

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

DECEMBER 14, 2011

Present: Supervisor Raymond Costantino
Councilmember Kevin Brennie
Councilmember Nancy Hammond
Councilmember Herbert Litts, III
Councilmember Jeffrey Paladino

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

Absent: None

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

Ulster County presentation to Rotary Club of Highland

Jane Schunk, President 2011-2012, Highland Rotary Club related that Mary Jo Cipollini came to a Rotary Club meeting and told of her experience in 2002 when she survived a heart attack and it was her desire to help others in the future. Her goal was to place 19 AED's in the Town and the number '19' was chosen to represent the 19 people who did not survive in the same hour in which she was revived. The Highland Rotary Club took the lead on the AED project, which Schunk learned that AED stands for 'automated external defibrillator'. Her research in the past two days was essential for accepting this honor tonight as the current president of the Highland Rotary Club. The initial committee consisted of: Kathy Reeves; Alan Van De Bogart; Steve Laubach; Everton Enriques; Tony Marmo and then-president Rafael Diaz; Kevin Ronk negotiated the purchase. Dr. John Reeves, spouse of Rotarian, Kathy, agreed to act as the club's medical director as prescribed by law that states a licensed medical practitioner must serve as medical director for anyone who purchases an AED.

On November 23, 2011, sometime between 7:00 and 7:30 AM, when the regular Rotary meeting was in progress, a gentlemen who was in the Diner with his spouse for breakfast had an attack and was revived by the use of one of the AED's that was placed in the Gateway Diner. Dr. Steve Auerbach, club member, acted quickly with CPR and the AED and revived the gentlemen, John DiValentino, who I am happy to say is here tonight.

Schunk thanked Ulster County Legislature on behalf of the club for the honor bestowed upon the Rotary and said that it is a great club that really practices 'service above self'.

Supervisor introduced County Legislator and Supervisor-elect Paul Hansut

Paul Hansut thanked the Supervisor for the time to interrupt the meeting. He stated that awards are given at the meetings of the Ulster County Legislature in Kingston; however, due to the situation on November 23, it was felt that it would be appropriate to make the award in Highland.

Hansut said that the first award to be given was the Pride of Ulster County presented by the Ulster County Legislature to Dr. Steven Auerbach, "in recognition of your heroic effort, courage and quick thinking to save the life of a patron of the Gateway Diner in Highland, New York, who fell victim to a heart attack on November 23, 2011. Presented this 14th day of December, 2011, signed Frederick J. Wadnola, Chairman, Ulster County Legislature."

Dr. Steven Auerbach remarked that he could not explain how he feels to see John DiValentino at the meeting and that it gave both the DiValentino family and the Auerbach family something extra to be very thankful for at Thanksgiving; it was an extraordinary event. He said that he was the guy who got to operate the AED but it was possible because of the presence of the AED and the assistance of Ben Bragg. He thanked the UC Legislature for the award.

Mary Beth Maio, Ulster County Legislator, also presented a Pride of Ulster County award "to the Highland Rotary Club of Highland, New York, in recognition of your service-above-self commitment and in purchasing 19 AED's for the community, one of which was used in saving the life of a patron of the Gateway Diner in Highland, New York, on November 23, 2011, signed this 14th day of December, 2011, Frederick Wadnola, Chairman, Ulster County Legislature.

Supervisor said that when the 911 call went out the Town of Lloyd Police arrived at the Diner in 2 minutes and Mobile Life arrived in 4 minutes to assist in the emergency.

Scott Woeske, Mobile Life, said that the key is the AED and people trained to use it had the courage to step up and use the device. He would like to see more people trained in CPR and offered his kudos to everyone involved.

Supervisor added that along with the AED project, Ulster County implemented a Heart Safe Community Award in an effort to get towns to train their employees. Franco Zani, Safety Administrator for the Town at the time, helped to set up training to certify 75 people for

12.14.2011

AED and the Town of Lloyd received the gold designation for the Heart Safe Community Award.

John DiValentino thanked the Rotary Club, those present at the Gateway Diner who helped: Dr. Auerbach, Ben Bragg, and the Police. He feels that all of his stars aligned perfectly that morning. He thanked everybody from the bottom of his heart – which is ‘still here’.

Supervisor also thanked Mary Jo Cipollini for calling attention to the need and asking the Rotary to facilitate the AED project.

7:00 PM - Supervisor opened the SEQRA Public Hearing on the Draft Environmental Impact Statement for Mountainside Woods. The subject site consists of 84, 37.4 and 33.2 acres of land, respectively, and is comprised of three tax map parcels in the Town of Lloyd identified on the tax map as section 87.004, block 5, and lot 1.2 (Westport; SBL 87.004-5-1.2), section 87.004, block 3, and lot 14 (Ledgewood; SBL 87.004-3-14), and section 87.004, block 5, and lot 2 (Trailside; SBL 87.004-5-2). Public comments will be accepted in writing by the Town Clerk until December 31, 2011.

STATE OF NEW YORK : COUNTY OF ULSTER
TOWN OF LLOYD TOWN BOARD

In the Matter of
MOUNTAINSIDE WOODS SUBDIVISION

Hilltop Lane and Vista Drive

PUBLIC HEARING

Date: December 14, 2011

Time: 7:18 p.m.

Place: Town of Lloyd

Town Hall

12 Church Street

Highland, NY 12528

BOARD MEMBERS: RAYMOND COSTANTINO, Supervisor

HERBERT LITTS, III

NANCY E. HAMMOND

JEFFREY PALADINO

KEVIN BRENNIE

ALSO PRESENT: WILFRED ROHDE, P.E.

TERRESA BAKNER, ESQ.

SEAN MURPHY, ESQ.

ROSARIA PEPLOW, Town Clerk

WENDY ROSINSKI, Secretary

APPLICANT'S REPRESENTATIVE: ROSS WINGLOVITZ

MICHELLE L. CONERO, Stenographer

10 Westview Drive

Wallkill, New York 12589

(845)895-3018

SUPERVISOR COSTANTINO: We're going to take some liberties with tonight's Agenda.

We've got some consultants that have come a long way, and so we're going to start by opening the SEQRA public hearing on the Draft Environmental Impact Statement for Mountainside Woods. I'm going to introduce you to Terresa. She's back here. She's our land use consultant and attorney. Terresa.

MS. BAKNER: Tonight we're going to take public comment on the Draft Environmental Impact Statement for the Mountainside Woods project. Tonight is not your only opportunity to comment. There's a written comment period that is open for a period of time afterwards. In fact, that's open until December 31st. So if you think of something else after you've been here tonight, please feel free to go home, write your comment and send it in to the Town. I believe that the applicant is here tonight and they'd like to make a brief presentation before the public speaks, so I would invite them to come up at this time.

MR. WINGLOVITZ: Good evening. Ross Winglovitz with Engineering Properties. I'm here on behalf of Meadow Creek Development and the Falls at Lloyd who are the sponsors of the project known as Mountainside Woods. Here with me this evening is Jayne Daly, Counsel for the project, and David Weinberg, principal of Meadow Creek Development. This project -- I know she asked for a brief presentation, but this project has been going on for many years, as many of you may or may not know. It originally started in 1994 when 625

12.14.2011

units were approved on this property, and actually not on the entire property but only on the center portion of the property. That application was modified in 2007 to 324 units. An Environmental Impact Statement was prepared for that as well. And then again in 2009 it was modified by the current joint venture partners, Falls at Lloyd and Meadow Creek Development, to a 175-lot subdivision, conservation subdivision with 17 accessory apartments. That was the basis for the document that was prepared this evening, the Draft Environmental Impact Statement which is the subject of the hearing. Through that process the application has been reduced further. Units have been moved from one side of the stream to the east side of the stream, so there's no units on the west side. There were modifications made to the Environmental Impact Statement to reflect that. That was submitted, I think, finally in November for acceptance after a couple of attempts, and that was accepted by the Town as complete, and it's the subject of the hearing this evening. We have a Stenographer with us tonight, so she'll take down any comments that you may have. It's not our policy to respond to the comments at the meeting. What we do is, by SEQRA law, we prepare what is called a Final Environmental Impact Statement, and that is a document that responds to all the public comments, whether they be given orally at this meeting or they be in writing after the meeting. We'll respond to them comment by comment, make any necessary modifications that may result from a comment or provide additional information that may be necessary as a result of a comment. It will come in the form of a Final Environmental Impact Statement that will be submitted to the Board and further reviewed by the Town. So it's kind of where we are tonight in the process and the history of the project. The site itself is located at the end of Toc Drive on what is currently Vista Drive, and will be Vista Drive Extension to Hilltop. This is the three parcels that were originally proposed as three separate projects, and at the aiding of the Town Board the partnership was formed and it was one cohesive project that was proposed for the property. So it was originally three separate projects, duplexes, town homes and senior apartments. That was well over 500 units at that point for the three of them. The town park sits at the south of the project and, as I said, Hilltop Lane, Vista Drive, Toc Drive and Sunnybrook Circle are just to the east of the project. The total site acreage is 153 acres. What we've shown you here in green is the area to be preserved, that is not going to be developed. Of the 153 acres there's 123 1/2 acres that is not going to be developed and will in fact be dedicated to the Town for conservation purposes, passive recreation, whatever the Town decides to do with it. That includes the -- basically it goes up to the top of Illinois Mountain, all the way down to the stream corridor that separates the property, and some lands along the rail trail that will be dedicated to the Town. There is a Federal wetland on site that bisects the property. Originally there was development proposed on both sides of that. Based on modifications from concerns regarding environmental impacts, the site plan was modified to have development only on the east side of the wetland. So the wetland will exist in the entire buffer area. To the east of that wetland will be preserved. As I indicated earlier, the project is 162 lots that are proposed. Primarily they will be three-bedroom residences. There will be some two-bedroom residences. These will be in the form of smaller ranch style homes with master bedrooms downstairs, and there will be a few four-bedroom residences. Primarily three but a mix of twos and fours in there as well. We'll provide a variety of house sizes. Each of the homes have been designed with a garage that is set back from the road. That was one of the concerns regarding aesthetics. That will provide three parking spaces including the garage space as a minimum so that there will be no parking on the streets. There will be sidewalks on both sides of the street where there's residential development. If there's no residential development, it's only going to be on one side of the street. The roads are 26 foot wide. They're going to have mountable curbs, which is a slanted curb, so that in an emergency anybody can pull up onto the grass area adjacent to the roadway, between the edge of the roadway and the sidewalk, if they need to. There will be recreational amenities on site. There is a two-acre passive recreation area proposed. It will be a large meadow area/field area suitable for throwing a Frisbee, playing fetch with your dog and so forth. It's not designed as an active recreation area. In addition, there's an extensive trail system that exists in the area, and this is going to add to that. There will be a trail through the site that will connect the rail trail to the town park, so you'll be able to go directly from the rail trail to the town park and vice versa, and also to the trail system on Illinois Mountain. That will all be constructed within the open space area. There was also a trailhead area proposed as part of that so that the public, if they wanted to get to the trail system, could do it actually on the site itself. Water service to the site. There's existing town water in Hilltop Lane. That will be extended down Vista Drive Extension and connected to Vista Drive. So this will loop the water system, which is very beneficial to water supply in the area. There's plenty of flow and pressure to provide water for the

project, and there is a significant excess capacity in the Town system to provide water for the project. Sewer. There's two connection points for sewer. One is near the intersection of Vista Drive and Sunnybrook Circle and the other is along the rail trail where the sewer main for this area of the Town passes underneath the rail trail. Both of those connection points have capacity and will service the project. Drainage for the site. Drainage has been an area of concern from the Board's perspective and I know from the public's perspective, specifically in the area of Sunnybrook Circle. There's a large watershed area now that flows to Sunnybrook Circle into the stormwater pond on Sunnybrook Circle and down to the rail trail. What the applicant is proposing is that that large area will be cut in half. There's approximately 10 1/2 acres that flow to that area now. That's going to be reduced to around 5 acres of area that flow to that pond. It will significantly reduce the area and therefore the volume of water that goes to that pond, and it will be routed around Sunnybrook Circle into a stormwater management pond along the rail trail. In the other area the stormwater is not affected. Most of the water comes down the mountain into the wetland system and will flow to the north. That will be maintained as it currently is. Traffic. Traffic was also another area of concern for the Town Board. There's been a lot of talk about traffic and a concern about use of Toc Drive. One of the big issues with Toc Drive, as everybody knows, there's one way in and one way out. One of the first things that the applicant did to resolve that problem is provide an inner connection for Vista Drive to connect into Hilltop Drive. So it provides a means of emergency access for anybody in Sunnybrook Circle or Toc Drive to be able to get out in case Toc Drive had been closed, and vice versa for Hilltop, they have another way to get out if their access is limited. That was an important piece of the design. That was something that didn't exist in the previous applications and was provided by the applicants coming together here and working on a solution. Another issue that came up was the capacity of Toc Drive, the number of cars it could handle and the intersection of Vineyard, Toc Drive itself and the speeds on Toc Drive. What the applicant is proposing on Toc Drive is mitigation for speeds and a concern about bus stops in that area. There's speed tables proposed along Toc Drive. What's a speed table? A speed table is a much larger area than a speed bump. You'll come up three inches, have a flat top and then slowly go down. It's not like a parking lot speed bump. That's just to annoy people and keep speed at 5 miles-an-hour. This is something designed to keep speeds at 20 to 25 miles-an-hour. They'll be strategically placed along Toc Drive and a few other areas. Actually, all along, I want to say, Reservoir Road as well just so that traffic calming, which is what it's called in the industry, can be achieved along those areas to keep people from excessive speeds. The traffic capacity issue. There was a traffic study that was done and that analyzed the number of intersections in the Town that may be affected by the project. Specific focus was on Toc Drive and Vineyard Avenue. The applicant has proposed, in conjunction with a Town project that's going on, there's some pictures up here actually, the Town is undertaking an analysis of the Toc Drive/Vineyard Drive intersection, and there's a couple proposed solutions to that. The applicant has proposed to pay his fair share towards the improvements at that intersection. So that will help move that project along to fruition to improve the traffic at the Toc Drive and Vineyard Drive intersection. I think that is all I have as far as giving a general description.

MR. WEINBERG: Can you talk about the visual?

MR. WINGLOVITZ: Internal what it's going to look like?

MR. WEINBERG: Yeah. The street to the sidewalk and the distances.

MR. WINGLOVITZ: This is a rendering that was prepared just to give people a feel for what the visual concept is going to be. It's a community concept. The Town Board and the applicant's vision I think kind of came together here where we're talking about a very tight-knit community concept with porches close to the road and the sidewalk. So the porches will be setback maybe 10 feet from the sidewalk. The idea in the planning industry is that you want to get to know your neighbor nowadays. It's no longer big homes on big lots where you pull into your garage and push your automatic garage door opener and don't see anybody. The idea is to promote interaction now in these communities. So this project has been designed with that in mind, porches close to the road, sidewalks on both sides of the street, narrower streets. Narrow is 26 foot wide, which is pretty wide, with mountable curbs. Street trees placed throughout and low-level lighting throughout. The idea is to provide a community that is much more close knit, much more social interaction. That's the planning concept that is proposed here, and it has been embraced by I think everybody. Anything else you want me to touch on?

MR. WEINBERG: No.

MR. WINGLOVITZ: Our Stenographer is here to answer any questions. We would ask that you get up and identify yourself, your name for the record, and provide your comment. It

12.14.2011

will be taken down and again will be responded to in the FEIS. If there's anything specific that the Board would like us to answer, we'd be glad to. Direct it to us and we'd be glad to do that.

SUPERVISOR COSTANTINO: I'm going to introduce you now to Bill Rohde. He's our own Engineer and he'll act as -- he will be -- not act as. He will be the monitor for tonight's proceeding. When you want to speak, speak loud, tell us your name and where you live.

MR. ROHDE: Good evening, everybody. Can you hear me? Okay. Just to wrap up a little bit of the technical part of it. The notice of completion of the DEIS and notice of the SEQRA hearing was prepared for this project on November 16th. So it's like almost 30 days ago. The public hearing was set in that meeting for tonight, December 14th at 7 p.m. at the Town Hall. There also, the DEIS was declared as being completed and accepted for the proposed action. Comments for the DEIS as received previously are requested to be accepted by the Town Clerk until December 31st of this year. All comments should be in writing and should be addressed to the Town Clerk. All information about this project can be found on the Town of Lloyd website. Just go to townoflloyd.com, click on legal notices, then you've got your Mountainside Woods subdivision. Everything is on there. All the drawings, all the DEIS and everything is on the website. This notice for this public hearing was published on November 24th in New Paltz Times. Proper notification has been made. Everybody knows where the project is located I think, so we won't go into that. I have a few copies of the notice of completion of the Draft and the notice of the SEQRA hearing. It's a two-sided copy. I only brought a few of them. I'll leave them up here in case somebody wants to take some, take it home, maybe review it, put your comments in by the 31st. Okay. I ask, as the Supervisor said, that you do not repeat any comments made previously by somebody during this hearing. Please stand, state your name and address, speak clearly, respect one another, and please do not interrupt one another. What's important is that we hear and we understand so it can be documented properly for the documentation of this project. Who would like to go first? Nobody?

MR. PALADINO: I have a comment. Jeff Paladino. Ross or Dave, if you don't mind making a comment in regard to the plan of buildout. I know you've made the explanation in meetings past. Just to let people know that it's not your intention, at least as it's been described, not to build this out at one point in time. There is a phase. If you can explain that a little bit.

MR. WINGLOVITZ: The DEIS does discuss in detail phasing for the project. Obviously we're not going to build 162 units in one year, especially in this economy. It's a projection. That's all we can do at this point. It's a projection that the project will be built out over 5 1/2 years. I think there's four phases currently proposed, starting along Vista Drive and working in either direction.

MR. PALADINO: Thank you.

MR. SMITH: Matt Smith. I was concerned about the cost of redoing the Toc Drive intersection, that we were going to spend a lot of money as taxpayers so that you could build that up there. I'm delighted to hear that you're going to be contributing to the cost of that intersection improvement. Do you know yet how much or that's still to be discussed, --

MR. WEINBERG: To be discussed.

MR. SMITH: -- how much your contribution will be?

MR. WINGLOVITZ: It's currently being negotiated I believe.

MR. SMITH: Okay. I applaud you for that. That's great. Glad to hear it.

MR. ROHDE: Thank you. Yes, ma'am.

MS. PHILLIPS: I'm Mary Phillips, I live in Sunnybrook, I'm a homeowner. My concern I have many, many concerns about this. The primary concern is the potential for another 324 cars on Toc Drive. I'm wondering where is the other egress? Is it on Reservoir Road? Will they hook up with Mountainside Road and then go down Reservoir?

MR. ROHDE: Do you want to answer that again?

SUPERVISOR COSTANTINO: We're not prepared to answer questions. We're just taking questions. Just take the questions. We'll be here all night if they answer the questions. That's a concern of yours, the amount of traffic and secondary egress. Right?

MS. PHILLIPS: That is. And also the proximity to Sunnybrook. From the drawings I think they're very compatible with the way Sunnybrook looks, and Sunnybrook is that kind of a community. We would like it to stay that way. This looks very nice. My concern is also the fact that there will be -- there's a potential for 400 kids. You're talking three and four-bedroom homes. That's a lot of kids. It looks like a whole new school will have to be built in Highland. Those are my concerns. Thank you.

MR. ROHDE: Thank you. Anybody else, please? Yes, ma'am.

12.14.2011

MS. CRAMPTON: I'm Kathleen Crampton. I live in Sunnybrook. I am concerned because there are a number of residences in Sunnybrook which flood right now. So I'm really concerned about the flooding issue. And because Mountainside is up higher, that water would certainly affect us in Sunnybrook.

MR. ROHDE: Thank you. Anybody else, please? (No response.)

MR. ROHDE: Nobody else?

SUPERVISOR COSTANTINO: Somebody, please. Anything?

MR. ROHDE: Going once.

MR. MATTHEWS: Rich Matthews. My question is the way the presentation was presented, is there not going to be any lawn? It looks like it's all concrete or blacktop by the houses.

MR. WINGLOVITZ: There will be lawn areas around each of the houses.

MR. MATTHEWS: Okay. Thank you.

MR. ROHDE: Anybody else, please?

MS. PHILLIPS: I have a question. Is that okay?

MR. ROHDE: You can state the question but you won't get an answer tonight.

MS. PHILLIPS: Okay. I'm wondering if there will be -- right now the catch basin, that is actually our playground in Sunnybrook. I don't think it was meant to be a catch basin for other projects. As it is now, after the last flood, it's not just the houses that flood but the entire lawn in Sunnybrook was a lake, and so was the playground. I'm very concerned about that as well.

MR. ROHDE: Very good. Thank you. I can answer that question for you guys if you give me a call because I designed all that. Okay.

MS. CRAMPTON: So the streets, 26 feet wide, is that what you said? 26. I'm really not sure about -- does that just allow for cars, does that allow for parking? If it doesn't allow for parking, I'm concerned about where parking might be for people coming to visit so many homes also.

MR. ROHDE: Thank you. Anybody else, please?

SUPERVISOR COSTANTINO: We should address the idea of the grass. These are detached, single family. They're not town houses, they're not all attached. Everybody is going to have their own little piece of property and a home. Right?

MR. WEINBERG: That's correct.

MR. ROHDE: Any other comments, please? Yes, sir.

MR. TERSIGNI: I'm Jim Tersigni. I live in Sunnybrook also. You mentioned that the houses are going to be built in phases. I was just wondering, are they going to be built in phases on spec and then you have to find buyers or will there be a buyer for each house as it's being built? Is there the potential for X number of vacant properties standing there that you can't find a buyer for?

MR. PALADINO: It looks like Dave is willing to answer that question for you.

MR. WEINBERG: Based upon our market conditions and the reality of today's world, what we will probably be doing is putting up a model and selling off the model. So when we have a firm contract, we'll go into constructing that particular house. That's why we have some variety between two and three bedrooms and different units. So it's going to be more of a build to suit. In today's world you just can't afford to do spec housing and survive.

MR. ROHDE: Anybody else, please? (No response.)

MR. ROHDE: Mr. Supervisor.

SUPERVISOR COSTANTINO: Okay. Thank you very much. Thank you all for your good questions. I look forward to the answers. If there's no other questions -- right? (No response.)

SUPERVISOR COSTANTINO: Can I have a motion to close the SEQRA public hearing on the Draft Environmental Impact Statement for Mountainside Woods.

MR. BRENNIE: So moved.

MS. HAMMOND: Second.

SUPERVISOR COSTANTINO: All those in favor?

MR. LITTS: Aye.

MS. HAMMOND: Aye.

MR. PALADINO: Aye.

MR. BRENNIE: Aye.

SUPERVISOR COSTANTINO: Aye.

(Time noted: 7:40 p.m.)

CERTIFICATION

I, Michelle Conero, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify that I recorded stenographically the proceedings herein at the time

12.14.2011

and place noted in the heading hereof, and that the foregoing is an accurate and complete transcript of same to the best of my knowledge and belief.

DATED: December 28, 2011

MOTION made by Brennie, seconded by Hammond, to close the public hearing on Mountainside Woods DEIS at 7:40 PM.

Five ayes carried.

7:45 PM – Supervisor opened the Public Hearing on Local Law No. K – 2011, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article IV, Sections 98-13 and 98-15, to amend the rates charges for water.

7:45 PM – Supervisor opened the Public Hearing Local Law No. L – 2011, 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 charges for sewer.

Ray Jurkowski, Morris Associates, said that the Water and Sewer Study Committee routinely takes a look at the water and sewer rates within the Water and Sewer Districts. Upon the initiation of the budgeting process for 2012, information was gathered and the Water and Sewer Committee made recommendations to amend the current rates, which has to do with the actual water usage. The Water and Sewer Districts are considered special districts and only those who benefit from the districts have to pay those fees. It is broken down into components: a tax for any capital improvements and the user charge based on the actual water consumption and water usage of both water and sewer, which is to cover both the operation and maintenance costs for those districts.

The last time that the water rate was raised was 2005 from \$3.50 to \$3.75, per thousand gallons. The last time the sewer rates were raised was 2004 from \$2.60 to \$3.00 per thousand gallons, which is calculated based on the water coming into the sewer facility. Before that, the rates were raised in 2001.

In 2011, the water system produced 187-million gallons, with an operating budget of \$676,875; it cost \$3.61 per gallon to produce the water in 2011. Not all of this water is consumed. There are leaks and miscellaneous use of water for flushing the hydrants and back washing for cleaning the filters. It is projected in 2012, the water system will produce 188-million gallons; the cost to produce would increase to \$3.71 per thousand gallons. The operation and maintenance budget will be \$700,000. The actual meter sales are estimated to be only \$481,600, showing a budget shortfall for operation and maintenance. In the past the property taxes generated by the special districts has offset the budget shortfall. The Water and Sewer Committee does not want that to happen in the future and would like to reduce the gap as much as possible; as there will be some upcoming water projects. The water treatment facility will need to be upgraded to keep up with the proposed standards of disinfecting byproducts. Testing is being done now and several elements and issues have been identified that need to be dealt with at the Water Plant within the next five years. Those who use the most water pay the most and the Water and Sewer Committee has recommended that the water rates are increased 50-cents per thousand gallons, \$4.25, a 13% increase.

Brennie questioned if the rates were comparable to other Water/Sewer Districts in the area.

Jurkowski answered that Chris Sabatelli of the Water Department spoke with other area municipalities and Highland has been below quite a few of those until this increase; even with this increase, Highland remains competitive and even lower than several.

Supervisor explained that beginning January 1, 2012, Water District users will be able to apply for a water saver toilet rebate; \$5,000 has been set aside to fund this program. Toilets can be purchased at Lowe's for \$100.00 and Highland Water District will give a rebate of \$50.00. Revenues will increase \$60,000.00

Jurkowski added that the Water and Sewer Committee is recommending a 50-cent increase in the Sewer rates, bringing the cost to \$3.50 per thousand gallons, a 17% increase. Revenues will increase \$67,150.00.

Jeannine McConnell asked if this increase allow the special district tax rate to remain the same.

Jurkowski and Supervisor replied that they did not have the answer to that.

Supervisor said that if there were no further questions, the Board would like to close the public hearing and adopt the law so it goes into effect January 1, 2012.

MOTION D. and **MOTION E.** closing the public hearings is on the agenda in the RESOLUTIONS section.

RESOLUTION N. and **RESOLUTION O.** were then adopted as noted on the agenda in the RESOLUTIONS section.

7:45 PM – Supervisor opened the Public Hearing on Local Law M -2011, a local law to amend the zoning map of the Town of Lloyd as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town of Lloyd.

Paladino recused himself and left the meeting room.

Sean Murphy, Town Attorney, explained that the notice for this local law was published and subsequently properties on Salk Drive and Mayer Drive which were listed to change from LB to GB and are not going to be changed were taken out of the local law. There are also eleven parcels in the Macks Lane/Route 9W area that were listed as LB to R1/2 and changed from LB to R1/4. Modifications have been made to the law and the SEQR has been revised so it has been determined that the law should be re-circulated so that people are aware of the change. The public hearing will be continued into January so that everyone has an opportunity to review the law and the changes.

Supervisor said that the public hearing will be established for January 11, as noted in RESOLUTION P.

Crystal Hammond noted that 8 and 10 Salk Drive are still on the list she recently received.

Murphy had understood that there were only two to be removed.

C. Hammond said that there were actually four.

Murphy confirmed that they will be changed. He explained that the Town Board and the Planning Board are trying to upgrade the zoning map to reflect the best use of the property.

Litts explained that what typically happens is there is a zone and that is what the Boards feel should go in that zone but there are non-conforming uses and changes to the zone.

C. Hammond asked what the future intention would be if those two properties are changed to GB.

Litts answered that it would remain as a residential piece of property until it is not used as a residence for more than 12 months; it would then revert to the zone it is in.

Terry Scott said that 8 Salk Drive and 10 Salk Drive are new people to the neighborhood and they were upset that the zoning would be reconsidered; as it is upsetting to hear that there is anything being changed about your property without being notified.

Litts was under the impression that certified letters would have gone to each property owner and Scott said that she did not get a letter.

Wendy Rosinski suggested that they should check with the secretary to Planning and Zoning tomorrow, as letters were sent out.

Litts stated that the board would discuss the proposed changes with Dave Barton, Code Enforcement Officer, at the working shop meeting.

Ralph Diaz asked if notices were sent return receipt requested.

Peplow said that certified letters are not required by law and since it is an additional expense she was encouraged to discontinue the practice. She added that the Legal Notices of a Public Hearing and the proposed local law is now placed on the Town's website and anyone who has access to internet can be informed.

8:30 PM – Palladino returned to the meeting room.

1. LIAISON REPORTS

Assessor – Councilmember Litts

Audit – October 1 to December 31 - Councilmember Paladino

Building Department – Supervisor Costantino

Building and Grounds: Supervisor Costantino

Dog Control – Councilmember Brennie

Environmental – Councilmember Hammond

Events – Wendy Rosinski

Grants – Supervisor Costantino

Greater Highland Community Development Committee – Claire Costantino

Highland Fire Districts – Councilmember Paladino

Highland Central School – Councilmember Hammond

Highland Landing – Matt Smith, Project Manager, showed the Board his shirt with the new logo for the park and reported the following:

We are still working on the bid package for the bulkhead/dock/boat launch ramp job. We have everything done now so Ray Jurkowski (Morris Associates) can put the bid package together. The last thing we were waiting for was the test borings. The borings were finished yesterday. They hammer/bored six holes approximately 30-feet deep spaced out along our waterfront. This will tell prospective bidders how, difficult (or easy), it will be to drive the sheet pile. This

12.14.2011

will allow us to get the best possible price for the job; otherwise, the contractors would put in a high number in case they hit rock.

We accepted a proposal from Soils and Materials Testing Corp., from the Albany area, to do the job. The job was quoted at \$4,600.00. I have lowered the price by cutting through the concrete for the three tests on the north half. We will save one day of labor the equipment charge for taking care of the concrete.

The Park Association will be paying for the testing in line with our attempt not to spend any taxpayer money on the Park. Kingsley Arms broke the concrete for us as a donation.

The carpenters and I finished the interior framing in the building last Saturday.

The electric panel is installed, energized and inspected, so we now have power. The electrical work has to be finished, then foamed-in-place insulation is installed.

The picnic tables will be picked up and stored away in one of Ethan Jackman's buildings this weekend. The Boy Scouts will refinish them again. Jeff Paladino, Milton Hardware, donated the finish, brushes and gloves. Thank you, Jeff.

We now have enough gravelly fill for our bulkhead job stored on site; it came from the dredging of the Twaafskill Creek and inlet area. If we had to buy this material, it would be worth \$50,000 to \$75,000, delivered. Lenny Auchmoody has volunteered to screen as much of it as we need for our "Hudson River Sand".

Central Hudson installed our natural gas line and meter two weeks ago.

Chris Erichsen is delivering the HVAC unit this week and placing it in the attic. The system and its components were paid for by a grant (100%) and Chris is going to do the installation as a donation.

The Park Association has just embarked on our Second Annual Fundraiser; the first week we raised \$750.00 in private donations and a \$750.00 corporate donation with another \$750.00 promised early in 2012 from the same company. Thank you to our own Donna Deeprise for organizing these highly successful fundraising campaigns.

Donna Deeprise asked Lenny Auchmoody and Jeff Paladino for the value of what they have donated the amount of which would be used for the in-kind donations.

Supervisor explained that over the last 10 to 15 years, each time there is a storm the Twaafskill deposits silt and sediment to the Hudson River which is the reason for the delta at the north end of the Park. The creek bed has been rising slowly so the creek could not hold all the water and when it filled, it washed over River Road resulting in damage to the Sewer Plant. Part of the mitigation for future storms, he asked Bill Rohde looks at it and makes sure that the creek bed is dredged 1000-feet back with the stipulation that the dredged fill goes to the Bob Shepard Highland Landing Park to backfill the sheeting for the bulkhead. This is a huge windfall for the Park but it is also paid for by FEMA and SEMA to mitigate the storm damage.

Highway

Historian – Liz Alfonso submitted the following November report:

We are in the process of categorizing the Postcard Collection of the Town of Lloyd and have purchased file boxes for this purpose.

The office has been busy answering inquires of emails and correspondence regarding families of and buildings in the Town of Lloyd.

We have also put the collection of yearbooks in order from Highland High School, 1909 though 1980. An interesting note: we do not have any yearbooks from 1980 on; the High School has been contacted to see if they have any extra books on file.

Congratulations to Paul Hansut, Michael Guerriero and Herbert Litts on their recent elections.

I wish to thank Supervisor Costantino for appointing me to the position of Town Historian; it has been most fulfilling. Thank you also to Nancy Hammond for the many years she has served our community and the Town Board.

I would also like to thank Gail Russell, Grace Marie Phillips and Rita Downing for all of their help as volunteers in the Historical Museum.

Expenses: U. C. Railroads/Glenn Moffett	\$22.00
Gaylord Bros., Inc.	<u>74.06</u>
	\$96.06

Wishing all a Merry Christmas and a Happy, Healthy, New Year!

Hudson Valley Rail Trail – Supervisor Costantino

Justice – Councilmember Hammond

Lights – Councilmember Brennie

Planning Board – Councilmember Paladino

Police – Councilmember Hammond

Personnel – Councilmember Brennie

Recreation - Councilmember Brennie

Shared Services – Councilmember Paladino

Water and Sewer – Councilmember Litts

Transfer Station/Recycling - Supervisor Costantino

Zoning Board of Appeals – Councilmember Litts

2. OLD BUSINESS

A. Rail Trail West PIN 8780.22 re-scoping

Supervisor wanted to discuss what could actually be done with the money that the Town has; there is a grant in the amount of \$1.9-million, the local share is 20%.

Ted Kolankowski, Barton & Loguidice, explained that this project is an extension of the existing Rail Trail from Tony Williams Park to the Town line at South Street. The extension was divided into three segments, which he indicated on a map. In the process of drafting the design report, it was submitted to NYS DOT. Comments have been received from NYSDOT; one of which was the question because of the budget for all three segments of the trail would be \$3.5-million, twice the grant award. Second comment was related to right-of-way and easement acquisitions in the second segment which triggers a long time frame. In light of that, the easiest part of the Trail to build was Segment C. The cost of Segment C is about \$2.3-million and it needs to be pared down to the \$1.9-million and the 20% local match. This will still provide the big items such as the underpass at Riverside Road/Tony Williams, under New Paltz Road and the newly rehabbed bridge, through the segment of the trail where there is the falls and the double underpass structure; at the end of the Town-owned property, transition to New Paltz Road and then transition to the shared use road at Route 299. DOT would like to see some bicycle/pedestrian upgrades at that intersection. Changing the scope without jeopardizing the funding has to be discussed with DOT. He feels that a terminus is needed and he is proposing to do that at the intersection of New Paltz Road and Route 299.

Supervisor noted the 'welcome to Highland' sign at the Hess gas station at Route 299 and New Paltz Road, right pass that would be the interpretive center and the parking lot across from Highland Fire Station II; the Town owns the right of way. The big ticket item is the tunnel on Riverside Road and the rest of the Trail is pretty simple and is a 12-foot wide path of paving. Most of the ballast is still there so the integrity of the rail bed is intact for drainage purposes. The project needs to be scaled down to try to do this with the money that is available.

Kolankowski mentioned another factor is that there are landowners along the Route 299 area who expressed concern about the multi-use path in the right of way in front of their properties. These owners have come back and offered to sell parts of the rail bed behind those properties so that is something that may be programmed into the future.

Supervisor offered that this may be ten years from now, when the economy turns around and the money is available again for projects. He would like to proceed now with this grant money and finish the simplest piece of the project. It would take the Trail to the Route 299 intersection, which would satisfy the requirements for the transportation components.

Claire Costantino, President of Rail Trail Association, related that the consensus of the Rail Trail Association is that they would like Segment C to be the next project.

Jill Indelicato asked how much it would cost the Town.

Supervisor answered that it is a 20% match, which would come out of the Recreation fees.

Indelicato asked how much is in the fund now.

Supervisor answered that he did not have those figures and that after the Rail Trail East project numbers are finalized, the remainder will be transferred to the Rail Trail West project.

Indelicato posed that there might be enough money and there will not be a need to use taxpayer money.

Supervisor said that the intention is to earn the money; for Rail Trail East the whole construction piece and construction inspection was zero local funds. The pre-engineering and pre-design came out of the 80/20 split, which came out of the Recreation fees money. Some of the Recreation money was used to build the parking lot on Haviland Road, some of the Recreation money has already been allocated to the West project to offset the 20%. The Town Board allocated \$100,000 of loan to go into the Capital Fund and tonight the money is going to be loaned back into the General Fund so we can guarantee cash flow for the Town until the end of the year.

This project was initially approved to extend to South Street so this has to be discussed with the DOT who understands that there is no money available. The Town is fortunate to have this grant and the Tillson/Toc grant. The consensus is to look at the project in a different way as the Town owns the right of way and comply with the transportation component of this grant and extend the trail to Route 299.

Archie Fabbiano, owner of Highland Woods on Route 299, has offered to give property for the Rail Trail and is enthusiastic that the park will abut his property which will be a benefit to his residents and increase the value of his property.

Hammond feels that this new avenue must be pursued as there is no other option due to this economy.

Kolankowski will discuss with NYSDOT if the reserved right-of-way money can be moved to the future and make the right of way a separate project from the rest of the Trail.

Hammond asked if he had an idea how they would respond to the requests.

Kolankowski answered that he felt that DOT understands the financial reality of the economic situation and they do not want a region to lose the funds.

Supervisor said that the Rail Trail is a showpiece for the DOT and helps the economics of the community; they want to build the project and not sit on it for ten years.

Raphael Diaz felt that NYSDOT should react well because it is ending on a road.

B. Vineyard Commons Performance Bond

Supervisor said that the Town Board required performance bonds for some of the peripheral work; such as, landscaping and drainage. He noted that some of the trees have died, grass is not growing, some of the lawn has settled and there is ponding. The management company has asked the Town to intercede with J. K. Scanlan Company. The Board would like to engage Bill Rohde and Ray Jurkowski, the Town's engineers, along with the Water and Sewer Departments to go to the site and determine what needs to be finished and finalize the project by repairing anything that is on the punch list. The resolution authorizes these people to inspect the site and estimate the cost and talk with J. K. Scanlan Company who posted the bond. There is over \$25,000 in escrow money also.

Bill Rohde clarified that the resolution is to authorize Ray Jurkowski and himself to do a detailed inspection of all of the components and to give an estimate to the Town attorney to withdraw the money from the bond. He feels that this is a preliminary investigation and will be completed in the spring.

Supervisor referred back to the Hamlet analysis and said that what is needed is a Main Street Grant; the business owners' are not interested in loans. This analysis will set the right path for a grant opportunity in the future. NY Main Street Grant Project gave out \$69-million and he gave examples of the awards. He announced that two new businesses are opening in the Hamlet: a sushi restaurant and a new pub. He thanked Claire Costantino for the efforts of the committee.

Rosinski noted that there is a new gift shop on Main Street.

C. Hudson Valley Wine Village DEIS complete

Terresa Bakner, attorney, explained that there was a scoping session on this project and after the comments are received, the applicant puts together changes to the scope so that the concerns can be addressed at the hearing and to provide a response to show how they are addressing those comments.

Jim Horan, the attorney for the applicant, submitted a letter dated December 7, itemizing all the public scoping comments and changes made to the final scoping document for the Hudson Valley Wine Village project. These changes have been posted on the website. Consultants Barton & Loguidice, Ray Jurkowski, engineer and Sean Murphy, attorney, looked at the changes and they are all satisfied that the comments have been addressed and changes to the scoping document have been made. They are also satisfied that where they did not it was not a substantive issue or a SEQUR issue. The Town Board can ask for the information to be provided but it does not belong in the context of the Generic Environmental Impact Statement. There is a resolution to adopt the final scope; if the scope is all right, the applicant prepares the GEIS and when it is ready it will be submitted to the Town for its review.

Litts noted that there will then be a public hearing on the GEIS.

Bakner concurred and said that it will be first submitted to the Board and if it is acceptable, it will be available for public review, which could be a number of months.

MOTION B. was then adopted in the RESOLUTIONS section of the agenda.

3. NEW BUSINESS

A. Ethics Board Determination

Supervisor said that this is agenda item, RESOLUTION I.

B. Court Clerk

Supervisor said that Judge Elia and Judge Rizzo have requested the appointment of a new court clerk and the resolution to do so is RESOLUTION S. on this agenda.

C. Mobile Life – Scott Woeske, President

Supervisor explained that there is a Town-wide ambulance district with a line on the property tax bill; this contract is \$230,256.00 for one year with a renewal at the same price for the following year. It is on this agenda as it expires at the end of this month.

Scott Woeske said that four years ago at the beginning of the relationship with the Town the company made an analysis to determine where the calls were coming from and at what time of the day the calls were occurring to come up with a plan that would best fit the Town of Lloyd. It was decided that two ambulances during the day and one at night would cover the volume of calls. At various intervals, there are four ambulances in the Town. The call volume is approximately 900 EMS calls go to the County 911 system per year. Health care facilities generate calls but time response is essential to the roadways, residences and businesses. The National target response time is 8 minutes and 59 seconds or less, 90% of the time; Mobile Life has a system in place where any response time over the 8 minutes and 59 seconds is counted by minutes. If there are over 12 late minutes in a month, Mobil Life reimburses the Town at the rate of \$100.00 per late minute. Monthly reports are provided to the Town and the worst report in 1.5 years were 19 late minutes, allowing 12, there were 7 minutes or \$700.00 paid to the Town.

Supervisor said that in negotiating the contract four years ago it was determined that an ambulance cannot leave Highland and be into the northern areas of Lloyd in eight minutes and that a second ambulance was needed out on Route 299.

Woeske noted that an ambulance is based in the Bragg complex on Route 299 between the NYS Trooper barracks and First Care. Another ambulance is actually kept at that site that is not part of the contract but helps provide service to surrounding communities. Because Lloyd is strategically located, Mobile Life can access other communities and the cost to Lloyd is lower.

4. PRIVILEGE OF THE FLOOR

Roberta Taylor, stated that she lives at 22 Grove Street, at the intersection of Commercial Avenue, which she feels is a dangerous corner and asked for a three-way stop sign.

Supervisor acknowledged that he did receive their call at his office and the Police have been asked to patrol along with the temporary installation of the speed detector sign. He will refer the suggestion to Frank Lombardi, Highway Superintendent or the new Highway Superintendent Rich Klotz who would be able to speak with Mark Morano of NYS DOT.

Matt Smith agreed that the curve is very narrow.

5. RESOLUTIONS

A. MOTION made by Litts, seconded by Brennie, to approve the minutes of the Workshop Meeting of November 2, 2011; Regular Meeting of November 9, 2011 and the Special Meeting of November 16, 2011.

Five ayes carried.

B. RESOLUTION made by Paladino, seconded by Hammond,

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 has submitted a Final Scope for consideration by the Town Board having revised the draft scope in accordance with the comments on the scope;

NOW, THEREFORE, BE IT RESOLVED as follows: That the Town Board hereby accepts the Final Scope submitted by the applicant and finds that the same meets the requirements of 6 NYCRR 617.8.

1. The Town Clerk is directed to file a copy of the Final Scope, with (i) the Town Board; (ii) all involved agencies; (iii) all interested agencies (iv) any person who requested a copy; and (v) the Applicant; and to make the same available for public review in accordance with SEQRA.

2. The applicant is directed to prepare a Draft Generic Environmental Impact Statement consistent with the Final Scope and to submit the same for review by the Town Board.

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

Five ayes carried.

C. MOTION made by Brennie, seconded by Hammond, to close the SEQRA Public Hearing on the Draft Environmental Impact Statement for Mountainside Woods. Public comments will be accepted in writing by the Town Clerk up until December 31, 2011 at 7:40PM.

Five ayes carried.

D. MOTION made by Litts, seconded by Paladino, to close the Public Hearing on Local Law No. K – 2011, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article IV, Sections 98-13 and 98-15, to amend the rates charged for water at 7:59 PM.

Five ayes carried.

E. MOTION made by Litts, seconded by Paladino, to close the Public Hearing on the Public Hearing Local Law No. L – 2011, 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 charges for sewer at 7:59 PM.

Five ayes carried.

F. TABLED MOTION to close the Public Hearing on Local Law on Local Law M -2011, a local law to amend the zoning map of the Town of Lloyd as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town.

Five ayes carried.

G. MOTION made by Brennie, seconded by Paladino, to create and adopt Access and Access Denial Policy as recommended by State Auditor.

Five ayes carried.

H. MOTION made by Paladino, seconded by Brennie, to adopt policy that all employees/users of Town owned computer/copier systems must have their own unique username and password. Users must change computer log in passwords every 90 days, as per the recommendation of the State Auditor.

Five ayes carried.

I. MOTION made by Brennie, seconded by Paladino, to create committee to implement the Business Continuity Plan at the recommendation of the State Auditor. Committee should consist of IT person, Town Supervisor and one other member.

Five ayes carried.

J. MOTION made by Paladino, seconded by Litts, to accept the findings of the Ethics Committee dated November 10, 2011.

Supervisor explained that this is the response to a complaint filed by Councilmember Hammond with the Ethics Committee regarding the insurance contract for the Town which was not awarded to the lowest bidder and it was determined that it is not required in the Town of Lloyd to award the contract to the lowest bidder. The complaint was that the successful bidder was allowed to lower its bid after the bid was opened; however, it was the determination of the Ethics Committee that it was not a competitive bid the Town can negotiate with any of the insurance companies responding to the RFP. The comparison chart showed errors in two critical sections and the determination that there were numerous errors in the spread sheet in both the summary and coverage detailed amounts. There were errors on both sides.

He thanked members of the Ethics Committee for their volunteerism.

Roll call: Costantino, abstain; Paladino, aye; Hammond, aye; Litts, aye; Brennie, aye.

Four ayes carried.

K. MOTION made by Litts, seconded by Hammond, to authorize the early closing of the Transfer Station on Saturday, December 24 and Saturday, December 31 at 12 (Noon) and to close the Transfer Station on Christmas Day and New Year's Day.

Five ayes carried.

Councilmember Paladino left the meeting room.

L. RESOLUTION made by Hammond, seconded by Litts,

WHEREAS, a local law proposed as Local Law F of 2011, a local law to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development, was introduced at a meeting of the Town Board held on the 14th day of September, 2011 at 7:00 p.m.; and

WHEREAS, a public hearing was opened on the 12th day of October, 2011 at which time all interested persons were given an opportunity to be heard thereon and which public hearing was closed on the 7th day of December, 2011; and,

WHEREAS, this is an Unlisted action under the State Environmental Quality Review Act (SEQRA) and a short form EAF has been prepared on behalf of the Town Board, with the Board assuming lead agency to do all necessary reviews in this matter, and the Town Board having examined the short form EAF and considered the environmental effects of this amendment to Chapter 100 and finds, as lead agency, that there is no environmental impact, hereby issuing its Declaration of Non-Significance.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Board finds that there is no significant environmental impact under SEQRA and declares a negative declaration on this local law to establish sections of Chapter 100 of the Town Code for regulations for a Planned Residential Development.

2. The proposed local law is attached hereto as Exhibit "A" and the same is hereby approved and enacted by the Town Board and shall be effective as set forth therein.

3. The Town Clerk and Town Attorney shall certify and file the local law with the Secretary of State and General Code Publishers in the form as attached hereto. (See Attached)

Roll call: Costantino, aye; Hammond, aye; Litts, aye; Brennie, aye.

Four ayes carried.

Councilmember Paladino returned to the meeting room.

M. RESOLUTION made by Brennie, seconded by Hammond,

WHEREAS, residents of the Town occasionally desire to make claims to the Town for a variety of damages allegedly sustained by negligence or malfeasance by or on behalf of the Town; and,

WHEREAS, the Town's insurance carrier has advised that any such claims shall not be considered unless a proper "Notice of Claim" form has been filed and served pursuant to the provisions of Section 50-e of the General Municipal Law; and,

WHEREAS, numerous residents have requested that the Town provide them with a form that may be used for this purpose; and,

WHEREAS, the Town's Attorney has prepared a form for said purposes and the Town Board wishes to approve said form and authorize the Supervisor's office and Town Clerk's office to distribute said form to residents at their request and to post same on the Town's website.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

12.14.2011

That the Town Board of the Town of Lloyd hereby approves the Notice of Claim form in the form attached hereto as Exhibit "A" and authorizes the Supervisor's office and the Town Clerk's office to distribute same to residents upon their request and to post same on the Town's website.

EXHIBIT A

IN THE MATTER OF THE CLAIM OF: NOTICE OF CLAIM AND vs. NOTICE OF INTENTION TO COMMENCE AN ACTION THEREON THE TOWN OF LLOYD

**TO: TOWN CLERK, Town of Lloyd, New York
SUPERVISOR, Town of Lloyd, New York**

SIRS:

PLEASE TAKE NOTICE, that I, _____,
the undersigned, residing at _____,
home telephone number _____ and work telephone
number _____, make claim against the Town of Lloyd,
New York, pursuant to law in such cases made and provided for injuries and damages
sustained by me as follows:

PLEASE TAKE FURTHER NOTICE, that by reason of the foregoing, in the event of the
failure of the Town of Lloyd to pay me damages within the time limit for compliance
with this demand, I intend to commence an action against the Town on said claim to
recover a money judgment together with interest and costs.

Respectfully yours,

Claimant

Dated: _____

STATE OF NEW YORK)

) ss.:

COUNTY OF)

_____ being duly sworn, deposes and says that
he/she is the claimant herein; that he/she has read the foregoing claim and knows the
contents thereof; that the same is true to the knowledge of deponent, except as to the
matters therein stated to be alleged on information and belief, and as to those matters
he/she believes it to be true.

Claimant

Sworn to this ____ day
of _____, 2011

Notary Public

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

Five ayes carried.

N. RESOLUTION made by Brennie, seconded by Hammond,

WHEREAS, the Town Board, acting as Commissioners of the Highland Water District,
has before it, annexed as Exhibit "A", a contract to sell water out of the Highland
Water District to Benjamin Lombardi, Frank Lombardi and Ann Lombardi, whose
property is adjacent to the Highland Water District, and who wish to have a supply of
municipal water; and,

WHEREAS, the water is available from the water main running along Chapel Hill Road,
adjacent to their property; and,

WHEREAS, the Highland Water District will, pursuant to the terms of the proposed
contract with Benjamin Lombardi, Frank Lombardi and Ann Lombardi, install a
connection to the water main of the Highland Water District; and,

WHEREAS, it is in the public interest to furnish water for which the annexed agreement
was created.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. This is a Type II action involving water and sewer installations and there is no
significant impact on the environment and the Board need not take any further
proceedings under SEQRA.

2. The annexed agreement is approved and the Water District is authorized to hook up the premises of Benjamin Lombardi, Frank Lombardi and Ann Lombardi located at 119 Chapel Hill Road, Highland, New York 12528.
3. The Supervisor is authorized to sign the annexed contract which sets forth the terms and conditions as authorized by the Town Board for the agreement with Out-of-District Users, Benjamin Lombardi, Frank Lombardi and Ann Lombardi. (See Attached)

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

Five ayes carried.

O. RESOLUTION made by Hammond, seconded by Brennie,

WHEREAS, proposed Local Law No. K of 2011, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article III, entitled "Service", and Chapter 98, Article IV, entitled "Rates", to amend the rates charged for water, was introduced at a meeting of the Town Board on the 9th day of November, 2011 at 7:00 p.m. and,

WHEREAS, a public hearing has been held thereon on the 14th day of December, 2011 at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon; and,

WHEREAS, the Town Board of the Town of Lloyd has determined 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.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The said local law is adopted and shall be effective as set forth therein.
2. The Town Clerk and Town Attorney shall certify and file the local law with the Secretary of State and General Code Publishers in the form as attached hereto. (See Attached)

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

Five ayes carried.

P. RESOLUTION made by Paladino, seconded by Brennie,

WHEREAS, a proposed Local Law No. L of 2011, a local law to amend the Code of the Town of Lloyd, Chapter 85, Article X, entitled "Sewer Charges", to amend the rates charged for sewer usage, was introduced at a meeting of the Town Board on the 9th day of November, 2011 at 7:00 p.m. and,

WHEREAS, a public hearing has been held thereon on the 14th day of December, 2011 at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon; and,

WHEREAS, the Town Board of the Town of Lloyd has determined 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.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The said local law is adopted and shall be effective as set forth therein.
2. The Town Clerk and Town Attorney shall certify and file the local law with the Secretary of State and General Code Publishers in the form as attached hereto. (See Attached)

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

Five ayes carried.

Q. RESOLUTION made by Hammond, seconded by Brennie,

WHEREAS, Local Law M of 2011, 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 9th day of November, 2011 at 7:00 p.m.; and

WHEREAS, a public hearing on said law was opened on the 14th day of December, 2011 at 7:00 p.m.; and

WHEREAS, at said public hearing the Town Board was informed that, subsequent to the scheduling of the public hearing, the publishing and posting of the requisite notices, and circulation of the proposed local law pursuant to the Town of Lloyd Code and the New York State General Municipal Law, there have been certain revisions to the local law, as follows:

1. The parcels listed on the proposed local law as 6 Salk Drive, S-B-L 95.12-3-19, Logan Anderson Scott, and 77 Mayer Drive, S-B-L 95.12-3-20, Vincent Perilli, and designated in said proposed local law to change from LB to GB, have been deleted and removed from the revised proposed local law.

2. Eleven parcels which were contained in the proposed local law and designated to change from LB to R1/4 are listed in the revised local law and designated to be changed from LB to R1/2; and

WHEREAS, the Town Board is desirous of keeping the public hearing open and republishing, noticing and circulating the revised local law with the changes as set forth above; and

WHEREAS, this is a Type I action under SEQRA, and the Town Board has previously designated itself as lead agency to conduct all necessary reviews in this matter; and

WHEREAS, a revised Part 1 and Part 2 of a full Environmental Assessment Form has been prepared on behalf of the Town, and the Town Board having examined the EAF and considered the environmental effects of this amendment to the zoning map of the Town of Lloyd, and finds as lead agency that there is no environmental impact, hereby issuing its declaration of non-significance.

NOW, THEREFORE, BE IT RESOLVED that the public hearing on Local Law M of 2011 will be continued on the 11th day of January, 2012 at 7:00 p.m.,

AND IT IS FURTHER RESOLVED that the Town Clerk is directed to publish and post a notice of the continuation of said public hearing setting forth the revisions to the proposed local law and circulate, pursuant to the Town of Lloyd Code and the New York State General Municipal Law, to the Town of Lloyd Planning Board, the Ulster County Planning Board, surrounding towns and any other interested agencies for response prior to the continuation of said public hearing.

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

Five ayes carried.

R. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, the Town of Lloyd is empowered to contract for general ambulance service for all sick or injured persons found within the boundaries of said **TOWN**, and

WHEREAS, the **MOBILE LIFE SUPPORT SERVICES, INC** represents that it is able to supply, render and furnish to the **TOWN**, adequate and efficient ambulance service within said **TOWN**, hereinbefore described, for treatment and transportation of all sick or injured persons found within the boundaries thereof to various hospitals, or other facilities providing hospital services within and outside of said **TOWN**, and

WHEREAS the current contract expires December 31, 2011 and **MOBILE LIFE SUPPORT SERVICES, INC** has presented the Town with a new contract at the same cost as follows;

A. One (1) year contract. The **TOWN** shall maintain an EMS subsidy for the purpose of helping to defray operating expenses that **CONTRACTOR** experiences in providing services to residents of the **TOWN**. The current amount of subsidy provided by the **TOWN** for year number one of this contract period is **\$230,256.00** per year. This amount includes a credit of \$1,000.00 per month by the **CONTRACTOR** to the **TOWN** for the expressed use of the Highland Fire Station #1 to base one (1) of the ambulances provided by the **CONTRACTOR**. **CONTRACTOR** further agrees to pro-rate the Town subsidy on a per-month basis for the actual number of months the contract will be in effect for calendar year 2012. The actual monthly subsidy amount will be **\$19,188.00**. **CONTRACTOR** will have no responsibility to disburse funds from the subsidy for services provided prior to the execution of this Agreement by another EMS Service.

B. Optional Second Year Contract. The parties agree that the annual subsidy amount set forth above is subject to an annual review in the event of changing circumstances, i.e. actual call volumes that fail to meet the stated call volume provided by the **TOWN**; actual call volume in excess of the stated call volume provided by the **TOWN**; or the necessity for the **CONTRACTOR** to increase the amount or levels of service provided due to development in the **TOWN** beyond what the **CONTRACTOR** might reasonably be able to anticipate and handle with the resources specified in this Agreement. This is with the understanding that such increases or decreases in the subsidy will not take effect until the next **TOWN** budget year.

NOW, THEREFORE BE IT RESOLVED, the Town of Lloyd Town Board accepts contract from **MOBILE LIFE SUPPORT SERVICES, INC.** and authorizes Supervisor to sign the contract. (See Attached)

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

Five ayes carried.

S. RESOLUTION made by Hammond, seconded by Brennie,

WHEREAS the Town Board established a Capital Project for the HV Rail Trail West project PIN 8780.22 on March 10, 2011, and

WHEREAS the Town Board partially funded said project with \$100,000 from unexpended balance (00-762) from the General fund on April 6, 2011, and

WHEREAS the General fund is in need of operating funds while we wait for this reimbursement

NOW THEREFORE BE IT RESOLVED that the \$100,000 will be reimbursed to the General fund from the Capital fund from the HV Rail Trail West project until such time that there are 2012 funds available to replenish the \$100,000 back to the Capital Fund for Hudson Valley Rail Trail West.

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

Five ayes carried.

T. RESOLUTION made by Brennie, seconded by Hammond, to appoint Stacey Lopez to the position of Clerk to Justice at an hourly rate of \$15.53 for 37.5 hours weekly upon successfully passing medical examination, with a one year probation effective January 3, 2012 at the recommendation of Judges Terry Elia and Eugene Rizzo.

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

Five ayes carried.

U. RESOLUTION made by Litts, seconded by Brennie,

WHEREAS, an agreement, by and between Vineyard Avenue Development, LLC, a New York LLC, a New York LLC, with offices at 21 Carmel Heights, Wappingers Falls, New York 12590, hereinafter called "**Developer**," and Town Board of the Town of Lloyd, a municipal corporation located in Ulster County, with offices located at Thomas Shay Square, 12 Church Street, Highland, New York 12528, hereinafter called the "**Town**" was made in 2008; and

WHEREAS, Developer had agreed that the construction and installation of the water, sewer and road, environmental and stormwater protection facilities, on site fire protection systems, the driveway sections to the public right-of-way, and landscaping, as described in the "Site Plan Improvement, Recreation, Drainage and Inspection Fee Agreement" between the Developer and the Town dated September 17, 2008 (SBL#95.2-6-2, Job No 06-001-02-V13), was to be constructed and installed pursuant to the final site plan approval for the Town of Lloyd Planning Board and the twenty (20) Civil and architectural site plan drawings prepared by Lawrence J. Paggi, P.E. and Mauri Associates Architects, dated June 16, 2008 through August 15, 2008, and was to be constructed and installed in accordance with the rules, regulations, standards and specifications of the Town of Lloyd, and its Engineers. Developer was to promptly make payment to all persons supplying labor and materials for the same; and

WHEREAS, J.K. Scanlan Company Inc was/is the construction contractor for the Developer and was charged with the construction of the above specified water, sewer and road, environmental and stormwater protection facilities, on site fire protection systems, the driveway sections to the public right-of-way, and landscaping; and

WHEREAS, J.K. Scanlan Company Inc had posted Bond No. SU1036448, dated February 2, 2009, in the amount of Four Hundred Sixteen Thousand Nine Hundred Fifteen Dollars (\$416,915.00) with the Town to faithfully construct the said improvements in a good and workman-like manner and perform the things agreed by it to be done and performed in accordance with the approved plans and specifications; and

WHEREAS, the performance bond for Phase 1 is Thirty Thousand Fifteen Dollars (\$30,015.00) and the performance bond for Phase 2 is Three Hundred Eighty Six Thousand Nine Hundred Dollars (\$386,900); and

WHEREAS, the Developer was permitted to construct buildings, subject to building permits as issued by the Town Building Department except for the asphalt wearing course on the roadways, light poles and fixtures and electrical services, street trees and topsoil and seeding of the site, and after payment of fees; and

WHEREAS, the performance bond is to remain in effect until all site work and building work has been completed in accordance with approved plans; and

WHEREAS, said improvements were not constructed in full compliance with the documents and references enumerated above; and

WHEREAS, a detailed inspection by the Town's Professional Engineers of the constructed works, as specified above, is necessary to document all construction defects, flaws, hazards and non-compliant issues and to develop an accurate cost in US dollars to correct all such construction defects, flaws, hazards and non-compliant issues; and

WHEREAS, said construction cost to correct all construction defects, flaws, hazards and non-compliant issues will have to be from Bond No. SU1036448;

NOW, THEREFORE, in consideration of the above, the Town Board authorizes the following:

- (1) The Town's Professional Engineers, Ray Jurkowski and Wilfred Rohde, are hereby authorized to:
 - (a) Conduct a thorough inspection of the construction and installation of the water, sewer and road, environmental and stormwater protection facilities, on site fire protection systems, the driveway sections to the public right-of-way, and landscaping;
 - (b) List and document all construction defects, flaws, hazards and non-compliant issues; and
 - (c) Develop an accurate cost in US dollars to correct all found construction defects, flaws, hazards and non-compliant issues.
- (2) Upon delivery of the estimated cost to correct the found construction defects, flaws, hazards and non-compliant issues to the Town Attorney, authorize the Town Attorney to obtain from Bond No. SU1036448 all necessary money to correct the work, including payment of all associated engineering and legal fees.
- (3) All such corrective work shall be performed as required under New York State Municipal Law in which plans and specifications shall be prepared and the work shall be set for public bid.

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

Five ayes carried.

V. RESOLUTION made by Brennie, seconded by Costantino, to approve the following updates to the Town of Lloyd Development Fee Schedule:

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.*

Section 7.5 change the fee for Research for Certificate of Occupancy & Violation Search to *\$100.*

Roll call: Costantino, aye; Paladino, abstain; Hammond, aye; Litts, aye; Brennie, aye.

Four ayes carried.

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

General	G1341 to G1490	\$ 90,196.18
Highway	H516 to H563	\$ 48,107.16
Miscellaneous	M385 to M445	\$502,601.71
Prepays	P324 to P356	\$112,513.07
Sewer	S353 to S396	\$ 25,774.48
Water	W430 to W481	\$ 63,166.16

Roll call: Costantino, aye; Paladino, abstain; Hammond, aye; Litts, aye; Brennie, aye.

Four ayes carried.

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

GENERAL FUND

Central Storeroom	00-01-1660-40	+\$1,000.00
Contingency	00-01-1990-40	-\$1,000.00
Police CE	00-02-3120-40	+\$15,000.00
Police FT PS	00-02-3120-10	-\$10,000.00
Police PT PS	00-02-3120-11	-\$ 5,000.00
Highway Superintendent PS	00-04-5010-10	+\$.02
Highway Superintendent CE	00-04-5010-40	-\$.02
Highway Garage	00-04-5132-40	+\$2,000.00

12.14.2011

Engineer/North Road	00-04-5020-31	- \$2,000.00
Recreation Clerical	00-06-7310-10	+\$.12
Recreation SummerFun	00-06-7310-13	- \$.12
Celebrations	00-06-7550-40	+\$2000.00
Contingency	00-01-1990-40	-\$2000.00
Transfer Station PS	00-07-8260-10	+\$ 200.00
UCRRA	00-07-8260-30	+\$8,800.00
Building & Grounds PS	00-01-1630-10	- \$4,000.00
Contingency	00-01-1990-40	- \$5,000.00
Medical Ins BuyOut	00-08-9060-10	+\$2,250.00
Medical Ins	00-08-9060-80	- \$2,250.00
HIGHWAY FUND		
General Repairs PS	01-04-5110-10	+\$27,300.00
Self-Insurance Recovery	01-2683	- \$27,300.00
Brush & Weeds PS	01-04-5140-10	+\$700.00
Snow Removal PS	01-04-5142-10	- \$700.00
WATER FUND		
Source of Supply CE	20-07-8320-40	+\$4,000.00
Medical Ins	20-08-9060-80	- \$4,000.00
SEWER FUND		
Sewage Trmt CE	30-07-8130-40	+\$14,000.00
Sewage Trmt PS	30-07-8130-10	- \$14,000.00

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

Five ayes carried.

Paladino thanked Wendy Rosinski, Events Chair, her committee and the Fire Department for organizing the successful Block Party and Christmas celebration.

Lenny Auchmoody asked to be recognized and thanked the Supervisor, Claire Costantino and Councilmember Nancy Hammond for all they have done through the years for the Town of Lloyd.

MOTION made by Litts, seconded by Brennie to adjourn at 9:55 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk