

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

NOVEMBER 20, 2013

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

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

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

PRESENTATION - Environmental Conservation Council, Jack Maguire, Chair, award to Fats in the Cats Bicycle Club.

Maguire said that this was the 18th annual ECC Award. Representatives of Scenic Hudson visited the Environmental Conservation Council Meeting and talked about the Scenic Hudson plan for a system of trails over Illinois Mountain on the lands between the Town of Lloyd lands and Scenic Hudson Lands. It is almost a completed reality as there are 3.6 miles of trails, a red, a white and a blue trail, all accessed at Berean Park. There is also a yellow trail which is still under development that will add another 3 miles to the trails. The ultimate goal is to complete a combination of 10 miles of trails to go all the way over Illinois Mountain and join the Hudson Valley Rail Trail. Construction of these trails is largely due to the efforts of volunteers led by three individuals who will be receiving the awards tonight. These individuals are members of Fats in the Cats an organization whose name can be translated as ‘fat tire mountain bikers in the Catskills’. The award recipients are Jamie Myers, Tim Kleeger and Chris Wineberry. Almost 100 people have volunteered over a period of four years. These awards are given in the spirit that the awards are for all of the volunteers who have contributed in this effort. Maps of the trails are provided tonight and information about the Environmental Conservation Council.

Maguire gave the awards and water bottles with the ECC logo to Kleeger and Myers; however, Wineberry was unable to attend the meeting.

Jamie Myers thanked the ECC and the Town of Lloyd on behalf of the Fats in the Cats for the recognition and opening the Town and Illinois Mountain to a progressive movement such as mountain biking (and hiking). He feels that it is a really great project and there is still a lot of work to be done. He appreciated the collaboration of the Town of Lloyd, Scenic Hudson and local hiking and biking groups.

Meeting was recessed for refreshments.

7:20 PM - Supervisor opened the Public Hearing on proposed Local Law No. J – 2013, a local law to amend the Zoning Map of the Town of Lloyd at 7:20 PM: SBL 88.17-6-24, 28 Bell Drive, Geraldine Mileo Baisch (W-G GM to R¼).

David Barton, Building Supervisor, explained when the Gateway Zone was originally adopted, there was a section of property at the end of Bell Drive which was land locked except for access to Bell Drive. One of the adjoining property owners requested that this property is removed from the Gateway Zone. This property does not suit the commercial zone of the Gateway Zone. He indicated the specifics of the property on a map.

1. REPORTS – Town Board Liaisons

Assessor – Councilmember Paladino reported that with the help of Elaine Rivera and Jennifer Mund, the Office of Real Property, John Willheim, attended the School Board meeting last night for a presentation on the STAR exemption. The deadline for the Basic STAR exemption is December 31, 2013 and if it is not done you will lose the exemption for 2014. It can be done online www.tax.ny.gov and if there are any questions, call Jennifer Mund or Ann Feo in the Assessor’s Office.

Audit – January 1 to June 30, 2013: Councilmember Litts Councilmember Brennie

July 1 to December 31, 2013: Councilmember Paladino, Councilmember Guerriero

Building Department – Supervisor Hansut said that there have been following up on a lot of complaints and that Anthony Giangrasso has been very busy during his weekly 15 hours; he is doing a great job for the Town. Dave Barton has been working on the DEIS for the Winery project and it will be discussed later.

Dog Control – Councilmember Brennie said that he did hear from Andrew McKee who would like to meet with Brennie to discuss situations that may come up next year; he will report to the Board.

Environmental – Councilmember Guerriero noted that the Black Creek project is moving along; they received a use and occupancy permit from NYS DOT and the next step is NYS DEC approval. Volunteers will be needed once they receive their permits. The newsletter will be coming out shortly. The Council has been very busy and two new members have joined in the past year.

Grants – Supervisor Hansut reported that the Town is still waiting to hear about the grant for the Rail Trail.

Highland Fire District – Councilmember Paladino is working with David Barton, Lloyd Fire Inspector and Art Snyder, Ulster County Office of Emergency Management; they hope to meet with Rich Klotz, Highway, Fire Department and Police Department regarding emergency management for the Town.

Highland Central School District – Councilmember Paladino said that the public hearing for the District's capital improvement plan is tonight and next Wednesday; vote on the plan is December 10. The proposal is on the website.

Highway/Transfer Station – Councilmember Guerriero

Historian – Councilmember Guerriero reported that Mrs. Alfonso, Historian, assisted several Highland High School students with an assignment on the history of our Town. The students were Morgan Ivich, Kayla Lee and McKenna Gallinari. She had two requests from Cub Scout Den Mothers to visit her office and provide them with information on the history of the Town and where to visit historical sites in the area.

Justice – Councilmember Litts reported that the department remains one of the busiest if not the busiest, in New York State in the Crossroads of the Hudson Valley.

Lights – Councilmember Brennie said that there is nothing new on lighting.

Planning Board – Councilmember Guerriero

Police – Supervisor Hansut reported that this department is also very busy and they have increased the foot patrols in the Hamlet in the last two weeks as there have been issues in dealing with a couple of individuals. One individual has been arrested and has gone to Court but was released.

Brennie interjected that the situation has improved since the Police increased their presence.

Recreation – Councilmember Brennie reported that work is being done to close up the summer season; Men's Basketball League is in full swing. Youth Wrestling signups will begin December 10 and Youth Basketball signups are December 7.

Water, Sewer and Drainage – Councilmember Litts said that the Committee did not meet this month and the next meeting will be December 5 at 4 PM.

Zoning Board of Appeals – Councilmember Litts reported that it has been relatively quiet and the only thing on the docket is a second sign request for The Gunk House.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail, was represented by Raphael Diaz who noted that Resolution N. is about the agreement with Central Hudson on the location of the archway.

Sean Murphy, attorney, spoke with representative at Central Hudson and the agreement has been modified to some degree.

Diaz said that the archway is important as people on the Walkway don't realize that they are in the Town of Lloyd at that point and that it is the Hudson Valley Rail Trail. The electrical transmission towers donated by Herb Litts and his family are being used as a base of the archway.

Secondly, there have been two articles in the *Poughkeepsie Journal* about bike/pedestrian safety in which he was quoted about the laws that Lloyd has passed. He said that the Fats in the Cats members are really good people and their website has a discussion group who talked about the articles and they feel that speed limits are needed and the bikers must be careful. Over the next couple of months he intends to visit bike shops with the laws and rules concerning courtesy and he will be using their list of local bike shops.

Thirdly, work is moving well on the cabooses. The Haviland Road caboose has been cleaned out by Rich Roosa, a contractor who is a new Rotarian, and will continue to work on it. Tim Palladino, also a new member of Rotary, will help get power into the caboose. Ray Costantino, Ed Miller and Diaz have formed a committee for the restoration of the cabooses. Ed Miller is a train buff and helped with information about the cabooses.

Lastly, the fifteenth class consisting of eleven people graduated from the Learn to Run program last Saturday. There have been 150 people through the program.

REPORT – Matthew Smith, Manager, Bob Shepard Highland Landing Park, reported that carpentry work is being done by Steve Schmidt, Timberline Construction, who has donated his time. The building is being prepared for the sprayed-in foam insulation. Matt Serini, electrician with the International Brotherhood of Electrical Workers, has been donating the electrical work. An architect is redoing the grades at the Park; Brooks and Brooks, surveyors, will then set the grade stakes, probably in the spring. Almost all of the stone piles have been removed and most have been crushed into gravel by Lenny Auchmoody at his gravel bank for reuse at the Park. Highland Water Department has used a lot of the rock to work on one of the reservoirs; the smaller stone for a roadway and the larger to strengthen the reservoir. The Highway Department will use some of the smaller stone for one of their projects. The docks are out and have been stored across from the Sewer Plant on high ground. Alan Van De Bogart helped with that project and a little after 3 PM Frank Palmateer of the Water and Sewer Departments drove by and took pity on them. On his own time, he got the Department’s backhoe and helped them until dark. He noted that Dave Campala and Frank Palmateer have always been helpful at the Park, for which he is grateful.

He said something happened this week that is a really big deal. Donna Deeprise has applied for grants through the years and the first grant that she applied for was granted by the Department of State in the amount of \$911,940. The DOS said to go ahead with the \$2-million project, half of which was raised by in-kind volunteer work, half by the grant. Donna has been working tirelessly to get the DOS to pay their part; in the very beginning, they sent \$21,500.

Deeprise said that she was visiting her sister in western Canada and when she looked at her email, she cheered. Karen McPeck emailed her that a check had been received for \$647,084.68; there is about another \$240,000-plus remaining.

Supervisor said that Karen McPeck came into his office with a big smile on her face and said that she had good news. As Matt Smith said, Donna doesn’t want to take any credit but she really worked diligently to get this money; DOS would ask her for one thing, she would submit it and it wouldn’t be good enough and she would reword and submit it again.

Smith added that this is the result of hundreds and hundreds of hours of Donna’s work.

2. OLD BUSINESS

A. Nothing on the agenda.

3. NEW BUSINESS

A. Light up the Hamlet – Friday December 13, 2013

Supervisor stated that the Light up the Hamlet will be on Friday December 13, 2013, sponsored by the Events Committee and the Highland Downtown Businessman’s Association; M&T Bank will be the major sponsor of the event. He confirmed that Central Hudson has decreed that nothing can be hung across the street.

Kate Jonietz added that the event will take place from 6:00 PM to 8:30 PM. The Highland Downtown Business Association will furnish 24 lights for each lamppost in the Hamlet.

Supervisor noted that on Monday, December 2, 7:30, Vineyard Commons, the Town of Lloyd Historical Preservation Society will present the program “Murder and Mayhem in Ulster County”.

4. PRIVILEGE OF THE FLOOR

Supervisor asked if anyone would like to speak that they come to the podium in the front of the room as there is a problem with the audio.

Bob Hebel, resident of Vineyard Commons, thanked the Town Board for their efforts to improve the situation at Vineyard Commons. The good news is that the restaurant is re-opening December 1. The new management company is going to honor the security deposits which had been spent by the previous owners.

Paladino asked if the restaurant would be open to the public and Hebel said that eventually it would.

Supervisor asked the occupancy rate of the apartments.

Hebel replied that including the people who have made deposits, it is at 90%; 141 units rented.

Mark Reynolds, reporter, asked if the deficiencies would be explained as to
RESOLUTION L.

David Barton, Building Supervisor, said that Andy Learn, engineer, Morris Associates is at this meeting to answer technical questions. They are not going to go through the entire list of deficiencies; he has a copy for anyone who wants them. The resolution declares that the Draft Generic Environmental Impact Statement is incomplete, based on the reviews of Learn and Teresa Bakner; both sets of comments are included in a packet.

Each Board member has a copy. Learn's piece is quite technical and Bakner's is more philosophic.

Andy Learn explained that the Town Board came up with a scope for the document and the review was based on the scoping document; his job was to make sure all of the items in the scope were addressed. The report outlines the things that were compliant and the things that need to be addressed.

Barton said that the Town Board by resolution is declaring the application incomplete; the applicant gets a copy of this resolution and comments so that they are able to rework their generic environmental to be resubmitted it to the Town and to Morris Associates for another review.

Reynolds asked if they have a time limit.

Barton replied that once they get it back the clock does not tick against them; they could go away and never come back. They have no time frame. The Town has a time frame we have surpassed the time allotted to respond and we have asked for a letter requiring an extension of that time.

5. MOTIONS AND RESOLUTIONS

A. **MOTION** made by Brennie, seconded by Paladino, to approve the minutes of the Workshop Meeting of October 2, 2013 and Regular Meeting of October 16, 2013.

Five ayes carried.

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

General	G987 to G1107	\$75,055.79
Highway	H406 to H448	\$57,618.49
Miscellaneous	M172 to M192	\$48,763.80
Prepays	P372 to P399	\$44,638.44
Sewer	S262 to S297	\$15,988.29
Water	W269 to W314	\$33,469.35

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

Five ayes carried.

C. **RESOLUTION** made by Paladino, seconded by Brennie, to adopt the 2014 Town of Lloyd Preliminary Budget as the Final Town of Lloyd Budget with the following changes:

General Fund:

7110.41 Rail Trail Expenditures add \$2,600; the amount to be adopted will be \$6,100.

2115.00 Building permits add \$28,000 the amount to be adopted will be \$50,000

Highway Fund:

1002.00 IDA Taxes to be collected add \$12; the amount to be adopted will be \$6,137

Sewer Fund:

1030.00 Special Assessments to be collected add \$766; the amount to be adopted will be \$766.

Supervisor introduced Elaine Rivera, Budget Officer and retired Assessor, who worked very hard to put together this budget.

Elaine Rivera explained that the tax cap calculations which are done by New York State make adjustments to the current 2013 budget and to the 2014 tax levy that the Town cannot make when the Town is doing the budget. NYS allows adjustments for erroneous taxes, re-levies, they do a calculation of a tax-based growth which is based on assessed value changes and they add and subtract pilot taxes. They allow a carry-over if the Town has one from prior years if the Town is below the prior year's tax cap. Taking all of those figures and calculations into consideration, for the proposed levy for next year we are below the 1.66% that NYS is requiring. When people look at their tax bills in January, it is not going to be 1.66% if all of the line items are added up and the property is in the water and/or sewer districts, it is going to be a 3.1% increase. It is confusing. Lloyd meets the criteria for the calculations that NYS allows and she does not want the public to misunderstand and think that the increase is 1.66%. If the property is outside the water and sewer districts, even at 3.1%, the estimated tax increase that is proposed is 9-cents per thousand. This excludes Ulster County tax and she does not know what the County budget is. If the

property is in the water and sewer district, there will be a 41-cent per thousand dollar of assessed value increase. She wanted to explain that the tax cap calculation and looking at the budget are two different things.

Supervisor felt that it should be explained that inside the water and sewer district that the new Sewer Plant has to be paid for.

Rivera said that there is a \$400,000 debt payment next year; including that it is still only a 41-cent per thousand dollar increase. She has had discussion with David Barton and based on an estimate that Barton has calculated that he will receive in Building Permits next year she is going to request an amendment to the resolution adopting the budget that the General Fund Revenue Code for Building Permits is increased \$38,000 for a total budget line of \$50,000,. Increasing that revenue will change the 3.1% to 2.5% and that will be a help to the taxpayers.

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

Five ayes carried.

D. MOTION made by Litts, seconded by Brennie, to close the Public Hearing on proposed Local Law No. J – 2013, a local law to amend the Zoning Map of the Town of Lloyd at 7:55PM.

Five ayes carried.

E. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, proposed Local Law No. J of 2013 was introduced at a meeting of the Town Board held on the 16th day of October, 2013, at 7:00 p.m.; and,

WHEREAS, this local law amends the zoning map of the Town of Lloyd; and,

WHEREAS, the Town Board determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA), and the Town Board declared lead agency to do all necessary reviews in this matter; and,

WHEREAS, the Town Board has prepared and reviewed Part I of the Short Environmental Assessment Form and completed Part II of the Short Environmental Assessment Form; and,

WHEREAS, the Town Board has determined that the proposed action, to wit; a change of the zoning map of the Town of Lloyd to change the designation of the property identified on the town’s tax rolls as SBL 88.17-6-24, located at 28 Bell Drive and currently titled in the name of Geraldine Mileo Baisch, from W-G:GM (Walkway Gateway General Mixed Use) to R¼ (Residential ¼), will have no significant adverse environmental impacts.

NOW, THEREFORE, it is resolved that the Town Board, as lead agency under New York State Environmental Quality Review Act, finds that the proposed action will not result in any adverse environmental impacts and hereby issues its Declaration of Non-Significance.

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

Five ayes carried.

F. RESOLUTION made by Litts, seconded by Brennie,

WHEREAS, proposed Local Law No. J of 2013, a local law to amend the zoning map of the Town of Lloyd, was introduced at a meeting of the Town Board held on the 16th day of October, 2013, at 7:00 p.m.; and,

WHEREAS, a public hearing has been held thereon on the 20th day of November, 2013, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

NOW, THEREFORE, it is resolved that Local Law No. J of 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend the zoning map of the Town of Lloyd. (See Attached)

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

Five ayes carried.

G. RESOLUTION made by Brennie, seconded by Paladino, to approve the following for NYS Retirement:

<p>BE IT RESOLVED, that the Town of Lloyd hereby establishes the following as standard workdays for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained or time sheets submitted by these officials to the clerk of this body:</p>	
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Title	Name	ss # last 4 digits	registration #	standard work day hours/day	Term begins/ends	participation in er's time keeping sys	days/ month based on ROA	not submttd
Dog Control Officer	Andrew McKee	****	****7105	8	1/1/2013- 12/31/13	N	14.22	
Councilmember	Michael Guerriero	****	****0093	6	1/1/2012- 12/31/15	N	11.08	

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

Five ayes carried.

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

GENERAL

Assessor PS 1355.10 +\$6,182.00

Contingency 1990.40 - \$6,182.00

(To cover payout of benefits for retired Assessor)

Town Hall CE 1620.40 +\$5,000.00

Build & Grnds PS 1630.10 - \$1,000.00

Contingency 1990.40 - \$4,000.00

Central Communications 1650.40 +\$1,000.00

Contingency 1990.40 - \$1,000.00

Signs 3310.40 +\$500.00

Contingency 1990.40 - \$500.00

Police Officer PT PS 3120.11 +\$400.00

ALS walk police reimb 00-2691 - \$400.00

(Reimbursement from ALS Walk for Police coverage)

Events 7550.40 +\$205.00

Donations 00-2705 - \$205.00

(Downtown businesses' donations for Halloween)

ERS Retirement 9010.80 +\$22,662.00

P&F Retirement 9015.80 - \$22,662.00

(Adjust retirement funding)

Medical Ins 9060.80 +\$36,000.00

Contingency 1990.40 - \$36,000.00

HIGHWAY

General Repairs PS 5110.10 +\$10,000.00

Snow Removal PS 5142.10 - \$10,000.00

(Re-allocation of funds)

WATER

Admin CE 8310.40 +\$1,000.00

Source/Supply CE 8320.40 - \$1,000.00

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

Five ayes carried.

I. RESOLUTION made by Brennie, seconded by Litts,

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 8, 2013, 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)

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

Five ayes carried.

- J. MOTION** made by Brennie, seconded by Guerriero, to re-appoint Peter Brooks as Town of Lloyd representative with voting privileges to the Ulster County Planning Board for a four-year term commencing January 1, 2014 through December 31, 2017.
Supervisor commented that Peter Brooks has done a great job in attending the meetings and reporting back to the Planning Board and the Town Board.

Five ayes carried.

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

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; Brennie, aye; Litts, aye; Guerriero, aye; Paladino, aye.

Five ayes carried.

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

WHEREAS, an application has been made to the Town Board of the Town of Lloyd to rezone property comprising +/- 428.53 acres for the development of the Hudson Valley Wine Village Project; and

WHEREAS, the HVWP will comprise single and multifamily residential, resort hotel, commercial office and light industrial uses; and

WHEREAS, applications will be made to the Town Board regarding the sewer and water approvals for the project, including but not limited to, the extension and/or creation of the sewer and water districts as necessary to service the proposed project; and

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

WHEREAS, given that the Town Board must determine whether and how to rezone the property, it would be most appropriate for the Town Board to assume SEQRA lead agency status; and

WHEREAS, the Applicant has requested that it be directed to prepare a Generic Environmental Impact Statement; and

WHEREAS, the Town Board declared its intent to be SEQRA Lead Agency for the review of the Proposed Action, a Type I action pursuant to SEQRA and undertook the necessary steps to coordinate with all involved agencies as required by SEQRA including circulating the notice of intent to act as lead agency to all involved agencies; and

WHEREAS, all the involved agencies either consented to the Town Board becoming lead agency or failed to respond within the thirty day timeframe provided for in SEQRA; and

WHEREAS, the Town Board resolved to be SEQRA lead agency and issued a positive declaration of environmental significance requiring the Applicant to prepare a Generic Environmental Impact Statement; and

WHEREAS, the Applicant has provided a draft scoping document for the GEIS; and

WHEREAS, the Town Board held a duly noticed public scoping meeting and accepted comments on the scope until October 28, 2011; and

WHEREAS, the Town Board referred the draft scope to the Town Planning Board and Town Zoning Board, as well as the involved agencies for comments on the scope; and

WHEREAS, the applicant revised the Final Scope as directed by the Town Board and the Final Scope was accepted by the Town Board as meeting the requirements of 6 NYCRR Section 617.8 at its meeting in December 2011; and

WHEREAS, the applicant has prepared a preliminary Draft Generic Environmental Impact Statement (DGEIS) and the preliminary DGEIS has been reviewed by the Town Board as lead agency and by its consulting engineers; and

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby determines that the preliminary DGEIS is not complete and sufficient for public review because the preliminary DGEIS did not meet all the requirements set forth in the Final Scope. The Town Board directs that the deficiencies identified be addressed and that the DGEIS be resubmitted for review. A copy of this resolution shall be filed with the Town Clerk and provided to the Applicant.

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

Five ayes carried.

M. RESOLUTION made by Litts, seconded by Brennie,

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.

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

Five ayes carried.

N. RESOLUTION made by Litts, seconded by Brennie, to approve the license agreement with Central Hudson for the for use of the licensed area (a portion of property owned by Central Hudson, tax lot number 88.14-5-36.100 located in the Town of Lloyd) for the Hudson Valley Rail Trail to construct, use and maintain an archway at the entrance of the Hudson Valley Rail Trail at an annual fee of zero dollars and authorize the Supervisor to sign.

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

Five ayes carried.

O. MOTION made by Brennie, seconded by Paladino, to appoint Mary Beth Maio to the Board of Assessment Review for a term commencing October 1, 2013 through September 30, 2018.

Five ayes carried.

P. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, a local law, being proposed as Local Law No. K – 2013, was introduced at this meeting as follows: Local Law No. K – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article IV, Sections 98-13, 98-15 and 98-16, to amend the rates charged for water, to amend the “Billing Practice” and to add a new Section 98-20 entitled “Fees for meter readings”.

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

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 18th day of December, 2013 at 7:00 p.m.; and it is further

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

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

Paladino asked if the dollar amount has been set.

Murphy said that it is in the local law; he spoke with Ray Jurkowski of Morris Associates, and Jurkowski was going to get together with Adam Litman, Water and Sewer Administrator, which he did. Computations were done, based on the overhead of the Water Plant. Right now it is \$4.25 per thousand gallons; it is being increased to \$4.75 per thousand gallons. The per-gallon charge is .00475-cents because they wanted to prorate it and that is the way that it was being billed anyway, paid for every gallon charged. The non-metered user is \$5.75 per gallon. A section was added for meter readings; for various reasons meter readings are required i.e. when the house is sold or account is changed. A Water Department employee has to go out, do the reading and send a bill out so a charge of \$25.00 was added per additional reading.

Litts asked if that was incorporated in the language of the law itself, which Murphy confirmed. He thought that it would be a Schedule A Table so a separate local law would not have to be enacted.

Murphy said that was discussed at the meeting but that was not the decision. When there is a schedule it gets misplaced, people are not up to date on the schedule but in a local law, it is clear and accessible.

Litts concern is that every time the Town does a local law it costs \$1,200.

Peplow offered that historically it has proved very difficult to pinpoint the changes in a schedule. For example, in the case of things that have happened at the Highland Landing Park, if it is not in the law, it is not enforceable. She feels that it is well

worth the money to have it in the law so that there is no confusion or misunderstanding.

Paladino agreed with Litts and feels that a schedule makes more sense.

Murphy said that it is the Board's decision; this has been discussed before. When it was discussed at the Water/Sewer/Drainage meeting there was not a consensus. Jurkowski got some information to Murphy after he talked with Litman just in the past few days but it is really the Board's decision. It can be said that the rates will be set by resolution. It does cost money every time there is a local law.

Barton said that he maintains the Building Department fee schedule, of which Peplow keeps the master.

Litts posed that each change was of 'such and such a date and hereafter'.

Barton said that the caveat is that there is continuity and there is a master list.

Paladino asked if this resolution precludes doing the schedule versus the law.

Supervisor said that this is for a public hearing.

Litts said that this is to set a public hearing and the public hearing is for that law.

Murphy explained that the public hearing is being scheduled for December so that a law can be passed and effective as of January 1,

Peplow explained what happened in the past and that she has been very fortunate in working with Dave Barton who is very conscious. Even at that, they have worked out a system because at one time they could not tell when a particular fee had been changed; therefore, a plan had to be worked out that every time that there was something changed in that development fee schedule, she makes a copy of the resolution with the date on it and include it. It requires that the person who keeps the records to be accurate. Research had to be done to determine if the right fee was being charged as it has been questioned as to how much the fee is and when it became effective. A fee change as important as the Water and Sewer rates, if it is not in the book, there is a new Water and Sewer Administrator and the Town Clerk is new, there is a problem. Things get lost.

Murphy understands that she and Barton have worked it out; in the past, before Barton, people were charged different amounts for the same applications because there is no continuity. If it is in the book, it is easy for the public and for the administrators. Peplow makes the case that there have been issues. It is a policy decision for the Board.

Paladino still feels that it is not worth the amount of money it will take to change the law. We should be able to keep an appendix and fee schedule. The Board is more attuned to costs in the Water and Sewer Districts and, perhaps, more apt to change it when necessary than has been done in the past.

Murphy said that there were fee changes in 2008 and 2011 but there were years when no changes were made.

Litts felt that it was a long time because there was a plant that did not have capital improvements; \$10-million has been spent in the Sewer Plant and \$4-million will be spent on the Water Plant. That is why the rates have to be adjusted, to cover those costs.

Murphy said that this is a policy decision for the Board, not a legal question; he feels that Peplow makes a good point that in the past there have been issues. Scheduling a public hearing is a concern. This law will have to be substantially reworded to schedule a public hearing on this. In order to schedule a public hearing, it would have to be reworded tonight; he would finalize it tomorrow and give a copy to Peplow. It could be discussed at the W/S/D Committee meeting. They are trying to get it ready for the first quarter water bills. Worst case scenario is that the first quarter might be missed.

Litts suggested that it might be appropriate to go with the law now and think about a schedule for the future. It is \$1,200 each time the book is updated so there are tens of thousands of dollars that we are spending on revisions. If it is done by a schedule rather than the law, we could save that money in the budget.

Paladino felt that there was a collective decision to do a fee schedule versus law.

Supervisor feels that this law has been vetted and would like to move on it tonight and take the schedule under consideration for the future.

Litts would like the schedule reflect the resolution and the effective date for new fees.

Peplow asked where the schedule will be kept.

Murphy replied that it would be given to the Administrator of the Water and Sewer Departments, on the website so that the public would be aware.

Paladino felt that the schedule would go in the back of the code book.

Murphy said that would be the same thing, it would be publishing, and it would have to be sent to Code Publishers. One of the major costs of a local law is the publication of the public hearing and the other is the publication with Code Publishers.

Peplow said that the Town would have to pay for even a schedule in the back of the code book.

Murphy confirmed that there is no doubt that a schedule is less expensive but when the discussion comes up it is always decided to do a local law.

Litts feels that there are responsible people who work for the Town i.e. Peplow, Barton, with experience and that if there was a schedule, they would be responsible to keep it. If, in the future there is a Town Clerk or Building Supervisor who cannot handle reading a schedule, shame on us for appointing those people.

Peplow stressed that the problem is not that they do not know how to read, the problem is that they don't know that it exists or, perhaps, where it is.

Litts said that if the water rates are changed two years from now, it will be done in public, by resolution in the minutes, recorded by film. He believes that is enough of a record and that it will be kept forever.

Murphy said that someone would have to make a motion to reword Section 98-13.

Supervisor asked what the discussion was on this at the W/S/D Committee meeting.

Murphy answered they directed Ray Jurkowski, Morris Associates, to get together with Adam Litman to get the numbers on the overhead and come up with new rates. It was not directed that it would be done by schedule. The meeting was very busy and at the end there was a discussion about the meeting between Litman and Jurkowski for numbers for new rates and recommendation to the Town Board. If it is the Board's pleasure, it could be amended tonight.

Supervisor asked the Board to move on the local law and then consider the fee schedule down the road as there has been a lot of work, time and attorney fees put into this.

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

Four ayes carried.

Q. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, a local law, being proposed as Local Law L – 2013, was introduced at this meeting as follows: Local Law L – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 85, Article X, Sections 85-48 B. (1) and 85-48 B. (3), to amend the rates charged for sewer.

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

NOW, THEREFORE, BE IT RESOLVED that a Public Hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 18th day of December, 2013 at 7:00 p.m.; and it is further

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

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

Litts suggested amending the law at the public hearing.

Murphy advised that would be a substantial change and a new public hearing would have to be scheduled for January. There are two choices: move forward with these laws and then in the future change the rates by schedule or changing the local law tonight and to set by schedule.

Paladino fears that in doing these things, the Board may not do it and in the process spend more money than necessary.

Litts agrees with that statement but the W/S/D Committee needs to have these rates adjusted in January because the money for the Sewer and Water Plants will have to be paid back.

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

Four ayes carried.

R. RESOLUTION made by Brennie, seconded by Litts, to continue to sell Sporting Licenses in the Town Clerk's office and to authorize the Town Clerk as Agent to sign the Agreement with the New York State DEC to continue to use the DECALS automated licensing system.

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

Five ayes carried.

Raphael Diaz congratulated Herb Litts for his election to County Legislature and asked for confirmation that the 2014 Town Board appoints a replacement for Litts; that person is appointed for one year.

Supervisor said that is correct and that person would have to run for the seat in November 2014.

Diaz asked how a candidate would be chosen and if a member of the public could be considered.

Supervisor and Litts said that a letter should be submitted to the Supervisor.

Litts said that the decision could be made at any time; if he resigned prior to tonight's meeting, they could appoint to the vacancy tonight. There has to be a vacancy before an appointment can be made. He said that his term ends on December 31, 2014.

Murphy added that an appointment to fill the vacancy cannot be made until Litts' term ends on December 31 or if he should resign; he cannot hold two public offices.

Guerrero commented that Litts' presence on the Town Board will be missed.

MOTION made by Litts, seconded by Brennie, to adjourn the meeting at 8:29 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk