

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

NOVEMBER 18, 2015

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

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

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

### **PRESENTATION**

Environmental Conservation Council 2015 Environmental Stewardship Award presentation to Russ Faller of the Adirondack Mountain Club

Jack Maguire, Chairman of the ECC, presented the award and commented that Russ Faller has been active in the Black Creek cleanup and very active for at least ten years in helping the Town of Lloyd with the environment. Faller, who has been with the Adirondack Mountain Club for the last twenty years, was presented with a certificate and an ECC bag.

Russ Faller commented on how important the Black Creek is and that he sees it as an economic boost to the community.

A brief reception was held following the presentation.

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

**Audit** – January 1 to June 30, 2015: Councilmember Horodyski, Councilmember Brennie  
July 1 to December 31, 2015: Councilmember Paladino, Councilmember Guerriero

**ECC/Zoning Board** – Councilmember Michael Guerriero reported that there are new copies of the Lloyd Leaf and that Donna Deepröse will be resigning from the ECC.

He thanked her for her years of service on the committee.

**Highland Central School District** – Councilmember Kevin Brennie had nothing to report.

**Planning Board** – Councilmember Mike Horodyski had nothing to report.

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

**Water/Sewer/Drainage Committee** – Councilmember Jeff Paladino reported that there was a public informational meeting prior to the town board meeting this evening. It was regarding the possibility of extending the sewer district south on Chapel Hill Road. Questionnaires will be sent out to all parcel owners to give them more information and to get their thoughts on the project.

Paladino also remarked about the situation on Grand Street (Resolution K) which he feels needs to be addressed.

*Supervisor announced that there will be a free community Thanksgiving luncheon on November 26, 2015 from 1-3pm at St. Augustine's School; the Town of Lloyd police department is currently having their annual Thanksgiving food drive from 11/09 to 11/25 and will be collecting cans and non perishable food items for local families in need.*

*Supervisor commended the Town of Lloyd fire and police departments for their efforts in the fires that occurred at the Park and Ride on Route 299 and 9W. He also commended Adam Littman, Water and Sewer Administrator, and the water department staff for their efforts in repairing the recent water main break on Vineyard Avenue.*

### **REPORT – Claire Costantino, President, Hudson Valley Rail Trail**

Raphael Diaz reported that next spring they will start the construction on the expansion of the Rail Trail from Tony Williams Park to Highland Hose II on New Paltz Road. They are still waiting for federal approval and aiming for an October 2016 ribbon cutting. The next phase which extends from Highland Hose II to Lowes Home Improvement on Route 299 is on a two year fast track between county and federal governments. The construction should commence and be completed in 2017. They have just completed the nineteenth class of the run club program which has been well received and valuable to the community. On a side note Diaz said one of the

members of the run club was saved by the use of a defibrillator which has prompted a discussion of the importance of having and buying defibrillators within the town. They have been investigating ways in which they can buy them for less cost. Diaz also read some letters of praise of the run club from past members. Diaz said the cost of the ten week run club program is only the dues to join the Rail Trail Association.

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

Supervisor spoke for Matthew Smith who is still ill. He informed that the park is still moving forward with the compass rose installation and the docks will be removed this coming Saturday.

**2. OLD BUSINESS**

**A. OPRHP** – water and sewer utilities extension on Haviland Road for west entrance of Walkway Over the Hudson.

Supervisor said that NYS Parks Association sent the Town a letter asking for the town board's support in moving forward with the funding for the 2016 design of the water and sewer utilities extension on Haviland Road for the west entrance of the Walkway Over the Hudson. Supervisor further said there is not a resolution for this on the agenda this evening but the Parks Association needs a response by November 30.

Kate Jonietz interjected that she thought it was just to do the survey work.

Sean Murphy asked if they have committed to the route to put the utilities in.

Paladino said the route would be off of Mile Hill Road.

Supervisor asked Murphy if they should add a resolution to the agenda supporting the design and commitment to the funding.

Murphy concurred if this was the only alternative then it should be put on the agenda.

Supervisor said he would add the resolution onto the end of the agenda.

**3. NEW BUSINESS**

**A. Roger Connor** – to answer questions regarding Cablevision to Altice merger.

Connor reported that the resolution on the agenda tonight approves the transfer of the parent companies of Cablevision to Altice, a European based cable company. Altice will be able to put capital into the cable plant with the intention of increasing the fiber optic infrastructure and capabilities. Cablevision will remain a wholly owned subsidiary and its terms and conditions as a franchise will remain the same. Connor added that it would be in the best interest of the town to approve the merger as Cablevision would be in breach of contract with the town if the merger did not move forward.

*Sean Murphy commented that pursuant to the Town's current franchise agreement Cablevision needs the town's approval but the Town has the right not to approve the merger.*

*Connor explained that the overall merger may go through anyway and that would create havoc. He further explained that the FCC has made it obligatory that the town have the right to approve/disapprove the merger as it would change and recognize that the legal, fiscal, and technical capabilities to maintain the franchise would belong to Altice.*

**4. PRIVILEGE OF THE FLOOR**

Mark Reynolds, Southern Ulster Times, asked if there have been any changes to the sign law that is on the agenda.

Murphy responded that there were no changes.

Reynolds asked what will happen if the board votes no and does not support the funding for the Parks Association project for the 2016 design of the water and sewer utilities extension on Haviland Road for the west entrance of the Walkway Over the Hudson.

Supervisor said he wasn't sure what would happen. He thought the support of the project was more of a memorializing of the commitment of the town board.

Murphy said the board was hoping that they would come down Haviland Road as it would open up more properties to the improvements.

Paladino said the water would be coming down Mile Hill Road through an easement and the sewer is coming down where the Frozen Caboose is heading toward the Central Hudson parcel then into the rail trail and then down. He also said that they were hoping they would come down Haviland road as it would be more of a potential economic impact.

Murphy said there is a benefit just having them develop the western portion of the walkway.

*Supervisor welcomed Christopher Whitson from Assemblyman Skartados office, recognized Joseph Mazzetti as the newly elected councilman, and congratulated Mike Guerriero on his successful reelection to the town board. Supervisor additionally recognized Claire Winslow, who had been a candidate for supervisor, in the audience and said that he commended her on her efforts. They have spoken, and look forward to working together and moving the town forward. Supervisor commended Councilman Mike Horodyski for his commitment and dedication to the Town and the town board and said he will be missed.*

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Paladino, seconded by Guerriero to approve the minutes of the Workshop Meeting October 7, 2015 and the Regular Meeting of October 21<sup>st</sup>, 2015

**Five ayes carried.**

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

General	G779 to G864	\$ 84,089.31
Highway	H408 to H464	\$ 41,747.34
Miscellaneous	M174 to M188	\$ 40,574.06
Prepays	P465 to P520	\$ 55,667.95
Sewer	S281 to S300	\$ 13,738.09
Water	W426 to W447	\$ 21,050.08

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

**Five ayes carried.**

**C. RESOLUTION** made by Paladino, seconded by Brennie to accept the highest bid from Auctions International on the following surplus vehicles:

Highway  
1997 Ford F350 XL Dump, 8 cylinders with plow VIN# 1FDKF38F3VEB42110 bid of \$4,070.00

1999 Ford F-550 Dump with plow VIN #1FDAF57F8XEE52314 bid of \$10,170

At the recommendation of Richard Klotz Highway Superintendent

Police Department

2006 Dodge Suburban Gray VIN# 1D4HB48N26F187366 bid of \$3,120.00

at the recommendation of Police Chief Daniel Waage.

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

**Five ayes carried.**

**D. MOTION** made by Paladino, seconded by Brennie to re-appoint Joanne Mazzetti to the Board of Assessment Review for a term commencing October 1, 2015 through September 30, 2020.

**Five ayes carried.**

**E. MOTION** made by Paladino, seconded by Guerriero to accept the resignation of part time police officer Kyle Esposito effective November 18, 2015.

**Five ayes carried.**

**F. MOTION** made by Brennie, seconded by Guerriero to accept the resignation of -Scott Saso from the Town of Lloyd Planning Board effective December 31, 2015.

**Five ayes carried.**

*Supervisor commented that he wanted to go on record thanking Scott Saso for his years of dedicated service as a volunteer on the Town of Lloyd Planning Board. Supervisor added that there are two positions open on the Planning Board and asked anyone*

*interested to send a letter of interest to his office. The planning board will start their interview process in January and will then make recommendations to the Supervisor's office.*

- G. MOTION** made by Paladino, seconded by Guerriero to close the Public Hearing on Local Law F 2015, a local law to amend the Code of the Town of Lloyd, Chapter 100, Zoning, Section 100-28, entitled Signs at 7:30PM.

**Five ayes carried.**

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

**WHEREAS**, proposed Local Law "F" of 2015, a local law to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd, was introduced at a meeting of the Town Board held on the 16th day of September, 2015, at 7:00 p.m.; and

**WHEREAS**, the Town Board of the Town of Lloyd, having determined that this matter constitutes an Unlisted action under the State Environmental Quality Review Act (SEQRA), and a Short Form EAF having been prepared on behalf of the Town, and the Board having issued its declaration of non-significance in this matter; and

**WHEREAS**, a public hearing was opened on the 21st day of October, 2015, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon; and

**WHEREAS**, the Town Board previously proposed and circulated a local law to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd as introduced at a meeting of the Town Board on May 20, 2015; and

**WHEREAS**, the Town Board made revisions to the previously introduced local law pursuant to the recommendation of the Ulster County Planning Board, including but not limited to the introduction of a Digital Sign section of the Code which is meant to have additional controls over the placement, type and appearance of those signs; the inclusion of the Gateway Zones in the ordinance, limiting signs in the Gateway Zone in the same manner as Design Business and General Business signs; and the removal of the proposed revisions to the Billboard section of the Code, which said revisions are included in the currently proposed local law.

**NOW, THEREFORE**, it is resolved that Local Law "F" of 2015 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd.

(See Attached)

*Guerriero questioned as to what the "said revisions" are included in the last paragraph of the resolution.*

*Paladino said it would be reverting back to what it currently is.*

*Murphy responded that the original proposed law was removing the sunset clause for bill boards from the law. The Ulster County Planning Board suggested that provision be removed. The local law was revised by removing the section that removed the sunset clause from the law.*

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

**Five ayes carried.**

- I. MOTION** made by Brennie, seconded by Paladino to close the Public Hearing on the 2016 Town of Lloyd Preliminary budget at 7:32PM.

**Five ayes carried.**

- J. RESOLUTION** made by Paladino, seconded by Guerriero to adopt the 2016 Town of Lloyd final budget.

*Supervisor commended Karen McPeck, bookkeeper, and Kate Jonietz, secretary, for their diligence in preparing the budget. He commented that for the fourth year in a row the Town will be below the New York State 2% tax cap. Two million rebate checks will be mailed on November 24<sup>th</sup>.*

**Roll call:** Hansut, aye; Paladino, aye; Brennie, aye; Guerriero, aye; Horodyski, 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 statements showing the unpaid Water and Sewer charges in the Highland Water and Sewer Districts which have not appeared on any such statement previously filed, and

**WHEREAS**, the Town Clerk has filed such statement dated November 4, 2015, annexed hereto, and requested that the Town Board, pursuant to Town Law Sections 198(3)(d) and 198(1)(k), the Town Code Chapter 98, on Water, Sections 98-22 and 98-23, the Sewer Use Code Chapter 85, Section 85-49(F) and (G), and General Municipal Law Sec. 452, levy a lien upon the real property benefited,

**NOW, THEREFORE**, it is **RESOLVED AND ORDERED**, that the water and sewer 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 to be levied, be and they here by 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 of Ulster County for levy in the sums as set forth in the annexed statement, against the properties liable, as set forth in the statement and 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 "Water and Sewer Rents", and it is further

**RESOLVED AND ORDERED** 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 of 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)

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

**Five ayes carried.**

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

**WHEREAS**, the Town Board, as Commissioners of the Highland Water District, received from its Administrator and Town Engineer information indicating that the Highland Water District Water Treatment Facility is in need of upgrades and warrants improvements in order to provide better filtration capabilities, backup generators, replacement of the blending tank, and updating controls; and

**WHEREAS**, Morris Associates, Engineering and Surveying Consultants, PLLC has prepared an engineer's report, entitled Highland Water District Capital Improvement Plan, dated August 2015, and said report outlines the proposed improvements and upgrades at the water treatment facility; and,

**WHEREAS**, the Town Board has previously held a public hearing on the project and financing of several water improvement projects within the water district, and has previously passed a resolution for financing the engineering design of through bond anticipation notes; and,

**WHEREAS**, the Highland Water District has recently received notification from the Ulster County Department of Health regarding a notice of violation for exceeding Total Trihalomethanes (TTHM's) during 2015; and,

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

1. This Town Board establishes a project to be known as Highland Water District Water Treatment Facility Long Term Improvements.
2. The proposed long term improvements include the replacement of the existing filtration system with a micro-filtration system, replacement of the existing blending tank, installation of generators at the treatment facility and raw water (River) pumps, modernization of existing controls, and improvements to the existing disinfection, chemical feed and storage, piping and building facilities.
3. The cost of this project shall be paid from Bond Anticipation Note (BAN) monies previously approved by the Town of Lloyd.

4. This is a repair project and it is exempt from further SEQRA action, being a Type II action consisting of a repair on the same site which did not exceed the thresholds of Section 617.12 of 6NYCRR Part 617, and no further environmental proceedings are necessary.
5. Morris Associates, Engineering and Land Surveying Consultants, be, and they hereby are, authorized to prepare necessary design plans, reports, specifications and for the purposes of obtain all necessary permits and approvals.
6. Morris Associates, Engineering and Land Surveying Consultants, be, and they are authorized to submit an application for project funding to the New York State Environmental Facilities Corporation, for the purposes of funding the construction of the project.

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

**Five ayes carried.**

*Supervisor asked if anyone in the public had a question concerning the notices that were sent regarding the TTHM's and the violation that the town had while the water administrator and engineer are here tonight.*

*Reynolds inquired about the cost.*

*Paladino replied that it was 1.7 million in round figures.*

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

**WHEREAS**, various town and village police departments in the County of Ulster together with the Ulster County Sheriff's Office and the Ulster County District Attorney's Office, as Member Agencies, seek to operate and act collectively as a task force team pursuant to Federal policies and guidelines, such task force known as the Ulster Regional Gang Enforcement Narcotics Team (hereinafter referred to as "URGENT"), and

**WHEREAS**, the mission of URGENT is to achieve maximum coordination and cooperation, through utilizing the combined resources of Member Agencies, to primarily investigate gang members and affiliates involved in criminal enterprises, as well as investigate narcotic related offenses and the possession and sale of illegal firearms in Ulster County, and

**WHEREAS**, membership in the URGENT task force will benefit the Town of Lloyd in that it will provide a specialized unit to combat gang violence and narcotic trafficking within the Town and the County of Ulster, and

**WHEREAS**, the Town Board has reviewed the inter-municipal Cooperative Agreement (Ulster Regional Gang Enforcement Narcotics Team) proposed by the Ulster County District Attorney and the Ulster County Sheriff, a copy of which is annexed hereto and made a part of this resolution, and

**WHEREAS**, the Police Chief of the Town of Lloyd has also reviewed the annexed inter-municipal Cooperative Agreement and has recommended that the Town Board approve the agreement,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Lloyd hereby approves the annexed agreement and membership in the task force, and authorizes the supervisor to sign said agreement effective January 1, 2016 through December 31, 2016.

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

**Five ayes carried.**

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

**WHEREAS**, Cablevision of Wappingers Falls, Inc. ("Franchisee") owns, operates and maintains a cable television system (the "System") in the Town of Lloyd, New York pursuant to a cable television franchise ("Franchise") granted by the governing body of the Town of Lloyd (the "Franchise Authority"), and Franchisee is the current duly authorized holder of the Franchise; and

**WHEREAS**, pursuant to an Agreement and Plan of Merger ("Agreement"), Neptune Merger Sub Corp., a Delaware corporation and a subsidiary of Altice N.V. ("Acquiror"), will merge with Cablevision Systems Corporation ("Cablevision") (which owns 100% of the ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the "Change of Control"); and

**WHEREAS**, Franchisee and Acquiror have requested the consent of the Franchise Authority to the Change of Control in accordance with the requirements of the Franchise and have filed an FCC Form 394 with the Franchise Authority (the "Application"); and

**WHEREAS**, the Franchise Authority has reviewed the Application, followed all required procedures in order to consider and act upon the Application, considered the comments of all interested parties, and concluded that Acquiror has the legal, financial and technical qualifications of Acquiror to indirectly control Franchisee,

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

**SECTION 1.** The Franchise Authority hereby accepts the Application and consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law.

**SECTION 2.** Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

**SECTION 3.** This resolution shall be deemed effective as of the date of its passage. This resolution shall have the force of a continuing agreement with Franchisee and Acquiror, and Franchise Authority shall not amend or otherwise alter this resolution without the consent of Franchisee and Acquiror.

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

**Five ayes carried.**

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

*Supervisor asked Murphy to explain the resolution.*

*Murphy said that this was about the Vlamis subdivision on the westerly portion of the Town. They have subdivision approval, they have to build certain roads and drainage improvements before they can develop the project or get building permits. This agreement says that they are going to build within the specifications of the Town to the approval of the town engineers and the highway superintendent. Richard Klotz has had discussions with them regarding the actual thickness of the pavement. The agreement says that they will build pursuant to the Town's code and regulations. If at some point they want to start developing the subdivision and the improvements are not completed they will bond the road before they get any building permits The road has to be built or bonded before they can start building improvements This is just a procedure that also provides for recreation and inspection fees and so forth.*

**WHEREAS**, LGV, LLC intends to build and dedicate for acceptance by the Town a certain roadway encompassing 1,200 lineal feet and located on the easterly terminus of Mowbray Road, as shown on a certain map of a subdivision dated April 27, 2010, by Brinnier & Larios entitled "Map of Subdivision of Lands of Leonidas G. Vlamis"; and,

**WHEREAS**, the Developer intends to build and dedicate the area described as a public roadway, which shall further be improved by all customary utility, infrastructure, along with certain stormwater facilities and appurtenances in the Town of Lloyd, in connection with development of the lots on said map. Said construction is to be in accordance with the rules, regulations and specifications of the Town of Lloyd, its Planning Board, and to the satisfaction of the Town engineers, Highway Superintendent, Highland Fire Department and Water and Sewer Administrator (if applicable); and,

**WHEREAS**, the Town Board of the Town of Lloyd and Planning Board of the Town of Lloyd require that the road, stormwater facilities and appurtenances be constructed to completion or a bond or other security be posted to insure the prompt and faithful performance of the construction of the said public roadway; and,

**WHEREAS**, the Developer is required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town of Lloyd and its Planning Board, and to the satisfactions of the Town Engineers, Highway Superintendent, Highland Fire Department and Water and Sewer Administrator (if applicable); and,

**WHEREAS**, the Developer is required to pay recreation fees, as set forth in the Town's Fee Schedule; and,

**WHEREAS**, there has been a proposed Subdivision Improvement, Recreation and Inspection Fee Agreement, a copy of which is annexed hereto as Exhibit "A".

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

1. The Agreement by and between LGV, LLC and the Town of Lloyd, annexed hereto as Exhibit "A", be, and the same hereby is, approved and ratified.
2. Planning Board Chairman, Scott Saso's signature on said Agreement is hereby approved and ratified.
3. The Supervisor is authorized to sign the Offer of Cession Agreement and all transfer documents relating to the areas to be improved and ultimately offered to the Town for public purposes, as set forth in the Agreement.
4. Developer is to post such bonds as required by the Agreement, and pay such fees as required by the Agreement, by transmittal of the bond in cash or security to the Town Attorney and Town Supervisor, in accordance with the Agreement.
5. Upon the signing of several duplicates by the Developer and the Planning Board Chairman, one complete duplicate original of the Subdivision Improvement, Recreation and Inspection Fee Agreement is to be filed with the Town Clerk, with other duplicates for the Developer, Planning Board, Supervisor and Town Attorney's office.

**EXHIBIT A**

**THIS AGREEMENT**, by and between LGV, LLC, herein after called Developer, and Leonidas G. Vlamis, hereinafter called "Owner," and Town of Lloyd, a municipal corporation located in Ulster County with offices at 12 Church Street, Highland, New York 12528, hereinafter called the "Town".

**WHEREAS**, the Developer has received preliminary subdivision approval from the Town of Lloyd Planning Board for a seven (7) lot residential subdivision to be situate on lands owned by the Owner, said approval being dated September 23, 2010; and,

**WHEREAS**, the Developer intends to build and dedicate for acceptance by the Town, a certain roadway, as shown on a certain map of a subdivision entitled "Map of Subdivision of Lands of Leonidas G. Vlamis", dated April 27, 2010, by Brinnier & Larios, to be filed in the Ulster County Clerk's Office after final approval, encompassing 1,200 lineal feet of roadway, as bounded and described as set forth in the said subdivision map and Exhibit A annexed hereto, Tax Map No. 94.2, Block 1, Lot 15, located on the easterly terminus of Mowbray Road in the Town of Lloyd. The Developer intends to build and dedicate the area described as a public roadway, which shall further be improved by all customary utility, infrastructure, along with certain stormwater facilities and appurtenances in the Town of Lloyd, in connection with development of the lots on said map. Said construction is to be in accordance with the rules, regulations and specifications of the Town of Lloyd, its Planning Board, and to the satisfaction of the Town engineers, Highway Superintendent, Highland Fire Department and Water and Sewer Administrator (if applicable); and,

**WHEREAS**, the Town Board of the Town of Lloyd and Planning Board of the Town of Lloyd require that the road, stormwater facilities and appurtenances be constructed to completion or a bond or other security be posted to insure the prompt and faithful performance of the construction of the said public roadway; and,

**WHEREAS**, the Developer is required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town of Lloyd and its Planning Board, and to the satisfactions of the Town Engineers, Highway Superintendent, Highland Fire Department and Water and Sewer Administrator (if applicable); and,

**WHEREAS**, the Developer is required to pay recreation fees, as set forth in the Town's Fee Schedule.

1. The Developer agrees that for the roadway to be constructed in the subdivision, to construct to Town of Lloyd standards shown in Figure 1 of the Town of Lloyd Subdivision Regulations, the roadway extending into the subdivision, so that the construction and installation of the said roadways is in accordance with the rules, regulations, standards and specifications of the Town of Lloyd, its engineers and Highway Superintendent, and shall promptly make payment to all persons supplying labor and materials for the same.
2. The Developer has expressed the desire to construct the roadway prior to posting security for the faithful completion of the requirements of the Town of Lloyd for



construction of roadways and agrees to construct it to the Town of Lloyd standards as set forth above. In the event that the Developer progresses to partially complete the roadway, and has reduced his obligation and amount of security for the completion of the roadway, in that event the Developer shall furnish, as security for the faithful completion of the requirements of the Town of Lloyd, cash, a bond or letter of credit for construction of the remainder of the roadway, utilities, stormwater facilities, landscaping, storm drains and catch basins, in accordance with an estimate to be prepared by the Town of Lloyd Engineer. If a bond is to be posted or letter of credit, it shall be in a form acceptable to the Town Board and its attorneys, pursuant to Section 277(9) of the Town Law. It is agreed that no building permit shall be issued until the subdivision map is signed and filed and all bonds posted for security for this agreement, if any, and all requirements of the Town of Lloyd and its Building Department are complied with, including stormwater management plans.

3. If security is required, it shall be posted in an amount to be determined by the Town's Engineer and it shall be posted with the Town of Lloyd to the satisfaction of the attorneys for the Town, prior to the recording of any maps in the Ulster County Clerk's Office. Construction is planned to commence in 2015 in accordance with weather conditions, as coordinated by the Town of Lloyd Building Department and Highway Superintendent. All construction specifications are to be reviewed and approved by the Town's Engineers.
4. The Developer agrees to hold the Town harmless for any fines or damage assessments to the Town of Lloyd, its officers or agents, for violations of stormwater management, federal or State regulations. If no security or bond is posted in connection with this agreement, the said subdivision application will be kept current before the Town of Lloyd Planning Board, and Developer agrees not to let proceedings lapse so that any additional requirements can be added to the map as notes before it is recorded in the Ulster County Clerk's Office. The Developer agrees that no building permits or Certificates of Occupancy will be issued until the subdivision map is recorded and the road completed or bonded for any unfinished construction, in an amount calculated by the Town Engineer.
5. As to stormwater management, the Developer agrees that he will operate and maintain any drainage ponds and other stormwater control improvements to the drainage facilities and, upon sale of the lots, the Developer will transfer all operation and maintenance obligations as required by NYSDEC and the Town of Lloyd for maintenance of stormwater facilities to the various lot owners by including such obligations on the map notes and will prepare and record in the Ulster County Clerk's Office a Declaration of Covenants and Restrictions, together with a Stormwater Management Agreement, and will add the stormwater obligation as set forth on the map and the recorded documents so that the same shall be within the chain of title within all of the deeds to the lots conveyed to purchasers so that the private owners of the subdivision will maintain the drainage improvements on their lots continuously and in perpetuity.
6. Developer shall have such construction protocol meetings with the Town's Building Department as desired by the Town. Developer agrees to submit to the Building Department six (6) certified as built surveys of the highways and other drainage and water and sewer (if applicable) improvements, which are the subject of this Agreement. All required documentation drawings will be submitted for each lot when a building permit is applied for, which documentation will encompass all requirements for drainage and zoning requirements. Driveways must be shown on the documentation and constructed at the location shown on the subdivision map.
7. Developer agrees that the said roadway shall be fully completed in thirty (30) months from the commencement of construction. Pending completion and dedication as a public roadway, Developer agrees to maintain, repair and plow said roadways in a timely fashion keep them open in all-weather conditions and provide immediate access for emergency vehicles. The Developer shall hold the Town harmless for any liability there under. Developer shall not cause damage or leave the said road in dangerous, unsafe or impassable condition. The completion date aforesaid shall be extended by the Developer and the Town in the event that litigation challenging the Subdivision Approvals is commenced pursuant to separate Agreement.

8. if within thirty (30) months of the date the construction is commenced, the roadways are not completed and the completion date has not been otherwise extended, it is agreed that the Town Board may take the security by presentation of acceptable documents to the holder of any bond or Letter of Credit and complete the said roadways to the satisfaction of the Town's Highway Superintendent, engineers and Town Board, in accordance with the Town's highway specifications and specifications for driveways.
9. The Developer agrees to maintain all public improvements at its own expense, and to dedicate them to the municipality when they are accepted, after full inspections.
10. The Town of Lloyd recreation fees are \$17,500.00, which sum shall be paid in lieu of the reservation of lands for public recreation. The recreation fee is calculated at \$2,500.00 per residential unit, multiplied by 7 units, for a total of \$17,500.00. Said fee shall be paid prior to execution of any final subdivision plat by the Chairman of the Planning Board.
11. Construction inspection fees in the amount of \$26,100.00 are to be paid in three installments, as follows: Payment No. 1 in the amount of \$8,700.00 to be paid upon execution of this agreement, and is non-refundable upon payment. Payment No. 2 in the amount of \$8,700.00 is to be paid as determined by the Town Building Department. Payment No. 3 in the amount of \$8,700.00 is to be paid as determined by the Town Building Department. Construction inspection fees shall be paid in accordance with the Town of Lloyd Code.
12. Developer agrees that it will pay for all inspections and testing by the Town of Lloyd personnel or engineers, and will maintain satisfactory escrows, as specified by the Town or its Planning Board or Building Department, to pay all testing, engineering and legal requirements in accordance with the Town of Lloyd Code.
13. In the event Developer abandons the property or does not perform his obligations to the Town and it is necessary to bring legal action in a Court against the Developer for costs incurred by the Town, either for construction, administration, testing, inspection or any damages that the Town suffers, the Developer agrees to allow a reasonable attorney's fee to be added to the damages, should the Town be successful and obtain a judgment against the Developer for its breach of contract and/ or Town requirements by way of a final and non-appealable judgment. Nothing within this Agreement shall prohibit the Developer from interposing counter claims, nor shall this Agreement operate as a bar to the Developer commencing any action against the Town, in the event of a dispute hereunder and/ or as to the condition of the road and related appurtenances. Notwithstanding the foregoing, the Developer and the Town agree to work cooperatively with each other in order to resolve any disputes without resort to litigation, if possible.
14. It is further agreed that a deed with all accompanying documents for recording with the County Clerk, to the premises described as a public roadway, along with the dedication to the Town of Lloyd of the roadway and all public improvements, upon signing this Agreement, shall be deposited by the Developer with the Town's attorneys, Di Stasi Moriello & Murphy Law PLLC, P.O. Box 915, Highland, New York 12528, to be utilized when the road is ready for dedication, whether voluntarily by Developer, or if the security is taken and the Highway Department finishes the road by contract, or with its own forces.
15. The Developer hereby irrevocably authorizes the Town of Lloyd to ask for, demand, collect, and give receipts for, money from the surety or bonding company or bank for Certificates of Deposit or Letters of Credit or Performance Bonds, without any previous demand or notice to them, and in the event the said Developer has not complied with the terms of this Agreement, and to then complete the roadway and all other improvements utilizing the monies received.
16. Developer agrees that upon completion of the said improvements and approval of all agencies, that it will both dedicate and give by deed, the title to the said improvement to the Town of Lloyd (or its Special Districts, if applicable) free and clear of all liens and encumbrances, and that it has made, and hereby does make by this Agreement, an irrevocable offer to the Town for dedication of all said improvements, and by the aforementioned deposit of the necessary dedication documents and deed with the attorneys for the Town simultaneously herewith.

- 17. The Town agrees that upon completion of the said improvements in accordance with the terms set forth above and to the satisfaction of the Building, Highway and Fire Departments (Water and Sewer Administrator, if applicable) and Highway Superintendent, and their engineers, and acceptance by the Town Board, that any bond posted shall be released or reduced, as the case may be.
- 18. The Developer agrees to the pavement thickness for roadway construction and additional recitations as set forth within a July 11, 2014 Letter Agreement by and between the Developer and the Town of Lloyd Highway Superintendent. [A copy of said Agreement is annexed hereto and made a part hereof as Exhibit "B".]
- 19. The Developer further agrees to construct the planned off-site improvements to Mowbray Road as shown upon the Final Subdivision Map and agreed to of Record.
- 20. This Agreement shall inure to the benefit of and bind the heirs, executors, successors and assigns of the parties hereto.
- 21. Both the Applicant and the fee owner of the subject premises are executing this Agreement in order to fulfill the terms, covenants and conditions set forth herein. The Developer is the responsible party under this Agreement with respect to the payment of all fees, security and costs and as to performance hereunder.  
Notwithstanding the foregoing, the fee owner hereby agrees to convey the land which shall be utilized for public roadway infrastructure to the Town upon the fulfillment of all conditions precedent thereto as embodied within this Agreement.

**WITNESS WHEREOF**, the parties have hereunto executed this Agreement this 23 day of October, 2014.

TOWN OF LLOYD

By: Scott Saso  
Planning Board Chairman

LGV, LLC

By: Leonidas G. Vlamis

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

**P. TABLED RESOLUTION**

**WHEREAS**, property located at 3497-3499 Route 9W within the Town (SBL 88.13-2-6) is currently improperly hooked up to the Highland Sewer District ; and,  
**WHEREAS**, the owner of said premises has been put on notice that they are required, pursuant to the Code of the Town of Lloyd Chapter 85, Section 85-5, to connect the waste disposal facilities located at said premises directly with the proper public sewer in accordance with said Chapter 85; and,  
**WHEREAS**, the owner of said premises has failed to proceed with said hook-up in a timely fashion; and,  
**WHEREAS**, the Town Board wishes to enforce the provisions of Section 85-5 to ensure compliance with the requirements of the Town's Code.  
**NOW, THEREFORE, BE IT RESOLVED** that the Town's Attorneys, Di Stasi Moriello & Murphy Law PLLC, are hereby authorized to commence an action in a court of competent jurisdiction, the purpose of which is to require compliance with the Town Code and mandate that the owner of the property located at 3497-3499 Route 9W within the Town (SBL 88.13-2-6) connect the waste disposal facilities located at said premises directly with the proper public sewer in accordance with Chapter 85 of the Town Code, and to request that any applicable penalties be enforced against the owner of said premises by the appropriate court.

*Supervisor asked Murphy to comment on this resolution.*

*Murphy said this property is at the north west corner of Route 9W and Grand Street and that Bagel and Bites and the motel behind are part of the parcel. At one time this property, the apartments across the street and the car wash were all one parcel. The owner through some arrangement that is not documented hooked up to the sewer system through private pipes and private pumps. A few years ago there was leak in the sewer system and the town was required by the DEC to have everyone hooked up properly to the municipal system. All the properties except this one property have hooked up. Numerous notices have gone out to these property owners and they still have not hooked up properly to the municipal system. This resolution authorizes my firm to bring an enforcement proceeding. If there is any issue or leaks there the Town can hold the property owner responsible but the DEC is going to hold the Town responsible for any damages and levy substantial fines.*

*Paladino asked if the potential liability of a lawsuit changes once the property owners go on notice.*

*Murphy responded that the Town could always claim that but the DEC's position is that it is the Town's system and everyone should be hooked up properly. They can hook in at the bottom of the road just west of the intersection Grand St. and Rt. 9W and we are trying to get that done.*

*Supervisor said the property owner was present at the meeting and asked if he would like to speak.*

*Neil Rothvedder, general manager of the America's Best Value Inn, said in about 2010, around five years ago, there was an issue with gray water coming into our property. There was a leak and the NYSDEC said because it was on town property that they had to repair the leak. It is a good idea to have all of them separate and that has been rectified already. They are no longer pumping gray water into our septic and everything is working out. There is no reason for the action to go through as everything the DEC wanted has been rectified. We have been asking since 2010 to see any letter or evidence that the DEC is mandating that this happen. No one has ever showed us anything that states that the DEC wants this and we have asked as recently as a couple of days ago.*

*Murphy said if Mr. Rothvedder wants to have a meeting to call his office and set up a meeting with the water and sewer administrator. Murphy said it is my understanding that they have given you some documentation. That property is not properly hooked to the system and my office has given notice to the property owner. The hook up for that property goes up the hill on private property which is improperly hooked up to the sewer system. The proper way to hook it up is into the main down on the bottom of the hill.*

*Rothvedder said that it doesn't go on private property it is their property.*

*Murphy replied that if it leaks because it's an improper hookup the Town can potentially be responsible.*

*Rothvedder said the same part that is on the plans we were originally given is where they wanted us to hook up.*

*Murphy said he is willing to sit down at his office with them and the water and sewer administrator to discuss this and show the property owners any of the documentation.*

*Rothvedder said they have never seen the documentation from the DEC.*

*Murphy said you need to be hooked up properly and this has been going on for five years which as far as I'm concerned it's time for the town board to force the issue.*

*Supervisor said we don't want to debate this now. We will table this resolution for one month and get this hashed out before we have to go any further.*

*Murphy said it's not just the NYSDEC but it is also in the Town's code that says you need to be properly hooked up.*

*Supervisor recommended that the property owners schedule a meeting with Sean Murphy to get this resolved and if they can't then the town will move forward.*

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

**WHEREAS**, Morris Associates, Engineering Consultants, PLLC has prepared bid documents, along with a proposed request for proposal documents, for the construction of approximately 560 linear feet of riprap lined stormwater collection swales and stormwater pond, near Amanda Circle Contract No. 15-010-2.; **AND**,

**WHEREAS**, the Town has publicly advertised and received formal bids on or before November 13, 2015 from contractors for the construction of the work as called for by the bid documents; AND,

**WHEREAS**, the following bids were received

- Sun Up Enterprises \$219,263/ \$68 per cubic yard charge
- Ben Ciccone \$241,149/ \$100 per cubic yard charge
- Thomas Gleason, Inc. \$249,669/\$142.46 per cubic yard charge
- Corewood Ventures \$320,400/\$200 per cubic yard charge

**AND WHEREAS**, the Town Board has received a recommendation from Richard Klotz, Highway Superintendent, regarding the award of the bid,

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

1. This Town Board awards the project known as Contract No. 15-010-2 to Sun up Enterprises, Inc., for the amount of \$219,263.
2. This project is funded by the cash bond deposited with the Supervisor in the amount of \$298,922.00 forfeited by the Developer.

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

**Five ayes carried.**

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

**WHEREAS**, the Town of Lloyd has a long standing commitment to providing support and services for its senior residents, and

**WHEREAS**, the Town Board has reviewed the preliminary plans for the proposed 57 unit senior citizen development to be located on the property known as Section 93.029, Block 3, Lot 3.11 in the Town of Lloyd, and

**WHEREAS**, the Town Board is familiar with the site and has found those preliminary plans to be consistent with its overall planning and development goals for the area, and

**WHEREAS**, in order to continue its ongoing efforts to provide for its senior citizens, the Town Board desires to facilitate and support the proposed Silver Gardens Development, and

**WHEREAS**, any final approval for the Silver Gardens Development can only be made upon the submission and review of full plans as part of the normal local planning and zoning review and approval process, and

**WHEREAS**, the Town Board understands that Golden View II, LLC will be submitting an application for funding to the New York State Division of Housing and Community Renewal, for the Silver Gardens Development,

**THEREFORE, BE IT RESOLVED:**

- 1) The Town Board hereby provides its conceptual support of the Silver Gardens project.
- 2) The Town Board hereby directs the Town Supervisor to submit a letter of support to the New York State Homes and Community Renewal, indicating the Board's support of the project, and that it will support an expedited review process.
- 3) The Town Board hereby directs the Town Supervisor to take any and all additional actions that he deems may be reasonable and necessary to support Golden View II LLC's application to the New York State Homes and Community Renewal.

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

**Four ayes carried.**

**S. RESOLUTION** made by Brennie, seconded by Guerriero to hire John DiValentino, Jonathan Olori, Dennis Chaffee, as seasonal employees effective immediately at the Laborer rate of \$18.43 per hour on an as-needed basis at the recommendation of Richard Klotz, Highway Superintendent.

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

**Five ayes carried.**

**T. RESOLUTION** made by Brennie, seconded by Paladino to hire Paul Frasch & Kevin Klotz as seasonal, part-time employees on an as-needed basis at their current rate of pay.

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

**Five ayes carried.**

**U. RESOLUTION** made by Paladino, seconded by Brennie to approve the following budget amendments:

**General:**

Court CE	1110.40	+\$3,000.00
Court Equip	1110.20	-\$1,445.00
Contingency	1990.40	-\$1,555.00

**Highway:**

General Repairs Equip	5110.20	+\$200.00
General Repairs CE	5110.40	-\$200.00
Snow Removal CE	5142.40	+\$10,000.00
Old Route 44/55	5112.59	-\$10,000.00

**Water:**

Unallocated Ins	1910.40	+\$227.00
Professional Serv	8310.30	-\$227.00
Administration CE	8310.40	+\$1,200.00
Professional Serv	8310.30	-\$1,200.00
Purification CE	8330.40	+\$5,000.00
Professional Serv.	8310.30	-\$5,000.00

**Sewer:**

Sewage Trmt & Disp	8130.40	+\$11,000.00
Rents	30-2120	-\$11,000.00
Medical Insurance	9060.80	+\$4,000.00
Rents	30-2120	-\$4,000.00
Social Security	9030.80	+\$2,500.00
Rents	30-2120	-\$2,500.00

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

**Five ayes carried.**

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

**WHEREAS** the Town of Lloyd Town Board established the Mountainside Woods drainage district on May 15, 2013; and

**WHEREAS** the Town of Lloyd Town Board had discussion about the rate structure at said meeting; and

**WHEREAS** the town engineer made recommendations for the establishment of said flat tax rate; and

**WHEREAS** the flat tax will be collected for maintenance and repairs of the storm water facilities within said district as determined by the building department; and

**NOW THEREFORE BE IT RESOLVED** that the Town Board establishes the 2016 per lot flat tax rate at the amount of \$60.63 per lot, and said rate shall be reviewed and established annually prior to the preliminary budget.

*Murphy explained that the board needs to set a tax rate for the drainage district for the lots there. There is a resolution to set it at \$60.63 per lot which would be assessed this coming year if the resolution passes. We've actually discussed this with the attorney from Mountainside Woods. That amount of \$60.63 comes from the original map plan report when the district was formed. That money goes into a separate fund*

*and is segregated for the drainage district and used for improvements and maintenance within that district.*

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

**W. RESOLUTION** made by Paladino, seconded by Guerriero

**WHEREAS**, the western terminus of the Walkway over the Hudson State Historic Park (“Walkway”) is located within the Town of Lloyd and referred to as the “Highland Gateway of the Walkway” (“Gateway”); and,

**WHEREAS**, the New York State Office of Parks Recreation and Historic Preservation (“NYS OPRHP”), which manages and maintains the Walkway, is desirous of making aesthetic and functional improvements to the Gateway of the Walkway and, to further said improvements, NYS OPRHP is moving forward with plans to provide water and sewer service to the Gateway area; and

**WHEREAS**, the Town would like to cooperate and coordinate with NYS OPRHP in the planning and provision of water and sewer service to the Gateway area, which said service will be of benefit to the Town and its residents.

**NOW, THEREFORE**, be it resolved that the Supervisor, Town Attorney, Town Engineer and the Town Water and Sewer Administrator, are authorized to work with NYS OPRHP to further the design, construction and related easements of both sewer and water utilities along Haviland Road and Mile Hill Roads, respectively, as well as tax parcel 88.1755.110 along Mile Hill Road, in order to supply sanitary sewer and water service to the Walkway over the Hudson State Historic Park.

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

*Supervisor reminded everyone about “Light Up the Hamlet” which will be on December 11<sup>th</sup> from 6-8:30 and wished everyone a Happy Thanksgiving.*

**MOTION** made by Paladino, seconded by Brennie to adjourn the meeting at 8:00PM.  
**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk