

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

DECEMBER 7, 2011

Present: Supervisor Raymond Costantino
Councilmember Nancy Hammond
Councilmember Herbert Litts *
Councilmember Jeffrey Paladino

Also present: Sean Murphy Attorney
Wendy Rosinski, Secretary
Rosaria Peplow, Town Clerk

Absent: Councilmember Kevin Brennie

5:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance.

Retiring Councilmember Nancy Hammond addressed the Department Heads and all Town of Lloyd employees; *I want to thank you for working with me the last 20-plus years. Together we have seen many changes in the community. Your dedication, concern and hard work definitely made my job easier. Any success we have achieved, you have worked side by side with me. The incoming Board will have a top team to work with. Please stay safe. It has been my pleasure to know and work with you. Thank you.*

1. REPORTS

A. Assessor – Elaine Rivera

B. Building & Zoning Department – David Barton reported that his department continues to scan documents and he plans to move the four file cabinets that are downstairs to an office in the building department on the second floor within the next few weeks. There were two postponed court cases last month and progress is being made toward resolution. He will discuss proposed fee schedule changes at the appropriate time on the agenda. Zoning map amendments will also be discussed tonight. A successful Tri-Board meeting was recently held and a gateway zone is being considered in the area of Haviland Road/Milton Avenue/Route 9W and Tillson Avenue to help in revitalization. Shari Riley gave a presentation on MS4 and how to manage it on almost no budget at the 2011 Hudson River Watershed Alliance Conference.

Supervisor asked when the catch basins are cleaned.

Barton replied that it is a five-year plan, 20% plan; the summer intern created five sections of the Town, the manholes were mapped by a previous intern. It is the task of the Highway Department to clean them; reports are given from the Highway Department to the Building Department and inspections of the whole system are done every year.

Supervisor asked if they stay clean until the end of the cycle

Barton did not feel that they did stay clean; however, the Highway Department did more than the required 20%. He suggested that I&I issues will have to be addressed on Van Wagner, where the property washed out, the sink hole occurred partly because the pipe was not sealed properly.

He said that in response to the generosity shown by the Town of Poughkeepsie during the recent storms, he is going to allow them to use the scanners in his department; they have received a grant to scan planning and zoning documents but the grant did not cover hardware. They will be able to scan, record to a CD and return to Poughkeepsie with the information.

Supervisor noted that the Town of Poughkeepsie lent generators to Lloyd for almost a month.

Barton then referred to the answer Town Board received from Terresa Bakner, attorney, dated November 30, 2011 regarding the questions raised on cluster development:

Questions Presented

A Town Board member recently asked the following questions regarding cluster development and the Town of Lloyd Code:

1. What authorizes the Town to allow subdivision lots to be clustered thus preserving more open space and combating sprawl?
2. What limitations does NY Town Law Section 278 place on clustering subdivision lots?
3. What does the Town Comprehensive Plan say about clustering?
4. What clustering is allowed by the Town of Lloyd Zoning Code?

Short Answers

1. Section 100-34 of the Town Code, as permitted by NY Town Law Section 278, authorizes the Planning Board to approve cluster subdivisions when they meet the requirements of a Conservation Subdivision.
2. NY Town Law Section 278 requires cluster subdivisions to maintain the density that would have been permitted by a conventional subdivision.
3. The Town Comprehensive Plan encourages clustering.
4. The Town of Lloyd Zoning Code allows clustering in Conservation Subdivisions. Conservation Subdivisions must meet multiple requirements related to density, dimensional standards, open space, and other factors.

Analysis

1. What authorizes the Town to allow subdivision lots to be clustered thus preserving more open space and combating sprawl?

NY Town Law Section 278 provides that a town may, by local law or ordinance, authorize the town planning board to approve a cluster development. NY Town Law § 278. Such a local law or ordinance must comply with the conditions specified in NY Town Law Section 278 (see answer 2 below) and may impose additional requirements for approval of cluster subdivisions. NY Town Law § 278.

The Town of Lloyd has passed such a local law authorizing the Planning Board to approve cluster subdivisions. Town Code § 100-34; see also Town Code §90-6. In addition to complying with the conditions specified by NY Town Law Section 278, Town Code Sections 100-34 and 90-6 impose additional requirements for approval of clustering. Section 100-34 of the Town Code authorizes the Planning Board to allow subdivision lots to be clustered if the subdivision is designed to meet the requirements of a "Conservation Subdivision." Conservation Subdivisions are the only cluster subdivisions permitted by the Town Code. Town Code Sections 100-34 and 90-6 outline specific standards and requirements for Conservation Subdivisions (see answer 4 below).

2. What limitations does NY Town Law Section 278 place on clustering subdivision lots?

Section 278 of the NY Town Law allows a town great flexibility to determine by local law or ordinance the conditions to be placed on its cluster subdivisions. Section 278(3)(b), however, prohibits a cluster development from resulting in more permitted units than could have been permitted if the land were subdivided into

conventional lots conforming to the minimum lot size and density required by the zoning district or districts within which the property is located. Simply put, clustering may not allow more units than a conventional lot layout would allow.

If a plat falls within multiple contiguous districts, “the planning board may approve a cluster development representing the cumulative density as derived from the summing of units allowed in all such districts, and may authorize actual construction to take place in all or any portion of one or more of such districts.” NY Town Law § 278(3)(b). In such a case, it is possible that one district will have more units than would otherwise be allowed, but the neighboring contiguous districts would necessarily have less units so that the total number of units does not exceed the total that would have been allowed in all districts combined.

3. *What does the Town Comprehensive Plan say about clustering?*

The Town Comprehensive Plan strongly encourages clustering as a means to provide for development while preserving open space and the scenic and cultural resources that define the Town’s rural atmosphere and enhance the quality of life. Comprehensive Plan 3.1. The Plan calls for the Town to continue encouraging cluster development and to amend regulations to allow the Town to mandate cluster development when a site involves certain environmental resources. Comprehensive Plan 3.1.1.

The Comprehensive Plan notes that Conservation Subdivisions are a more environmentally friendly form of clustering. The Plan recommends that all cluster subdivision in Lloyd be designed as conservation subdivisions. Comprehensive Plan 3.1.2.

4. *What clustering is allowed by the Town of Lloyd Zoning Code?*

As recommended by the Town Comprehensive Plan, clustering is only allowed by the Town of Lloyd Zoning Code as conservation subdivisions. Town Code § 100-34.

The Planning Board may approve a conservation subdivision upon request of an applicant in order to preserve the natural and scenic qualities of open lands. Town Code § 100-34(B)(1),(4). The Planning Board must mandate a conservation subdivision for lands within the Town’s Agricultural Zoning District. Town Code § 100-34(B)(2). The Planning Board may mandate a conservation subdivision to accommodate natural resources, historic or cultural resources, scenic features, or preservation of neighborhood character. Town Code § 100-34(B)(3)(note: this Code section contains a list of examples of features deemed worthy of conservation).

Pursuant to the Town Code, conservation subdivisions must meet certain requirements. Town Code § 100-34; Town Code §90-6. The requirements relate to density, clustering and open space and are outlined below.

Density

Consistent with state law, the permitted number of dwellings in a conservation subdivision may not exceed the number of units that would be permitted if the land were divided into conventional lots. Town Code § 100-34(C)(1). An applicant must submit a Yield Plan to determine the maximum number of dwellings that would be permitted in a conventional subdivision. Town Code § 100-34(C)(1). An applicant may submit either a formula method yield plan or an engineered yield plan. Town Code § 90-6(D)(1). The formula method yield plan determines the maximum

number of permitted lots by dividing the buildable acreage of the parcel by the minimum lot size for a conventional subdivision in that district. Town Code § 90-6(D)(1)(a). Buildable acreage should be determined in accordance with 100-13(C) of the Zoning Law by subtracting unbuildable natural features and a roadway/drainage allowance from the total acreage of the proposed development parcel. Town Code § 100-13(C). When a plan includes lots in multiple districts, the number of permissible units in each district should be calculated separately, but the units may ultimately be located “in the manner that best fits the character of the land.” Town Code § 100-13(C).

“An engineered yield plan is a conventional subdivision sketch plan which meets all area and bulk standards for the zoning district in which the lot is located and designed so that no waivers or variances of the Town of Lloyd Code would be required.” Town Code § 90-6(D)(1)(b). The yield plan may not unrealistically depict development in areas that are not suitable for residential development and would not ordinarily be permitted in a conventional subdivision. Town Code § 100-34(C)(1); see also Town Code § 90-6(D)(1)(b)(3). Lands subject to flooding or comprised of wetlands, streams or steep slopes should not be considered suitable for residential development for the purpose of this analysis. Town Code § 90-6(D)(1)(b)(3).

Open Space and Dimensional Standards

A conservation subdivision must preserve a minimum of sixty (60) percent of a tract’s gross acreage as open space land. Town Code § 100-34(D)(1). Parking areas and roads are not included in the calculation of the required open space. Town Code § 100-34(D)(1). However, “[a]ctive agricultural land and associated agricultural buildings may be used to meet the minimum required open space land.” Town Code § 90-6(F)(3).

Open space land is a combination of primary conservation areas comprising unbuildable natural features and secondary conservation areas comprising special environmental features of the property. Town Code § 90-6(F)(1); Town Code § 90-6(E)(2)(a). The proposed subdivision should strictly minimize disturbance to primary conservation areas by including them within the open space area to the greatest extent practical. Town Code § 90-6(F)(1). Similarly, “secondary conservation areas [should] be included in the required open space area to the greatest extent practical such that protecting these resources will, in the judgment of the Planning Board, achieve the purposes of [conservation subdivision].” Town Code § 90-6(F)(1). Unless permanently protected by a conservation easement, no portion of a house lot may be considered part of the required open space. Town Code § 90-6(F)(5).

Lot sizes and dimensions, and structure locations may be arranged in conformity with the overall density and open space standards of a conservation subdivision. Town Code § 100-34(D)(2). While there is no minimum lot size, “the Planning Board may consider 8,000 square feet as a guideline for the minimum lot size for subdivisions where central water supply and sanitary sewage disposal facilities exist or are proposed, subject to adjustment according to health and safety considerations.” Town Code § 100-34(D)(2). In an Agricultural Zoning District, the maximum residential lot size is generally ½ acre. Town Code § 100-34(D)(2).

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Permanent Protection of Open Space

A conservation easement or dedication in fee simple to the Town or other government entity must be used to permanently protect open spaces of ten acres or more. Town Code § 100-34(E). A restrictive declaration and notation on the final plat may be used to protect open space of less than ten acres, provided that such deed restriction or plat notation may only be changed with Planning Board Approval, and provided the Planning Board may require that the open space be protected with a conservation easement. Town Code § 100-34(E).

Recreation Needs

The Planning Board may require up to 10% of the total acreage of the conservation subdivision be set aside for recreational use. Town Code § 90-6(G). This set aside is in addition to the required open space and is intended to meet the recreational needs of the residents of the subdivision. Town Code § 90-6(G).

House Lot Standards

House lots in a conservation subdivision may not encroach upon primary conservation areas. Town Code § 90-6(H)(1). Layout of the lots must also respect secondary conservation areas. Town Code § 90-6(H)(1). To the greatest extent practicable, new dwellings must be set back 100 feet from all existing road rights-of-way, 50 feet from all other tract boundaries, 100 to 200 feet from agricultural lands bordering or within the tract, 300 feet from buildings or barnyards housing livestock, and 150 feet from active recreation areas such as courts or playing fields. Town Code § 90-6(H)(2).

Conclusion

NY Town Law Section 278 allows a town to pass a local law granting the town planning board the authority to approve cluster subdivisions. While section 278 imposes a unit density requirement on any such cluster subdivisions, it leaves towns free to impose further restrictions and requirements in their local law.

The Town of Lloyd Town Code has authorized the approval of cluster subdivisions, but only when the subdivision meets the more stringent requirements of a Conservation Subdivision. It requires the permanent protection of at least sixty (60) percent of the subdivision's gross acreage as open space while maintaining the unit density that would have been permitted by a conventional subdivision.

C. Highway – Frank Lombardi

D. Police – Chief David Ackert reported that the Police Department applied for a \$25,000 grant for a police car; it is not a matching funds grant and does not provide equipment for the vehicle.

Chief announced that the PBA and Highland Hose are participating in Toys for Tots, sponsored by the United States Marine Corps; there will be an open house in both departments on December 17, 10 AM to 4 PM.

Hammond asked for an email of the information and she will forward it to her email list and the local Chambers of Commerce.

Chief said that he would like to recognize Sgt. Daniel Waage as Detective Sergeant and noted that he has been a member of the Ulster County URGENT team for several years and oversees Det. Roloson for major investigations.

Supervisor asked if he is a detective with URGENT and if there was a difference in salary.

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Chief answered that Waage is a Town of Lloyd Police Officer with the rank of Sergeant but with URGENT it is all investigative work which is narcotics, drug related and gangs; he believes that Waage is the only officer with the team that does not have the title of Detective or Investigator. There is no difference in salary.

Supervisor suggested that this request is sent to Bill Wallens of Roemer, Wallens & Mineaux, labor attorneys for the Town.

The Town Board concurred on the Chief's request and Supervisor's suggestion.

- E.** Recreation – Frank Alfonso reported that Tony Williams Park is still busy due to the mild weather; however, the Porta Potties will be removed for the season. The 9x15 office inside the new garage is almost complete, which was constructed by volunteers using materials purchased from Lowe's and paid for by Recreation; he and Steve Delmar painted the room. He said that Absolute Lawn Care cleaned up the area around the tennis courts and in the spring it will be grass. Both the basketball and tennis courts will need to be refurbished in the spring so that they do not deteriorate.

Work at Berean Park is progressing; work on the fence was delayed yesterday due to the rain; parking lot has been completed along with the wall by the beach; the playground has been boxed in and mulched; the swale work has been done.

Alfonso said that 110 children have signed up for the Youth Basketball which started on December 3 and will run for 10 weeks. The Wrestling program has begun on Tuesdays. After the Highland High School wrestling team practices, the coach stays with some of the team and teaches the youth program. The Men's and Open Basketball League is held at the Middle School on Tuesday and Thursday evening and will run through February. Youth wrestlers and basketball players receive a t-shirt and gift and the program costs the parent \$25 for each child.

Supervisor said that his office has received a call from Civil Service regarding Steve Delmar as he is working too many hours for his seasonal status. Seasonal status means that he can work for three months be off for three months and then he can work for three months.

Alfonso said that originally Delmar was hired from April 1 to September 1; then programs began to use Tony Williams Park that would last until November 1 and even longer this year because of the nice weather; however, now if he gets five hours a week, it is a lot. The park has to be maintained as it is continuously used past Labor Day.

Wendy Rosinski suggested that a non-competitive part-time position could be created for Delmar.

Supervisor would like to discuss this situation with Alfonso as soon as possible.

- F.** Town Clerk – Rosalie Peplow said that there was nothing new to report.
- G.** Water - Andy Paccione reported that Solomon Plumbing is installing the highly efficient natural gas boiler and that will be completed by Monday. Testing for all of the facilities has been finished for the year. At last month's meeting, he handed out the pamphlet for the NYS Mutual Aid and Assistance Network for water/wastewater providers and Hammond asked that he further investigate. To get into the network, an agreement must be signed and sent to the network administrator. He explained that the network members can borrow from each other.

He said that the pilot study will be completed December 8; the high turbidity is the best condition in which to test. He met with a company representative about micro

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filtration and he feels that it would be cost effective as the present filters at 21 years, are at the end of their lifespan and they are considering upgrading them. Upgrading the system does not have an under-grade system any longer; compressors are used and the coal is aerated, which does a better job of backwashing. The cost to upgrade each filter would be \$150,000. Using the new technology, the filters would not have to be up graded and a building would not have to be added. The footprint for a 2,000,000 gallon a day unit would be the area of one filter. The new technology is much more cost effective as far as the chemicals that have to be used; the raw pumps would not be used as the pressure from the reservoir would be enough to feed this system. He feels that this may be a good way to go; roughly, it would cost \$750,000 for 2,000,000 gallons per day.

Supervisor added that there was discussion of upgrading the plant to save the water for the backwash using microfiltration and a building would have to be added; but one of the trains could be removed from inside and this could be put on the same platform.

Paccione said that another benefit would be that there is very little waste water.

Paladino asked if the company will do a return on investment analysis.

Paccione answered that they will do a study at no charge, no commitment.

Supervisor suggested that this item is placed on the agenda at the next Water and Sewer Committee meeting in January and that Paccione attends the meeting. He recommended that Paccione speaks with Ray Jurkowski, Morris Associates in advance of the meeting.

Hammond suggested that Paccione should ask for references.

Adam Litman, Senior Sewer Plant Operator, added that it is useful if less wastewater needs to be processed at the Sewer Plant.

Supervisor noted that the water-saver toilet program is in effect.

Paccione said that Badger Meter gave a training session on the new water meters; meters are being installed and they will begin to use the transmitters. Chris Sabatelli suggested sending postcards to water customers instead of letters to ask if the Water Department can access their house to install the new meters.

H. Sewer – Adam Litman reported that the construction at the Sewer Plant is progressing and the systems are coming on line and functioning correctly. The contractors on site in November were Ackerman Plumbing, DJ Plumbing and Heating, Rondout Electric, Kingsley Arms and Morris Associates. The electrical upgrade is nearly 60% complete; the new grit building is 90% wired and has heat and lights. The masonry consisting of the buildings and tanks is 90%/95% complete; the tanks are all built, with an 80% completion. Six new piston pumps were received in November, one is installed and the remaining pumps and controls should be completed this month; these pumps will save time and money. The rotating biological contactors (RBC's) are near 80% complete, there are five out of ten in service. The new fence has been installed and three of the four gates are done; the main entry gate, a slider, should be installed this month so there won't be any issues with security. Parking area in the front of the main building has been leveled and has the first stage of binder, ready for blacktopping in the spring. Grades are at 75%, some completed and grass is growing which will help with the mud situation of last year. They are awaiting the completion of the last two primaries, the new digester, the last five RBC's, two secondaries and the installation of the ultra violet systems, a lot

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of which will be happening within the next month or two. There is heat and hot water in the main building and the building is drying out.

Litman said in addition to setting back the construction, the hurricanes also introduced the loss of all the pumps and electrical equipment; this is Kingsley Arms one year anniversary. They had projected being done by now and coming back in the spring to do a little blacktop and clean up.

Paladino asked if Ray Jurkowski has had feedback from FEMA and Litman is not aware of any.

Litts feels that FEMA is waiting to see what the insurance company is going to pay.

Supervisor added that there are three insurance policies: main control building, grit chamber and the rest of the sewer plant; they are sending progress payments of \$25,000 on each policy; \$1-million has been borrowed to carry through.

Litman said in summary that operations are well within compliance and there is now a more normal routine without interruptions.

2. OLD BUSINESS

A. PIM Tillson/Toc - Glen Gadaly, Tom Baird, Pete Christiano of Barton & Loguidice

Tom Baird, Highway Engineer, said there was a public information meeting in October where comments and suggestions were collected; B&L looked at modifications to the plan to satisfy the comments: to obtain as flat a grade as possible into the intersection; a roundabout and concern as to how close the multi-use path would be to the private properties. Modifying the grade at the intersection impacted Tillson Avenue from the top of the hill and the driveways of the houses on the north side of the street, particularly near the second intersection of Smith Terrace. There was a concern about fitting cars in their driveways and using the example of a 20-foot long vehicle, getting packages out of the back could place the resident in the multi-use path if the grade is brought down. He explained that the north side multi-use path will be an 8-foot sidewalk allowing the use of bicycles.

There were concerns for the historic and cultural resources but NYS did not consider these historic. Property owners were willing to let a piece of their property go and relocate a driveway to make room for this roundabout. The new alignment that drops the grade enough so that the roundabout could be entered from Tillson Avenue in a straight approach is a feasible option. Small retaining walls will be required on the properties at the south side of the road. Approaching the roundabout at the end of Tillson will be a stop. Trucks will be able to get through the intersection and will be able to go up on the curbs if necessary. This roundabout will have a unique design on all four corners.

Supervisor asked about the two columns at the end of Ethan Jackman's driveway at 141 Vineyard Avenue that date back to the 1700's and are shown on Jackman's deed; he is concerned that they do not get touched or destroyed.

Baird asked if they could be relocated.

Supervisor felt it would have to be negotiated with Jackman along with an easement.

Peplow said that moving the columns may impact the historical value.

Baird said that they would look at that constraint. He also has designed an oval roundabout to fit the situation, which would also work. His firm has a historic and culture resource consultant who would document the location, photograph and supervise the relocation of the columns to make sure that it is done properly.

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Glen Gadaly said that there are options as to the maintenance of the green areas.

Supervisor asked if Vineyard would be raised.

Baird replied that Vineyard Avenue would be raised 1.5-feet. The new culvert will pass the design storm; the 100-year storm values from DEC will be higher than they were before. The Marchiselli money has been provided for Tillson Avenue; he has received assurance that the rest of the Marchiselli money will come through for Phase II. The traffic volume does not warrant a traffic signal; letters can be written to request a traffic signal and it can be offered as an option.

Paladino asked if the traffic from Mountainside Woods was part of the study on the volume of traffic.

Baird replied that it was.

Mark Reynolds, *Southern Ulster Times*, asked the diameter of the roundabout, retaining wall to retaining wall.

Baird answered that it was approximately 140-feet between retaining walls and the other direction is 150-feet.

Franco Zani asked about trucks and noted that wide loads cannot make the turn at Milton Avenue and Chapel Hill Road is used.

Baird answered that a wide load would not fit through this intersection with a roundabout. If the consensus is to move ahead with the roundabout, the plan will be taken to a slightly higher level detail for the draft design report to NYSDOT for their comments. The cost of the project will probably be available in May 2012; he feels that the roundabout will cost about \$200,000 more than the intersection. He anticipates construction to begin spring 2014 and finish in the fall.

There are approximately 20 properties on Tillson Avenue and Toc Drive that would be impacted by the project and would require temporary easements which includes a title search, appraisal, paperwork, submissions and an acquisition map; he will get estimates from the right-of-way consultant and survey work. This is a bigger project than was originally planned. He feels that this is a really good project and is very excited to see it built.

Paladino asked the process if one property owner does not want to grant an easement and Baird said that there is a condemnation process, which takes one full year.

Supervisor feels that it is imperative to move ahead as the Town still has voting rights for TIP for another 1.5 year and the Town needs to increase the TIP allocation; it is helpful if the Town has a vote.

Gidaly acknowledged that some people do not like roundabouts; this will be the doorway into the Hamlet. The Town is not pressured to make this decision but to keep the process moving.

Baird feels that in using TIP money, it would be advantageous to get a tighter handle with the option of the roundabout, sooner than later; he will work to get a better number if the Town is sure they would like to do this.

Gidaly said that TIP will only speak with a consultant if the Supervisor initiates a phone call or a meeting. He said that there are no other Town has a roundabout in Ulster County and there are those who are attracted to roundabouts and want to experience it. He feels that it is an opportunity for enhancement and beautification.

Supervisor offered to stay on as project manager in order to facilitate the project. He would like them to get prices for the right-of-way issues.

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Paladino suggested that they come to the Workshop meeting on January 4 and suggested that the property owners on the south side of Tillson also come to the meeting. Consensus is to move ahead with the roundabout.

B. PRD Public Hearing

Supervisor stated that the Public Hearing on the proposed Local Law F was held on October 12, 2011.

C. Proposed Zoning Map amendments

Barton said when he presented a list of property owners for Local Law M to the Town Board, two properties were included (Scott and Perilli) as on the old zoning map, a tiny piece of the properties were in the LB zone. Those two properties were pulled from the list. Also, there is a typo on the list that he generated, Chapel Hill/Route 9W and Macks Lane; he wrote LB to R ¼ and it should be LB to 4 ½ as the properties are already built out. The area from Lower Grand to Lumen Lane was to be GB but the SEQRA has not changed. This law is going to be re-circulated.

Sean Murphy confirmed that the SEQRA was carried through even though changes were made; the County said that a new SEQRA should be done and will need to be re-circulated.

Peplow asked for clarification as Ulster County Planning Board is the only agency that requires the SEQRA and asked if there was going to be a public hearing next week on LL M-2011. She suggested the modification could be stated at the public hearing and if there is a major change, there would be another advertisement, public hearing and circulation.

Murphy concurred and said that it has to be sent to UCPB and that is being worked on now for which he will do a resolution.

D. Central Hudson Easements Haviland Road

3. NEW BUSINESS

A. Fee Schedule

David Barton reviewed the proposed changes to the Development Fee Schedule and asked the Town Board to adopt the changes at the December 14 Regular meeting:

Section 3.2 in category add *TND, MUD, other overlay zones as incorporated*

Section 3.2 under FEES add *(50% for Recreation Department, 25% for Rail Trail, 25% for Bob Shepard Highland Landing Park)*

Section 4.4 add *(Planning Board)* after Special Use Permit

Section 4.5 add *MUDs and TNDs*

Section 4.5 under Fees add *to establish escrow in order to cover Town expenses in the review of the rezoning application; replenishment as needed; in addition to escrow to cover cost of SEQR per section 4.8 of this schedule.*

B. Johnson-Iorio Park sign

Supervisor has received sketches of the proposed sign for Johnson-Iorio Park to be placed on the corner of Haviland Road and Route 9W North. He gave the sketches to Paladino so that he may take them to the American Legion meeting for their opinion. . One of the samples has the name of DiLorenzo on it also which was requested by the Commander so that the Legionnaires could make the decision if it should be included.

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All agreed that there are strong opinions in the matter on both sides.

C. Hamlet directional sign

Supervisor added that the directional sign pointing to the Hamlet will be installed December 8 and located at the corner of Haviland Road and Route 9W.

4. MOTIONS AND RESOLUTIONS

Councilmember Paladino left the meeting room.

A. MOTION made by Litts, seconded by Hammond, to close the Public Hearing on Local Law No. F – 2011, a local law to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development at 5:45 PM.

Three ayes carried.

Paladino returned to the meeting.

*Councilmember Litts left the meeting

B. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, Donna M. Finch (“Finch”) owns a certain parcel of land located in the Town of Lloyd at 26 Phillips Avenue, Town of Lloyd, Ulster County, New York, SBL: 88.17-9-1, which land is adjacent to certain lands of the Town; and,

WHEREAS, certain improvements, to wit: a garage, located on the lands of Finch encroach upon the lands of the Town of Lloyd; and,

WHEREAS, said encroachment is a minor encroachment on lands of the Town currently being used as the Hudson Valley Rail Trail, which encroachment does not impede the Town’s or the public’s use of said property for its intended purpose and is unnecessary for the Town’s continued use for said purpose; and,

WHEREAS, the Town and Finch would like to make arrangements to alleviate the encroachment of said improvements upon the lands of the Town by selling and transferring a portion of the lands of the Town to Finch; and,

WHEREAS, the Town has obtained an appraisal letter from Eugene R. Gruner indicating the subject parcel has a value of \$500.00; and,

WHEREAS, Finch has executed a proposed contract containing the terms and conditions of the above-referenced transfer, and the Town Board wishes to approve and authorize said agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The parcel of land referenced in the contract being approved herein is a portion of the property of the Town currently being used as the Hudson Valley Rail Trail, which parcel is unnecessary for the Town’s and the public’s continued use of the remaining lands of the Town as the Hudson Valley Rail Trail.
2. The agreement attached hereto as Exhibit 1, and the same is hereby approved by the Town of Lloyd.
3. This resolution is subject to permissive referendum, and the Town Clerk shall publish a notice in the official newspaper of the Town within ten (10) days after adoption of this resolution containing the information required in Town Law Section 90, which notice shall set forth the date of adoption of the resolution and contain an abstract of such resolution concisely stating the purpose and effect thereof, and that it was adopted subject to permissive referendum.

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4. This resolution is not final and shall not take effect until thirty (30) days after its passage, provided no petition is filed with the Town Clerk pursuant to Town Law Section 91 requesting a special election. If an election is so requested, the resolution shall not take effect until an affirmative vote is rendered by the voters entitled to vote, pursuant to the Town Law.

5. Upon this resolution becoming final and taking effect, the Supervisor is then authorized to sign the agreement on behalf of the Town and duplicate copies of the agreement shall be furnished to David B. Gilbert, Esq., as Attorney for Donna M. Finch. (see attached)

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

Three ayes carried.

C. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS, the Town of Lloyd has previously accepted the bid from Roehrs Construction for the improvements to Berean park

WHEREAS, the Recreation Reserve account has funds available for the Capital Improvement of Berean Park

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

That \$125,000 will be transferred from the Recreation Reserve to the Capital Fund for the Capital Improvements to Berean Park under expenditure account 50-06-7320-40 as requested by Frank Alfonso, Recreation Director.

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

Three ayes carried.

D. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS, the Town of Lloyd has been improving the park at Tony Williams Field, and

WHEREAS, the Recreation Reserve account has funds available for the Capital Improvement of Tony Williams Park,

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: \$1,800 will be transferred from the Recreation Reserve to the Capital Fund for the Capital Improvements to Tony Williams Field under expenditure account 50-06-7310-40 as requested by Frank Alfonso, Recreation Director.

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

Three ayes carried

E. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS, the Town of Lloyd Town Board set up a Retirement reserve on December 30, 2008 with surplus funds in the amount of \$96,357.00

WHEREAS, the sole purpose of this reserve was to offset the future increases in the contribution rate the Town of Lloyd must pay to fund the New York State Retirement fund for its employees

WHEREAS, the contribution to the New York State Retirement System that is due December 15, 2011 is greater than what was budgeted for in 2011

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: \$32,370 will be taken from the retirement reserve and applied to the amount due to the New York State Retirement System.

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

Three ayes carried.

F. RESOLUTION made by Paladino, seconded by Hammond,

WHEREAS funds were borrowed from the General fund and placed in the Capital fund in order to have monies available for the Rail Trail East project PIN 8759.14 before we could be reimbursed

WHEREAS these funds have been reimbursed in part from New York State Department of Transportation to the Capital fund

WHEREAS this project has been completed and is in the process of being reconciled

NOW THEREFORE BE IT RESOLVED the Capital fund will now reimburse part of what is owed to the General fund in the amount of \$84,000.00 while we wait for the remaining funds to be reimbursed.

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

Three ayes carried.

G. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS the CSEA contract provides for a Sick Leave Bank in Section 8.3.4, and

WHEREAS Thomas Marion has requested that 16 hours of his unused sick time be allocated to said sick bank and

WHEREAS Robert Blume has exhausted his sick time due to a serious health condition of a member of his family,

THEREFORE BE IT RESOLVED that the 16 hours of sick leave in the sick bank be allocated to Robert Blume based on the extenuating circumstances of his situation.

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

Three ayes carried.

H. RESOLUTION made by Paladino, seconded by Hammond to approve the following Budget Amendments:

GENERAL

Police Contractual	00-02-3120-40	+\$9,000.00
Police FT PS	00-02-3120-10	-\$4,500.00
Police PT PS	00-02-3120-11	-\$4,500.00
(to cover the expense for a grant SIRCHIE bill \$8,727.00)		

Police Dispatch PS	00-02-3120-14	+\$1,500.00
Police FT PS	00-02-3120-10	-\$1,500.00

Dog Control Officer PS	00-02-3510-10	+\$300.00
Dog Control Officer CE	00-02-3510-40	-\$300.00
(clothing expense paid with payroll)		

Social Services	00-05-6140-40	+\$3,547.74
Contingency	00-01-1990-40	-\$3,547.74
(to cover October, 2011 bill)		

Highway Garage	00-04-5132-40	+\$1,200.00
Sidewalks	00-04-5410-40	-\$1,200.00

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Recreation Contractual	00-06-7310-40	+\$2,085.00
Recreation Mtc PS	00-06-7310-11	-\$ 200.00
Recreation Berean Park PS	00-06-7310-12	-\$ 285.00
Recreation Summer fun PS	00-06-7310-14	-\$1,600.00
(Reallocate funds in Recreation lines)		
Recreation Admin CE	00-06-7020-40	+\$400.00
Recreation Mtc PS	00-06-7310-11	-\$400.00
(Reallocate funds in Recreation lines)		
Transfer St UCRRA	00-07-8260-30	+\$ 465.00
Transfer St CE	00-07-8260-40	+\$2,000.00
Workers Comp	00-08-9040-80	-\$2,465.00
State Retirement	00-08-9010-80	+\$12,405.00
P&F Retirement	00-08-9015-80	-\$12,405.00
HIGHWAY		
General Repairs PS	01-04-5110-10	+\$26,472.00
Unallocated Ins	01-01-1910-40	-\$ 1,704.00
Brush & Weeds PS	01-04-5140-10	-\$ 1,768.00
Snow Removal PS	01-04-5142-10	-\$23,000.00
General Repairs	01-04-5110-40	+\$25,000.00
Dogwood Knoll	01-04-5112-39	-\$25,000.00
WATER		
Supply Power PS	20-07-8320-10	+\$12,000.00
Unexpended Balance	20-770	-\$12,000.00
SEWER		
Sewage Treatment	30-07-8130-20	+\$50.00
Unallocated Ins	30-01-1910-40	-\$50.00
Sewage Collection PS	30-07-8120-10	+\$8,000.00
Sewage Treatment PS	30-07-8130-10	-\$8,000.00

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

Three ayes carried.

I. RESOLUTION made by Hammond, seconded by Paladino,

WHEREAS, on April 12, 2006, the Town Board of the Town of Lloyd (herein called "Town Board" and "Town", respectively), in the County of Ulster, New York, acting on behalf of the Highland Sewer District (herein called "District"), in the Town, held a public hearing and thereafter adopted (i) the Resolution and Order After Public Hearing authorizing the increase and improvement of facilities of the District, consisting of improvements to the waste water treatment and collection system, including, but not limited to, expanding the capacity of the existing waste water treatment plant by approximately 0.5 million gallons per day in order to provide adequate capacity for at least twenty (20) years as well as allowance for potential

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growth and expansion of the District, upgrading the waste water collection system, prevention of flooding caused by roof drains and sump pumps, elimination of inflow and/or infiltration flows and providing any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs (the "Project"); and,

WHEREAS, due to the severity and intensity of Tropical Storms Irene and Lee, the Project suffered damage both as to the portions which had been completed to that date and the portions still under or awaiting reconstruction and/or construction (hereinafter called "Project Damage"), and the cost of undertaking the restoration thereof has been estimated by the Engineer to be \$2,100,000; and,

WHEREAS, the Town has made arrangements to proceed with said restoration of the "Project Damage"; and

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

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Project Damage and restoration thereof at the Highland Sewer District waste water treatment plant consists of replacement, rehabilitation or reconstruction of a structure or facility in kind on the same site and emergency actions that are immediately necessary on a limited and temporary basis for the protection or preservation of life, health, property or natural resources which are Type II actions under SEQRA pursuant to 6NYCRR Sections 617.5(c)(2) and 617.5(c)(33).
2. Due to the nature of the Project Damage and restoration thereof, this is a Type II Action under SEQRA and requires no further determination by the Town Board as to the significance to the environment.

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

Three ayes carried.

MOTION made by Paladino, seconded by Hammond, to adjourn the meeting at 7:21 PM

Three ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk