

# TOWN OF LLOYD TOWN BOARD

## REGULAR MEETING

APRIL 18, 2012

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

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

**Absent:** None

**7:00 PM** – Supervisor opened the meeting and asked Boy Scouts, Eddie Ackert and Charles Fiscella to lead the Pledge of Allegiance.

Supervisor asked for a moment of silence in memory of Robert Hansut.

**Presentation** from John Wolham of NYS Office of Real Property Tax Service and Dorothy Martin, Director of Ulster County Real Property regarding the assessment process and determining tax rates:

### **The Property Tax**

- Administered locally
- All revenues go to support local services (towns, cities, counties, schools, special districts); none to the state or federal governments
- Based on the value of real property
- Ad Valorem (At Value)
- The only form of taxation that provides the taxpayer the opportunity to dispute the base assessments.

### **A Complex System**

- New York State contains 983 towns and cities that assess real property, as do 128 of the state's 554 villages.
- There are almost 700 school districts, most of which cross over municipal boundaries, creating a mosaic of 2,900 different school district segments.
- Each municipality determines its own level of assessment.
- No statutory reassessment cycle.

### **New York State Assessment Standard What the Law Requires**

- "Assessment Standard" (RPTL 305):  
"all real property in each assessing unit shall be assessed at a uniform percentage of value."
- "value" is defined as "market value" -the most probable sale price, in a competitive and open market, between a willing and knowledgeable buyer and seller, made without duress to either party
- tax bills must display the municipality's uniform percentage and the parcel's market value

### **New York State Assessment Standard What the Law Requires**

- Valuation Date (RPTL 301): "All real property subject to taxation, and assessed as of a March first taxable status date, shall be valued as of the preceding first day of July."
- Taxable Status Date (RPTL 302): "The taxable status of real property in cities and towns shall be determined annually according to its condition and ownership as of the first day of March."

### **The Job of the Assessor**

- Provide fair assessments by determining the market value of each property.
- Keep inventory on all properties accurate and current.
- Help taxpayers understand assessments.
- Process exemptions, such as STAR, Senior Citizens, and Veterans.
- Maintain all changes related to the assessment roll using computerized software.

### **Three Approaches to Valuation**

- MARKET APPROACH  
Compare the subject property to others like it that has sold recently (residential).
- COST APPROACH  
Compute the cost of building a similar structure on a similar site.
- INCOME APPROACH  
Determine value based on the rental income the property is capable of earning (commercial).

### **The Assessor's Job is Fair Assessments**

- The Assessor's goal is to determine a fair market value for all real property.
- The objective is to produce an equitable assessment roll for the fair distribution of the real property tax burden.
- Distribution of the property tax based on the relative market value of municipal segments in taxing jurisdictions and, within those segments market value of individual properties.

### **Budget vs. Levy**

- The taxing jurisdiction—school, town, or county, etc. is responsible for developing and adopting a budget.  
*Several Steps.*
- Revenue from all sources other than the property tax is determined.
- These revenues are subtracted from the budget to arrive at the tax levy (the amount to raised through property tax).

### **More on Budgets and Taxes**

- There are two additional factors besides the levy that determine your property taxes:
- The tax rate is determined by dividing the tax levy by the total taxable assessed value of all taxable real property in your community.
- Assessments(taxable)—from Town's roll as determined by the assessor less any applicable exemptions.

$$\text{Levy} / \text{Taxable Assessed} = \text{Tax Rate}$$
$$\$10,000,000 / \$500,000,000 = \$20.00 \text{ per thousand}$$

### **Assessments and Taxes**

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- While assessments play an important part of the tax calculation, the tax levy is the controlling factor in the amount of your tax bill!
- How the budget and tax levy changes from year to year is much more meaningful than how the tax rate has changed.

**Assessments vs. Taxes**

*Your assessment could increase and your tax bill could decrease*

Last Year		This Year
\$100,000	Your AV (+5%)	\$105,000
\$50,000,000	Town's Value (+8%)	\$54,000,000
\$1,500,000	Tax Levy	\$1,500,000
\$30 per \$1K	Tax Rate	\$27.78 per \$1K
\$3,000	Your Tax Bill	\$2,917

**Assessments vs. Taxes**

*Your assessment could increase and your tax bill could stay the same*

Last Year		This Year
\$100,000	Your AV (+5%)	\$105,000
\$50,000,000	Town's Value (+8%)	\$54,000,000
\$1,500,000	Tax Levy (+2.86%)	\$1,542,855
\$30 per \$1K	Tax Rate	\$28.57 per \$1K
\$3,000	Your Tax Bill	\$3,000

**Assessments vs. Taxes**

*Your assessment could decrease and your tax bill could increase*

Last Year		This Year
\$100,000	Your AV (-5%)	\$95,000
\$50,000,000	Town's Value (-5%)	\$47,500,000
\$1,500,000	Tax Levy (+2.86%)	\$1,542,855
\$30 per \$1K	Tax Rate	\$32.48 per \$1K
\$3,000	Your Tax Bill	\$3,085.60

Wolman suggested the NYS Department of Taxation and Finance website: <http://www.tax.ny.gov/research/property/default.htm> , for further information.

**Proclamation** – memorial Robert A. Hansut

**RESOLUTION** made by Councilman Litts, seconded by Councilman Paladino, **WHEREAS**, Robert A. Hansut, was taken from our midst on April 14, 2012, and

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**WHEREAS**, Robert A. Hansut loyally served as Councilman for the Town of Lloyd for sixteen years, and also served as Budget Officer, Police Commissioner, and currently as Chairman of the Town of Lloyd Water, Sewer and Drainage Committee, and

**WHEREAS**, Robert A. Hansut served three terms on the Highland School District Board holding the positions of Vice-President and President, and

**WHEREAS**, Robert A. Hansut served two terms as President of the Ulster County School Board Association, and

**WHEREAS**, Robert A. Hansut unstintingly served his community as a charter member of the Highland Rotary, and as an Ulster County Republican Committeeman, and

**WHEREAS**, Robert A. Hansut, served on the Kingston Hospital Board as trustee, Treasurer, Vice-President and President, and

**WHEREAS**, Robert A. Hansut was an active member of St. Augustine's Church, and

**WHEREAS**, Robert A. Hansut proudly served his country in the United States Marine Corps during the Korean conflict and was awarded several medals of distinction, and

**WHEREAS**, Robert A. Hansut was a life member of the American Legion Post 193 in Highland, and

**WHEREAS**, Robert A. Hansut is and will be missed by his community, the employees of the Town of Lloyd and the Town of Lloyd Town Board, and

**NOW, THEREFORE BE IT RESOLVED**, that this Regular Meeting of the Town of Lloyd Town Board, be dedicated in memory of Robert A. Hansut, and

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be delivered to Janice Hansut, his widow, with the deepest sympathy of this Town Board of the Town of Lloyd.

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

**Five ayes carried.**

Rosaria Peplow, Town Clerk, thanked the Town Board for the honor of reading the resolution.

**7:55 PM** - Supervisor opened the public hearing on **Local Law No. F - 2012**, a local law to amend the Code of the Town of Lloyd Chapter 49 entitled "Control of Animals and Wildfowl" Article 1 "Dogs", Section 49-9 "Redemption of Seized Dogs", to amend the rates charged for kennel fees.

He asked if there were any questions.

There were none.

Supervisor stated that the public hearing will remain open.

**7:56 PM** – Supervisor opened the public hearing on **Local Law No. G – 2012**, a local law to revise Chapter 89 of the Code of the Town of Lloyd to clarify responsibilities and incorporate numerous changes to the Highway Specifications for both private and public roads.

He asked if there were any questions.

There were none.

Supervisor stated that the public hearing will remain open.

**1. REPORTS** from Town Board Department liaisons.

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Supervisor stated that due to the full agenda he would not ask for a report from every liaison but if there was anything a liaison would like to report, they are welcome to do so.

Assessor – Councilmember Paladino

Audit – January 1 to March 31 2011: Councilmember Brennie

April 1 to June 30, 2011: Councilmember Litts

July 1 to September 30, 2011: Councilmember Guerriero;

October 1 to December 31, 2011: Councilmember Paladino

Bob Shepard Highland Landing Park, Matt Smith, reported that bids for the seawall (bulkhead) construction were opened three weeks ago and the bids were approximately \$400,000 higher than the money that there is to spend so it was back to the drawing board. The most important part of the job is the bulkhead and everything else has become add/alternates, numbered in the order of importance. He spoke with NYS Department of State and it is okay if all of the money is spent on just the bulkhead. DOS said that we will be eligible for upcoming grants to finish the rest, if necessary. He is also going to go to the Blue Book for every sheet pile manufacturer, sheet pile installer, every marine construction company, and send out the request for proposals to all. Only a few bids came in originally using only the NYS Contract Reporter. He has no explanation for the light bidders.

Litts suggested that he sends a copy to the Association of General Contractors in Albany and they will put it in their newsletter which goes out to all of the contractors.

Smith said that he is requesting that the Town Board rejects all of the previous bids and authorize a new bid to go out, to be opened May 18.

Supervisor said that he was present when the bids were opened and he could sense the disappointment and he is happy that Smith has not given up and the project is moving forward, saying that Smith is doing a great job.

Guerriero commended his consistency.

Rich Klotz asked what made the bids come in so high.

Smith answered that the steel was the big thing; the price of the steel has quadrupled since the job was budgeted four years ago and the Park got the grant. NYS did not have the money and four months ago we were notified that they now have the money and the price of the steel bulkhead quadrupled in that time.

Building Department – Supervisor Hansut

Dog Control – Councilmember Brennie

Environmental – Councilmember Guerriero

Grants – Supervisor Hansut

Highland Fire Districts – Councilmember Paladino reported that there was an election of officers for the Highland Hose Company and he congratulated all the newly elected officers.

Highland Central School – Councilmember Paladino

Highway/Transfer Station – Councilmember Guerriero reported that Richard Klotz is negotiating a new contract for removal of electronics.

Historian – Councilmember Guerriero

Justice – Councilmember Litts

Lights – Councilmember Brennie

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Planning Board – Councilmember Guerriero  
Police – Supervisor Hansut  
Recreation/Buildings & Grounds/Events/Bob Shepard Highland Landing Park/Hudson Valley Rail Trail - Councilmember Brennie  
Safety – Supervisor Hansut  
Water and Sewer – Councilmember Litts  
Zoning Board of Appeals – Councilmember Litts

## **1. OLD BUSINESS**

### **A. Apple Blossom Bike Tour – Sunday April 29, 2012**

Supervisor explained this was originating in Marlborough and coming through Lloyd out to New Paltz and back. They will be on the Rail Trail for a short distance and he asked that they have safety precautions for the users of the Rail Trail. The bicyclists will return over Pancake Hollow Road.

### **B. Vineyard Commons**

Supervisor stated that Vineyard Commons was scheduled to appear in the Town of Lloyd Court to answer a summons. The court date was adjourned until May 23.

There was an article or editorial in the newspaper regarding closed meetings. He had received a call from Vineyard Commons requesting a meeting with him. He declined but agreed to have two Town Board members meet with the management company and their attorney.

### **C. Light request – Apple Lane, Rose Hill Manor Day School at Haviland Road**

Supervisor stated that Central Hudson would be contacted.

### **D. Tillson Avenue recommendation**

Councilman Litts stated that there had been a meeting scheduled today at 5 PM to discuss the alternate and the associated cost. It was not held because of the funeral today and will be rescheduled.

## **2. NEW BUSINESS**

### **A. Clean Sweep – Saturday April 28, 2012**

Supervisor said that the volunteers will meet at the Town Hall and will be given assignments. He asked Dunkin Donuts for refreshments for the volunteers.

He also discussed with Dunkin Donuts and Burger King management that there were a lot of discarded cups and wrappers from their eateries that were littering the roads. Dunkin Donuts has put up a sign at the drive up window asking customers to dispose of the wrappers properly.

### **B. Frank McGrath – 36 River Road property**

Homeowner, Dana McGrath related that they have owned the house for 25 years and the house has been hit many times by storms; however, Hurricane Irene sent all the debris from the Sewer Plant into their basement. The bank now wants to list with a realtor and do a short sale. FEMA has done nothing to help and it cost \$60,000 to clean up the outside of the house.

Brennie asked if she was asking if the Town would consider buying the house.

McGrath replied that the Town had purchased other houses that were being sold for tax sale as they are convenient to the Sewer Plant.

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Sean Murphy, attorney, said as there is a lien on the deed, the bank will take possession of the property; for a short sale of a deed in lien, the property must be on the market for 90 days.

C. Water Administrator

Litts said that the water and sewer departments work independently of each other The Board needs to review alternatives. It is not in this year's budget. A professional engineer would command more money.

Supervisor said that when Wes Monica, Water/Sewer Administrator left the job, there was money in the budget but it was taken out last year; the Sewer Department is being run by Adam Litman and the Water Department by Andy Paccione; it is not their jobs to manage budgets. He called New Paltz and Marlborough, they have outside administrator. He got Civil Service qualifications.

D. Contract for sale of water to A. Colarusso & Son contractors for NYSDOT Thruway work.

Supervisor stated that since there is no Administrator there was no one to look into the sale of water.

Sean Murphy will discuss with A. Colarusso & Son. The Town is permitted to sell them water as they were doing a job for NYS.

### 3. PRIVILEGE OF THE FLOOR

Jill Indelicato referred to the editorial in the *Southern Ulster Times* last week in which accusations were made that there was a closed-door meeting with Vineyard Commons and based on what has happened in the past years she would like to have the matter cleared up.

Supervisor explained that since January 2012, when he took office, there have been numerous residents of Vineyard Commons with concerns about the management of their development. There were questions as to whether a local law was violated and the Board met with several of these residents who have expressed these concerns. The Board agreed that there were violations. As it progressed and the media picked up on the issue, calls have come in from management of Vineyard Commons and they asked for a meeting with him and he told them that would not occur. Meetings were discussed to include legal counsel for the Town and legal counsel for Vineyard Commons and the Building Department to sit down to hear their side of the story. He felt that it would be due diligence and the responsibility of the Town to do so. The meeting was set, following the open and transparent government in which he believes, he let the media know and media advised him that they would like to attend. Vineyard Commons decided that they did not want meet with the press present. He went to Florida for a vacation. He asked Brennie to explain what happened from that point.

Brennie said that prior to the meeting being scheduled, he received a call from Mark Reynolds asking about the meeting and he told Reynolds that they would be meeting and that it would be the opportunity for the Board to ask questions and get the answers. The Board has been hearing from the community members that they would like something done. The questions are: are there children residing there and are people living in violation. The Supervisor forgot to tell him and Councilman Guerriero that the meeting was cancelled and they both showed up for the meeting. He was disappointed that he would not have a chance to meet with Vineyard Commons.

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Brennie said that when he talked with Reynolds, he told him that he did not feel that it was appropriate for Reynolds to be at the meeting as it would be difficult to get answers when there would be a reporter in the room. He told Reynolds before the meeting that his feelings on changing the local law continued to be that he will not approve changing the local law.

Brennie then posed the question to Sean Murphy, attorney, if it would be possible to get Vineyard Commons to the meeting as he and Guerriero had arranged their schedule to meet that day and they were eager to get answers. Murphy agreed and called Vineyard Commons and they met with the management of Vineyard Commons and their lawyer. They were able to ask the questions that needed answers.

Brennie called Reynolds after the meeting to let him know of the meeting in the spirit of the transparency that has been built and to give him the opportunity to ask any question he would like to ask. Reynolds did not return his call and Brennie called later that night and he did not return his call. Reynolds called him a couple of days later regarding the meeting. Reynolds asked him how he felt about the local law being changed. He replied that there is nothing in his mind to be done to change the local law. When he first decided on this local law he knew that he would not change his mind and change the law. He told Reynolds his feelings but it was put in the press that he was secretive in his feelings about the local law. He did not feel that the editorial was fair because it sounded as if there were back-door dealings when in fact they were doing due diligence.

Guerriero felt that this was a situation that had to be addressed.

Reynolds commented that the larger issue in the paper was why two councilmen would meet without the rest of the Board.

Supervisor commented that he sent one councilman from each party and two councilmen was not a quorum of the Board.

Supervisor concluded that the paper could write what they wanted but he pledges that there will be government transparency in his administration.

Barbara Nicolas, Van Wagner, asked who was served the notice of violations.

Murphy responded that the property management company was served

Reynolds asked Brennie to summarize the meeting.

Brennie said that the local law said, 'no children' and there are eight people not in compliance, four are leaving at the end of April. The Vineyard Commons management wanted to ask about changing the law.

Joan Kelley, Greatview Lane, told the Town Board that there has been an ongoing problem regarding a property on her street being used as an illegal vacation rental since 2007. The matter has been brought to court. The Building Department cites two difficulties in enforcing the ordinance: (1) the ZBA interpretation of the ordinance which was issued as part of the denial of the "Bed and Breakfast" application expands the definition of transient vs. permanent residence but does not specifically mention "vacation rental" and (2) it is difficult to ascertain that the illegal use is occurring.

She gave the Board copies of proposed changes to the Town Zoning Code in an effort to assist the Building Department with the enforcement of the ordinance and put a stop to this illegal use, it defines the term 'vacation rental', specify the zones where it is a permitted use, and provide an easier mechanism for enforcement for the Building Department to enforce the Code. It does not allow vacation rental in residential zone

and makes the active promotion of an illegal use subject to the same fine as an illegal use.

Supervisor asked Ms. Kelly to attend the next Tri-Board meeting which will be in May and review her proposed amendments with the three boards.

**4. RESOLUTIONS**

**A. MOTION** made by Brennie, seconded by Paladino, to approve the minutes from: Workshop Meeting of March 7, 2012 and the Regular Meeting of March 21, 2012.

**Five ayes carried.**

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

General	G302 to G387	\$ 57,160.94
Highway	H191 to H223	\$ 18,422.25
Miscellaneous	M156 to M196	\$274,336.86
Prepays	P72 to P89	\$ 3,660.84
Sewer	S91 to S117	\$ 23,771.06
Water	W145 to W179	\$ 18,921.59

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

**Four ayes carried.**

**C. RESOLUTION** made by Litts as amended, seconded by Paladino,

**WHEREAS**, a petition for rezoning has been made to the Town Board of the Town of Lloyd for a project to be known as Mountainside Woods on the parcels previously known as Westport, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 1.2, consisting of approximately 84 acres (the "Westport Parcel"); Ledgewood, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 2, consisting of approximately 37.39 acres (the "Ledgewood Parcel") and Trailside, identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 14 consisting of approximately 31.68 acres (the "Trailside Parcel") by Mountainside Woods LLC, (the "Applicant") for the project described as the "Combined Westport Zoning Petition" for the Mountainside Woods residential project (the "Proposed Action"); and

**WHEREAS**, the concept plan and the zoning petition, propose to incorporate the adjoining Ledgewood and Trailside Parcels into the existing Westport application for a coordinated development across all three properties; and

**WHEREAS**, the revised concept plan takes the density proposed for the Westport Parcel (324 units) and substantially reduces that density and further distributes that density across all three properties, resulting in a less dense development; and

**WHEREAS**, the prior proposal for the Westport site was the subject of a Draft Environmental Impact Statement (DEIS) as well as a Draft Supplemental Environmental Impact Statement (DSEIS) that were accepted as complete on July 26, 2007 and the subject of public hearings before the Planning Board, which at that time served as SEQRA lead agency, but no FEIS was ever submitted by the applicant; and

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- WHEREAS**, the Proposed Action contemplates the rezoning of approximately 21.15 acres of the Westport Parcel; approximately 6.9 acres of the Ledgewood Parcel and the entirety of the Trailside Parcel; and
- WHEREAS**, the Proposed Action includes the incorporation of property currently owned by the Town consisting of two small pieces of land, one being approximately a 0.45 acre portion of that parcel of land identified on the tax map of the Town of Lloyd as Section 87.004, Block 5, Lot 1.1 (Town of Lloyd, SBL 87.004-5-1.1) and the other being approximately 0.04 acres, being a part of a right-of-way of a Town owned road referred to as Vista Drive; and
- WHEREAS**, the Proposed Action is subject to the State Environmental Quality Review Act (SEQRA), and is classified as a Type I Action; and
- WHEREAS**, the Town Board initiated coordinated review of the Proposed Action and established itself as lead agency on January 7, 2010 without objection from involved agencies; and
- WHEREAS**, the Town Board issued a Positive Declaration on February 10, 2010 requiring the applicant to prepare a Draft Environmental Impact Statement (DEIS); and
- WHEREAS**, the Town Board held a public scoping session on March 10, 2010, and thereafter adopted a final scope on April 7, 2010; and
- WHEREAS**, on March 8, 2011, the applicant submitted a DEIS to the Town Board which the Town Board responded to with comments by letter dated April 20, 2011, prompting the Applicant to submit a revised DEIS on November 2, 2011, which was accepted by the Town Board on November 16, 2011; and
- WHEREAS**, a Public Hearing on the DEIS was held on December 14, 2011 and a transcript of the public hearing is contained in the Final Environmental Impact Statement (FEIS); and
- WHEREAS**, written public comments were accepted until the end of December 2011 and one written comment letter was received and is contained in the FEIS; and
- WHEREAS**, on January 20, 2012, the applicant submitted the FEIS for review by the Town; and
- WHEREAS**, the Town Board determined that the FEIS was complete by Resolution dated February 15, 2012, pursuant to the requirements of SEQRA and directed the Town Clerk to publish the combined note of completion of the FEIS and to publish, file and circulate the notice and FEIS as required by SEQRA. The FEIS was made available on the Town's website at [www.townoflloyd.com](http://www.townoflloyd.com); and
- WHEREAS**, at a regular meeting of the Town Board on February 15, 2012, proposed Local Law No. B-2012 was introduced to amend the Zoning Map of the Town of Lloyd, upon petition to the Town Board of the Town of Lloyd by the Applicant; and
- WHEREAS**, a public hearing was held by the Town Board with respect to the adoption of the Local Law at the Town Hall on March 21, 2012; and
- WHEREAS**, The County Planning Board reviewed the Application and made a Determination of No County Impact as of March 8, 2012 and the Town Planning Board participated in the review of the EIS and the proposed Local Law;
- WHEREAS**, the Town Board has reviewed the DEIS and FEIS and has set forth a reasoned elaboration of its findings pursuant to SEQRA;
- NOW, THEREFORE, BE IT RESOLVED** that the Town Board:

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1. Has considered the relevant environmental impacts, facts and conclusions disclosed in the DEIS and FEIS, and other pertinent information and has weighed and balanced relevant environmental impacts with social, economic and other considerations;
2. Having considered the information and the facts and conclusions relied upon to meet the requirements of 6 NYCRR 617.11, the Town Board certifies that:
  - a. the requirements of 6 NYCRR Part 617 have been met; and
  - b. consistent with social, economic, and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating those mitigative measures that were identified as practicable in the FEIS.
3. The Town Board hereby adopts the SEQRA Findings Statement attached hereto.

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts and enacts the proposed zoning amendment, Local Law No. B of 2012, subject to all of the mitigation measures identified in the EIS and the SEQRA Statement of Findings, and directs the Town Clerk to cause a copy of the law to be filed with the Secretary of State, provided that upon receipt of Subdivision Approval from the Town of Lloyd Planning Board, the applicant returns to the Town Board to address the following:

- a. the payment of the recreation fee;
- b. the amount of the Applicant's fair share contribution for off-site traffic improvements which will be no less than \$250,000;
- c. the dedication of open space in the manner to be approved by the Town Board;
- d. the transfer of land from the Town to the Applicant for roadway and lot improvements; and
- e. the extension of the Highland Sewer District and the Highland Water District with associated costs to be set forth in the sewer and water agreements; and
- f. a development agreement to be approved by the Town Board.

**BE IT FINALLY RESOLVED** that this resolution shall take effect immediately.

*Terresa Bakner, attorney for SEQR and zoning matters, said before the Workshop meeting, the Town Board had a resolution, SEQR findings statement and the proposed local law at the public hearing;***oll call:** Hansut, aye; Paladino, aye; Brennie, aye; Litts, aye; Guerriero, aye.

**Five ayes carried.**

**D. MOTION** made by Brennie, seconded by Paladino, to close the public hearing on Local Law No. F to amend Chapter 49 for kennel fees at 9 PM.

**Five ayes carried.**

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

**WHEREAS**, proposed Local Law No. F – 2012, a local law to amend the Code of the Town of Lloyd Chapter 49 entitled “Control of Animals and Wildfowl” Article 1 “Dogs”, Section 49-9 “Redemption of Seized Dogs” to amend the rates charged for kennel fees, was introduced at a meeting of the Town Board held on the 21st day of March, 2012, at 7:00 p.m.; and,

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**WHEREAS**, a public hearing has been held thereon on the 18<sup>th</sup> day of April, 2012, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Lloyd, that Local Law No. F- 2012 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 49 entitled "Control of Animals and Wildfowl" Article 1 "Dogs", Section 49-9 "Redemption of Seized Dogs" to amend the rates charged for kennel fees.

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

**Five ayes carried.**

**F. MOTION** made by Brennie, seconded by Guerriero to close the public hearing on Local Law No. G – 2012 Highway Specifications at 9:02PM.

**Five ayes carried.**

**G. RESOLUTION** made by Guerriero, seconded by Litts,

**WHEREAS**, proposed Local Law No. G – 2012, a local law to revise Chapter 89 of the Code of the Town of Lloyd to clarify responsibilities and incorporate numerous changes to the highway specifications for both private and public roads, was introduced at a meeting of the Town Board held on the 21st day of March, 2012, at 7:00 p.m.; and,

**WHEREAS**, the Town Board, having examined the short form EAF and considered the environmental effects of the matter, has found, as lead agency, that there is no environmental impact and has issued its Declaration of Non-Significance; and,

**WHEREAS**, a public hearing has been held thereon on the 18<sup>th</sup> day of April, 2012, at 7:00 p.m., at which time all interested persons were given an opportunity to be heard thereon.

**NOW, THEREFORE**, be it resolved by the Town Board of the Town of Lloyd, that Local Law No. G – 2012 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law to revise Chapter 89 of the Code of the Town of Lloyd to clarify responsibilities and incorporate numerous changes to the highway specifications for both private and public roads.

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

**Five ayes carried.**

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

**WHEREAS**, the Town of Lloyd has previously received grant funding from the New York State Department of State necessary to complete improvements at the park. Said grant represents a 50% match by the Town of Lloyd toward the cost of the project; and,

**WHEREAS**, The Highland Landing Park Association, have prepared certain maps, and provided a presentation to the Town of Lloyd Town Board for the proposed improvements associated with the new bulkhead, and have delineated the project identified as the Bob Shepard Highland Landing Bulkhead Construction.

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**WHEREAS**, the project was previously put out to bid by the Town, and three (3) bids were received by the Town on March 30, 2012, and each of the bids received were over the project budget.

1. The Town Board reject all bids received on the project, due to the bids being over the establishes project budget,
2. The project construction plan shall be phased so that the initial bid scope be revised to reduce the initial phase construction cost.
3. The cost of this project shall be paid from grant monies by the New York State Department of State, and the Town of Lloyd matching share shall be through in kind services including but not limited to the purchase price of the land, donated consulting services, and donated construction services associated with the backfill of the bulkhead;
4. The Highland Landing Park Association, be, and they hereby are, authorized to revise the necessary specifications and request for proposal documents, in accordance with law, give notice to bidders, and all bids will be opened at the Town Hall at a date that shall be coordinated with the Town Clerk;
5. Such bid documents and proposed contract documents shall be available for public inspection for a deposit prior to the bid date;
6. Among other things, the bids must contain the non-collusion certificate required by General Municipal Law, Section 103-d, and the Town Board shall reserve the right in its discretion to waive technical non-compliance, or irregularities that are not material or substantial, to reject all bids and to re-bid the project.

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

**Five ayes carried.**

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

**WHEREAS**, the Town Board has previously entered into a Contract Agreements with Ackerman Plumbing Incorporated, to conduct construction activities at the Highland Sewage Treatment Plant Site under Contract 07-003; AND

**WHEREAS**, Morris Associates, P.L.L.C., Engineering Consultants, Ray Jurkowski, P.E., have delineated the project labeled as Highland STP Upgrade, and is authorized to inspect and administer the work of the Contractor as described in the Contract dated June 6, 2006; AND

**WHEREAS**, Ackerman Plumbing has submitted a request for a Change Order to the plans, specifically switching piping material of the biogas piping to stainless steel; AND

**WHEREAS**, this request was reviewed by Morris Associates P.L.L.C. and a letter of finding was submitted to the Town recommending the change; AND

**WHEREAS**, the Contractor provided a quote of \$11,382.69 to make the switch; AND

**WHEREAS**, other unused line items in the Contract are slated to be used to help offset the cost of the change, resulting in a net increase of the Contract sum by \$8,247.86; AND

**WHEREAS**, this additional cost exceeds the contract budget for this contract but currently have over \$130,000 remaining in the overall project budget from all four contracts;

1. The Town Board agrees to authorize the change order for the sum of \$8,247.86;

2. The Town Board authorizes the Supervisor to sign the Change Order #1, issued to Ackerman Plumbing, Inc.

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

**Five ayes carried.**

**J. RESOLUTION** made by Brennie, seconded by Paladino, to approve closing Church Street, Main Street from Church Street to Vineyard Avenue and Vineyard Avenue from Main Street to Milton Avenue for Springfest hosted by the Events Committee on Saturday May 12, 2012 from 10AM to 10PM.

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

**Five ayes carried.**

**K. TABLED Resolution** to accept the fee schedule for the Transfer Station for 2012.

Supervisor explained that he would like to change the fee schedule so that the senior citizens would purchase an annual permit and they could bring two bags of garbage per week free of charge to the transfer station. He would like to institute this next year as the Town Clerk's office has already issued annual permits which started on April 1<sup>st</sup> and end March 31<sup>st</sup>, residents over 62 have been given free permits.

**L. RESOLUTION** made by Brennie, seconded by Hansut, to approve the following Budget Amendments:

**2012 Budget**

**General Fund**

Accounting            00-01-1320-40            +\$107.00

Contingency        00-01-1990-40            -\$107.00

(Mary Kimball travel expenses not budgeted for)

Signs                    00-02-3310.40            +\$1,152.00

Contingency        00-01-1990.40            -\$1,152.00

(Ken Watson new signs for Johnson Iorio DiLorenzo sign and Historic Highland Hamlet)

**Water Fund**

Administration Prof Service    20-07-8310-30            +\$37,000.00

Unexpended Balance            20-770                    -\$37,000.00

(Pilot Testing Highland Water Plant original resolution 7.20.11)

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

**Five ayes carried.**

**MOTION** made by Litts, seconded by Guerriero, to adjourn the meeting at 9:20 PM.

**Five ayes carried**

Respectfully submitted

Rosaria Schiavone Peplow

04.18.2012

Town Clerk