

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

DECEMBER 18, 2013

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

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

7:00 PM – Supervisor opened the meeting and led the Pledge of Allegiance. He asked for a moment of silence in memory of State Trooper David Cunniff who was recently killed in a traffic accident on the NYS Thruway.

7:00 PM - Supervisor opened the Public Hearing on Local Law No. K – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article IV, Sections 98-13, 98-15 and 98-16, to amend the rates charged for Water, to amend the “Billing Practice” and to add a new Section 98-20 entitled “Fees for meter readings”.

7:00 PM - Supervisor opened the Public Hearing on Local Law L – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 85, Article X, Sections 85-48 B. (1) and 85-48 B. (3), to amend the rates charged for Sewer.

He asked if there were any questions on the proposed laws. There were no questions.

1. REPORTS – Town Board Liaisons

Assessor – Councilmember Paladino

Audit –January 1 to June 30, 2012: Councilmember Litts Councilmember Brennie

July 1 to December 31, 2012: Councilmember Paladino, Councilmember Guerriero

Building Department – Supervisor Hansut

Dog Control – Councilmember Brennie said that he has nothing new to report.

Environmental – Councilmember Guerriero reported that they will be issuing a newsletter and are looking for ways to fund the mailing costs.

Grants – Supervisor Hansut reported that Governor Andrew Cuomo held a press conference last Wednesday and we did not receive an award for the water extension down Route 9W; Ulster County was hoping for \$90-million and ended up with \$60-million; a list of the successful projects is on their website. He said that he was personally disappointed because it was economic development, created jobs and two towns working cooperatively to extend water down Route 9W. When completed, there would be a development down there creating 1700 jobs. The Town will reapply and keep moving forward.

Highland Fire District – Councilmember Paladino congratulated Steve DiLorenzo who was re-elected as Fire Commissioner. The meeting requested by Chief Peter Miller on Emergency Management for the Town is planned for some time in January.

Supervisor asked him to report on his meeting on the Walkway.

Paladino said that the meeting was last Thursday with Elizabeth Hunt of Walkway over the Hudson and Linda Cooper of NYS Parks and Recreation. They would like to construct a 1600 square foot building on the north side of the entrance to the Walkway at the location of the trailer which would consist of 800 square feet of bathrooms, a 200+/- square foot office for Parks and Recreation and the remainder of the building will be tourist information. They hope to build a deck toward the southeast side of the building to be used for people to view the area and relax. The design plans are to be in by November of 2014 and construction in 2015. He told them that the Town would be willing to help them in any way possible. Central Hudson has been cooperative. There may be other areas on Haviland Road to consider if other buildings are necessary.

Raphael Diaz added that the Town owns property in the vicinity and he understands that Walkway over the Hudson is asking the Hudson Valley Rail Trail to wait to put up the archway that has been planned as an entrance to HVRT.

Paladino said he discussed the archway at the meeting and asked Elizabeth Hunt to contact someone at HVRT. He feels that it will not be a hindrance to the construction although he wanted them to be aware of the plans for the archway.

Highland Central School District – Councilmember Paladino reported that on December 10 there was a vote on the capital improvements to the schools; the turnout was fair

considering the time of the year and the weather; however, the proposal failed. The School Board will begin to discuss options in January.

Mark Reynolds, reporter, asked if the School District intends to scale back the project for the improvements.

Paladino replied that they said that they are going to revisit the plan but he knows nothing in detail; they would like to review the voters' comments. He does not know when and if a new plan would be presented; the School Board will be meeting tonight for the first time since the December 10 vote.

Highway/Transfer Station – Councilmember Guerriero

Historian – Councilmember Guerriero

Justice – Councilmember Litts said that there was nothing new to report.

Lights – Councilmember Brennie said that he has nothing new to report.

Planning Board – Councilmember Guerriero

Police – Supervisor Hansut reported that the Police did another fine job of investigating the grand larceny at Rizzi's Jewelers last month. An individual came in the store and while Mr. Rizzi was distracted, he took several thousand dollars worth of jewelry. This person did the same thing in New Paltz and was arrested while fleeing from the scene. He commended Chief Waage and Lt. Janso for the way they helped Mr. Rizzi who was very upset about the incident.

Recreation – Councilmember Brennie reported that this is the quietest point in the year for Recreation and that the Saturday program has begun. He spoke with Frank Alfonso, Recreation Director, and he is continuing to follow up on the bidding process for the lawn care.

Water, Sewer and Drainage – Councilmember Litts reported that the committee will be presenting a recommendation to the Town Board regarding how the fees are collected and scheduled.

Zoning Board of Appeals – Councilmember Litts said that there was no meeting this month.

REPORT – Claire Costantino, President, Hudson Valley Rail Trail

Raphael Diaz reported that WinterFest, which usually takes place in January, will be held February 8, 11 AM to 2 PM, and is again chaired by Lauriann Marion. There have been many groups asking for permission to use the Rail Trail and the paperwork is handled by Claire Costantino who consults with the Rail Trail Board for their approval. The Rail Trail and the parking lots are plowed after a snowstorm offering a safe place to walk or run in the middle of the winter. Elizabeth Hunt, Walkway over the Hudson, is heading up a Trail Enhancement Coalition for bike/pedestrian safety and courtesy; there are 20 or 30 people on the Coalition. \$30,000 was given to them for this purpose and at the last meeting they had a consultant. The consultant did a Power Point presentation which stressed education, information, which the Rail Trail has been doing, and enforcement, which will be done at some point. The consultant continued to talk about bells, which is both NYS law and Town of Lloyd law; they discussed purchasing bells with the Walkway logo on them.

Paladino said that he and Guerriero attended a meeting at NYS DEC offices in New Paltz regarding the extension of the Rail Trail and the support of Ulster County and New York State for the extension west toward Ashokan.

Diaz said that the HVRT does plan the extension from Tony Williams Park to Route 299 but there are no funds to go any further, however, there are plans to go west on 299, cross over to North Putt Corners and west on DuBois to the New Paltz Rail Trail. That trail runs to Kingston to the north and 15 miles to the south.

Paladino felt this is something that they want to push through and will be discussed in late winter or early spring.

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

Peplow said that Matt Smith called earlier in the day and said that he had a matter that he had to attend to and would not be able to be at the meeting.

2. OLD BUSINESS

A. Nothing to discuss.

3. NEW BUSINESS

A. Date for Settlement Day will be December 30 at 11 AM.

4. PRIVILEGE OF THE FLOOR

Mark Reynolds asked the time and date for the Swearing-in Ceremony.

Supervisor replied that it would be at 11 AM, January 1, 2014, Highland Hose; Steve DiLorenzo will also be sworn in as Highland Fire Commissioner. The Reorganization Meeting will be January 2, 2014, at 5 PM at the Town Hall.

Bob Hebel asked if the school budget vote was open to the public and commented that he went by the High School and there were only three cars in front of the building.

Paladino said that it was a public vote and explained that voting is accessed in the back of the school building.

Supervisor noted that the Restaurant at Vineyard Commons is now open to the public.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Brennie, seconded by Litts, to approve the minutes of the Workshop Meeting of November 6, 2013 and Regular Meeting of November 20, 2013.

Five ayes carried.

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

General	G1108 to G1179	\$ 37,541.76
Highway	H449 to H473	\$ 12,195.66
Miscellaneous	M193 to M208	\$ 94,765.34
Prepays	P400 to P441	\$151,759.35
Sewer	S298 to S312	\$ 5,791.71
Water	W315 to W337	\$ 17,112.99

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

Five ayes carried.

C. MOTION made by Litts, seconded by Brennie, to close the Public Hearing on Local Law No. K – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 98, Article IV, Sections 98-13, 98-15 and 98-16, to amend the rates charged for water, to amend the “Billing Practice” and to add a new Section 98-20 entitled “Fees for meter readings” at 7:19PM.

Five ayes carried.

D. MOTION made by Litts, seconded by Brennie, to close the Public Hearing on Local Law L – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 85, Article X, Sections 85-48 B. (1) and 85-48 B. (3), to amend the rates charged for sewer at 7:19PM.

Five ayes carried.

E. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, a proposed Local Law No. K – 2013, a local law to amend the Code of the Town of Lloyd Chapter 98, Article IV, Sections 98-13, 98-15 and 98-16, to amend the rates charged for water, to amend the “Billing Practice” and to add a new Section 98-20 entitled “Fees for Meter Readings”, was introduced at a meeting of the Town Board held on the 20th day of November, 2013 at 7:00 p.m.; and,

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

WHEREAS, a public hearing has been held thereon on the 18th day of December, 2013 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and,

NOW, THEREFORE, BE IT RESOLVED that Local Law K – 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend the Code of the Town of Lloyd Chapter 98, Article IV, Sections 98-13, 98-15 and 98-16, to amend the rates charged for water, to amend the “Billing Practice” and to add a new Section 98-20 entitled “Fees for Meter Readings”. (See Attached)

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

Five ayes carried.

F. RESOLUTION made by Brennie, seconded by Paladino,

WHEREAS, a proposed Local Law No. L – 2013, a local law to amend the Code of the Town of Lloyd, Chapter 85, Article X, Sections 85-48 B. (1) and 85-48 B. (3), to amend the rates charged for sewer, was introduced at a meeting of the Town Board held on the 20th day of November, 2013 at 7:00 p.m.; and,

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

WHEREAS, a public hearing has been held thereon on the 18th day of December, 2013 at 7:00 p.m., at which time all interested parties were given an opportunity to be heard thereon; and,

NOW, THEREFORE, BE IT RESOLVED that Local Law L – 2013 be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to amend the Code of the Town of Lloyd Chapter 85, Article X, Sections 85-48 B. (1) and 85-48 B. (3), to amend the rates charged for sewer. (See Attached)

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

Five ayes carried.

G. RESOLUTION made by Brennie, seconded by Paladino, to approve the following budget amendments for the 2013 budget:

GENERAL

Supervisor CE	1220.40	+\$500.00
Attorney	1420.40	-\$500.00
Town Hall Equip	1620.20	+\$9,771.00
Assessor	1355.40	-\$2,000.00
Unemployment (Town Hall car purchase)	9050.80	-\$7,771.00
Town Hall CE	1620.40	+\$2,000.00
Attorney	1420.40	-\$2,000.00
Central Data Equip	1680.20	+\$5,000.00
Attorney	1420.40	-\$5,000.00
Dispatcher PS	3120.14	+\$5,000.00
Police Officer PT	3120.11	-\$5,000.00
Dog Control CE	3510.40	+\$2,500.00
Attorney	1420.40	-\$2,500.00
Town Hall Capital Improve	1620.50	+\$6,000.00
Building Dept CE	8010.40	-\$6,000.00
Central Communications	1650.40	+\$2,500.00
Central Data Processing CE	1680.40	-\$2,500.00
Rec Admin CE	7020.40	+\$500.00
Recreation Mtc PS	7310.11	-\$500.00
Parks PS	7110.10	+\$1,000.00
Recreation Mtc PS	7310.11	-\$1,000.00

HIGHWAY

General Repairs PS	5110.10	+\$33,449.00
Workers Comp	9040.80	-\$ 1,693.00
Medical Buy Out	9060.10	-\$ 1,400.00
Snow Removal PS	5142.10	-\$15,000.00
General Repairs CE	5110.40	-\$15,356.00

(Re-allocate funds and to cover vacation buyouts)

WATER

Admin Prof Serv	8310.30	+\$6,000.00
Admin PS	8310.10	-\$6,000.00
Admin CE	8310.40	+\$500.00
Admin PS	8310.10	-\$500.00
Source PS	8320.10	+\$5,550.00
Source CE	8320.40	-\$5,550.00
Transmission /Distrib Eq	8340.20	+\$12,000.00
Purification CE	8330.40	-\$12,000.00

SEWER

Sewage Collection PS	8120.10	+\$6,200.00
Administration PS	8110.10	-\$6,200.00
Sewage Trmt /Disp Equip	8130.20	+\$12,000.00
Sewage Trmt/ Disp CE	8130.40	-\$12,000.00
Medical Ins	9060.80	+\$3,000.00
Social Security	9030.80	-\$3,000.00

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

Five ayes carried.

H. RESOLUTION made by Brennie, seconded by Paladino, to approve Olivia Pacheco as Director of the Winter Youth Basketball program starting at the budgeted rate of \$550.00 starting December 7, 2013, on the recommendation of the Recreation Commission and Frank Alfonso, Director.

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

Five ayes carried.

I. RESOLUTION made by Brennie, seconded by Paladino, to approve Stephen Delmar as Assistant Director of the Winter Youth Basketball program at the budgeted rate of \$275.00, starting December 7, 2013 on the recommendation of the Recreation Commission and Frank Alfonso, Director.

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

Five ayes carried.

J. RESOLUTION made by Brennie, seconded by Paladino, to approve John MacFarlane as Director of the Winter Youth Wrestling program at the budgeted rate of \$275.00, starting December 10, 2013 on the recommendation of the Recreation Commission and Frank Alfonso, Director.

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

Five ayes carried.

K. RESOLUTION made by Brennie, seconded by Litts,

WHEREAS, the Town of Lloyd (the "Town") is proposing to construct an extension to the existing Hudson Valley Rail Trail in the Hamlet of Highland, Town of Lloyd, Ulster County, New York; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, as amended, the New York State Environmental Quality Review Act (SEQRA) and the implementing regulations at 6 NYCRR Part 617 (the "Regulations"), the Town desires to comply with SEQRA and the Regulations with respect to the Project; and

WHEREAS, the Town will send a letter and Part 1 of the short EAF to be sent to other potentially "involved agencies" (as these quoted terms are defined in the Regulations), indicating the Town of Lloyd Town Board's ("Town Board") desire to serve as "Lead Agency" (as this quoted term is defined in the Regulations) for a coordinated review under SEQRA of the Project; and,

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to send out the letter and Part 1 of the short EAF to the other potentially involved agencies.

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

Five ayes carried.

L. MOTION made by Brennie, seconded by Paladino, to accept the resignation of Town Board Councilmember Herbert Litts, III, effective December 31, 2013.

Supervisor read the resignation letter and accepted it with regrets, saying that Herb Litts has always given 100% to the Lloyd taxpayers and to the Town Board; his experience and wisdom will be missed. He thanked Litts for his service and wished him success in his new position as a County Legislator.

Litts said that he felt that he has been coming to the Town Hall for his entire life; he was very surprised when he looked at the dates as to when he started until now and commented that 36 years is a long time.

Peplow said that it has been a pleasure working with Litts on the Town Board and she is appreciative of his dedication to the Town; she felt that he always had a fresh approach to matters before the Board. She said that he will be missed, a sentiment that the Town Board and those present applauded.

Five ayes carried.

M. MOTION made by Brennie, seconded by Paladino, to appoint Michael Horodyski as Town Board Councilmember, effective January 1, 2014.

Guerriero asked how this was determined as he received a letter of interest from Fred Pizzuto and he felt that letter would be submitted and the decision would be made by the Town Board.

Supervisor answered that there were four letters submitted: Fred Pizzuto, Dave Plavchak, Mike Horodyski and Joe Indelicato; there were interviews and the choice was Mike Horodyski. It usually works that it is the decision of the majority of the Town Board.

Guerriero said that he was not there for the interviews and asked who did the interviews.

Supervisor replied that it was the majority of the Town Board at a Republican Committee meeting.

Guerriero noted that it was not the Town Board per se.

Horodyski said that when Litts replaced him on the Town Board he felt that it was a good move and he hopes that to continue the work that he started in 2008. He looks forward to serving and it is his honor.

Litts suggested that all he had to do was ask questions.

Supervisor expressed condolences to Horodyski on the recent passing of his father, Casimir (Frank) Horodyski.

Five ayes carried.

Supervisor noted that the Town Board received letters from Scenic Hudson about the trail maintenance and windmill demolition at Franny Reese State Park. He asked Rich Klotz, Highway Superintendent, if he looked over the plan and if he had any concerns or comments. Scenic Hudson has asked for a reply so that the project can be put out to bid.

Klotz said that his engineer is looking at it and he should have answer soon.

Supervisor said that this will hopefully address some of the drainage issues in the Park. He indicated the new final version of the Highland map and asked everyone to look at it as comments are needed on that as soon as possible. They will be available for display at the Rail Trail kiosks.

Litts commented that it was too bad that the map could not be extended a little farther to the south as there are a lot of U-pick orchards south of Illinois Mountain that would give more exposure to the farms. He suggested an arrow with a note to the U-pick orchards.

Supervisor thanked everyone who participated in Light up the Hamlet last Friday, the Events Committee: Kate Jonietz, Stephanie Fraino, Annemarie Meisel, the Jonietz family; the Downtown Business Association who purchased all of the lights; Autos by Joseph who donated the tree, Phil DiLorenzo who put up the tree and put the lights on; Frank Goes, whose tree greens decorated all of the light posts and were available at the Municipal parking lot for anyone who wanted them; Town of Lloyd Police, PBA, Highland Fire Department; Girl Scouts; Highland Teachers' Association; Highland Interact and Bill Halstead for allowing the use of his building for Santa's Workshop.

Kate Jonietz said that Santa will be in the Highland Fire Department and Lloyd Police Department Parade on Sunday.

Supervisor added that the Highland First Methodist Church did a live Nativity, which was something to see, and the choir sang.

Bob Hebel asked the status of the roundabout on Vineyard Avenue.

Supervisor said that three months ago another final design report for two stop signs was submitted to NYSDOT; the roundabout is not going to be built as there is no money for it.

He found it interesting that there were a lot of comments about roundabouts and yet he read an article in the *Poughkeepsie Journal* that DOT is putting roundabouts on Route 55.

Reynolds asked about the status of the fines levied on Vineyard Commons.

Sean Murphy, Town Attorney, replied that Vineyard Commons, LLC, has no money but there have been efforts to access one account although without success as yet.

Supervisor interjected that he thought the judgment was \$112,000.

Murphy clarified that was the fine but he understands there is an account with between \$10,000 and \$20,000 that he is attempting to access. Vineyard Commons, LLC, went defunct and has no assets. As a matter of fact, at the last meeting, someone said that the security deposits were gone from the accounts but the new owners are honoring the security deposits. They owe money to more than one entity.

Reynolds asked if the new owner is responsible for the judgment.

Murphy replied that Vineyard Common, LLC, was the responsible party and the new owners are not responsible. They actually did not have to honor the security deposits because they had not been given them; the deposits given to Vineyard Commons, LLC, have disappeared.

Supervisor posed that it was unfortunate that it cost some money but Vineyard Commons is a better place to live now and he understands that the occupancy rate is beginning to rise a little. He feels that this Town Board and the Town Counselor did a good job in pursuing this.

Reynolds said one of the issues was the ages of residents. He asked if the new organization gives access to their books so that the ages of the residents could be checked.

Murphy responded that he has not proceeded against the new management at this point; since the new management took over there have not been any complaints. We were going after the original owners. We hoped to come to a compromise with them whereby we would not seek a large fine and they would give us access to the books. We would then be able to ascertain that they were not renting to people under age 55 or those who did not qualify. The Town did not follow up as it is not part of the law and we have not had any complaints.

Bob Hebel, resident of Vineyard Commons, said that now everyone is investigated.

Murphy said that we had to do it before was because there were allegations and we had proof that there were quite a few people that were underage. We thought that enforcement was going to be necessary if they continued to rent to those underage; with the new company there have been no complaints.

Supervisor asked Rich Klotz if everything was going well with the Highway Department.

Klotz replied that the crew was busy this past weekend and they and they would be cleaning the streets tonight; they would have cleaned up last night but it snowed again so he pushed it off until tonight.

Supervisor said that he did receive two calls about mailboxes and they were very happy with their conversation with Denise Rhoades, Secretary to the Highway Superintendent; the callers said that she was very pleasant and she explained the situation.

Klotz said that the big problem now is the garbage cans as they are on the road and they will probably be hit by the snowplows; they are supposed to be two to three feet off the road.

Guerrero agreed that the trash cans are placed too close to the roadway.

Paladino suggested that it would be a good idea to do a robo-call with winter notifications on parking, garbage cans and whatever else might come up.

Supervisor felt that was a good idea.

Raphael Diaz asked who was responsible to clean the sidewalk from here to the Highland Library.

Brennie answered that the Town Code says that it is the responsibility of the property owners.

Supervisor asked if the stretch of new sidewalk on Haviland Road would be the responsibility of the building owner; other members of the Town Board concurred that was the case.

Supervisor wished everyone a Merry Christmas, Happy Holidays and a Happy and Healthy New Year.

MOTION made by Litts, seconded by Paladino, to adjourn the meeting at 7:41 PM.

Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk