

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

NOVEMBER 16, 2016

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

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

**Absent:** None

**7:00 PM** – Supervisor opened the meeting and led the Pledge of Allegiance. He acknowledged Rita Lombardi, Frank’s sister in the audience and added that Frank’s son Ben expressed regrets that he was unable to attend tonight.

### **PROCLAMATION** Frank Lombardi Memorial Resolution

**RESOLUTION** made by Councilmember Guerriero, seconded by Supervisor Hansut  
**WHEREAS**, Frank Lombardi, a lifelong resident of Town of Lloyd, was taken from us  
midst on October 27, 2016; and  
**WHEREAS**, Frank Lombardi, was married to the late Ann Verrotti at Holy Trinity Church,  
Poughkeepsie, New York; and  
**WHEREAS**, Frank Lombardi, was a faithful member of St. Augustine Church in Highland, NY  
**WHEREAS**, Frank Lombardi, proudly served his country during World War II and his military  
service would be one of his legacies; and  
**WHEREAS**, Frank Lombardi, was a member of the American Legion Post #193 Highland, New  
York, for 66 years and served as 3<sup>RD</sup> Assistant Commander; and  
**WHEREAS**, Frank Lombardi, served on numerous American Legion Committees including the  
committee to build the American Legion Hall; and  
**WHEREAS**, Frank Lombardi, spent many hours making sure all veterans who pass away  
receive Military Honors with respect and dignity working numerous funeral details in the  
Hudson Valley; and  
**WHEREAS**, Frank Lombardi first with his parents and then with his sister Mary Gardner, ran  
the family business Lombardi and Sons, Contractors for many years; and  
**WHEREAS**, Frank Lombardi was a trustee since the middle 1970’s of the Highland Cemetery  
Board in the Town of Lloyd and served as its president; and  
**WHEREAS** Frank Lombardi generously donated the services of his business to his church, the  
Highland Cemetery, the American Legion and other organizations, and  
**WHEREAS**, Frank Lombardi, was very active in local politics and served as a Committeeman  
in the Town of Lloyd Democratic Committee; and  
**WHEREAS**, Frank Lombardi served as the Town of Lloyd Highway Superintendent from 1990  
to 2011; and  
**WHEREAS**, Frank Lombardi was a member of the Ulster County Association of Highway  
Superintendents and served as First Vice president from 2006 to 2011; and  
**WHEREAS**, Frank Lombardi was known for his generosity, his honesty and integrity, his  
friendship to all, his devotion to family and community; and  
**WHEREAS**, Frank Lombardi will be deeply missed by his community, friends and family; and  
**NOW, THEREFORE, BE IT RESOLVED** that this Regular Meeting of the Town of Lloyd,  
Town Board, be opened in memory of Frank Lombardi; and  
**BE IT FURTHER RESOLVED** that a certified copy of this resolution is delivered to Ben  
Lombardi, his son, with the deepest sympathy of this Town Board of the Town of Lloyd.

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

**Five ayes carried.**

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*Councilmember Guerriero commented that Frank Lombardi will be sorely missed and how much the Town of Lloyd appreciates everything the Lombardi Family has done for the Town.*

#### PRESENTATION OF THE 2016 ENVIRONMENTAL STEWARDSHIP AWARD

Jack Maguire, Chairperson of Environmental Conservation Council stated that for twenty-two years the ECC has given an environmental stewardship award to someone who has done outstanding work to help conserve natural resources and promote interest in the environment. The award is presented annually at the November Regular Town Board Meeting. This year's honoree is Donna Deeprise who for many years was a very highly valued member of the ECC, who has worked very hard in helping with the Bob Shepard Landing Park and helped facilitate better use for the Walkway over the Hudson as well as the Hudson Valley Rail Trail. Few people in the town are unaware of the depth of her talents and commitment in serving the community. In terms of the environment Donna has done complicated desk work to obtain grants including one for the Black Creek Boat Launch. He said Donna was hands on as well, reminiscing when he stood by her in a vernal pool while doing a wetlands survey watching her sink up to her thighs in mud. Whatever Donna does she does with determination, professionalism, humor, diplomacy, intelligence, generosity and grace. The ECC is very proud to have worked with her for many years and to have benefitted from her energy and great heart.

*Maguire presented Deeprise with a plaque bearing the inscription of the 2016 Environmental Stewardship Award and a medallion with the ECC logo for her leadership and efforts in helping to conserve natural resources.*

Deeprise stated that when she and her husband Raphael Diaz moved to the Town of Lloyd in 2003. She was told by a few people that if they were not born here they would always be outsiders. She stated that on the contrary the Town of Lloyd has never made them feel like outsiders and she has always felt appreciated. They have felt drawn in, loved, friendship and all the good things one could possibly feel right from the beginning. She stated that the ECC is an asset to the Town and it should use the knowledge that the committee has to offer. They are people who are immersed in the science, impact and effect of people on the environment and to draw them in to every decision the Town Board makes. She feels the ECC is a tremendous resource and thanked everyone for the award and their kindness.

Supervisor commended Jack Maguire on all the work he has done on the ECC.

**7:00PM** Supervisor opened the public hearing to consider the application for extension of the Highland Sewer District to certain premises owned by the New York State Office of Parks, Recreation and Historic Preservation at 75 Haviland Road at the western terminus of the Walkway Over the Hudson known as the Walkway Over the Hudson Western Approach Welcome Area Extension of the Highland Sewer District.

Ray Jurkowski, Morris Associates engineers, said he would like to provide an overview of the project for the Town Board and the Public. The purpose of the project is that the State of New York is establishing and constructing a welcome area at western approach of the Walkway Over the Hudson. The State plans on moving forward and bidding the project out this year. The Town Board took action on the water district extension last month and this month will take action on the sewer district extension. It will be served by the public sewer by a pump station and a force main approximately 2500 linear feet running along the northerly shoulder of Haviland Road. It would be constructed and funded by the state and would be considered a no cost extension to the district. All construction costs, legal, engineering or inspection fees will be borne by the state. Once they become part of the district there will be the annual tax impact and also user charges associated with the water usage. They would like to break ground in the spring and it would be approximately a 280-day project.

Supervisor asked if Jurkowski could provide information on the library.

Jurkowski said the library trustees came to the last Water/Sewer Drainage Committee meeting to discuss their project. The library project involves the extension of an existing water line.

if a water or sewer line is extended to serve a property that property owner is required to extend that water main to the far edge of their property line. It will then be ready for the next property owner if they choose to connect. The library had included that part of the project as part of their overall construction cost. A water or sewer line within the right of way that would be then dedicated to the town is required to be inspected. It has been customary that an escrow account be established with the Town so that those inspections fees are drawn from that escrow. The library committee members understand that inspection is required but they are requesting that the Town Board waive the requirement of the escrow so that it does not tie up their cash flow during the construction project. If the Board does not have an issue with it there will be a resolution drawn up for the Town Board to consider at the next Town Board Workshop meeting on December 7<sup>th</sup>.

Brennie said it just means that they will be billed after the fact.

Jurkowski said the bills would come to the Town and the Town would forward them to the library.

Mark Reynolds, Southern Ulster Times, asked Jurkowski if NYS has a cost estimate for the water and sewer extension.

Jurkowski said he did not have the cost for that and that Reynolds would have to contact the state. It is a no cost project for the water and sewer district.

Brennie asked if Jurkowski could speak about the tank bid.

Jurkowski stated at the last Town Board meeting the Board authorized the bidding of the project known as the "Well Connection and Tank Mixing Project". It is part of a long-term capital project improvement to the water system where those items are known as short term improvements. They are existing wells that the Town had been currently utilizing and pumping the water into the reservoir. The water is then drawn out of the reservoir goes through the filter plant and then goes into the distribution system. They are trying to make it more economical and environmentally friendly by utilizing the wells. Since it is groundwater they do not need to filter it and it could be disinfected and pumped directly into the system. They have estimated that the existing wells could supply as much as twenty percent of the existing water system demand as. Ultimately there would be a reduction in operational costs because they would not have to filter the water. During the summer months, 125 horsepower pumps are used to pump water from the river up to the filtration plant. They will be able to reduce the operating times on those pumps and they will be able to save money. From a water quality standpoint, the use of the groundwater wells does not contain as many organics so the disinfection by products would be lowered. A mixer will also be added to the tank which further reduces the overall age time and reduces the disinfection byproducts. The Town received three bids On November 3<sup>rd</sup> ranging from \$590,000.00 from Eventus Construction, Amawalk, NY, to a high bid of \$821,569.00. His office has contacted the contractor who has provided references for various municipal projects of similar size and type. The references have been checked and they have received very favorable responses to Eventus Construction. The responses included that they company finished projects on time and within budget. The bid by Eventus Construction appears to be in order so they would recommend that the Town Board award the project to them in the amount of \$590,000.00. The bid for the painting of the water tank will take place sometime in the spring.

Guerriero asked if the wells will be done before they start painting the water tank.

Jurkowski responded that it will and added that they will also be working with the water department to create a bypass for continuous pumping with less chemicals.

## 1. REPORTS – Town Board Liaisons

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

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

**ECC /Zoning Board** – Councilmember Guerriero

No report

**Highland Central School District** – Councilmember Mazzetti

Mazzetti said that first quarter report cards will be mailed out on November 17<sup>th</sup>.

Parent/teacher conferences are at the Middle School on November 21<sup>st</sup> from 5-9PM and at the Elementary and High School on November 22<sup>nd</sup> from 5:45-9PM. All three schools will have parent/teacher conferences on November 23<sup>rd</sup> from 8-11AM. Modified winter sports started on November 14<sup>th</sup> at the Middle School. School will be closed for Thanksgiving break November 23<sup>rd</sup> – 25<sup>th</sup>.

Over twenty-five Highland students participated in the Alzheimer's Association Walk on October 15<sup>th</sup> and raised \$1500.00 for the association. On October 20<sup>th</sup>, Highland Middle School students received an anti-bullying program which was donated and brought to them compliments of the Headless Horsemen Hayrides. It illustrated the dangers of bullying and explained to each student how they can be heroes and make a difference in each other's lives. On October 21<sup>st</sup>, the Highland High School had its annual blood drive. October 26<sup>th</sup> the High School students helped set up Halloween in the hamlet and on October 29<sup>th</sup> they handed out candy and helped cleanup. On November 1<sup>st</sup>, the French Club had its first annual badminton tournament with 48 student and teacher teams participating. On November 2<sup>nd</sup>, the college English class went to SUNY New Paltz to learn how to use the database system so the students could be college ready. November 10<sup>th</sup> -13<sup>th</sup> twelve Highland students from the Model UN competed in a competition in Montreal, Canada. The winter concert will be held on Wednesday, December 7<sup>th</sup>. The school district has implemented it's 2017–2018 budget development calendar and will be seeking input from students, staff and community members as to the needs of the district in December.

Supervisor said he was invited to the Rotary last Wednesday to present the Town of Lloyd Community Pride Award to the Interact Club. The Interact Club is comprised of 85 High School students that partnership with the Rotary for community service activities. He commented that the club is a great asset to the school and the community.

#### **Planning Board** – Councilmember Paladino

Paladino reported the Planning Board had a meeting scheduled this month. Tremont Hall Corporation, which has the proposed 20-unit apartment building on the north side of the Rail Trail (formerly known as the Antique Village and prior to that the Pratt Lumber Yard), Vineyard Avenue offered a 20-minute informational public meeting. They are being proactive with the community in the event there were concerns with the proposed facility. The developer brought in representation from Dutton Engineering who gave a very good presentation of what is happening at that site. The combined meeting for November and December is December 1<sup>st</sup> at 7PM.

The extended public hearing for Vieira Sardinha is the Dunkin Donuts that is proposed south of the bridge approach on Rte. 9W between Wingate at Ulster and the Mobil Station. There were no comments from the public and they closed the public hearing. They received a negative declaration on the project which will allow them to move forward with the full development. Hudson Summit, LLC wanted a rezone of the three-lot subdivision for single family homes and the third would be dedicated to the Town for the retention pond. There was no discussion as no one showed up for the developer.

Village View Assisted living facility the Grove Street, is continuing to move forward. A Tri-Board meeting will be held on December 7<sup>th</sup> to discuss both Village View and Vista View (located on the north side of North Road) projects. In addition, a solar farm zoning ordinance will be discussed by Planning Board members Peter Brooks and Bill Ogden. There has been a solar farm moratorium for the last six months until they can get the proper zoning for it.

Three signs were approved for the Knaus Wine Bar and Gallery (formerly Rizzi's Jewelry store) Vineyard Avenue, The Manufacturing Technologies Center (formerly Plasmaco near Apple Greens Golf Course on South Street) and Shamrock Liquors on Rte. 9W which is one of the first projects in the Gateway Zone.

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

Supervisor said he spoke to the Fire Chief, Peter Miller, about the numerous Central Hudson pole lights that are out and asked if anyone from the community sees them out to please call the Supervisor's Office. The police department has also been instructed to report any out during their nightly patrols.

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

Brennie reported that Dr. Anthony Pascale had expressed interest in connecting into the water/sewer district.

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

Bellizzi thanked Donna Deeprise for all her efforts in working with the Rail Trail.

The Rail Trail had their “Moon Walk” in October and the Interact Club helped out with the event. The bases have been poured for the new Gateway Entrance. They are hoping to construct the entrance in the Spring after the extension of the water and sewer for Walkway Over the Hudson Visitor Center. The Highway Department helped with creating the bases and repairing the blacktop in the parking lot where they will be eventually creating more handicap spaces.

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

Smith reported that twenty-five years prior they had the idea of building a waterfront park in Highland and it has taken all that time to see it near fruition. Unfortunately, Smith said he had to resign last week as the association’s president and tonight as the project manager due to some health problems. He would like to recommend to the Town Board that Lenny Auchmoody serve as the new project manager and feels he will do an excellent job. He thanked all the volunteers who have worked on or with the park and would like Lenny Auchmoody to give the report for the park this evening.

Supervisor said Smith has done a great job with the park and keeping the least amount of money provided by the taxpayers.

Auchmoody thanked and praised Smith for his years of service to the community. He reported that three months ago, they decided to do the “Riverwalk” in concrete and at this time there is approximately 240 feet that has been completed. They have also put in 200 feet of electrical conduit. They are going to discontinue the sidewalk work until the spring. The landscapers will try to seed and topsoil all the dirt area from the picnic tables to the north side of the property before winter. Presently they are looking to finish the outside of the building, recently they finished pouring the sidewalk that extends from the parking lot to the kayak steps, and the compass rose only needs two more plaques to be completed. The electrical provisions have been made for the dock for future use.

Deeprise said they have sent out the initial letters for Bob Shepard Highland Landing Park annual fund drive.

## **2. OLD BUSINESS**

**A.** Joanne Lowenthal provided a quick update on the Highland Library progress. She said she appreciates the recommendation of the Water/Sewer Drainage Committee’s unanimous recommendation to waive the escrow for the water extension for the library because they are under a very tight budget. They are anticipating the opening of the library in one year. There are meetings with the contractors every two weeks and they have been adjusting the budget accordingly. The reason why the waiver of the escrow was so important is that it would eventually interfere with their cashflow. The pour on the foundation of the library has been finished on the southern and western parts of the building. By the end of the month the entire foundation will be poured and in place. They are hoping to have an enclosed building completed for the winter months so construction crew can start on the interior. They anticipate everything will go well for the opening in the fall of 2017 and that the resolution for the library will be acted upon at the next meeting.

Supervisor said he planned on going into executive session to discuss the Memorandum of Agreement (MOA) for the CSEA Employees of the Town and the Town Board has received a copy of the agreement. The leadership is present at the meeting and said if the Town Board agrees he would like to move forward with Resolution T.

## **3. NEW BUSINESS**

**A.** Tri-Board meeting Wednesday December 7<sup>th</sup> at 6pm for review of solar ordinance and a petition for rezone at Valley View, North Road.

**B.** Mark Christiana renewal application for transient merchant license 01/01/2017 to 12/31/2017.

Mazzetti said as a Town Board they have the right to request certain items. Just because someone has had an application or has applied for an application does not mean it is automatically reaccepted. Mazzetti expressed his concern for the safety of the merchant, customers, and public traffic at the location. There are issues concerning the distance to which the merchant is located from the road and he would like to request to have a site plan before the license is renewed. The map that was submitted with the license is not

clear with the distance from and the location of the merchant to the road. He said he would like clarity where the permanent site is situated.

Supervisor said he would like to put the discussion on for the Workshop meeting so they can discuss it with Dave Barton, building Department and Code Enforcement Officer. He said he will also follow up with the Police Department to see if there have been any safety issues brought to them about the location of the hot dog stand Mr. Christiana has applied for a new license for. If the applicant would like to speak tonight he can do so when it is privilege of the floor.

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

Mark Christiana, resident and applicant for a transient merchant license, and his mother, Gina Christiana spoke about his application renewal. Gina Christiana said they have resolved the issue concerning how far back from the road the hot dog stand should be. They have completely landscaped the area. She did not feel there are any safety issues and that in fact customers in tractor trailers park across the street at the Hess Station even though there is sufficient parking available on the site. As far as she knows, there have not been any accidents caused by the hot dog stand. She does not understand what the safety issues are and the the map they submitted from the previous application is more detailed and should clarify any questions about the location. There have been no incidents and she feels that they should not have to go back to the Planning Board. She feels that the community is happy with the hot dog stand and does not understand why they cannot just renew the application this evening.

Supervisor said he apologizes if she thought they were just going to renew it tonight. He said it is up for discussion and they would like to address any concerns at the next Town Board Workshop Meeting with the Building Department Head, Dave Barton.

Brennie interjected that he did not think there would be any problem with the renewal of their license.

Christiana said as at a courtesy to the Town that they would continue to name them on their general liability policy even though it is not a requirement by law. They also have the required bond.

Peplow said the insurance that is in place for the hot dog stand ends in March of 2017.

Christiana said they could speak with State Farm Insurance to rearrange the insurance or just resubmit on the renewal.

Mazzetti asked Murphy if the license were to be re-approved would there be a problem if the insurance was renewed when it expired and if it was not renewed would it void the permit at that time.

Murphy said that they could make it contingent upon getting the renewal and submitting it to the Town Board in a timely fashion. He suggested that they could possibly issue a policy from March to December 31<sup>st</sup>.

Christiana said they would do whatever the Town Board felt was necessary.

Pam Krinsky asked if the Town Board could put on their calendar a non-binding resolution being made by Frank Skartados office relating to the Town objecting to the passage of the Pilgrim Pipeline through the Thruway corridor. Other towns in Ulster County have adopted this particular resolution along with County Executive Mike Hein. She feels there is no advantage to having the crude oil pipeline passing through New York State and is respectfully asking that the Town Board make a consideration and sign the Town to the resolution.

Reynolds asked if the Town Board could explain what the differences are between the towing draft that Kyle Barnett prepared and the one that was adopted.

Guerriero said they never had Barnett draw up a towing code, instead they found another attorney and started to work on the ordinance.

Reynolds asked if there we any dramatic differences in the two ordinances.

Guerriero said the one difference between the two was about sub-contracting. Everything is spelled out in the new towing ordinance.

Brennie felt the other ordinance was just the status quo, no fee schedule, the law was very thin and not what they were looking for.

Reynolds asked under the Freedom of Information Law he foiled Troy Tortorella's (Troy's Auto Body) letter to the Town dated 11/08/2016 and questioned whether the Town Board was going to address the incident cited in his letter.

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Supervisor said he became aware of the complaint and spoke to Mr. Tortorella. He additionally spoke to Chief Waage and he will be looking into the incident.

Guerriero interjected that the chief already filed a report concerning the incident. He showed a copy of the report and said he felt there was a problem with it. There is a discrepancy on who exactly towed the vehicle. According to the letter, Joseph DiBlanca (Autos by Joseph) has a leased vehicle and they submitted in the report, along with a picture of it, that that vehicle was the truck that removed the vehicle from the highway. Guerriero said he asked the chief if they take pictures of accidents now to which Waage responded no. Guerriero then asked where they got the picture of the tow truck that was used in that particular tow. Chief Waage responded that they went out to Mr. DiBlanca's business and Mr. DiBlanca pointed out which vehicle it was. Those pictures were then submitted with the police report. Guerriero said one person said it was Nicky D's towing who towed the vehicle away, so there is a discrepancy there. He also received another letter about a towing incident this evening from a woman, Roseanne Pinni, who is present at the meeting. The letter stated that her vehicle broke down in the village, the police came to assist her and they explained to her that she could choose her own tow operator. Ms. Pinni said she would take whomever was next on the Town of Lloyd Towing list. Autos by Joseph was next on the list so they towed the vehicle and he then brought the vehicle to Pete's Collision. The owner went to Autos by Joseph to look for her vehicle and was told it was not there, it was at Pete's Collision. Subsequently Pete's Collision started working on the car without the owner's permission. Guerriero felt there should be an investigation into the incident.

Reynolds asked again if the Board would be taking any action on these recent towing issues. Guerriero said that is why they have executed the new towing ordinance.

Brennie stated that they left it up to the police to do an investigation and the new code will ensure that these types of issues will not happen again.

Reynolds said right but that they have happened under the present code.

Brennie said that right now the incidents are in the hands of the police.

Reynolds asked if it is up to the Town Board to then do their own investigation and/or take any action.

Brennie said they would consider everything. He has not seen the report yet but he will do so.

Supervisor said the last he knew it was turned over to the police department and they were looking into it. He has not seen or been given a copy of the report

Guerriero said he requested a copy of the report and even spoke to Chief Waage about it.

Supervisor asked if there were specific violations to the current law.

Guerriero likened the issue to a shell game. There are three repair shops involved; one that received the towing call, one that towed the vehicle, and one that generated the bill. All the specifics are spelled out in the letter. The owner shows up at the business where the police department tells him the vehicle is and the vehicle is not there.

Brennie said what all of it shows are some examples of why they actually updated the code. The reason they updated the code is to make sure things like this do not happen again in the future. Brennie believes it is a strong example of why the existing code needed to be updated.

Guerriero said it comes down to the towing ordinance not being enforced and interpretation. The original code was exactly the same as the Town of New Paltz code. New Paltz has been known to have the toughest code in the area because their enforcement is altogether different. He said anyone who tows in New Paltz can attest to that. He feels the old code could have been stayed in place if it had been enforced.

Reynolds said he had heard Mazzetti met with Police Chief Waage to talk about the towing code.

Mazzetti said he has recused himself from anything about the towing ordinance so he cannot discuss it.

Reynolds said he has seen Mazzetti recuse himself from the meetings but said he was curious that at some point, other than the meetings, has he had a discussion or input on the tow law or code.

Mazzetti said he did not recall having any discussion.

Reynolds asked Mazzetti if he had ever met with Chief Waage to discuss the towing code.

Mazzetti said no he had not.

Brennie asked if there had ever been a phone call.

Mazzetti said he did not recall that nor having a conversation in person.

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Troy Tortorella, Troy's Auto Body, spoke about the issue contained in his letter. He stated he went to Police Chief Waage and was told under the current code Nicky D's Towing was in no violation so there was nothing they could do about it. Even though they have a witness who saw Nicky D's Towing tow the vehicle, Waage said under the current code they see no violation. Tortorella said his question was he tried to put another tow company on the list, like Joseph DiBlanca has, two to three years ago, and he was denied because he was told he had to have a separate or another registered repair shop number. Even though he had another business, was renting another location with another tax number he was denied because he did not have a separate registered repair shop. So currently, he believes Joseph DiBlanca is operating two other tow companies without a registered repair shop. Friday, Tortorella asked for an application to try again under Troy's Automotive and Troy's Auto Sales. He stated that with a little bit of a runaround, he ended up with an application (which he displayed) that is a complete disaster. The requirements on the application are name, address, telephone number, contact number and that is it. With that there is a letter from the Zoning Board that Anthony Giangrasso would have to come out and inspect his building and approve that Tortorella would be able to operate an auto repair shop there. While holding up the letter Tortorella showed that there is a spot where the inspector signed and on the bottom portion, where someone has crossed out, all the requirements that need to be met that Tortorella does not need to fill out. Questions contained in that portion refer to whether they have a tow truck, there is a registered repair shop in Town, a valid license in the Town etc. Tortorella said basically and currently, to him, someone could have a wheel barrel to get on the tow list.

Supervisor asked Tortorella who denied him the first time several years ago.

Tortorella said he was denied by a police officer in the Town of Lloyd Police Department. He went to the Town and complained because Autos by Joseph had several spots on the list and he was told by Police Chief Waage that Autos by Joseph was just smarter than Tortorella and for him to figure it out. Four years later, Tortorella said he is still trying to figure it out.

Brennie responded that they have it figured out now.

Tortorella showed the application to the Town Board and asked if they had seen the crossed-out application Chief Waage had given him.

Supervisor said it is unfortunate that there a lot of questions for the police department and their procedures and policies and not enforcing laws.

Tortorella said he got on the towing list about twenty years ago and never remembers an application.

Brennie said in the new code there is an application every year.

Supervisor asked if Tortorella ever brought up to anyone that he was denied.

Tortorella responded that he let it go until recently. He stated that it was hard to get everyone together and some of the tow operators were afraid of Joseph DiBlanca.

Brennie said that they are not afraid of him.

Tortorella said his only suggestion would be that the application is a good idea but the bottom portion should be filled out completely.

Both Supervisor and Brennie stated they had never seen that kind of application before this evening.

Tortorella said it took them a long time to find it and give it to him. Currently he is waiting for an answer for his other two businesses to get on the list.

Peplow asked what year the letter was dated.

Tortorella responded 1995.

Peplow said that was the old code.

Brennie said yes, the current code.

Supervisor said the current code has been in existence for 25 years.

Peplow responded no, that the towing law was changed when Ray Costantino was Supervisor.

Brennie said he did not think so.

Tortorella said he has always heard that.

Peplow said she would do some research because she had all the information and applications.

At the time the Town Clerk had to issue licenses for the tow operators. The issue came up that, at the discretion of the Town Board, they decided that they did not want to be in the business of licensing tow operators in the Town and it would be the responsibility of the police department. It was up to the police to oversee towing in the Town of Lloyd, it no longer was the responsibility of the Town Board or the Town Clerk. She said it is very easy to figure out by going into the code book and looking at the date the local law was adopted. She said she could be mistaken but she did not think so.



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Tortorella said what is funny is that when you go on the website and try and look up the current code it is different than what he remembers. He feels it was changed somewhere in between.

Peplow said she would look it up and call General Code Publishers to verify it.

Supervisor said clearly the way the law is written now there would be no reason why another vehicle could not be added. There is some terminology in the current code that could be a problem. We will look into the issue and move forward.

Al Roberts, attorney with law firm of Stenger, Roberts, David and Diamond and one of the attorneys for Autos by Joseph, said he understands the tow law has become of a matter of heightened concern in the community. Previously he had submitted two letters to the Town Clerk dated September 16, 2016 and the other dated October 17, 2016 which Roberts presumes will be part of the official record. Roberts said he would like to meet with the attorney for the towing code, Christine Chale, if the Town Board chooses not to adopt the law tonight, to resolve some of what they feel are very fatal deficiencies in the law. One of the issues they feel is fatally defective is limiting the tow list to tow companies who are residents of the Town of Lloyd. Roberts said it is clearly a violation of General Municipal Law Section 80. There is at least one case reported, Wharram vs. the City of Utica, that was previously reported to the Town Board, in section A110-3B it indicates that only one tow truck operator may operate out of any one lot. As they have indicated before they are limited to safety concerns when creating a towing ordinance.

Guerriero said any tow operator can do whatever they want as far as running their tow business but to be on the tow list, one location gets one spot on the tow list.

Roberts said what he is suggesting is that one location receives one spot on the tow list is not a safety concern. He said he is questioning the propriety of the Town Board adopting something that is clearly in violation of the federal legislation.

Brennie posed to Roberts if he would acknowledge that that provision is in the current code now. He asked Roberts if the code had not been changed, would he be here to fight for that position in the current code that has been in place for 26 years.

Roberts said he has only been brought in fairly recently.

Brennie interjected that if it was such a concern then it should have been addressed before and that they are challenging something that has not changed within the two codes.

Roberts said if it is going to be repeated in the new code then if the new code is challenged in the courts that will be one element that is in violation of decisional and statutory law. They also indicate that an operator has to have a shop registration. There is no definition of shop registration in the law or the DMV. If there is any kind of ambiguity it will fall on the Town to clarify or remove it. They refer to a shop registration that is not identified anywhere in the code.

Another issue, Roberts stated, is the inspection process where part of the inspection is to determine if there is a shop registration "if it is a repair shop". It does not say what if it is not a repair shop and it is clearly an inconsistency with the prior three chapters. Lastly, "a tow truck that comes within 500 feet of the scene of an accident without being called is subject to being removed from the tow list". A tow truck could be just driving down the road for unrelated reasons and pass by and be subject to removal. According to Roberts, it violates every sense of fairness and due process. Roberts said he would just like the Town Board to consider the issues he spoke about before they go ahead and adopt the law.

Paladino asked Roberts what case he quoted in regards to the out of town operators.

Roberts said Wharram vs. the City of Utica which is a violation of General Municipal Law Section 80.

Paladino said he received a letter from Pete O'Connell, attorney for Empire Towing Association, which stated "The New York State Court of Appeals decision in the Wharram case which was cited by the Stenger firm, is the leading authority in New York on this issue. A close reading of the case reveals that the decision as issued in response to a motion for a summary judgment and that the Court found that the City of Utica did not articulate sufficient reasons to deny out of town towers the right to participate in its towing program. The Court remanded the case to the lower courts for further proceedings and there is no record that such proceedings took place." Paladino asked Roberts if he is quoting a case that there is not an actual judgment.

Brennie said the plaintiffs did not give a sufficient reason not that there was not a reason.

Paladino said, reading a portion of O'Connell's letter, "It could be argued that the Federal Courts in Loyal Tire, also cited by the Stenger firm, found the Town's actions to be more

retaliatory than well-reasoned.” Paladino said he does not know what is accurate and what is not.

Roberts said this issue is in General Municipal Law Section 80 Discrimination Against Non-Residents states “Any restriction or regulation imposed by the governing board of a municipal corporation upon inhabitants of other municipalities or municipal corporations within the state carrying on or desiring to carry on a lawful business or calling within the limits thereof which shall not be necessary for the proper regulation of such trade business or calling and shall not apply to citizens of all parts of the state alike except ordinance or regulations in reference to traveling circuses shows and exhibits shall be void.”

Supervisor asked Roberts if he ever met with attorney Christine Chale as they requested at the public hearing meeting.

Roberts responded that Christine Chale said she had no authority to meet with him or his firm but would take it under advisement. He said he would still like to meet with Chale.

Paladino said the problem he has is not with Robert’s position but more with the reasoning. Looking at General Towing Code, the reasons behind this one could say a lot of the townships in and around our area and beyond would stipulate that the tow companies remain within their own township. He said there is nothing uncommon that is being presented by the Town of Lloyd. The claim could be on almost any towing code not just the Town of Lloyd.

Roberts said when they developed the provisions they did it on a time basis.

Paladino said he is just pointing it out and making things clear.

Guerriero said if anyone on the tow list is unable to respond within the specified time, they would be glad to accept outside of the area tow operators.

Roberts said he thought the application for tow operators has to be done uniformly and not the basis of residency. That is the key issue.

Brennie asked Roberts why they were not upset about the towing ordinance for the last twenty-six years.

Roberts said because no one has challenged it.

Brennie asked why they are challenging it now. Nothing in the code is unusual. It is not different than the codes in the surrounding towns, in fact they absorbed a lot of the content from other municipal town codes. There is nothing in the Town of Lloyd code that is revolutionary or unknown to the industry, it is fairly standard. Every Councilmember’s job on the Town Board is to protect our local people first and if a judge says we have not done it then that is the way they will do it. They are not going to write a code that will take it from where it is protected and then open it up to other competition unless a judge tells them to.

Roberts said the Town Board has been elected to enforce the statutes and the constitution of the state that is why he pointed out General Municipal Law.

Alex Cascio, resident, said he has worked for the Highway Department for eleven years and is the CSEA Union Vice President. He wanted to thank the Town Board for approving their contract.

**5. MOTIONS AND RESOLUTIONS**

- A. **MOTION** made by Paladino, seconded by Mazzetti to approve the minutes
  - Workshop Meeting October 5<sup>th</sup>, 2016
  - Special Meeting October 17<sup>th</sup>, 2016
  - Regular Meeting of October 19<sup>th</sup>, 2016

**Five ayes carried.**

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

General	G-1003 to G-1112	\$ 178,531.04
Highway	H-450 to H-485	\$ 32,584.52
Miscellaneous	M-241 to M-266	\$ 101,422.38
Prepays	P-460 to P-517	\$ 26,343.29
Sewer	S-266 to S-306	\$ 10,989.55
Water	W-391 to W-446	\$ 47,405.77

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

**Five ayes carried.**

- C. MOTION** made by Mazzetti, seconded by Paladino to close Main Street and a portion of Vineyard Avenue from Milton Avenue to Woodside Place on Friday, December 9<sup>th</sup> from 5 PM to 10 PM for the event known as Light Up the Hamlet.

**Five ayes carried.**

- D. MOTION** made by Mazzetti, seconded by Guerriero to accept the resignation of Matt Smith as project manager of the Bob Shepard Highland Landing Park effective immediately.

**Five ayes carried.**

- E. MOTION** made by Brennie, seconded by Paladino to appoint Leonard Auchmoody as project manager of the Bob Shepard Highland Landing Park at the recommendation of Matt Smith, effective immediately.

**Five ayes carried.**

- F. RESOLUTION** made by Brennie, seconded by Paladino to hire Daniel Kopec as part-time police officer at the rate of \$18.25 per hour at the recommendation of Chief Daniel Waage.

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

**Five ayes carried.**

- G. RESOLUTION** made by Brennie, seconded by Paladino to hire Tucker Osarczuk as a part time dispatcher at the rate of \$17.55 per hour at the recommendation of Chief Daniel Waage.

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

**Five ayes carried.**

- H. RESOLUTION** made by Paladino, seconded by Mazzetti

**WHEREAS**, the Town Board, as Commissioners of the Highland Water District, had previously received from its Administrator and Town Engineer information indicating that the Highland Water District warrants the installation of a mixing system within the District's Storage Tank, and that the connection of existing drilled wells into the district system to improve the water quality, and distribution system reliability; and,

**WHEREAS**, Morris Associates, Engineering and Surveying Consultants, PLLC has prepared presentation to the Town Board, and a public hearing was held on September 2, 2015, and said presentation outlined the proposed improvements, budget and proposed project schedule, at the water treatment facility; and,

**WHEREAS**, the Town of Lloyd Town Board, at its September 2, 2015 Town Board Meeting, approved bonding of the project that included the connection of the existing wells and also the installation of a mixer within the Water Storage Tank; and,

**WHEREAS**, Morris Associates, P.S., L.L.C., Engineering Consultants, has prepared bid documents, along with proposed request for proposal documents, and have delineated the project labeled as the Well Connection and Tank Mixing Project; **AND**,

**WHEREAS**, the Town received formal bids on or before November 3, 2016 from three contractors for the construction of the work as called for by the bid documents; **AND**,

**WHEREAS**, the Town Engineer has reviewed the bid price and the apparently, low bidder's qualifications, and has provided a written recommendation to the Town of Lloyd Town Board;

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. This Town Board award the project to be known as the Well Connection and Tank Mixing Project for the installation of a mixing system within the water storage

- tank and the connection of the existing wells into the water system to Eventus Construction Company, Inc., for the amount of \$590,00, and authorizes the supervisor to sign the Notice of Award and enter into contractual obligations;
2. The cost of this project shall be paid from borrowing that was previously approved by the Town Board on September 2, 2015;
  3. This is a replacement project and it is exempt from further SEQRA Action, being a Type II action consisting of a replacement in kind on the piping leading to the existing water storage tank and the connection of existing wells at the same site which did not exceed the thresholds of Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary;
  4. Morris Associates, Engineering and Surveying Consultants, PLLC, be and they hereby are authorized to oversee and inspect the construction for the compliance with the contract documents.

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

**Five ayes carried.**

- I. RESOLUTION** made by Mazzetti, seconded by Paladino to amend the Town of Lloyd 2017 Preliminary Budget to increase the unexpended balance from \$125,000 to \$150, 000.

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

**Five ayes carried.**

- J. RESOLUTION** made by Brennie, seconded by Paladino to adopt the amended Town of Lloyd 2017 Preliminary Budget as the Town of Lloyd 2017 Final Budget.

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

**Five ayes carried.**

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

**WHEREAS**, the Town Clerk is required by Town Law Sections 198(3)(d) and 198(1)(k) to report annually the unpaid water and sewer charges in the Highland Water and Highland Sewer Districts, which have not appeared on any such statement previously filed; and, **WHEREAS**, the Town Clerk has filed a statement dated November 15, 2016, annexed hereto, and has requested that the Town Board, pursuant to Town Law Sections 198(3)(d) and 198(1)(k), the rules and regulations of the Highland Water District and the sewer use chapters of the Town Code, and General Municipal Law Section 452, levy a lien upon the real property benefited.

**NOW, THEREFORE, IT IS RESOLVED AND ORDERED AS FOLLOWS:**

1. That the water and sewer charges, both for unpaid meter bills and for any benefit assessment, labor and materials in the Highland Sewer District, or other charges, set forth in the annexed statement of the Town Clerk, along with any others added thereto prior to the date the same are forwarded to the County Legislature and County Executive, to be levied, be and they hereby are, declared delinquent, and approval is hereby given to the Supervisor to transmit statements in compliance with Sections 198(3)(d) and 198(1)(k) to the County Legislature and/or County Executive for a levy in the sums as set forth in the annexed statement, against the properties liable, as set forth in the statement and in the amounts set forth therein, to be levied as a tax in a separate column on the annual tax roll of the Town of Lloyd, under the name of the “water and sewer rents”, and/or “benefit assessments”; and,

2. That the Supervisor sign such necessary forms and documents to levy the lien for water and sewer charges, as set forth in the annexed statement of the Town Clerk, and when such charges are collected, that they be applied toward the maintenance, operation, enlargement and improvement of the water and sewer systems and for payment of the principal and interest on bonds issued for the purposes of each District, all as set forth in Town Law Sections 198(3)(d) and 198(1)(k). (See Attached)

11.16.2016

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

**Five ayes carried.**

- L. RESOLUTION** made by Mazzetti, seconded by Guerriero to hire Ryan C. Stafford as a part-time/seasonal laborer on an as-needed basis, at the rate of \$18.80/hour effective immediately which is budget supported at the recommendation of Rich Klotz, Highway Superintendent.

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

**Five ayes carried.**

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

**WHEREAS**, Local Law “4” of the year 2016, was duly adopted imposing a six (6) month moratorium on the approval and installation of any commercial solar facilities, including panels, equipment, and structures, within the Town; and,

**WHEREAS**, the moratorium imposed thereby is set expire in November 2016; and,

**WHEREAS**, the Town has made substantial progress in formulating additions and revisions to the Town Zoning Code for future development in the Town as it relates to the installation of commercial solar facilities within the Town; and,

**WHEREAS**, the Town wishes to extend the moratorium period for a period of two months to allow the Town to continue its efforts to finalize additions and revisions to the Town Zoning Code;

**NOW, THEREFORE**, it is resolved that the moratorium imposed by Local Law “4” of the year 2016 is extended for an additional period of two months thereby extending the moratorium period through the 18<sup>th</sup> day of January, 2017.

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

**Five ayes carried.**

- N. MOTION** made by Brennie, seconded by Guerriero to close the Public Hearing on proposed “Local Law F - 2016; A local law amending Chapter A110 entitled ‘Towing List’ of the Code of the Town of Lloyd” at 8:45PM.

**Four ayes carried.**

- O. RESOLUTION** made by Guerriero, seconded by Brennie

**WHEREAS**, a proposed Local Law entitled “**A LOCAL LAW AMENDING CHAPTER A110 ENTITLED ‘TOWING LIST’ OF THE CODE OF THE TOWN OF LLOYD**” was presented to the Town Board of the Town of Lloyd; and

**WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Lloyd setting a public hearing to be held by said Town Board on October 17, 2016 at 7:00 p.m. at the Town Hall, Thomas Shay Square, 12 Church Street, Highland, New York 12528, to hear all interested parties on said proposed local law; and

**WHEREAS**, notice of said public hearing was duly advertised in the Poughkeepsie Journal, New Paltz Times, and the Southern Ulster Times, the official newspapers of said Town, not later than October 12, 2016, which is not less than five days prior to the date of said public hearing; and

**WHEREAS**, said public hearing was duly held on October 17, 2016 at said time and place, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

**WHEREAS**, on October 17, 2016, said public hearing was continued to November 16, 2016 at 7:00 p.m. at the Town Hall; and

**WHEREAS**, said continued public hearing was duly held on November 16, 2016 at said time and place, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

**WHEREAS**, the Town Board has considered the comments presented including written comments submitted prior to or at such public hearing;

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

1. That the Town Board hereby adopts Local Law No. 7 of 2016, entitled “**A LOCAL LAW AMENDING CHAPTER A110 ENTITLED ‘TOWING LIST’ OF THE CODE OF THE TOWN OF LLOYD**” in the form attached hereto and made a part of this resolution.

2. That the Town Clerk hereby is directed to enter said local law in the minutes of this meeting and in the Town Code of the Town of Lloyd, to give due notice of the adoption of said local law to the Secretary of State of New York, and to take all other actions as may be required by law.

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

**Three ayes carried.**

**P. MOTION** made by Mazzetti, seconded by Paladino to close the public hearing to consider the application for extension of the Highland Sewer District to certain premises owned by the New York State Office of Parks, Recreation and Historic Preservation at 75 Haviland Road at the western terminus of the Walkway Over the Hudson known as the Walkway Over the Hudson Western Approach Welcome Area Extension of the Highland Sewer District at 8:50PM.

**Five ayes carried.**

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

**WHEREAS**, a petition for the creation of an extension of the Highland Sewer District to be known as the Walkway Over the Hudson Western Approach Welcome Area Extension of the Highland Sewer District in the Town of Lloyd, Ulster County, New York, was presented on November 2, 2016 in due form and containing the required signatures; and,

**WHEREAS**, an order was duly adopted by the Town Board on November 2, 2016 calling for a public hearing for November 16, 2016 at 7:00 P.M., as the time and place in the Town Hall in the said Town of Lloyd as the place where the said Board would meet to consider the petition and hear all persons interested, also reciting the filing of the petition and the improvements proposed; and,

**WHEREAS**, such order was duly posted and published as required by law; and,

**WHEREAS**, a hearing in the matter was duly held by the Board on the 16<sup>th</sup> day of November, 2016 commencing at 7:00 P.M. at the Town Hall in the said Town, and considerable discussion upon the matter having been had and all persons desiring to be heard having been duly heard, including representatives of the petitioner in person and various other persons speaking in favor of the establishment of the proposed extension of the Highland Sewer District.

**NOW**, upon the evidence given upon such hearing, it is

**RESOLVED AND DETERMINED**, that (a) the petition aforesaid is signed and acknowledged or approved as required by law, and it duly complies with the requirements of Section 191 of the Town Law, as to sufficiency of signers, and it is otherwise sufficient; and (b) all the property and property owners within the proposed district have benefited thereby; and (c) all the property and property owners benefited are included within the limits of the proposed district; and (d) it is in the public interest to grant in whole the relief sought; and it is further

**RESOLVED AND DETERMINED**, that the establishment of the extension known as the “Walkway Over the Hudson Western Approach Welcome Area Extension of the Highland Sewer District” and shall be bounded and described as follows:

**ALL THAT PARCEL OF LAND SITUATE** in the Town of Lloyd, County of Ulster, and State of New York, being bounded and described as follows:

As per Ulster County Tax Rolls (Revised 2016), the parcel in the Town of Lloyd listed as SBL 88.17-5-38.200

**RESOLVED**, that the proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses, shall be borne solely by the petitioner, and it is further

**RESOLVED**, that the Town Clerk of this Town shall, within ten (10) days after the adoption of this Resolution, file certified copies thereof in duplicate in the County Clerk’s Office and the Office of the State Department of Audit and Control at Albany, New York, without seeking the permission of the State Comptroller as the same is not required, and the Town Clerk shall not make any said application to the State Comptroller, but shall simply file certified copies of this final order, extending the district.

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

**R. RESOLUTION TABLED**

**WHEREAS**, the Highland Water District has been extended to property owned by New York State Office of Parks, Recreation and Historic Preservation off of Haviland Road, said extension being known as “Walkway Over The Hudson Western Approach Welcome Area Extension of the Highland Water District”; and,

**WHEREAS**, it is the intention of the owner of the parcel, New York State Office of Parks, Recreation and Historic Preservation (“NYS OPRHP”), and the Highland Water District that subsequent to the installation of the improvements located within the district extension, that said improvements shall be dedicated to the Highland Water District for all purposes associated with their use for purposes of distribution of potable water and all uses and purposes incidental thereto, including maintaining, operating, inspecting, repairing, replacing, and removing the underground pipeline(s) and all fixtures and appurtenances incidental thereto; and,

**WHEREAS**, it is the desire of the Highland Water District and NYS OPRHP to provide for access by the Town of Lloyd and the Highland Water District for the above referenced purposes; and,

**WHEREAS**, NYS OPRHP has agreed to enter into an easement agreement with the Town of Lloyd to provide for said access; and,

**WHEREAS**, the Town Board as commissioners of the Highland Water District wish to enter into said easement agreement;

**NOW, THEREFORE**, upon the evidence given upon such hearing and upon motion as set forth above, it is

**RESOLVED AND DETERMINED THAT:**

(a) The Town Board as Commissioners of the Highland Water District hereby approves the grant of easement agreement in the form attached hereto and made a part hereof.

(b) The Town Supervisor, is hereby authorized to execute multiple copies of said Agreement and distribute copies of same to the Town’s Water Administrator, the Town Clerk, New York State Office of Parks, Recreation and Historic Preservation, and the Town’s Attorney.

**S. RESOLUTION** made by Paladino, seconded by Mazzetti to approve the transfer of funds in the amount of \$8,000.00 from the BSHL Reserve to the Capital fund expense line 50-06-7110-41 for the Capital Improvements of the Bob Shepard Highland Landing Park at the recommendation of Matt Smith.

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

**T. RESOLUTION** made by Paladino, seconded by Mazzetti to amend the 2016 budget as follows:

GENERAL

Police Dispatch PS	3120.14	+\$25,000.00
Contingency	1990.40	-\$25,000.00

(to cover retro pay for Dispatcher contract settlement)

**HIGHWAY**

Machinery Equipment	5130.20	+\$77,630.46
General Repairs Equip	5110.20	-\$ 840.24
Misc Brush & Weeds Equip	5140.20	-\$ 2,215.58
Snow Removal Equip	5142.20	-\$ 4,000.00
Snow Removal PS	5142.10	-\$ 30,000.00
Snow Removal CE	5142.40	-\$ 40,574.64

(to purchase Loader)

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

**Five ayes carried.**

**U. RESOLUTION** made by Mazzetti, seconded by Guerriero

**WHEREAS**, Town of Lloyd and the Town of Lloyd Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO on behalf of Town of Lloyd Unit 8964, Ulster County Local 856, Inc. are parties to a collective bargaining agreement which has an expiration date of December 31, 2016; and

**WHEREAS**, the parties agree to revive and incorporate the provisions of the January 1, 2015 to December 31, 2016 Collective Bargaining agreement between them, into a new three-year agreement effective January 1, 2017 and concluding December 31, 2019 except as modified by the following,

1. Article 3.3 – Modify and add new provision as follows :

3.3 Leave for Negotiations and Union Business Leave Days

3.3.2 The Employer shall grant an aggregate total of five (5) working days per year with pay unit-wide for designated Union representative(s) to attend Union conventions, Union conference activities, Union trainings and special Union meetings. The Union shall notify the Employer of employees so designated.

2. Article 5– Add new provision 523 as follows :

523 Employees in the MEO job title shall automatically be promoted to the job title of HMEO upon the completion of five (5) years of employment as an MEO Effective January, 2017 employees in the MEO job title shall receive credit toward the five (5) years of employment as an MEO for all years already worked in the MEO job title and shall be promoted accordingly based on the number of years already working in the MEO job title.

3. Article 7.1 Wage Rates – Modify as follows:

January 1, 2017 2.25% Wage increase

January 1, 2018 2.25% Wage increase

January 1, 2019 2.25% Wage Increase

4. Article 7.12 – Modify as follows :

A full-time employee will receive one percent in base rate of pay for longevity beginning with the second year of employment for each year of service, with the maximum to be earned to be ten to fifteen percent. Effective January 1, 2017 employees who have already reached ten percent shall be moved to the appropriate percentage (up to fifteen) based on their years of service. Thereafter, employees will receive one percent per year on each employees anniversary until reaching the full fifteen percent.



5 . Article 7 – Add new provision 7.13 as follows:

7.14 Employees who obtain and maintain a Class A CDL shall receive an additional fifty cents (.50) per hour which shall become part of their base pay rate for as long as they maintain the Class A CDL. Employees shall have to provide proof to the Town annually each January that shows they still maintain the Class A CDL. The Town may also require proof if there is a reason to call into question the validity of the employee's Class A CDL at other times during the year. If the employee loses the Class A designation, he will also lose the additional fifty cents (\$.50) per hour until such time he can provide proof of valid Class A CDL.

6. Article 8 – Add new provision 8.7 as follows:

8.7 Employees who are volunteer emergency responders (fire/paramedic) shall be permitted to respond, without loss of pay or accruals, to emergencies on second alarm calls.

7. Article 16.1 - Modify as follows:

This collective Bargaining Agreement shall take effect January 1, 2017 and shall remain in effect until December 31, 2019.

**NOW THEREFORE BE IT RESOLVED**

That the Memorandum of Agreement between the Town of Lloyd and the Town of Lloyd Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO on behalf of Town of Lloyd Unit 8964, Ulster County Local 856, Inc. is ratified.

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

**Five ayes carried.**

**MOTION** made by Paladino, seconded by Mazzetti to adjourn the meeting at 8:54PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk