

TOWN OF LLOYD TOWN BOARD

WORKSHOP MEETING

APRIL 3, 2019

Present: Councilmember Leonard Auchmoody **Also present:** Rosaria Peplow, Town Clerk
Councilmember Michael Guerriero Kate Jonietz, Secretary
Councilmember Joseph Mazzetti

Absent: Supervisor Paul Hansut
Councilmember Claire Winslow

5:00 PM – Deputy Supervisor Auchmoody opened the meeting and asked Fred Pizzuto to lead the Pledge of Allegiance

1. REPORTS

Finance – Karen McPeck, Bookkeeper to the Supervisor

Assessor – Jennifer Mund

Mund reported that her office has processed almost all of the exemptions. They are waiting for a few pieces of additional documentation from a few individuals and then it will be complete.

They are finishing a few areas of valuation review. Many values are going up between 5 and 8 percent this year. The Town is maintaining 100% equalization rate and the market has been on the rise for two years and the Town has sales to support increases. This is happening in the County and the region which is a good sign.

She is completing the splits and merges of properties that have been received from the County to get them on the roll; create parcels, update the inventory and owner information and value these parcels. There were a few involved splits and merges that take time to work on, but it should be done tomorrow. She will get 911 addresses for them.

They are working on new construction. She thanked Ann Feo and Elaine Harney for getting the plans she requested. It helps her to be able to keep working on the valuation of the properties. They have a good system so the work can flow smoothly. They will be working on getting the roll filed from now until May 1st.

Mazzetti asked about the agricultural exemption on the proposed Altamont Farms project on Upper North Road; if they do build on the property how far back do they have to pay back for that exemption.

Mund responded there is a 5 year look back. If there is a change in use it starts right away, if they don't file exemption and change use in 1 year then it is a four-year lookback and so on. It is on the agriculture parcel only.

Building & Zoning Department – David Barton

Barton reported they have collected \$219,376.00 including Recreations Fees. They collected \$190,000.00 in Recreation Fees in January. The Planning Board did a great job on the Dollar General making sure the building is as attractive as possible while keeping it viable for the developer.

Councilmember Auchmoody asked if the existing buildings in that project will be refurbished and resemble the new building.

Barton said that it would; the goal of the Planning Board was to make the design contiguous.

There are several proposed projects; the senior housing project on Route 9W across from Bridgeview Plaza which will require a long review process. The Planning Board will set an informational meeting next month or the following month.

Councilmember Mazzetti asked Mr. Barton if part of the parcel is forever green.

Barton responded that people have said that but there is no legal anchor that makes it not developable.

Mazzetti asked if this was the same developer that did the new storage project and if they could provide the names of the stockholders of the developer.

Barton responded that he believes that is illegal, but he will look into it. He would like to have the principle developer make a presentation before the Town Board. They did a nice presentation for the Planning Board. The Town Board has no jurisdiction over the project but should be educated in order to answer questions from Town residents. The emergency access is the only part that would be subject to Town Board review.

Mazzetti said the Town Board decision on that will determine if they can or cannot use that

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piece.

Barton said the project on the corner of Route 9W and Chapel Hill Road will be two, three story buildings with commercial on the first floor and residential above. They have a lot of work to do.

There is a plan for an Auto Zone on Route 9W North near Dunkin Donuts. They have discussed their site plan requirements and design standards with them.

He is waiting for the feasibility study for Altamont Farms for the sewer extension down Route 9W to the intersection of North Road. There are two options; one option is to extend the sewer down North Road where they would also repair some old infrastructure on North Road. The second option is to go down Lumen Lane which would require some takings and easements and is about a million dollars more.

Mazzetti said he recalled that the Board did not want the sewer line to go down North Road. The developer would run the sewer line down to Grand Street near by the Babe Ruth League Field and in concession the Board would give the developer more lots. He would like a presentation by the company on how the sewer extension would work.

Barton said that when the feasibility study is complete the Engineer and Developer will come to the Town Board to discuss the options.

Adam Litman, Administrator Water & Sewer, said he is not in favor of the sewer line going down North Road; it would require another pump station and an upgrade of the existing pump station. The North Road route would tie into lines that come through town and down into the Hamlet. Those systems are older, and all the lines are not lined yet and would need a considerable amount more work before considering that. He felt that coming down North Road would require a more extensive feasibility study as it would impact other sewer lines. He is not saying it can't be done but he prefers that the line comes down Route 9W and down Lumen Lane to Grand St.

Mark Reynolds, reporter, asked if the property across from Bridgeview is R-1 and if that was enough for the proposed cottages.

Barton said he believes it is zoned R-1 and some GB on the road front but would have to look at the zoning to confirm that. It is a Continuing Care Community and according to the Town Code it is allowed. This project will be similar to Woodland Pond in New Paltz but more affordable. They know there is a demand because Woodland Pond has a waiting list.

Reynolds asked what zoning the Altamont property project was seeking.

Barton said they want to rezone part of the property from R-1 to R-1/4 to get the density.

They are doing a Conservation subdivision which is a design strategy that attempts to preserve undivided, buildable tracts of land as communal open green space forever for residents. Ideally 50 to 70 percent of the buildable land is set aside as open space by grouping homes on the developed portions of the land in a conservation subdivision.

Mazzetti asked the status of the Rail Trail / Mountainside Woods issues.

Barton said the contractor removed fencing and materials. There are ruts to repair and two catch basins which are too high. They were originally going to grade up to the catch basins but are now going to lower them. They still need to put in a culvert.

Mazzetti asked when the bridge to Vineyard Avenue at High Bridge will be fixed and when the sidewalk will be installed down the Commercial Ave. Extension.

Barton responded that they are starting the bridge in three weeks. The sidewalk has an issue because the best route for it on Commercial Avenue is on the south side of the road which is Councilman Mazzetti's property and he does not want it on his property. If the sidewalk is put on the north side of the street the crosswalk would be on the sharp curve on Commercial Ave.

Mazzetti felt it would not fit but things can be purchased.

Dog Control – Andrew McKee

Highway – Superintendent Richard Klotz

Klotz reported that his department was sweeping and cleaning the roads. Paving will start the first week in May on Commercial Avenue and the side streets.

New trucks were discussed at the last meeting. He will have a resolution to purchase for the next meeting's agenda. The cost of the trucks went up \$2,000.00 in the last 6 weeks because of tariffs on the steel.

Mazzetti said he wanted Klotz to order the new plow trucks and give one of the Highway Department's old ones to Buildings & Grounds.

Guerriero asked if all the trucks were paid off.

Klotz said he has one small payment left with a balance of \$30,000.00. He would like to

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order the trucks because it can take 10 months for them to be delivered. Mazzetti asked if the trucks are in the 2019 budget year. Klotz responded that they would be in next year's budget. Mazzetti said he asked the Assessor about tax revenue for next year and told Karen McPeck, the Bookkeeper, to start calculation of salaries to determine if the Town can afford the trucks. Klotz commented that something has to be done because he needs the equipment. Mazzetti doesn't feel that it was cost effective for Highway to do all the plowing and that Buildings and Grounds could do some of that. Mazzetti asked what the status was of the Salt Shed. Klotz said they are waiting to send DASNY (Dormitory Authority of the State of New York) a form that proves that the Town of Lloyd owns the property.

Justice – Eugene Rizzo/Terry Elia

Police – Chief Daniel Waage

Chief Waage reported

PATROL ACTIVITIES:

CALLS FOR SERVICE-----1235
OTHER PUBLIC SERVICE----- 397
ACCIDENTS----- 42
TICKETS (PARKING IUTT'S) -----(2 parking)
(89 UTT'S)
ARRESTS-----59
FOOT PATROL-----HAMLET (OFFICER/SGT) ----- Approx. 180 hrs.
SCHOOLS (OFFICERS/SGT)-----Approx. 7 hrs.
FOOT PATROL-----HAMLET (CHIEF/LT.)-----Approx. 3 hrs.
SCHOOLS (CHIEF/LT.)----- Approx. 3 hrs.

March 08th - Officer Day read to local children at the Highland Public Library as part of Community Helper Program.

March 08th - Highland High School's FLEX Class joined Chief Waage and Officer Labodin for a tour of the Town of Lloyd Police Station.

March 12th - Lloyd Police Cops and Coffee took place at Vigneto Cafe.

March 14th -members of the Town of Lloyd Police donated \$200.00 dollars to Ulster Community Action of Highland to assist local families in purchasing Easter Baskets for their children.

March 17th -Lt. Janso delivered St. Patrick's Day dinners to the senior citizen's that participated in the Town of Lloyd Police Project Care Program.

March 20th -The Town of Lloyd Police Department's first night of the 2019 Civilian Police Academy started with introductions of academy staff: instructors and honored guests. The first class was geared towards familiarizing our participants with our staff, equipment, vehicles and inner workings of headquarters.

March 27th -Chief Daniel Waage instructed on the topic of Narcotics Awareness and Vivian Lanzarone presented her movie "Not My Child" for the Lloyd Police Civilian Police Academy.

March 28th -Detectives from the Ulster County Sheriff's Office and the Town of Lloyd Police Department arrested a 15-year-old juvenile subsequent to joint investigation into threats made on social media. On March 28th the Bureau of Alcohol Firearms and Explosives (BATF) notified the Town of Lloyd Police Department in regard to a general threat made on the social media platform "Twitter". The threat referenced the Norwegian terrorist Anders Behring Breivik. Breivik was convicted in 2012 of terrorist attack that killed 77 people in Norway. The Town of Lloyd Police initiated an investigation and located the juvenile at the Highland High School. Further, the juvenile's parents cooperated with detectives and searches were conducted of two separate homes where the juvenile resides in the Town of Esopus and the Town of Plattekill. Although, the juvenile suspect was located at Highland High School, no threats were made in regard to Highland High School or any other specific location. The investigation revealed that the threat posed no immediate danger and the searches conducted by police did not produce any weapons or items of concern. The juvenile suspect was charged with an offense that if committed by an adult would be the crime of Making a Terroristic Threat, class D felony. The suspect will appear in Ulster County Family Court on a later date.

March 29th -Lloyd Police arrested three New York City men, ages 29, 25 and 27 and charged them with felony Attempted Grand Larceny 3rd degree and Conspiracy 5th degree after a week-long investigation. Lloyd Police were alerted by Lee County Sheriff's Office in Florida of a 77-year-old Fort Myers woman who was the victim of a phone money scam. The victim had previously sent \$9,500 to an address in Highland to a person who

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called her and impersonating an attorney who claimed to be representing her grandson who was in jail and needed the money. A second payment of \$10,500 was requested approximately a week later from the victim to be sent to an address in Highland where Lloyd police intercepted all 3 men as they picked up the second package at the residence. All three subjects were arraigned before Town of Lloyd Judge Rizzo and remanded to the Ulster County Jail on \$10,000 cash bail or \$20,000 insurance bond and are due back in court on April 03, 2019.

Mazzetti said he is concerned about the overdoses and asked if Chief could say where the most recent one occurred.

Chief responded at the Dunkin Donuts on 9W by Bridgeview.

Mazzetti said he understands there was an incident last night.

Chief responded it was a reported stabbing but there was not a stabbing and it is still under investigation.

Guerriero asked if they were having more problems at the gas stations or other places.

Chief responded this problem is not just in the Town of Lloyd. The heroin epidemic is nationwide. It's not in just bathrooms, its cars and parking lots. This recent incident was in a bathroom and luckily there was an alert employee who realized the person had been in the bathroom a long time and contacted the police.

Mazzetti asked why these people are not being arrested.

Chief responded that the State of New York has a law call the Good Samaritan Law.

Good Samaritan Law allows people to call 911 without fear of arrest if they are having a drug or alcohol overdose that requires emergency medical care or if they witness someone overdosing. If they arrest the person who calls, who perhaps is carrying drugs, then out of fear, no one will call and now you are dealing with someone who has passed. Under the mental health law, they transport the victim to a hospital. In New York State, unless we witness the violation, they can't arrest them. Chief said they advocate education and do a lot of it in their department.

Mazzetti said they need to come up with a way that says don't do drugs in Highland.

Chief said that is easier said than done because this is not a Highland problem, it is a world problem. It is not just the bathrooms, it is everywhere. A majority of these drugs are bought in Poughkeepsie. Heroin and Opioids are so addictive that the minute the addict crosses the Mid-Hudson Bridge they are looking for the first spot they can stop and get their fix. They can arrest an individual driving under the influence. Or if the victim has more than a user amount on them, then they can arrest them. Normal user amount goes under Good Samaritan Law. Sometimes a friend of the victim is the one who calls and without the protection of the law, they wouldn't call and people would be dying.

Mark Reynolds, reporter asked if Chief has seen an uptake this year compared to 2018.

Chief said he would have to research those numbers. This is the second incident this year that they have had to give Narcan. They used four shots, which has become the normal because of the strength of the heroin and fentanyl and the victim's resistance to the antidote.

Recreation/Buildings & Grounds – Frank Alfonso

Alfonso reported that the last two Sundays at Tony Williams Park have been busy; they had a college softball game and the playground, tennis courts, basketball courts and the Rail Trail were all busy, there wasn't an empty parking spot.

The School District and Youth Lacrosse are using the Town Field.

Next week they will be cleaning Berean Park and putting up the Pickle Ball nets.

Alfonso met with the Summer Fun Directors and Waterfront Director and those names will be on the agenda next week. The school calendar was different this year and they weren't sure if they could get six weeks in Summer Fun in but they can. They are accepting applications for Summer Fun Counselors and Lifeguards, which will be approved at the regular meeting in May. Everything is on schedule and moving along quickly.

The floors were cleaned and shined and the windows cleaned in Town Hall.

The fence at Veterans Park will be repaired this week.

They are doing a second session of Youth Wrestling.

Alfonso asked what the status is for mowing the Rail Trail. He knows there is a mower coming and they purchased a mower last year, but he only has one employee.

Mazzetti said he thought he hires another part timer in the summer.

Alfonso said he traditionally has a full-time all year, part-time all year and a seasonal part-timer.

Mazzetti asked the status is for the Town Field project.

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Alfonso said Brooks and Brooks is doing a re-mapping of the Town Field and then they will design.

Guerriero said that they can no longer give the Senior Citizens the \$5,000.00-year stipend, Recreation needs to plan some activities for Seniors.

Alfonso said he and Kate Jonietz had talked about it and made some phone calls inquiring about different trips.

Rosaria Peplow, Town Clerk said that Wendy Rosinski has gathered a couple of volunteers to help you plan some programs.

Alfonso said he would meet with Wendy.

Mazzetti said the underpass of the Rail Trail under New Paltz Rd. has a lot of graffiti and asked if it could be painted over.

Bellizzi responded they are waiting for the temperatures to come up so they can paint and have reached out to Chris White to see if there is something available to remove the graffiti before they paint over it.

Town Clerk – Rosaria Peplow

Tax Collection

- \$3,536,766.71 for taxes was paid to the Bookkeeper in March.
- \$2,000,000 was sent to the Ulster County Commissioner of Finance in March.
- Reminder Notices will be mailed on May 1st to property owners whose bills are not paid. The notice states that after June 1st taxes are paid to the Ulster County Commissioner of Finance. The tax bill is paid to the Town until June 1st and then the taxes with additional penalty are paid to Ulster County Commissioner of Finance.

Town Clerk

- Transfer Station permits went on sale on March 1st. The current permits expired on March 31st. 139 permits have been issued to date.
Applications are available at the transfer station they are completed given to the attendant with the appropriate fee. The envelopes are given to the Town Clerk's office and permits are mailed to the residents. One business has purchased a permit.
- Deputy Town Clerk, Wendy Rosinski and I attended the Ulster County Town Clerks/ Tax Collectors Association meeting in Marbletown on March 13th. Jim O' Connor, NYS Department of Health, attended and gave overview on further implementation of the EDRS (Electronic Death Registration System). Wendy and I shared some of the problems that the Town of Lloyd encountered and how we were able to resolve them.

Water & Sewer – Adam Litman

Litman reported that 85% of water production is coming from reservoir water and all reservoirs are near capacity. The wells were put on line in March and are providing the other 15% of water. They had a 3" water main break in Sunnybrook; this was the third one in Sunnybrook this year. They are doing spring cleanup and catching up on projects that didn't get finished last year.

Mazzetti said he is glad that Litman is not in support of a new sewer line going down North Road. He asked about the process that expands a pipe and he would like a presentation on it.

Litman responded he is not saying the he is not in support of a new sewer line on North Road but they haven't done enough research yet to determine if it would support the entire build out of this project.

There are a lot of old clay sewer lines of all different sizes; some of the manholes have dates of 1932-33. The lining is done by blowing all the debris out of the pipe, then the liner is blown in using a hot steam system which makes them waterproof.

Supervisor – Paul Hansut

Councilmember Auchmoody reported there is a FREE Shred Event on Saturday, May 4th from 9:00 – 12 Noon in the parking lot behind Town Hall.

There is a letter to the Supervisor from Vineyard Commons Resident Counsel to thank Supervisor for attending their meeting on March 26th concerning address changes to make them 911 compliant.

2. OLD BUSINESS

3. NEW BUSINESS

A. Anderson Center for Autism – group home

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B. Ulster County Public Auction – parcel 88.17-2-24 River Road

Auchmoody said that he felt that the Town should purchase the property as it already owns the parcel on both sides of it. He believes Supervisor Hansut was looking into purchasing it.

4. PRIVILEGE OF THE FLOOR

Peter Bellizzi said that White Street has become a speed way. He is asking for signs.

Mark Reynolds asked if the Town Board is going to legally require High Bridge to offer 10% in affordable housing units.

Guerriero said a committee is being formed under the direction of David Barton, Building Department Director and Guy Kempe, RUPCO Vice President, Community Development Department to research and set up guidelines for the Affordable Housing Law.

Mazzetti said the committee will then recommend whether or not the Town should go back to previous developments and require the developers provide Affordable Housing units.

5. MOTIONS & RESOLUTIONS

A. MOTION made by Mazzetti, seconded by Guerriero to appoint Robert Post to the Water, Sewer, Drainage Study Committee.

Three ayes carried.

B. MOTION made by Mazzetti, seconded by Guerriero to go into executive session with Jennifer Mund, Assessor, to discuss settlement of a tax certiorari at 6:40PM.

Three ayes carried

C. MOTION made by Auchmoody, seconded by Guerriero to come out of executive session at 6:50PM.

Three ayes carried

D. RESOLUTION made by Mazzetti, seconded by Auchmoody to approve

WHEREAS, there is presently pending against the Town of Lloyd a Tax Certiorari proceedings by Trustco Bank Corp. pursuant to Article 7 of the Real Property Tax Law of the State of New York to review the assessment of a parcel of real property located within the Town of Lloyd, on the final tax assessment rolls adopted in 2017 and 2018, as such parcel is set forth and described in the attached copy of a proposed Stipulation of Settlement with respect to said Petitions.

NOW, THEREFORE, BE IT RESOLVED, that Settlement on the terms set forth in the annexed Stipulation is approved by The Town Board of the Town of Lloyd and Di Stasi, Moriello & Murphy Law, PLLC, attorneys for the Town of Lloyd, be and hereby are, authorized on behalf of the Town of Lloyd to execute the within Stipulation, and that said settlement be submitted to the Ulster County Supreme Court for final approval and entry of the Consent Order directing adjustment of the affected tax roll and payment of appropriate refunds, if applicable.

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ULSTER

In the Matter of

LOWE'S HOME CENTER,

Petitioner,

TOWN OF LLOYD TOWN BOARD
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APRIL 3, 2019

For a Review Under Article 7 of the
Real Property Tax Law of Tax Assessment

STIPULATION
&
AGREEMENT

- against-

ASSESSOR OF THE TOWN OF LLOYD,
THE BOARD OF ASSESSMENT REVIEW OF THE TOWN OF LLOYD, and THE TOWN
OF LLOYD, COUNTY OF ULSTER, STATE OF NEW YORK,

Respondents.

Index Nos.:

17-1980
18-2592

The above entitled proceedings involving tax assessment review for the premises known as Lowe's Home Center, located at 650 Route 299, Town of Lloyd, County of Ulster, State of New York and bearing the Tax Map No. 87.1-3-41.211 for the assessment years 2017 and 2018 having progressed for trial, and negotiations for settlement having been conducted and said settlement having been approved and recommended by the Attorney for the Respondents Assessor of the Town of Lloyd, The Board of Assessment Review of the Town of Lloyd, and the Town of Lloyd, Attorney for the Intervenor, Highland Central School District, and the Attorney for the Petitioner, and it further appearing that the assessment of premises in the Town of Lloyd provides the basis for imposition of taxes assessed by the County of Ulster, Town of Lloyd, and the Highland Central School District, it is hereby

FIRST: **STIPULATED AND AGREED**, that the above-entitled proceedings for the tax assessment review for the tax years 2017 and 2018 be and hereby are settled as set forth in this stipulation, and it is further

SECOND: **STIPULATED AND AGREED**, that assessed value for the parcel known as Lowe's Home Center, located at 650 Route 299, Town of Lloyd, County of Ulster, State of New York and bearing the Tax Map No. 87.1-3-41.211, shall be affirmed at \$9,899,000.00 for the tax year 2017.

THIRD: **STIPULATED AND AGREED**, that the assessment entered upon the 2018 Assessment Roll of the Town of Lloyd for the Parcel known as Lowe's Home Center, located at 650 Route 299, Town of Lloyd, County of Ulster, State of New York and bearing the Tax Map No. 87.1-3-41.211, shall be reduced from \$9,899,000.00 to \$9,697,038.00 and that the assessment entered upon the 2019 Assessment Roll of the Town of Lloyd against the subject property shall be \$9,697,038.00.

FOURTH: **STIPULATED AND AGREED**, that the Town of Lloyd, shall audit and allow the claim of the Petitioner for the over payment of the Town Taxes paid by the . Petitioner for the above tax years, in excess of what the Taxes would have been if the assessments had been made upon the reduced assessed valuation as ordered, with interest pursuant to statute, except that in the event that the refund of taxes paid within sixty days from the date of service of a certified copy of a court order with Notice of Entry, then interest is waived, and it is further

FIFTH: **STIPULATED AND AGREED**, that the Highland Central School District shall audit and allow the claim of the Petitioner for overpayment of the school tax paid by Petitioner for the above tax years, in excess that would have been paid if the assessments made upon the reduced assessment of valuation as ordered, with interest pursuant to statute, except in the event that the refund of taxes paid within sixty (60) days from the date of service of a certified copy of court order with Notice of Entry, then interest is waived.

SIXTH: **STIPULATED AND AGREED**, assessed value for the parcel known as Lowe's Home Center, located at located at 650 Route 299, Town of Lloyd, County of Ulster, State of New

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York and bearing the Tax Map No. 87.1-3-41.211, entered upon the 2020 Assessment Roll of the Town of Lloyd, shall be \$9,572,717.00.

SEVENTH: **STIPULATED AND AGREED**, that said Petitioner in any instrument or agreement transferring all of the subject property therein shall covenant with any grantee, transferee, and mortgagee and their respective distributees, successors and/or assigns that they shall be bound by the terms of this Stipulation and that such covenant shall be deemed to run with the land for the tax periods embraced by the terms thereof; and be it further

EIGHTH: **STIPULATED AND AGREED**, that this Court shall retain jurisdiction over this proceeding pending the expiration of this annexed Stipulation, and that all applications to enforce any or all the terms of the Stipulation shall be brought before this Court, and be it further

NINTH: **STIPULATED AND AGREED**, that the provisions of Section 727 of the Real Property Tax Law shall apply to this Order for the tax years 2021, 2022 and 2023, and it is further

TENTH: **STIPULATED AND AGREED**, that these proceedings are discontinued with prejudice, without costs or disbursements against either party.

Dated: _ _ _ _ _

Sean S. Murphy, Esq.
Di Stasi Moriello & Murphy Law LLC
Attorney for Respondents

Daniel P. Zazzali, Esq. Mccarter &
English, LLP Attorney for
Petitioner Lowe's Home Center

Town of Lloyd & County of Ulster

Daniel P. Zazzali, Esq. Mccarter & English, LLP Attorney for Petitioner Lowe's Home Center

MOTION made by Guerriero, seconded by Auchmoody to adjourn the meeting at 6:55 PM.
Three ayes carried

Respectfully submitted,

Rosaria Peplow
Town Clerk

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