

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

DECEMBER 16, 2015

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

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

**Absent:** Councilmember Michael Horodyski

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

Supervisor thanked all those who helped decorate the Town for the “Light up the Hamlet” event. He thanked Gerard Lyons for his bucket truck and putting up the lights in the Hamlet and Scott McCord and Baker & Sons for donating the Christmas tree in the village.

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

**Audit** – January 1 to June 30, 2015: Councilmember Horodyski, Councilmember Brennie

July 1 to December 31, 2015: Councilmember Paladino, Councilmember Guerriero

**ECC /Zoning Board** – Councilmember Michael Guerriero

**Highland Central School District** – Councilmember Kevin Brennie

**Planning Board** – Councilmember Mike Horodyski

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

**Water/Sewer/Drainage Committee** – Councilmember Jeff Paladino

There were no reports.

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

No report

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

Smith reported that the park’s progress had been a little slow in the last couple of months in light of his recent illness. The concrete was poured today for the fifty foot cross arm nautical side flagpole where on the top will fly an 8’x12’ US flag. He felt that it will be very impressive to see and have at the park. He thanked Lenny Auchmoody and Hank Behr for their help in pouring the concrete for the flagpole and Dylan Hawkes from Custom Concrete who donated the concrete. It will be at least two weeks before the concrete sets enough to accommodate and set the flagpole. Right around the New Year a flag will be flying in the park. On the west side of the parking lot there is a chain link fence that separates the railroad property from the park; one of our board members took the barbed wire off the top of it. We are in the process of redesigning and landscaping that strip of soil between the railroad property and the fence. We are also putting some river rock on that strip of property. Lenny Auchmoody, Hank Behr, Dave Campala, and Bobby Zammiello all have volunteered their time on this project.

Smith acknowledged all the legal work Sean Murphy has done in respect to a transfer of property that was donated from the Meekins family to the park. He thanked Murphy for all the work he and his office have done for the Town.

Joseph Mazzetti, newly elected councilman, commented on the fantastic job Matt Smith and all the volunteers have been doing at Bob Shepard Highland Landing Park.

## **2. OLD BUSINESS**

- A. Supervisor reported that The Town of Lloyd is accepting letters of interest for open alternate positions on the planning and zoning boards.

Supervisor added that the list of committees is on the Town of Lloyd website. If anyone is interested in serving on a committee please submit a letter of interest by next week because we will be getting the reorganization meeting agenda together at that time. We welcome anyone who is willing to donate their time to help the community.

## **3. NEW BUSINESS**

- A. EDC, Charles Glasner, chair – end of year report

Glasner said he wanted to recognize the great committee members that he works with Peter Brooks, Mikki Meyer, Gary Pregno, Kathy Tallmann, Allan Van de Bogart, and Vivian Wadlin. The EDC committee consists of appointed volunteers who work very hard and diligently throughout the year and are very proud of the work they've done.

### **Glasner reported the following accomplishments in 2015:**

The EDC completed the installation of upgraded signage on Route 9W at the north and south ends of town early in the year. New service organization signs were created and installed. Solar powered lights have been acquired for both signs and will be installed by EDC members soon, weather permitting.

The EDC decided that the previously proposed building improvement contest which would have provided outright grants to owners and/or tenants of commercial property who agreed to improve their properties should be shelved because so many properties had undertaken renovations without the need for such a program.

The EDC held an awards ceremony on November 10<sup>th</sup> to recognize property owners and tenants who had recently made improvements to their properties. The ceremony was held at the former Sawyer Savings Bank, Vineyard Avenue and Main Street, in the center of the Hamlet of Highland and was attended by approximately 75 people. Certificates were awarded to nominees in eight categories including signage, landscaping, new construction and adaptive re-use. Plaques were awarded to the outstanding nominee in each category.

They held several "ribbon cutting" events to honor new businesses such as Il Mercato and Main Street Market and anticipate having several more. We also prepared a "how to" document for ribbon cutting events that can be used by business owners themselves or other groups such as the Highland Business Association or the Chamber of Commerce.

The EDC created and printed an updated color rack card listing places to eat and stay in Town. Only 1,000 copies were ordered so we could judge how popular they are. It will be updated regularly as we anticipate that new venues would open and some existing businesses might close. Almost all the original printing has been distributed and the committee is updating and re-printing the rack cards this month. Several

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EDC members took advantage of the Town's membership in the New Paltz Area Chamber of Commerce and attended meetings to publicize events in the Town of Lloyd.

Several EDC members are members of and have attended most Highland Business Association meetings and the EDC invited Howard Schwartz, an HBA officer, to attend EDC meetings as a liaison to foster good communications between the two groups.

The loose-leaf binder containing information about commercial properties available for sale in the Town of Lloyd was updated twice during 2015.

A press release was written, distributed and appeared in several local newspapers calling attention to the number of new local entities related to education and training, such as the Rose Hill Manor Day Care Center, the World Oyama Karate School and the Tracy Patterson Boxing School. These businesses join existing training venues such as From Stage to Screen, Jacobs Music, Cross Fit, Mike Arteaga's Health and Fitness Center and Gina Marie's Academy of Performing Arts.

Glasner added we made cookies that displayed an edible town seal with the trolley and gave it out at the awards ceremony. A lot of other town's have done the Cats in the Catskills icon. He then passed out the cookies to the Town Board.

Supervisor thanked the EDC for all they have done.

Paladino commented that he has heard many people compliment the EDC on how they have shown appreciation for the businesses in the Town of Lloyd and it is commendable.

Glasner commented that it is part of civic pride in recognizing new businesses in the town. All this positive energy will move the town forward in a constructive way.

Supervisor read a report from the town historian for the months of November and December 2015:

Now that the holiday season is upon us we have not had as many requests for information as previous months. November was rather quiet. We have spent time getting files up to date and reorganizing them as well. We are happy to report that the Civil War artifacts and articles were on display from the Town of Lloyd with a county Civil War display at the Pearson House in Kingston. We are proud to say that these are part of an historical record thanks to Shirley Anson from the Town of Plattekill Historical Society. There is also exciting news that was obtained this week where the Wallkill Valley Land Trust has chosen the Town of Lloyd for their 2016 historic house tour. This will be their fifth annual house tour and there will be six historical homes in the Town of Lloyd that they will be offering tours to later in 2016. The historian said that she also attended the "Light Up the Hamlet" which was a very well attended, fun filled, spiritual event.

Merry Christmas everyone.

Respectively, Elizabeth Alfonso, Town of Lloyd Historian."

Supervisor additionally commented that the Historian's expenses for the exhibit were \$32.98 and commended the historian's office for the wonderful job they do.

Supervisor read a communication from the Highway Department which is also available on the Town of Lloyd webpage which read:

"A reminder to the residents of the Town of Lloyd: With the upcoming winter months with our 10 men and 3 seasonal employees we plow 147 roads, traveling 130 lane miles, we have 9 plow trucks and two small trucks where it takes approximately 3

hours to plow a route at an average of three plowings per storm. Federal law states that after 14 hours of work employees must take a rest period. If the town declares an emergency then the employees may work longer hours with smaller breaks. Some employees have worked over 24 hours in some of our more severe storms. Our employees have always done a good job maintaining our roads and highway personnel deserve recognition for their commitment in keeping our roads clear of snow and we are proud to have them in our employ. Please do not forget there is a temporary town ordinance of no parking on town roads from November 1<sup>st</sup> through April 1<sup>st</sup> from midnight to 7am. Pushing or shoveling of snow into roadways may result in a fine. We ask that everyone drive safe this winter and thank you for your support". – Richard Klotz, Superintendent of Highways

**B. Settlement Day meeting on Tuesday December 29<sup>th</sup> at 1PM.**

Supervisor asked if everyone was available. He added that the swearing in ceremony will be held on January 1<sup>st</sup>, 2016 at 10:00AM at the Community room of the Highland Fire Station, Milton Avenue.

**C. January workshop meeting is cancelled and the re-organizational meeting will be January 6<sup>th</sup> at 6PM.**

He asked that anyone who is interested in serving on a committee to contact his office.

**4. PRIVILEGE OF THE FLOOR**

Miriam Strauss from the Climate Action Coalition in New Paltz spoke about the town's decision in having the Thruway Authority serve as lead agency concerning the assessment of the Pilgrim Pipeline. She wanted to know if the Town of Lloyd could join the Ulster County Association of Supervisors and Mayors in asking that the NYSDEC be the lead agency instead of the NYS Thruway Authority because they have the expertise and there would not be a conflict of interest.

Supervisor commented that the Town of Lloyd adopted the resolution at the last meeting and joined the Ulster County Association of Supervisors and Mayors in asking that the NYSDEC be the lead agency for the pipeline instead of the Thruway Authority. A letter was sent out yesterday with a certified copy of the resolution stating the previous.

Strauss thanked the Town Board for the decision to join the other municipalities in requesting that the NYSDEC be the lead agency.

**5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Paladino, seconded by Brennie to approve the minutes of Special Meeting November 4, 2015 and the Regular Meeting of November 18<sup>th</sup>, 2015

**Four ayes carried.**

**B. Resolution** to authorize the payment of vouchers as audited by the Audit Committee.

General	G865 to G985	\$ 70,819.10
Highway	H465 to H492	\$ 9,350.66
Miscellaneous	M189 to M209	\$ 41,345.36

Prepays	P521 to P574	\$ 42,862.84
Sewer	S301 to S322	\$ 41,345.36
Water	W478 to W527	\$ 29,793.34

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

**Four ayes carried.**

Supervisor asked Sean Murphy to discuss Resolutions C and D.

Murphy stated that the attorney for Verizon had an issue with the late payment fee charges in the contract.

Murphy spoke about how Resolutions C and D both relate to the proposed lease of the water tower that is on Water Tower Road. There are still some issues outstanding with the most recent issue being that the current agreement has a late fee provision. If Verizon is ten days late there would be a \$100.00 late fee plus \$20.00 a day thereafter. He spoke to the supervisor about that they asked if the Town would take that out. Murphy suggested that the Town Board make it 15 days and \$75.00 and \$10.00 a day thereafter which he felt was reasonable. Verizon has not approved that yet and he is waiting to hear back from his contact at Verizon.

Murphy continued that Resolution D relates to Ulster County having an interest in the water tower because when the Town constructed it it was done with a “shovel ready” grant from the County. The County is on the deed with the town so they have an interest in it. The agreement with the County is that they are going to waive any interest for payment pursuant to the lease if the Town grants them the right to put a tower for 911 “emergency”, if they ever deem it necessary. So they are waiving any contribution from the lease agreement.

Supervisor stated that the Town Board will wait for a response and table Resolutions C and D.

### **C. TABLED Resolution**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless have requested that the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, enter into a lease whereby certain wireless antenna be placed on the storage tank located at 21 Water Tower Road within the Town; and

**WHEREAS**, the parties have negotiated a proposed lease for the placement of said wireless antenna and appurtenances on said storage tank; and

**WHEREAS**, the Town Board, as Commissioners of the Highland Water District, wish to approve the lease annexed hereto as Exhibit A.

**NOW, THEREFORE**, it is resolved as follows:

1. The proposed lease between the Town Board, as Commissioners of the Highland Water District, and Cellco Partnership d/b/a Verizon Wireless for a wireless antenna to be placed upon the storage tank located at 21 Water Tower Road within the Town be, and the same hereby is, approved.

2. The Supervisor, on behalf of the Town Board, as Commissioners of the Highland Water District, is authorized to sign the lease and any associated documents.
3. The Town Clerk is to be provided with a duplicate original of the lease when final, along with the associated documents, for filing in the Town Clerk's office, to be available both for public inspection and to record the terms and conditions of the lease for the future.

**D. TABLED Resolution**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless have requested that the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, enter into a lease whereby certain wireless antenna be placed on the storage tank located at 21 Water Tower Road within the Town; and

**WHEREAS**, the parties have negotiated a proposed lease for the placement of said wireless antenna and appurtenances on said storage tank; and

**WHEREAS**, the Town of Lloyd (hereinafter the "Town") and the County of Ulster (hereinafter the "County") hold a joint interest in and to the property and easements and improvements, including the water storage tank, pipes and pumps on the premises, located at 21 Water Tower Road within the Town, and shown as "Parcel B" and "Proposed Road," as shown on a map entitled "9W Property Group, Inc. – Subdivision Plat," and filed in the Ulster County Clerk's office as filed map 07-346, and as granted by the Town to the County by deed dated November 5, 2008, and filed in the Ulster County Clerk's office in Book of Deeds, Volume 4634, at Page 293, bearing Instrument No. 2008-00020085 (hereinafter referred to as the "Parcel"); and

**WHEREAS**, the Town has requested the County agree to the proposed lease between Cellco Partnership d/b/a Verizon Wireless and the Town Board, as Commissioners of the Highland Water District; and

**WHEREAS**, the County seeks the right to erect, construct, assemble and/or maintain communications equipment at the parcel in the event that the County solely determines such need (hereinafter referred to as the "Right"); and

**WHEREAS**, the County has approved an Agreement wherein the Town would provide the County with the Right, and indemnify and hold the County harmless for any and all liability, loss and/or claims arising out of the lease or license agreement with Cellco Partnership d/b/a Verizon Wireless now or in the future in exchange for the County consenting to and waiving any claim or entitlement to the proceeds, compensation or rent in the lease or license agreement between the Town and Cellco Partnership d/b/a Verizon Wireless.

**NOW, THEREFORE**, it is resolved as follows:

1. The proposed Agreement between the County of Ulster and the Town Board of the Town of Lloyd, as Commissioners of the Highland Water District, as set forth

in Schedule A attached hereto and made a part hereof, be, and the same hereby is, approved.

2. The Supervisor, on behalf of the Town Board, as Commissioners of the Highland Water District, is authorized to sign the Agreement and any associated documents.
3. The Town Clerk is to be provided with a duplicate original of the Agreement when final, along with the associated documents, for filing in the Town Clerk's office, to be available both for public inspection and to record the terms and conditions of the Agreement for the future.

Supervisor stated that Resolution E was on the agenda last month and the parties from the property involved were at the Town Board meeting and posed the questions they had to Sean Murphy. There has been a meeting between the parties with Sean Murphy at his office further clarifying the issue.

Murphy concurred that they did have a meeting on December 10th at his office with the owner of the property, Ray Jurkowski from Morris Associates, and Adam Litman, the Water/Sewer Administrator. The owner of the property said he was having trouble getting an excavator to do the work involved. It was suggested that it should not be that difficult as all the surrounding property owners have done it in order to properly hook up to the sewer system. Murphy received a letter from an attorney who indicated that he is representing Mr. Odedra, the property owner, and will be in contact with Murphy once he is back in town. The property owner additionally sent a note to Murphy that he has been in contact with Nick Cappillino, contractor, about doing the work.

Brennie asked how much the work involved was going to cost.

Murphy replied that the property owner quoted him a cost of \$15,000.00, which Ray Jurkowski felt was a little high. He thought the pumps themselves would be \$6,000.00-\$7,000.00. The property owner indicated that getting a contractor to do the work is more of an issue than the cost. Mr. Odedra additionally indicated, although there have been numerous discussions concerning it, it was his understanding that since he has a line on his property that's hooked up to the Town, until it failed that it was really his problem. Murphy said he explained to Mr. Odedra that the Town is on notice that he is improperly hooked up to the sewer system and if there was a leak it would be his problem as well as the Town's.

Paladino asked Murphy if he had been able to show the property owner the notice.

Murphy said that he did not show him the notice rather he told Mr. Odedra that pursuant to Town of Lloyd Code he is obligated to hook up properly. If there is a leak the NYSDEC would fine the Town. Jurkowski advised Murphy that the fine might be as much as \$30,000.00.

Supervisor asked Murphy whether he thought the Town Board should move forward on the resolution to commence action and whether he thought this was the best coverage for the Town.

Murphy said the problem is that if it is not done in the very near future eventually the ground will freeze soon.

Supervisor said the Town Board gave him a month and this has been going on for five years.

Murphy said if the Town Board wanted to authorize him to speak to the property owner’s attorney he could report back to the board.

Supervisor felt that they have spent more than enough time on this and it should be put to a vote.

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

**WHEREAS**, property located at 3497-3499 Route 9W within the Town (SBL 88.13-2-6) is currently improperly hooked up to the Highland Sewer District ; and,

**WHEREAS**, the owner of said premises has been put on notice that they are required, pursuant to the Code of the Town of Lloyd Chapter 85, Section 85-5, to connect the waste disposal facilities located at said premises directly with the proper public sewer in accordance with said Chapter 85; and,

**WHEREAS**, the owner of said premises has failed to proceed with said hook-up in a timely fashion; and,

**WHEREAS**, the Town Board wishes to enforce the provisions of Section 85-5 to ensure compliance with the requirements of the Town’s Code.

**NOW, THEREFORE, BE IT RESOLVED** that the Town’s Attorneys, Di Stasi Moriello & Murphy Law PLLC, are hereby authorized to commence an action in a court of competent jurisdiction, the purpose of which is to require compliance with the Town Code and mandate that the owner of the property located at 3497-3499 Route 9W within the Town (SBL 88.13-2-6) connect the waste disposal facilities located at said premises directly with the proper public sewer in accordance with Chapter 85 of the Town Code, and to request that any applicable penalties be enforced against the owner of said premises by the appropriate court.

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

**Four ayes carried.**

**F. RESOLUTION** made by Paladino, seconded by Brennie to approve the following budget amendments to the 2015 budget:

GENERAL

Justice CE	1110.40	+\$2,200.00
Justice PS	1110.10	-\$2,200.00
Assessor PS	1355.10	+\$950.00
Assessor CE	1355.40	-\$950.00
Town Clerk Deputies PS	1410.30	+\$5,500.00
Attorney (Retirement payout)	1420.40	-\$5,500.00
Engineering	1440.40	+\$9,000.00
Attorney	1420.40	-\$9,000.00

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Town Hall CE	1620.40	+\$3,000.00
Town Hall Capital Improv	1620.50	+\$3,000.00
Contingency	1990.40	-\$6,000.00
Building & Grounds PS	1630.10	+\$1,727.00
Contingency (Vacation buy out)	1990.40	-\$1,727.00
Central Communications	1650.40	+\$3,000.00
Contingency	1990.40	-\$3,000.00
Central Postage	1670.40	+\$1,829.00
Contingency	1990.40	-\$1,829.00
Police Equipment	3120.20	+\$27,294.00
Police FT PS	3120.10	-\$13,647.00
Police PT PS (New Server & bullet proof vests)	3120.11	-\$13,647.00
Parks CE	7110.40	+\$3,000.00
Contingency	1990.40	-\$3,000.00
Transfer Station PS	8260.10	+\$1,700.00
Transfer Station CE	8260.40	-\$1,700.00
HIGHWAY		
General Repairs PS	5110.10	+\$20,000.00
Old Route 44/55	5112.59	-\$13,900.00
Windsor Hill	5112.62	-\$2,943.00
General Repairs CE	5110.40	-\$3,157.00
General Repairs Equip	5110.20	+\$268.00
General Repairs CE	5110.40	-\$268.00
Machinery PS	5130.10	+\$2,700.00
Machinery CE	5130.40	-\$2,700.00
Snow Removal Equip	5142.20	+\$2,219.00
Old Route 44/55 (New sander for truck)	5112.59	-\$2,219.00
Social Security	9030.80	+\$4,100.00
Misc Revenue	01-2680	-\$4,100.00
Medical Ins BuyOut	9060.10	+\$563.00
Workers' Comp	9040.80	-\$563.00

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**WATER**

Administration CE 8310.40 +\$1,000.00

Medical Ins 9060.80 -\$1,000.00

Purification CE 8330.40 +\$5,000.00

Medical Ins 9060.80 -\$5,000.00

**SEWER**

Sewage Collection PS 8120.10 +\$7,700.00

Rents 30-2120 -\$7,700.00

Sewage Trmt & Disp CE 8130.40 +\$18,000.00

Rents 30-2120 -\$18,000.00

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

**Four ayes carried.**

**MOTION** made by Paladino, seconded by Guerriero to adjourn the meeting at 7:30PM.

**Four ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk