

11.06.2013

Reynolds asked if the Board is considering adopting the plan on November 20.

Supervisor replied that the issue is if the grants for water and sewer will be jeopardized if the Comprehensive Plan is not passed by the grant application deadline of November 15; November 20 would be beyond the deadline date for the grant application. He feels that it has to be moved forward. We could not schedule a special Town Board meeting as we were not sure that the Board would have a quorum. A super majority of the Board is needed.

Litts said that some of the few changes recommended by the County Planning Board were made.

Murphy interjected that it sounds to him as the Board is going to make a motion to adopt the Plan and he has resolutions in his file that Teresa Bakner, land use attorney, has been working on. He has a negative declaration and resolution which is undated. He would like to make copies for the Board so that they can take a quick look before voting on it.

Liz Weisz, member of the Comprehensive Plan Review Committee, is concerned about the adoption of the Plan tonight because the public has not been made aware that this would be done at the Workshop meeting which starts at 4 PM when most of the community is still at work. She said that she understands the concerns about the Water and Sewer grants but she is not in favor of this taking place without the community being aware. She has been trying to ascertain if this would be on the agenda for over two weeks. .

Litts said that he has been working on the Comprehensive Plan since 1985 and he stressed that this is the best effort that he has seen in the 30+ years that he has been on boards and committees. He was also on this committee. He said that he is not happy about the timing either but feels all taxpayers in the Town will lose if several million dollars of grant money are lost because it is not passed by November 15. He added that money comes from the taxpayers and developers, or the County, the State or the Federal government if we can qualify for grants. The grant has been submitted and it is hoped that Lloyd is chosen. If this is not passed by November 15, the grant may be in jeopardy; if the Board decides to go with the waterline, the extra million or million and a half in grant money would have to come out of tax revenue. Chapter 11 says that the Comprehensive Plan is to be revisited at least once a year until it is rewritten again. He is unsure what could be done between now and the 20th; however, he is unavailable on November 13 and all next week, so it is either tonight or the 20th.

Weisz said that the difference would be the public's awareness, the ability to be present for this decision and to hear the discussion.

Litts responded that her point was well taken but the public hearing was opened in August, so in August, September, October, there have been discussions on this; there cannot be more comment from the public as the public hearing was closed last month. The decision is based upon information prior to the closing of the public hearing. Once again, he does not want to be in the position to lose grant money and funding. This project qualifies and the DEP is willing to give money because by 2016 they have to figure out a way to get water to Marlborough. This bails them out.

Weisz asked when the deadline information was made available to the Town Board.

Litts said that he found out about it during the middle to late last week.

Weisz asked if in applying for the grant the Town did not know the deadline or what was needed.

Barton replied that the Town did not know the date of the vote of the committee who votes on the grant.

Supervisor said this is a very difficult position to be in and he agrees with Weisz. The problem is should the Board take a chance to lose that money when the vote is going to probably be the same on November 20. What does the Board tell the taxpayers if the Board does not vote and the money is lost?

Reynolds asked if there is an option of November 13 in the evening.

Supervisor answered that there is a public hearing for the Ulster County Legislature in the meeting room that night.

Brennie added this is the best case scenario under the circumstances; the vote is public and everyone will know how the Board votes, it is on TV and it will be in the newspaper.

Litts said that he is disappointed too and he has put a lot of work into the plan and he would like to be here to vote on it.

Murphy said that he has provided the Board with copies of a resolution adopting a negative declaration and adopting the Plan then there is a copy of the negative declaration and attached to that is a summary of public comments and the responses. He has also given the Board a Part 3, which is an attachment to the EAF, which the Town has had for awhile. The resolution has to be moved, seconded and needs a super majority, which is four out of five in this case.

Litts read RESOLUTION D. and noted that this document can be revised at anytime and he hopes that it is looked at a minimum of once a year.

Member of the audience asked for a clarification if Lloyd is going to get the grant or if Lloyd is just one of the contestants.

Litts replied that the Town has qualified to apply for the grant, the grant application was accepted and it will be voted on November 15. One of the stipulations is that the project needs to be in compliance with current Town Comprehensive Plan.

Weisz as if it was not in compliance with the 2005 Town Comprehensive Plan.

Litts answered that the 2005 Comprehensive Plan said that the commercial and industrial corridors in the Town of Lloyd are Route 299 and Route 9W corridors. The 2013 Plan in at least three or four different sections says where that development should occur: north on 9W; sporadic on Route 299 because there is not a lot of land to support commercial development and the parcels are very small; development to the south on Route 9W. The argument could be made that the 2005 Plan said that development should occur on Route 9W and Route 299; but the 2013 is more specific.

3. NEW BUSINESS

- A.** Ulster County Legislature public hearing on the County budget will be held in the Meeting Room of the Town Hall on November 13, 2013 at 6 PM.

4. PRIVILEGE OF THE FLOOR

Joseph Tanzi, owns two houses at 3333 Route 9W. Six or seven years ago the water bills were \$600 to \$700 and the Town found out that the water meter was okay but the odometer was not working on the main house. The Town worked that out with him. The main house is a two-family house; there is a little bungalow on the property and the inside of it is no bigger than half the size of the Meeting Room. The house has one kitchen sink, one toilet, one bathroom sink and one bathtub; no washer or dryer. The bills are usually \$40 (January, February and March). Tanzi lives in Cornwall and leaves for Florida in January, returning in March. He was told that the water bill for the small house was \$380. He called the Water Department who sent someone to check it out; he did not see any problems in the house after checking it out. He then spoke with Adam Litman who said that he goes in to check to see if there is a new fixture, because something was broken and was replaced. The gentleman who came in the house said that nothing was replaced. The bill is for January, February and March 2013; this has been going on all of this time. The water bill with the late charges and penalty charges is close to \$600. He went to the Water/Sewer Study committee meeting; they said that they were going to talk to the Town Board and they would come up with an answer. That was six or seven weeks ago. He called to see what is going on as he does not want it to go on the tax bill and get more penalties. He said the lady at the Water Department six weeks ago or seven weeks ago said that the Town voted against it. He thought he should have been notified by somebody because when they really wanted to get in touch with him they sent a certified letter and he had to sign for it. He offered, out of the goodness of his own heart, to pay 50% of the bill; the reason why he said 50% of the bill is because if he had a leak the Town policy reads if there is a leak and they fix the leak, then the bill would be cut in half. He does not fall under that category because they did not find a leak. He introduced Richard Rosen, an attorney, who lives in the house; Tanzi said that if Rosen has a problem with that house, he has a guy who will come to fix it. He owns a lot of houses in the area.

Richard Rosen rose to speak and said that he is an attorney in the State of New Jersey, not New York, and Officer of the Court in New Jersey. He said that he is living in that house, not a bum, does not drink booze, and does not turn on a faucet for 25 days without turning it off. He is a responsible human being. During this period of time, there was nothing unusual happening in the small house in which he has been living. The bill shows that he is using more than 1,000 gallons per day. The only possible thing that could have happened, as the Water/Sewer committee stated, was that the toilet was running. He said that their own investigator checked out the toilet to see if

11.06.2013

Mr. Tanzi made any changes or put in new equipment. The toilet was not touched. They do understand there was high usage but not where it came from. He feels that it would be unfair to charge Mr. Tanzi this huge increase as the water board doesn't even know where the usage came from. He asked the Town Board to look at him; he lives a normal life and nothing unusual happened in that house during those months in question.

Paladino referred to the report that showed starting on January 19 that '0 Gallons Used' and then on the 20th, '1,057 Gallons' were used and asked if there is a reading prior to that.

Litman confirmed that the history shows there is a very low usage. The meter and transmitter at this address was upgraded awhile ago; if you look at the past history, day-by-day in 24-hour increments, this is probably where the trend was picked up when they went there and downloaded the trend from the upgraded meter that was replaced. These 24-hour increments were recorded and it must have picked up the actual trend. Prior numbers are not obtainable because this is the upgraded meter. They started to use the upgraded meters two or three years ago. When the head of the meter is removed, it can be downloaded on the Trumbull and that is the 24-hour increments. Referring to Page 3 of 3 of the report, it shows where the high consumptions over the courses of 24 hours are i.e. #72 and #73; #72 is the date where they went in and read for the billing that is in question. By #75 it returns back to a normal consumption. Unfortunately, he cannot say why there was such a high consumption but the point is that it is consumption. The meter transmitters do not lie, they do not malfunction in that way. An older meter slows down over time and if a transmitter malfunctions, it stops working.

Tanzi said this is in the winter when no one is out washing a car. He feels that if there was a leak in the toilet, it would be heard in such a small house. He stressed that the tenant is a lawyer and he is not going to fix it himself. Tanzi was not in the state.

Litman said that was a different style meter.

Paladino said that there is a high probability during those cold months that there would be an issue with a broken pipe. He said, speaking as a landlord, he knows that tenants do let things go and do not take care of things. He pointed out that two days after the Water Department met with Tanzi the problem was solved.

Litman confirmed the consumption returned to normal. When Bill VanKleeck goes in to do a leak check, not only does he hook the actual device up to see if there is something going through the meter while the water is not running. Everything is turned off in the house, the transmitter is hooked up and it will pick up if there is any flow going through the meter. He then does an investigation and checks for the owner and the Water Department. He will look at anything that uses water i.e. toilet, faucet, etc.; he will make a recommendation to the owner and advise the owner what needs to be done. Litman said if Mr. Tanzi had called him and said that there is something seriously wrong here, it can be addressed. He would have said that we will do a leak check. Whatever was going on, prior to notification of the Water Department, it stopped; he cannot say for sure what happened on that property.

Litts asked what day VanKleeck went to the property to check on the problem.

Supervisor answered and said that it was April 12.

Brennie asked what changed on April 1, 2, 3.

Litman said that he does not know but these trends have been seen before. He is not saying that it is or is not the toilet, but toilets can consume a great deal of water if the flapper is stuck; sometimes they don't make a lot of noise.

Brennie said that it was interesting that the high numbers are all within 10 to 15 gallons, which is a steady flow, and if you look at the normal numbers it is a larger percentage day-to-day difference. From 20 to 35 compared to 1,039 to 1,035 to 1,025.

Litman confirmed that is a steady flow usage and he cannot make the determination as to what was going on in the house during that time.

Brennie would like to know what changed on April 2, 2013.

Tanzi said that he is mechanically inclined; he saw the gentleman change the meter but he did not see him change the top part. He was under the assumption that they read the meter from the outside because that is still there. He questioned that if they changed the top part of it why they did not take the other part that is on the outside of the house where they used to take the readings. He asked if that comes in two pieces and if the thing on the top comes off that meter.

11.06.2013

Litman said that it can be installed as one whole piece, the older dial piece that you are seeing on the exterior of the house that failed before is not removed when there is a new meter installed. He said that it is an eyesore but removing creates holes in the siding.

Tanzi said that he did not see him change the top part and when he had the previous problem it was with the top part, the meter was on the outside then.

Litman offered that the meter and transmitter in question was a newer upgraded meter but as a courtesy, they went back and changed the meter and the transmitter to try to rectify the problem. Although he did not have the exact date, it was within a week or two.

Brennie referred to the paperwork and found that it was April 15. The drastic change downward did not happen after the meter was changed, it actually happened two weeks before the meter. That takes out the whole meter argument.

Litts agreed and said that the consumption from the fourth to the fifteenth was on the old meter and from the fifteenth on it is on the new meter; it is a little lower on the new meter but not drastically lower.

Supervisor asked if Litts was at the Water/Sewer/Drainage Committee meeting when this was discussed.

Litts said that he was and that a decision was supposed to be made and a letter written to the Town Board; this did not happen.

Tanzi said that there is another problem because when he spoke to his secretary, about a week ago he asked about the decision and he was told that he lost and the bill had to be paid.

Litman stated that Christine Giangrasso, Water and Sewer Secretary, informed him that she had conversations with Tanzi and that she was to confirm with Tanzi the same topic of conversation within the Water/Sewer/Drainage Committee that the time is coming where this bill goes on the property tax bill. There was no ruling at that time to say whether there was a decision made for or against Tanzi.

Tanzi contended that Litman was 100% wrong and she told him that he had to pay that bill. Litman agreed that he does have to pay that bill.

Tanzi asked if the Town Board has been apprised of this situation.

Brennie said that he had a letter dated October 29 and they did not make a judgment.

Sean Murphy, attorney, interjected that he was also at the Water/Sewer/Drainage Committee meeting of October 3 and the Committee discussed the situation. The consensus was that it appeared to be a usage problem. It was not a leak. The Town has abided by a policy in the past that if it is a leak and it has been repaired, they will consider giving a credit. If it is a usage issue, the Town does not give a credit as the water has been used and has gone through the meter. The Committee does not make the decision. The Committee can make a recommendation to the Town Board but cannot make the final decision. His recollection of the Committee meeting was a clear consensus that it was not within the policy and that the Committee cannot give the credit; however, the Town Board is the decision making authority and can make a decision on the matter.

Litts said that he is the liaison to that Committee and it is his recollection that at that meeting he asked the Committee to write their findings in a letter to the Town Board and that did not happen as he has nothing in writing.

Murphy said that it was his understanding that the Committee would report to the Town Board but the consensus was clear that it was not within the policy. There was some discussion about varying from the policy and it was clear that the Committee would not recommend varying from the policy.

Tanzi said that when they wanted to get in touch with him they sent a certified letter but this time he was waiting for an answer.

Litman said that he offered that if Tanzi agreed to pay the bill by a certain date that the Water Department could remove the late charges and penalties, which was in his purview prior to the tax levy.

Tanzi said that he offered, out of the goodness of his heart and due to the time it takes him to come from Carmel two or three times, he felt that it was like when you go to court, the lawyers go into the back room and work out a deal, to pay half the bill. He said that he is done with this and does not want to come here again; this is the eleventh month and there is still no answer.

Brennie feels that there is an answer and it is a consumption issue; the decision has to be made as to what the Board does next.

Supervisor held that although Tanzi is saying eleven months, the Town Board found out about this in June and we are now five months into this.

Tanzi said that he notified the Town after he got the bill and after speaking with Litman, he came in to see the Supervisor.

Supervisor said that Tanzi wanted him to do what the other Supervisor has done and he said no to Tanzi and told him that he had to go through the process. He has gone through the process and now it is time to ask the Town Board for a decision. The legal counsel for the Town Board and the Town Board liaison to the Committee decided that it was a usage issue and unless there is a resolution from the Town Board to do something differently, no other action will be taken.

Paladino asked the total of the penalties.

Tanzi said that the secretary will give credit about \$70 or \$80 credit, off a \$700 bill.

Litman said that as the first bill has not been paid, there will be late penalty added to the next one and he believes that there is a second bill which has the \$81.38 penalty.

Brennie asked if Litman would be willing to waive the penalties and interest if he pays the principal.

Litman said that is originally what he said that he would do.

Tanzi said that was offered to him but we are still talking about the \$380 water bill and he said at that time that if the Town is willing to give 50% off to someone who found a leak.

Brennie told Tanzi that he felt that the best the Board could do was waive the penalties and interest.

Litman reiterated that he has to figure out how to do that as the tax levy deadline has passed; he tried to make Tanzi understand that if the bill had been paid in full, the finance charges could be eliminated.

Paladino felt that, in all due respect to Tanzi, he understands the problem as he is in the business and it is very possible that a toilet is running or a leak occurs.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Litts, to close the Town parking lot located next to Sal’s Restaurant, Vineyard Avenue on Sunday, November 10, 2013, from 8 AM to 6 PM, for their Annual Wild Game Dinner.

Five ayes carried.

B. TABLED Resolution to accept the license agreement with Central Hudson for the installation of the Hudson Valley Rail Trail archway and authorize the Supervisor to sign.

Murphy said that he has work he would like to do on this.

Ray Costantino said that there is no urgency and that Murphy should have the chance to review it as the Town may need protection on a couple of clauses.

C. Resolution for November 20, 2013 to approve the following budget amendments to the 2013 budget:

GENERAL

| | | |
|--|---------|-------------|
| Assessor PS | 1355.10 | +\$6,182.00 |
| Contingency | 1990.40 | -\$6,182.00 |
| (To cover payout of benefits for retired Assessor) | | |

| | | |
|------------------|---------|-------------|
| Town Hall CE | 1620.40 | +\$1,000.00 |
| Build & Grnds PS | 1630.10 | -\$1,000.00 |

| | | |
|---|---------|-----------|
| Police Officer PT PS | 3120.11 | +\$400.00 |
| ALS walk police reimb | 00-2691 | -\$400.00 |
| (Reimbursement from ALS Walk for Police coverage) | | |

| | | |
|--|---------|-----------|
| Events | 7550.40 | +\$205.00 |
| Donations | 00-2705 | -\$205.00 |
| (Downtown Businesses’ donations for Halloween) | | |

HIGHWAY

| | | |
|--------------------------|---------|--------------|
| General Repairs PS | 5110.10 | +\$10,000.00 |
| Snow Removal PS | 5142.10 | -\$10,000.00 |
| (Re-allocation of funds) | | |

D. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, the Town of Lloyd adopted its previous Comprehensive Plan in 2005; and

11.06.2013

WHEREAS, a committee was formed to draft and develop an updated Comprehensive Plan, comprised, among others, of members of the Town of Lloyd Zoning Board of Appeals, the Planning Board, and the Town Board; and

WHEREAS, on or around August 2013, the town of Lloyd Town Board (“Town Board”) received a draft of a proposed update to the Town’s Comprehensive Plan entitled, “Town of Lloyd Comprehensive Plan 2013” (“Updated Comprehensive Plan”) for its review; and

WHEREAS, the Town Board is empowered to approve the Updated Comprehensive Plan; and

WHEREAS, the Town has determined that this is a Type I action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, on August 21, 2013, the Town Board declared itself lead agency for review of the Updated Comprehensive Plan in accordance with SEQRA and completed a full Environmental Assessment Form (“EAF”) concerning the proposed updated; and

WHEREAS, properly noticed public hearing was held with respect to adoption of the Updated Comprehensive Plan on August 28, 2013, the public hearing was continued several times allowing for further public comment at successive Town Board meetings; and

WHEREAS, on or about August 19, 2013, the Town Board referred the Updated Comprehensive Plan to the Ulster County Planning Board as required by General Municipal Law, Section 239-m; and

WHEREAS, the Ulster County Planning Board provided a response including recommendations on September 4, 2013; and

WHEREAS, on October 16, 2013 the public comment period was closed; and

WHEREAS, the Town Board reviewed and considered all of the comments submitted by the public and agencies and revised the Updated Comprehensive Plan in the manner set forth in the Executive Summary of Changes from August 11, 2013 draft (version 10a), attached hereto; and

WHEREAS, on the basis of the Town Board’s consideration and review of the potential significance of environmental impacts attributable to the adoption of the Updated Comprehensive Plan, including the collection of public and agency comment, its completion and review of parts 1, 2 and 3 of the full EAF, as well as the criteria for determining significance set forth under 6 N.Y.C.R.R. § 617.7(c), the Town Board has determined that no significant adverse environmental impacts will be attributable to the adoption of the Updated Comprehensive Plan; and

WHEREAS, the Town Board has provided a written elaboration as to why the action will have no significant adverse environmental impacts, and why the issuance of a SEQRA negative declaration is appropriate;

NOW THEREFORE, BE IT RESOLVED that the Town Board hereby:

1. Issues a SEQRA negative declaration in support of the adoption of the Updated Comprehensive Plan; and
2. Adopts and incorporates herein by reference, the attached written negative declaration for the adoption of the Updated Comprehensive Plan issued by the Town Board on the effective date of this resolution; and
3. Directs that notice of the negative declaration be posted in the Environmental Notice Bulletin maintained online by the NYS Department of Environmental Conservation, and in any subsequent notice required in connection with the adoption of the Updated Comprehensive Plan; and
4. Directs that a copy of the SEQRA negative declaration be maintained in the Town Clerk’s Office and made available to any person requesting a copy.

BE IT FURTHER RESOLVED that the Town Board hereby approves and adopts the update to the Town’s Comprehensive Plan entitled, “Town of Lloyd Comprehensive Plan 2013”, as revised October 28, 2013, copy attached.

Supervisor said that he will vote yes although he wished that this did not have to be done tonight but he is afraid not doing so will jeopardize the funding.

Guerriero said that he respects Litts’ comments but is also disappointed that the public will not have a chance to be part of the adoption, however, he agrees with Litts.

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

Five ayes carried.

Supervisor offered Privilege of the Floor again.

11.06.2013

Steven Schunk, a 40-year Town resident, said that friends of his asked him if he would marry them; not being a member of the clergy or a justice of the peace, he cannot do it. The only way that he would be able to perform the ceremony would be if the Town Board appointed him as a Marriage Officer, which is allowed under Article 3 of the NYS Domestic Law, Section 11C. Supervisor asked him to do a couple of pro's and con's. 'Con' might be that he would take away some of the work of the Town Justices. 'Pro' would be that he would serve with no compensation and the appointment is at the privilege of the Board; it can go from any term up to four years, maximum, and could be withdrawn by the Board with two weeks' notice.

Paladino asked if this was a NYS law and Schunk confirmed that it is, offering copies of the pertinent law to the Board.

Litts said that he never knew anything about this until a month ago and at that time his daughter performed a marriage ceremony for her best friend. You can go online in the State of Washington and qualify; it is legal in the State of New York with that certificate. It took less than a week to get her license to perform marriages.

Schunk said, in his way of thinking, he wanted it to be a little bit more official and within the law.

Supervisor asked if he was looking to do this long term or for one couple.

Schunk replied that he thought the couple was going to be married in January; however, he asked for approval to perform marriages for one year.

Murphy advised that it is the option of the Town Board and said that it could be withdrawn at anytime.

E. MOTION made by Brennie, seconded by Paladino, to appoint Steven Schunk as a Marriage Officer in the Town of Lloyd with a term to expire on December 31, 2014.

Five ayes carried.

MOTION made by Litts, seconded by Brennie, to adjourn the meeting at 6:21 PM.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk