

# TOWN OF LLOYD TOWN BOARD

## SPECIAL MEETING

MAY 25, 2011

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

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

**Absent:** Councilmember Kevin Brennie

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

Rosaria Peplow, Town Clerk wished Franco Zani a Happy Birthday

### 1. OLD BUSINESS

#### A. CSEA Contract Negotiations

Supervisor stated that the Union members will vote on the new contract proposal next Thursday, June 9, 2011.

#### B. Alternate Court Officer Interview

Supervisor stated that the applicant is not present and may arrive later.

Supervisor said that the Tillson Avenue Grant was from 1999 explaining the scoring method and reiterating the history and negotiations for the project; he noted that sidewalks were also eligible and were added to the grant. The towns that are able to work through the process and come up with the 20% share are the ones that move forward with TIP. Lloyd has been fortunate to get all three projects: Rail Trail East; Tillson/Toc intersection; Rail Trail West. The Town was notified that the TEP grant funds would be pulled by NYS on Rail Trail West if they did not get requests for reimbursement. The 20% comes from the Rail Trail recreation fees and in-kind donations.

Paladino asked if it would be considered a 'bridge' over the Twaafskill at Tillson Avenue.

Supervisor answered that anything less than 20-feet wide is a culvert, not a bridge. He noted that the Twaafskill needs to be cleaned of sediment that is filling up the outlet to the Hudson and the pipe near the Hudson River Pump Station. He had hoped to convince the Army Corps of Engineers to allow dredging, lower the Twaafskill, and use that material to backfill at the Bob Shepard Highland Landing Park. The Highland Landing Park Association doesn't want it dredged as they want it to be used as a landing for kayaks. A compromise is needed as the herring and fish no longer go up the Twaafskill; when the tide is out it is dry and then basements flood in the area when the Twaafskill is high.

Hammond reported that she is trying to arrange a meeting with the Highland Central School District on MS4 and will keep the Town Board posted.

### 2. NEW BUSINESS

#### A. Hudson Valley Rail Trail Parking Lot

Supervisor said that Pratt's Lumber (now Vintage Village) had a section of the property on Commercial Avenue Extension behind the big bus garage (now the property of Matt Smith) where there was a railroad siding that burnt down. Williams Lumber bought Pratt's Lumber including that property. The property then was donated to the

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Rail Trail Association who accepted the property as it was important to the plans for the Rail Trail.

The Rail Trail Association would like to donate the property to the Town as there is no longer a reason for them to hold it and there are no restrictions on the property. The Town Board needs to accept it by resolution and the property will be transferred to the Town.

Litts asked if the Rail Trail Association, as a not-for-profit organization, has paid land taxes and noted that if the Board accepts the property it will not be taxed.

Supervisor answered that they pay special taxes, water and sewer, but they do not pay any other tax; the Rail Trail, parking lot and rest area off Commercial Avenue is built on the property and he noted that the Rail Trail would not have been able to go through there without that property.

**B. Memorandum of Understanding of URGENT**

No discussion.

**3. PUBLIC COMMENTS**

**4. RESOLUTIONS**

**A. RESOLUTION** made by Costantino, seconded by Hammond,

**WHEREAS**, the Town of Lloyd Town Board wishes to fill the position of Senior Wastewater Treatment Plant Operator and Adam Litman is eligible for appointment, and

**WHEREAS**, no other Town of Lloyd employee is eligible, except Adam Litman, and

**WHEREAS**, CSEA waives the job vacancy posting requirement, pursuant to the bargaining agreement, for the position of Senior Wastewater Treatment Plant Operator and agrees with the appointment of Mr. Litman to the position;

**NOW, THEREFORE**, be it resolved that the Town of Lloyd Town Board appoints Adam Litman as Senior Wastewater Treatment Plant Operator at the rate of \$23.70 per hour effective May 26, 2011, with one year probation at the recommendation of the Town Board with the understanding that Mr. Litman attend the Town Board Workshop Meeting each month.

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

**Four ayes carried.**

*Town Board congratulated Adam Litman on his new position.*

*Costantino cautioned that he now had to come to the Workshop meetings and Litts offered that he had to also attend the Water and Sewer Committee meeting the first Thursday of each month in addition to the Workshop meeting.*

**B. RESOLUTION** made by Paladino, seconded by Litts,

**WHEREAS** the Town of Lloyd requested sealed proposals for the cleaning of Town Hall one day per week, and

**WHEREAS** three (3) proposals were received; Clearwater Cleaning at \$435.00 per month, Furniture Cleaning and More, Inc. at \$645 per month and All Cleaning Services at \$750.00 per month, and

**WHEREAS** the Town Board budgeted \$10,250.00 in the 2011 for cleaning service in line 1620.40.

**NOW, THEREFORE**, be it resolved that the Town Board awards the Town Hall cleaning to Clearwater Cleaning at \$435.00 per month to clean the Town Hall one day per week and authorizes the Supervisor to sign the agreement.

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*Supervisor said that there is now a contract to be signed and Clearwater will furnish the cleaning supplies, the Town buys its own paper products.*

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

**Four ayes carried.**

**C. RESOLUTION** made by Hammond, seconded by Paladino,

**WHEREAS** Rev. James Hauver from St. Augustine’s Church has requested use of the Hudson Valley Rail Trail on Friday, June 24, 2011 as the launching site for their fireworks display for the St. Augustine’s Annual Bazaar, and

**WHEREAS** the Hudson Valley Rail Trail Board has reviewed the application, and recommends that the Town of Lloyd Town Board grant St. Augustine’s Church’s request to launch fireworks from the Centennial Garden location of the Hudson Valley Rail Trail with the stipulation that St. Augustine’s Church abide by the following:

- 1.- They carry appropriate insurance and file proof of such with the Town.
- 2.- They have an Ambulance on site in the event of an emergency.
- 3.- They have the Fire Department on standby on site in case of emergency.
- 4.- They clean up and dispose of all debris resulting from the fireworks from the Rail Trail and the lawns of the adjacent property owners by 8 AM on the morning of June 25, 2011.
- 5.- There shall be no alcoholic beverages on the Rail Trail.
- 6.- They shall abide by all other Hudson Valley Rail Trail regulations.

Failure to comply with these regulations may result in denial of permission for the granting of future requests by St. Augustine’s Church.

**THEREFORE**, be it resolved that the Town of Lloyd Town Board approves St. Augustine’s Church application for use of the Hudson Valley Rail Trail on Friday, June 24, 2011, to launch fireworks from the Centennial Garden location and authorizes the Supervisor to sign the application for use.

*Supervisor explained that the Town has always worked with St. Augustine but the expectations have been tightened; last year they shot off the fireworks from Centennial Park on the Rail Trail, they could still be seen from St. Augustine’s School, yet were far enough away from Sunnybrook that debris did not fall on the property. These recommendations were made by the Rail Trail Association.*

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

**Four ayes carried.**

**D. RESOLUTION** made by Paladino, seconded by Litts,

**WHEREAS**, The Town of Lloyd seeks to obtain financial assistance to help improve pedestrian safety and to maintain a consistent Class A trail along all segments of the Hudson Valley Rail Trail in the Town; and has identified grant funds available through the Federal Highway Administration (FHWA) Transportation, Community and System Preservation Program; support planning, development, and implementation of strategies to integrate transportation, community and system preservation plans and practices, and

<b>WHEREAS</b>	<u>TCSP Program Funds:</u>	<u>\$410,000.00</u>
	<u>Matching Funds/In-kind Services Value:</u>	<u>\$102,500.00</u>
	<u>Matching Funds/In-kind Services Source,</u>	
	State funds and Town funds :	<b>\$0.00</b>
	<u>Total TCSP-Related Project Costs:</u>	<u>\$512,500.00</u>

**NOW, THEREFORE, BE IT RESOLVED** that Ray Costantino, as Supervisor of the Town of Lloyd, is hereby authorized and directed to file an application to the New York State Department of Transportation for the FHWA Transportation, Community

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and System Preservation Program in the amount not to exceed \$450,000 to fund repair and safety upgrades of a 2.5 mile segment of the Hudson Valley Rail Trail. Upon approval of said request the Supervisor is further authorized to enter into and execute an agreement with the NYSDOT and FHWA for such financial assistance.

*Supervisor explained that this is an opportunity to apply for a grant which must be submitted to the NYSDOT by May 27; DOT will choose which grants they send to the Federal government; \$61,000,000 has been appropriated for the entire United States and approximately 10% of the money (\$6,000,000) will be spent in New York State.*

*The funds would be used on the original 2.5 miles of Rail Trail to grind up and pulverize the existing 2-inches, mix with stabilization and polymers, put it down and roll it, finish with 2-inches of blacktop and includes safety improvements on the shoulders.*

*He said that the criteria for this grant is strictly for trails improvement, not bridges, highways or schools.*

*Litts asked if this was an 80/20 grant and if this is the maximum amount that the Town can get or is this based on an actual project.*

*Supervisor answered that it is an 80/20 grant and the Town will furnish its share of matching funds with in-kind services; NYS and Town funds will not be spent. This is based on an actual project that falls into the size job for which they give grants.*

*Litts said that it is similar to a job he estimated for Sharon Drive, that was one mile long, two lanes, shoulders, drainage and utility improvements. He does not feel that the estimates are accurate and feels that the \$44,000 to do mill and reclamation work is low; 2-inches of top course is \$268,000.*

*Supervisor said that he got the prices from Barton and Loguidice, engineers.*

*Litts added that the Sharon Drive job is about 7,000 square feet and the Rail Trail job is about 17,600 square feet; there are amenities that are in the Sharon Drive job that are not in the Rail Trail job. The Sharon Drive job estimate was \$522,000 doing the exact same work except for drainage work. He is going to recalculate as he felt the numbers were off.*

*Paul Hansut clarified that this grant is specific to rail trails and the grant would not be available to fix some of the roads in the Town, as the grant is 'Federal Highway Administration' and he feels that a road is highway. He asked if the contribution from the Town had to be up front.*

*Supervisor said that the sample grant online was for a bridge but we do not have a bridge. The grant is an 80/20 so the money has to be spent and then the Town is reimbursed 80% of the requisition and are left with 20% of \$512,500 or \$102,500. In-kind services can be used. The Federal government has funds earmarked for pedestrians, bicycles, alternate transportation, efficiency, solar power, etc. State roads have sidewalks because the Federal government requires that the pedestrian and/or bicyclist is accommodated.*

*Litts posed if the Highway Department did prep work in advance of this project, could that be used as in-kind. He asked why the base has to be chewed up and if it could not just be resurfaced.*

*Supervisor agreed it could be used as in kind. He explained that Pete Anella, former Highway Superintendent, lobbied Ulster County so that he could take the ballast off the rail bed for the highway so there were places where it was gouged out, the ballast in most places was high and dry; most of the 2.5-mile section was stripped of ballast from the rail bed.*

*Hansut asked if the money in the Rail Trail reserve account has been spent.*

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*Supervisor answered that there is about \$40,000 and that has been put toward the capital fund for Rail Trail West. That is why we are doing the design of that project and not the construction until more Rail Trail recreation fees are received. The construction for Rail Trail East was ERA funded which paid 100% of the construction phase; the engineering of Rail Trail East is 80/20, so the 20% had to be matched by the Town. The Rail Trail money was spent on the parking lot that was built on Haviland Road.*

*Hansut asked if that was in hope of the receiving Recreation fees.*

*Supervisor replied the Rail Trail will share the \$2,500 per unit Recreation fees that will be paid by Highland Square.*

*Litts stipulated he will agree providing that the project does not go over \$512,500 and does not use taxpayer dollars.*

*Paladino concurred that no Town funds should be used.*

*Hansut asked for clarification on the statement made by Paladino that 'no Town funds should be used' and asked where the Town would get the \$102,000.*

*Supervisor answered that it would be in-kind matching funds and in-kind service, which has to come out of Rail Trail recreation fees or in-kind donations.*

*Hansut felt that the Town was overextending as it is down \$329,000 for the Rail Trail west end and an additional \$102,000 for this grant; no recreation fees have come in and he asked when the receipt of the fee is anticipated.*

*Supervisor explained that this grant has to be sent to NYS DOT by May 27 and then it has to be sent to the Federal government by June 3; NYS is going to get 10% of the \$61,000,000. Barton & Loguidice volunteered to help write the grant and Claire Costantino spent two days volunteering her time; this is an opportunity to get tax dollars back in the Town of Lloyd.*

*Supervisor added that Bill Rohde, Rohde, Soyka & Andrew, engineers is looking for grant money to benefit the Highway Department; the only grant project that helps Frank Lombardi, Highway superintendent is the Tillson Avenue.*

*Litts reiterated that he is in agreement with the resolution as long as it does not impact taxpayer dollars.*

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

**Four ayes carried.**

Litts reported that the Ethics Committee submitted a draft for a local law and suggested that it be included in the agenda for the June Workshop meeting.

Murphy agreed that the recommendation for the Board's consideration is ready, subject to the changes from the last email regarding the terms.

Litts offered to review and email everyone on the draft.

Hammond would like to have it available for the Town Board members to review.

Litts said that the term lengths are not defined for the Town Board, Planning Board or the Zoning Board of Appeals; as it says that, "serves at the pleasure of the Town Board"; he understands in practice what the terms are.

Supervisor replied that when the member is appointed the length or term is noted in the resolution.

Peplow commented that NYS law states the length of the term of office for members of the Town Board, Planning Board and Zoning Board of Appeals.

Discussion ensued as to the terms and the laws.

Murphy added that NYS General Municipal Law states that 'serves at the pleasure of the board'; the Ethics Committee is recommending set terms for members when the Town Code is adopted.

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Reynolds asked if there was a new offer to the CSEA.

Supervisor confirmed that they are voting on something new and he feels that they should wait for the vote.

**MOTION** made by Litts, seconded by Hammond, to adjourn the meeting at 6:06 PM.

**Four ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk