

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

JULY 18, 2018

**Present:** Supervisor Paul Hansut  
Councilmember Leonard Auchmoody  
Councilmember Michael Guerriero  
Councilmember Claire Winslow

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

**Absent:** Councilmember Joseph Mazzetti\*

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

Supervisor said the live stream system has been replaced and he hoped the audio issues have been resolved. He thanked Councilman Auchmoody for coordinating the effort and reminded everyone to speak into the microphone.

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

**Audit** –January 1 to June 30, 2017: Councilmembers Auchmoody and Mazzetti

July 1 to December 31, 2017: Councilmember Winslow and Guerriero

**ECC /Zoning Board** – Councilmember Guerriero

Guerriero reported that the Dollar General is before the Zoning Board of Appeals. The applicant is seeking an area variance for side yard parking in the GM Zone. They want to move the parking from the front of the building to the side of the building. The ZBA will set a public hearing.

**Highland Central School District** – Councilmember Mazzetti

**Planning Board** – Councilmember Winslow

Winslow reported that Falcon Ridge came to the Planning Board in June. The project is moving slowly. The Front Street Project developer is considering subdividing and are proposing a zoning change. She will have to recuse herself when that vote comes up. TRC Auto was approved. Dollar General applied for a variance and has been working with the board with some difficulties they are having. The Planning Board discussed accessory apartments and changing the code.

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

**Water/Sewer/Drainage Committee** –Councilmember Auchmoody

Auchmoody reported that they have not had a Water/Sewer/Drainage Committee meeting for two months. They need to discuss getting the water/sewer line under the railroad tracks to the Highland Landing Bob Shepard Park as well as some drainage problems in town that need to be discussed with the Town Engineer.

Supervisor took a moment to recognize and thank our First Responders for all they do for our community; they put their own lives on the line for us every day.

Having been in the profession for many years he understands that there are things that you see that you never forget. The Town of Lloyd Police, Highland Fire Department and Mobile Life did a remarkable job for this community over the last month.

There was a house fire on Perkinsville Road, many of the Volunteer Firemen were away and the ones that were here responded quickly and with the help of other Fire Departments they were able to save that house. There have been a couple of horrific automobile accidents. The owner of 3 Guys Pizzeria was found in front of his business unconscious from a heart attack. He is alive and home today because of the quick actions of the people in the community and the emergency services.

**REPORT** – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported that Phase III is progressing and Phase IV of the rail trail should be open by the beginning of August. Mountainside Woods developer is getting ready to put their sewer line down the edge of the Rail Trail. The project manager of High Bridge showed him a sketch of a path from the Rail Trail to Vineyard Ave that had steps. He told him that wouldn't work for strollers and bicycles. The storage unit has been built where the trail was supposed to go.

Councilmember Auchmoody questioned how they will correct it for bicycles and strollers.

Councilmember Winslow said she will contact David Barton, Building Department Director.

Supervisor asked how the Eagle Scout Project was doing.

Bellizzi said Scout Casey Rosen is finalizing the paperwork and working with Herbie Litts, Engineer on the bridge design.

**REPORT** – Leonard Auchmoody, Manager, Bob Shepard Highland Landing Park

Auchmoody reported that the steel structure over the entrance to the dock at the park is installed. The sign on the educational building for Senator Skartados should be installed by early August. All the signs will be installed in time for the Highland Landing Park Association Annual Meeting on August 11<sup>th</sup> at 5:00 PM. They will dedicate the building in honor of the late Assemblyman Frank Skartados at that time.

He will start working on the handicap ramp to the education center as soon as the weather permits. Four new picnic tables have been placed in the outdoor classroom or pavilion. People were parking in front of the sidewalk in front of the outdoor classroom. He thanked Rich Klotz, Highway Superintendent, for painting bright yellow and white lines to designate NO PARKING and it has worked out very well.

They will work on completing the north end of the River Walk.

Supervisor announced that the Annual Senior Citizens' Breakfast will be Wednesday, August 22<sup>nd</sup> at 9:30 AM at Highland Landing Park.

Supervisor thanked the Events Committee and Kate Jonietz for the Fireworks on July 6<sup>th</sup> there were the best he has seen in this town. He thanked the Police and Fire Departments for their help and Buildings and Grounds for cleaning up the following day.

**2. OLD BUSINESS**

**3. NEW BUSINESS**

**4. PRIVILEGE OF THE FLOOR**

Lawrence Roberto, Prospero Dr. said he heard the town "took" his private road as a town road. This property has been in his family for 116 years. He asked if he still owns the property because he pays the taxes on it. His sewer line runs under the road to his septic system on the other side of the road. A former Highway Superintendent took it upon himself to plow the road. He did not give him permission. He asked the Town Highway not to come on his property and said that he would maintain his own property. The Highway Superintendent was going to pave his road; he told him not to and it is not paved.

He heard that the Town had taken his road and he FOILED the Town for information on the road. The FOIL gave him the resolution adopted in December, 2016 stating that the Town took his road.

He was told that the Town could not take a road if it didn't meet Town specifications and this road is not wide enough. He has installed a guard rail, not a town specified guard rail. This is private property. He has maintained his road and plowed it many times. His son installed drainage and a retention pond. The Building Department issued him a building permit for a pole building.

He has never received notification that the town was taking the road and has never signed off on the road. It is his property and he maintains it.

Raffaela Smith, 67 Argent Drive, said she's not representing the Bridgeview Homeowners Association, but representing the many elderly people that live in Bridgeview. She provided photos of the crumbled curbs and said she twisted her ankle. She has seen several other people trip and fall.

Councilman Auchmoody said Bridgeview has 37 trip hazards. He is meeting with another mason later in the week.

Supervisor said they are aware of the issues. They set up a plan to fix the sidewalks and the residents got upset because they had to cut down trees that are causing the sidewalk to heave.

Jim Balint, from the 20<sup>th</sup> Century Limited Drum and Bugle Corp said that on Friday night when they were rehearsing at St. Augustine's School the Town of Lloyd Police stopped and said they were getting noise complaints. They practice one night a week, usually on

Friday from 7:00 PM to 10 PM. Some of the members come from out of town. They have marched in the Town of Lloyd Memorial Day Parade since their inception. They practice inside at the Highland K-5 school during the school year. He asked the Town Board to grant them a variance to practice outside at Saint Augustine's for the rest of the summer.

Supervisor said that Rosaria Peplow, Town Clerk researched in the Town Board minutes and found that in 2004 the Town issued a special use permit.

Peplow stated that when Dave Butler, Code Enforcement provided the Town Board with the noise ordinance code, they interpreted it as the practice was part of a production.

She felt they need clarification on the ordinance.

Auchmoody asked what the ordinance reads.

Balint responded it is from 8 PM to 7 AM during the week and 8 PM to 9 AM on Sunday or holiday.

Supervisor suggested they go to the Bob Shepard Highland Landing Park.

Belint said they pay to use the school so they can have the use of the bathrooms and can practice indoors if it rains.

Supervisor read the minutes and resolution from 06/02/2004 Town Board Meeting:

Donna and Peter Maroldt (Assistant Director of 20<sup>th</sup> Century Limited Drum and Bugle Corps) attended the meeting to request a special permit to allow outside rehearsals of the Corps.

Maroldt explained that the Corps began 14 years ago, using the Clintondale Firehouse for practices. The Firehouse became too small, and 11 years ago they moved to St. Augustine's School. The Drum and Bugle Corps performs at parades and during the winter months they learn new music. They like to practice outside in the spring. They were told that the noise ordinance changed to 8 p.m. The Town of Lloyd Police came to one of their outdoor practices. They have about 50 members from Lloyd and Dutchess County and would like to continue rehearsals at St. Augustine.

David Butler, Building Inspector, read Chapter 75-4 (I) of the Town of Lloyd Code:

*Nothing contained in this chapter shall be construed to prevent the production of music in connection with any military, civic or authorized parade, funeral procession or religious ceremony, nor to prevent any musical performance conducted by consent of the Town Board. The provisions of this chapter shall not apply to any authorized motor vehicle.*

**RESOLUTION** made by Hammond, seconded by Hansut, to give permission for outside rehearsal performances to 20<sup>th</sup> Century Limited Drum and Bugle Corps, within the Town of Lloyd, Pursuant to Chapter 75-4 (I) of the Town of Lloyd Code.

**Roll call:** Shepard, aye; Gruner, aye; Hansut, aye; Elia, aye; Hammond, aye.

**Five ayes carried.**

**06/25/2004 Meeting the following resolution was adopted:**

**MOTION** made by Hansut, seconded by Gruner, to amend the Resolution adopted at the June 2<sup>nd</sup> Workshop Meeting, to add "until 9:45 p.m.", as per the request of the 20<sup>th</sup> Century Limited Drum and Bugle Corps.

**Roll call:** Shepard, aye; Hammond, aye; Elia, aye; Hansut, aye; Gruner, aye.

**Five ayes carried.**

Balint asked if the resolution was still binding.

Murphy responded that the 2004 Resolution has not been rescinded and it is still in effect.

Supervisor said they will notify the Police Chief.

Donna Phillips Balint asked what the status was on the Tillson Ave. project.

Supervisor responded that it is still in the right of way acquisition stage. They are waiting on a couple of properties to respond.

## **5. MOTIONS AND RESOLUTIONS**

**A. MOTION** made by Auchmoody, seconded by Winslow to approve the minutes Workshop Meeting June 6, 2018 and the Regular Meeting June 20, 2018.

**Four ayes carried.**

**B. RESOLUTION** made by Winslow, seconded by Guerriero to authorize the payment of vouchers as audited by the Audit Committee.

General	G - 627 to G - 699	\$ 134,759.90
Highway	H - 292 to H - 338	\$ 116,236.59
Miscellaneous	M - 133 to M - 150	\$ 419,321.32
Prepays	P - 326 to P - 387	\$ 95,044.11
Sewer	S - 198 to S - 218	\$ 11,643.87
Water	W - 223 to W - 258	\$ 9,930.73

**Roll call:** Winslow, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Four ayes carried.**

8:05 Mazzetti arrived

- C. RESOLUTION** made by Auchmoody, seconded by Winslow to hire James Algarin as part-time dispatcher at an hourly rate of \$18.35 per hour at the recommendation of Chief Daniel Waage.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

- D. RESOLUTION** made by Mazzetti, seconded by Winslow to hire Daniel LaBodin as part-time police officer at an hourly rate of \$20.50 per hour at the recommendation of Police Chief Daniel Waage.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

- E. RESOLUTION** made by Winslow, seconded by Mazzetti to hire Nicholas Vazeos as part-time police officer at an hourly rate of \$20.50 per hour at the recommendation of Police Chief Daniel Waage.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

- F. RESOLUTION** made by Mazzetti, seconded by Winslow to accept the resignation of Brandon Persell as part-time police dispatcher effective July 18, 2018.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

- G. RESOLUTION** made by Mazzetti, seconded by Winslow to hire Brandon Persell as part-time police officer at an hourly rate of \$20.50 per hour at the recommendation of Police Chief Daniel Waage.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

Mazzetti said that Brandon Persell is going to the Police Academy for free because of all his volunteer work with the Sheriff's Department and thanked Chief Waage for arranging it.

- H. RESOLUTION** made by Mazzetti, seconded by Winslow to accept the resignation of Alec Brandow as part-time police officer effective as of June 28, 2018 at the request of Police Chief Daniel Waage.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

- I. MOTION** made by Auchmoody, seconded by Winslow to close Vineyard Avenue from Milton Avenue to Main Street for the Highland Business Association event to be known as "A Night in Little Italy" on Saturday September 8, 2018 from 1PM to 9PM.

**Five ayes carried.**

**J. RESOLUTION** made by Winslow, seconded by Mazzetti

**WHEREAS**, the Scenic Hudson, in partnership with the John Burroughs Association and the Town of Lloyd, is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for Implementation of the John Burroughs Black Creek Trail to be located between the Berean Park and the Hudson Valley Rail Trail, a site located within the territorial jurisdiction of this Board; and

**WHEREAS**, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the "approval/endorsement of the governing body of the municipality in which the project will be located"; and

**WHEREAS**, the Town of Lloyd is the owner of the properties and/or easements necessary for implementing the John Burroughs Black Creek Trail; and

**WHEREAS**, the Town of Lloyd must, as a requirement under the rules of these programs, give permission to any non-profit doing work on property owned by the Town;

**WHEREAS**, the Town of Lloyd is currently negotiating an agreement with Scenic Hudson allowing it complete such improvements as are necessary for the John Burroughs Black Creek Trail Implementation, including: (a) full access to the property as needed for the project, (b) sign the project agreement with OPRHP, (c) execute documents, such as a Conservation Easement, Preservation Covenant or Public Access Covenant, establishing long-term protections for the property, and (d) execute documents subordinating the Town's interest in the property.

**NOW, THEREFORE**, be it resolved by this august body that the Town of Lloyd Board hereby does approve and endorse the application of Scenic Hudson for a grant under the Environmental Protection Fund for a park project known as John Burroughs Black Creek Trail Implementation and located within this community; and

**FURTHER**, be it resolved that, upon completion of the project, all improvements shall become property of the Town of Lloyd and said property shall be forever maintained by the Town of Lloyd as a municipal park in this community consistent with the rules promulgated by OPRHP.

**Roll call:** Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

**Five ayes carried.**

**K. MOTION** made by Mazzetti, seconded by Winslow to TABLE resolution  
**Resolution**

BE IT RESOLVED, that the Town of Lloyd / 30587 hereby established the following standard workdays for these titles and will report the officials to the New York State and Local Retirement System based on their record of activities:								
TITLE	Standard Work Day (Hrs/day) Min 6 hrs Max 8 hrs	Name (First and Last)	Social Security Number (last 4 digits)	Registration Number	Tier 1 (check only if member is in Tier 1)	Current Term Begin and End Dates (mm/dd/yy-mm/dd/yy)	Record of Activities Result	Not Submitted (check only if official did not submit their record of Activities)
<b>Elected Officials</b>								
Councilmember	6	Michael F. Guerriero				1/1/16-12/31/19	11.08	
Councilmember	6	Joseph Mazzetti				1/1/16-12/31/19	29.06	
Councilmember	6	Leonard Auchmoody				1/1/18-12/31/21	17.28	
Councilmember	6	Claire Winslow				1/1/18-12/31/21	10.22	
Highway Superintendent	6	Richard Klotz				1/1/18-12/31/19	30.71	
Justice	6	Eugene Rizzo				1/1/16-12/31/19	21.13	
<b>Appointed Officials</b>								
Dog Control Officer	8	Andrew McKee				1/1/16-12/31/17	14.22	

**Five ayes carried.**

Supervisor announced that the Town Clerk's Office will be closed on Friday, July 20<sup>th</sup> for renovations and for the safety of all he has asked for the office to be closed.

On August 1<sup>st</sup> at the Town Board Workshop Meeting he will announce the date of the next Tri-Board meeting.

Councilmember Winslow asked Larry Hammond, Planning Board Member, to discuss Accessory Apartments.

Larry Hammond stated that he wanted to give a back ground on Accessory Apartments. Originally these were mother/daughter units within the same structure of the home. People then said that they would like to rent them out and they now became rentable units but still within the main structure. The code was changed four years ago to allow people to put the apartments on top of structures in their backyard. He voted no on any applications that came to the Planning Board to put a second floor on top of a detached garage. The Planning Board has now voted 5 to 2 to go back to only allowing them within the main structure. He does not want two story bungalows in back yards.

Hansut responded that the intent was a detached working garage with an accessory apartment on top and only a 600 sq. foot apartment. He asked where the bungalow was in the code. The code is specific to detached garages. The intent was economics; it allowed the property owner to put an accessory apartment on top of their detached garage to help them pay their taxes. He felt the economics are not any better than they were four years ago.

Guerrero asked if that makes it a two-family house.

Hammond responded that a two-family house has to have double the acreage and if it's a duplex it has to have a common front door. The code does not state that there can be two residential structures on a common property.

Mazzetti asked if those who have existing apartments be grandfathered in if the law were to change.

Sean Murphy, Attorney, responded that they would.

Supervisor stated that he has never heard any complaints and asked if this has been an issue in the last four years.

Hammond responded that he has voted against a few.

Winslow feels they should support the Planning Board's decision on this. She understood that a law has been drafted and sent to Murphy.

Murphy responded that he received an email from Dave Barton, Building Director, that the Planning Board wanted to change the law and provided some verbiage but he has not been directed to draft a law.

Supervisor asked where are the Planning board minutes on the discussion and the vote.

Winslow said she was at the meeting when they discussed it and voted. She will ask Laura Kelly, Planning and Zoning Board Secretary, about the minutes.

Hammond responded that the June Minutes have not been approved yet.

Winslow asked who drafts the law.

Murphy responded that he does and he has the language that is being requested and it is to delete and replace the section that states accessory apartments in a secondary structure.

Supervisor directed Murphy to work up a draft for the August workshop.

**Motion** made by Mazzetti, seconded by Winslow to go into executive session to discuss personnel with Richard Klotz, Highway Superintendent, at 8:15PM.

**Five ayes carried.**

**Motion** made by Mazzetti, seconded by Winslow to come out of executive session at 8:55PM

**Five ayes carried.**

**Motion** made by Auchmoody, seconded by Winslow to adjourn the meeting at 8:56PM.

**Five ayes carried.**

Respectfully submitted,

Rosaria Schiavone Peplow  
Town Clerk