

TOWN OF LLOYD

TOWN BOARD MEETING

JANUARY 15, 2020

Present: Supervisor Frederick Pizzuto
Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Councilmember Claire Winslow
Councilmember Mazzetti

Also present: Sean Murphy, Attorney
Wendy D. Rosinski, Town Clerk
Rob Stout, Attorney

7:00 PM – Supervisor opened meeting.

Public Hearing Local Law E – 2019 continued from 11/20/2019

Rob Stout Attorney, Whiteman, Osterman and Hanna, state that the town formed a Comprehensive Plan Review Committee in July 2019 and it has since met to review the Comprehensive Plan and Zoning Laws, the Board is proceeding as quickly as it can to make sure any amendments are accomplished within the six (6) month period of the moratorium and to present any recommendations to the Town Board by March if not sooner. After that the recommendations will be forwarded to the Planning Board for review and the Ulster County Planning Board. After that the Town Board will hold a Public Hearing on any revisions to the code.

PRIVILEGE OF THE FLOOR

Patty Brooks, of Brooks and Brooks Surveyors and a resident of Highland, said she has not heard a presentation on the moratorium from this board, explaining some of the components of it. She wonders if it's possible to have a presentation for the public.

Rob Stout said the reading of the resolution will include some background explaining why the moratorium is necessary, and what the component parts are.

Brooks asked about the interpretation of a particular part of it. The Ulster County Planning Board submitted comments which have been distributed to the general public.

Sean Murphy, attorney, stated at the November public hearing that the board would take into consideration all of the comments made at that public hearing, address the issues raised in the UCPB report, and then vote on the moratorium. She wanted to know if the board will share how they have addressed those issues.

Stout said the proposed moratorium has not been modified since it was introduced in October, and that is the moratorium that the board will act on at this meeting. The board's response to the UCPB's concerns will be submitted within 30 days following the action taken tonight, and that response will explain what the board has done to address the comments from UCPB, and what the UCPB was not aware of at the time their letter was issued.

Brooks asked if the board would share their response to the five required modifications. She thought if the board was voting tonight it would be appropriate to let the general public know how this board is addressing those items. She would certainly like to know.

Stout responded that the response to those modifications will be addressed in the resolution.

Brooks said she has one very specific question concerning the recommendation of the Ulster County Planning Board stating that and she is having difficulty interpreting Section IV of the proposed moratorium;

“All actions on pending applications currently before officials or boards of the Town of Lloyd for the development approvals listed herein are hereby temporarily suspended during the period of this moratorium, and no decisions shall be made either approving or denying such applications during the period of this moratorium.”

Is she understanding that the Town will allow applications to proceed in front of the planning Board but no decisions will be made during that time period?

Stout responded that it his understanding that the Board will not be receiving applications during the time of the moratorium. There is an acceptance process that was built into the original moratorium. He expects the Board will encourage all applicants to apply for that acceptance if they feel it is merited.

Brooks said then nothing has been changed in the required modification by the Ulster County Planning Board.

Stout responded that is correct.

Alec Gladd Associate Cuddy & Feder LLP, representing The Views which is the 44 - unit mixed unit development; it is fully compliant as of right development and subject to Planning Board review only. It is in the HBD (Highway Business District) zoning and they are compliant under those provisions. This Board (the Town Board) has failed to rectify or provide any support in response to Ulster County Planning Board comments or the development community. New York's highest court specifically says that public outcry is not a basis to introduce a moratorium. He would like to reiterate what Patty Brook stated, that the applications pending in front of the Planning Board should be allowed to continue in front of the Planning Board at the applicant's risk. This is something that is typically done during a moratorium process. He said this is a first for me to see a cold stop to everything in the town for six (6) months.

They also question the process in enacting the moratorium. The moratorium seems to be tied to the Comprehensive Plan Review Committee. They dispute that the Committee is a valid reason for the moratorium and also the process. The committee meetings are not advertised or posted on the town website. There is no posted schedule of their meetings and no minutes. The Town needs to make this critical information available to the public.

John Furst of Catania, Mahon, Milligram & Rider, PLLC representing the Villages in the Hudson Valley. He said his client is proposing a mixed-use CCRC (Continuing Care Retirement Community). It will have an independent home component, an adult home component, an advanced nursing care unit and a medical office facility; all within the CCRC regulations of the Town.

They are proposing a traffic light at Mayer Dr. and Rt. 9W and road widening of 9W, which traffic seems to be the main concern with the community. The results will be increased ratables, jobs and it will have its own recreational amenities. There will be no impact on the community, there will be no school age children.

He has reviewed the draft resolution and gone over the County's comments and he does not see how the resolution addresses the County's recommendations. The Comprehensive Committee was created in July of 2019. As of November, there have been two meeting, although it looks like there have been some subsequent meetings, but it has been difficult to find any information.

It looks liked there has been an attempt to address the first issue raised by the County of being actively engaged in updating the Comprehensive Plan, but there are four other issues that are not being addressed. The moratorium is still overly broad and vague. It does not address the County's comments. What is it about the Comprehensive plan and zoning that the Board feels it needs to adopt this moratorium? That has not been explained.

Again, the County has recommended to allow current applications to proceed at their own risk but as the moratorium is written does not address this.

The County says to allow developers the opportunity to consolidate reviews. His client already agreed to submit funds for an area wide traffic study along the 9W corridor. Once this application is put on hold, once all these applications are put on hold, this is a lost opportunity for the town. You had developers that were lined up ready to do a comprehensive traffic study.

The County says to clearly establish a demonstrated need, again, what is the rush, what is it in the Comp plan, what are the issues, what is the dyer necessity?

The final comment from the County is to show progress, he doesn't see anything in the resolution or the moratorium that shows progress and moving forward.

He feels it is irresponsible to pass the moratorium as is.

MOTION made by Winslow, seconded by Mazzetti to close Public Hearing on Local Law E-2019 at 7:15 PM

Five ayes carried

Town Board voted on Resolution K.

1. REPORTS

Assessor - Supervisor Pizzuto

Audit – January 1 – June 30, 2020: Councilmembers Auchmoody and Mazzetti

July 1 - December 31, 2020: Councilmembers Winslow and Guerriero

Beautification - TBD

Building Department – Supervisor Pizzuto

ECC (Environmental Conservation Committee) - Councilmember Guerriero

EDC (Economic Development Committee) – Councilmember Auchmoody

Events - TBD

Grants – Supervisor Pizzuto

Highland Fire District – Supervisor Pizzuto

Highland Central School District – Councilmember Mazzetti

On Wednesday December 18, 25 French Club students attended the Broadway play Beetlejuice.

The students then visited the Christmas Tree in Rockefeller Center, St. Patrick's cathedral and bought gifts at Tiffany's. A great time was had by all.

M.L. King Holiday is Monday, January, 20 School is Closed

January 21-24 regents' week

Middle school is focusing on PROJECT BASED LEARNING: last month students presented in formation on Social Issues. Students worked in pairs, selected a topic, researched information, wrote a paper including a solution to the problem, created a power point and presented to peers and teachers. As examples, topic included, urbanization, the opioid crisis, LGBTQ + issues, and poverty.

Middle School Students received a DASA (Dignity for All Students Act) refresher. By grade level, students were reminded of who they could reach out to if there was a concern, what the difference between being rude, mean, and bullying is, as well as other topics. At the end of the session, there was time for student questions.

Kindergarten Parent Workshop

The representative from the Ulster County BOCES Behavior Intervention Team held an informational meeting for kindergarten parents on making reading a priority in all households. Dinner and babysitting were offered to assist parents in their planning, so they could attend.

Hudson 7 – Councilmember Auchmoody

Supervisor Pizzuto explained that Hudson 7 is a committee of seven towns that draw off the Hudson River and it is normally Supervisors that attend the meetings but because of his schedule Councilmember Auchmoody has offered to attend.

Justice – Supervisor Pizzuto

Lights – Councilmember Auchmoody

Planning Board – Councilmember Winslow

Police – Supervisor Pizzuto

Supervisor said the Chief Waage is retiring after 25 years on the force and several years as chief, his last day of service is January 31st.

Safety – Supervisor Pizzuto

Water and Sewer – Councilmember Auchmoody

Auchmoody reported the engineer is taking the original bid for water and sewer under the railroad tracks and splitting it out. Boring under the railroad tracks will be put out to bid separately. The grant is for \$250,000, the engineers estimate was \$244,000 and when it went out to bid, they only received one bidder and it was for almost \$600,000. They are waiting for the bid packets to come out.

Zoning Board of Appeals – Councilmember Guerriero

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported said that Highway has been doing a great job keeping the trail clear.

They are working on a new website, more user friendly.

February 8th from 11-2 is the Winterfest and they are still looking for volunteers.

This year they have a bouncy castle, corn hole and Home Depot will be doing a presentation and working with the kids.

Winslow added that Winterfest is also a Chili contest.

Bellizzi said they have 18-20 participants from Restaurants to Fire Departments, both meat and vegetarian. Attendees are the judges for the contest.

Mazzetti thanked Bellizzi for the outstanding job he does.

Bellizzi said he couldn't do it without his volunteers.

Supervisor added that Barton and Loguidice is finishing the drainage work on the Rail Trail I and the project to repave is on time and on budget.

REPORT – Leonard Auchmoody, Manager, Bob Shepard Highland Landing Park
Auchmoody said he hoped everyone has had a chance to go down to the park at night and see the lights.

When the weather gets better, they will be doing a set of steps on the back porch of the building down to the landing where they used the old bricks.

They are considering have the compass rose ground to smooth it out and recolor it. That is a project for Custom Concrete.

He is going to ask the Highland Landing Board if they can put lights up in the back of the parking lot. He spoke with one of the police officers who said it's a little dark there and lights would help them when they patrol.

They still have some bollards that are available for sponsorship and anyone interested can contact him or the Town Clerk. All the benches are sponsored and the plaques are all on.

Councilmember Mazzetti asked if they are considering putting cameras up.

Auchmoody said they have discussed it but right now just want to get in more lighting.

2. OLD BUSINESS

3. NEW BUSINESS

A. Nick Coppola, Open Development

David Barton, Building Department Director said this property is just south of Blue Point Road. Mr. Coppola inquired about what he could do with the property. The property has no frontage therefore according to Town Law 280-a, a building permit cannot be issued to a property that does not abut a state, county or town road.

Mr. Coppola is requesting an Open Development. There is an old house on the property that needs to be demolished or rebuilt. By granting Open Development you are granting him a waiver of having frontage on a road. His current access is a Right of Way easement across Central Hudson property. He can sell the property but it has less value if it is not Open Development. You can grant the waiver and he can build on it or sell it.

Councilmember Mazzetti asked if there are any other properties in Highland with this issue.

Barton responded yes, John Indelicato on Illinois Mountain and many of the properties on the mountain side of the Rail Trail. If they ever want to develop, the town would have to grant Open Development.

B. RTH Holdings Water District Extension

Barton said that RTH Holdings is a project on Upper North Road which has been approved through the Planning Board for a warehouse. She has requested a water district extension. Barton spoke with Adam Litman, Water and Sewer Administrator and Andy Learn, Engineer CPL and they said they do not need a feasibility study or Map, Plan and Report because the last hydrant is directly in front of the property, across the street, all it will require is a one-inch line. All she has to do is go across the street.

Murphy said they will do a public hearing. This a no cost extension to the town.

4. PRIVILEGE OF THE FLOOR

Supervisor asked James Janso to introduce his two new hires.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Winslow, seconded by Mazzetti to approve the minutes of the 12.18.2019 Regular Town Board Meeting.

Five ayes carried

B. RESOLUTION made by Winslow second by Mazzetti to authorize the payment of vouchers as audited by the Audit Committee.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

C. RESOLUTION made by Winslow, seconded by Guerriero to accept the resignation of Edison Kovalsky, Full-time Dispatcher effective December 31, 2019.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

D. RESOLUTION made by Winslow, seconded by Mazzetti to hire Shane N. Haley as Part-time Police Officer at the rate of \$21.20 per hour effective January 16, 2020 at the recommendation of Chief Daniel Waage.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

E. RESOLUTION made by Winslow, seconded by Pizzuto to hire Jasmine L. Lambert as Part-time Dispatcher at the rate of \$18.34 per hour effective January 16, 2020 at the recommendation of Chief Daniel Waage.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

F. RESOLUTION made by Auchmoody, seconded by Winslow to hire Jamie Trejo as Part-time Receptionist at the rate of \$15.80 per hour effective January 16th, 2020 at the recommendation of David Barton.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

G. RESOLUTION made by Auchmoody, seconded by Guerriero to appoint Lt. James Janso to the position of Acting Police Chief effective February 1, 2020.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

H. RESOLUTION made by Winslow, seconded by Mazzetti **to rescind resolution of 1.02.2020** made by Mazzetti, seconded by Winslow to authorize supervisor to sign the financial advisory services agreement between the Town of Lloyd and Fiscal Advisors & Marketing, Inc for a term to expire 12/31/2020.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

I. RESOLUTION made by Auchmoody, seconded by Mazzetti that the Town of Lloyd hereby establishes the following as standard work days for its employees and will report days worked to the New York State and Local Employees' Retirement System based on the time keeping system or the record of activities maintained and submitted by these members to the clerk of this body.

TITLE	Standard Work Day (Hrs/day)
ASSESSMENT FIELD WKR	7.00
ASSESSOR	7.00
BUDGET OFFICER	7.50
TOWN HISTORIAN	6.00
MUNICIPAL BOOKKEEPER	7.50
BUILDING DEPT DIRECTOR	8.00
BUILDING INSPECTOR I	8.00
MCO/BI II	8.00
MUNICIPAL CODE OFFICER	8.00
RECEPTIONIST W/TYPING	8.00
TYPIST	8.00
COURT CLERK	7.50
COURT SECURITY OFFICER	8.00
GROUNDSPR II	8.00
AUTO MECHANIC	8.00
HMEO	8.00
LABORER	8.00

MEO	8.00
WELDER	8.00
WORKING SUPERVISOR	8.00
SOLID WASTE ATTEND	8.00
DISPATCHER	8.00
POLICE CHIEF	8.00
POLICE LIEUTENANT	8.00
POLICE OFFICER	8.00
POLICE SERGEANT	8.00
RECREATION AIDE	8.00
RECREATION ATTENDENT	8.00
RECREATION DIRECTOR	8.00
LIFEGUARD	8.00
SENIOR LIFEGUEARD	8.00
YOUTH WORKER / CAMP	
COUNSELOR	8.00
SEWER ADMINISTRATOR	8.00
SENIOR WASTEWATER	
PLANT OPERATOR	8.00
SENIOR WATER	
TREATMENT PLANT	
OPERATOR	8.00
SR W/W MAINTENANCE	
WORKER	8.00
W/W MAINTENANCE	
WORKER	8.00
WASTEWATER	
ADMINISTRATOR	8.00
WASTEWATER PLANT	
OPERATOR	8.00
WATER TREATMENT	
PLANT OPERATOR	8.00

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

J. RESOLUTION made by Auchmoody, seconded by Guerriero to establish the following standard workdays for the titles listed below and 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
Elected Officials	
Councilmember	6
Highway Superintendent	8
Justice	6
Town Clerk	8
Supervisor	6
Appointed Officials	
Dog Control Officer	8
1st Deputy Town Clerk	7
2nd Deputy Town Clerk	7.5
Assessor	7
Clerk to Justice	7.5
Secretary to the Highway Superintendent	8
Secretary to the Supervisor	7.5

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Five ayes carried

K. RESOLUTION made by Winslow, seconded by Mazzetti

WHEREAS, a local law entitled the “2019 Temporary Moratorium Law” as attached hereto, being proposed as Local Law E – 2019, was introduced at the October 16, 2019 meeting of the Town Board and was set by resolution of the Board for a public hearing on November 20, 2019; and

WHEREAS, as part of its October 2019 review the Town Board found that approval of Local Law E – 2019 constituted a Type II action under the State Environmental Quality Review Act (SEQRA) and was exempt from further review under SEQRA; and

WHEREAS, a public hearing was held by the Town Board on Local Law E – 2019 on November 20, 2019 and continued through its December 18, 2019 meeting where oral and written public comment was received on the proposed local law; and

WHEREAS, Local Law E – 2019 would impose a moratorium for a period of six (6) months following the date of adoption on applications for certain development approvals; and

WHEREAS, Local Law E – 2019 would temporarily suspend all action on pending applications currently before officials or boards of the Town of Lloyd for such development approvals and no decisions would be made either approving or denying such applications during the period of the moratorium; and

WHEREAS, Local Law E – 2019 would not apply to applications for residential subdivisions involving less than ten lots and applications for building permits for approved lots or structures to be used for residential purposes including two family dwellings, accessory apartments, accessory buildings, and manufactured homes and additions; and

WHEREAS, Local Law E – 2019 would allow extension of the moratorium for two (2) additional periods of three (3) months each by resolution of the Town Board upon a finding of the necessity for such extension; and

WHEREAS, Local Law E – 2019 would provide a process for the Town Board to vary or modify the application of the moratorium upon an applicant if its strict application would impose practical difficulties or extraordinary hardships and would not adversely affect the health, safety or welfare of the Town or significantly conflict with the general purpose and intent of Local Law E – 2019; and

WHEREAS, a temporary suspension of development approvals as described in Local Law E – 2019 will allow the Town of Lloyd a necessary, but limited, period of time to evaluate and update its comprehensive plan and zoning laws in furtherance of the protection of the health, safety and welfare of the community; and

WHEREAS, the Town’s comprehensive plan was last updated in 2013 and by its terms was to be periodically reviewed to determine the need for additional amendments; and

WHEREAS, the Town Board established a Comprehensive Plan Review Committee on July 17, 2019 that has commenced meeting to evaluate and prepare amendments to the Town’s comprehensive plan and zoning laws; and

WHEREAS, the Town Board seeks to ensure the Comprehensive Plan Review Committee and Planning Board have adequate time to evaluate and propose amendments to the comprehensive plan and zoning laws based on a defined schedule for doing so; and

WHEREAS, it is the goal and intent of the Town Board to proceed with all diligence to ensure that any necessary amendments to the Town’s comprehensive plan and zoning laws are adopted within the initial six-month moratorium period provided by Local Law E – 2019; and

WHEREAS, to this end the Comprehensive Plan Review Committee is hereby asked to complete its work and to submit any proposals for amendments to the Town Board for consideration at its March 18, 2020 meeting. Thereafter, the Town Board will move expeditiously and properly to obtain input on and to seek to adopt any changes that it deems necessary and appropriate to respond to the circumstances necessitating the moratorium provided by Local Law E – 2019.

NOW, THEREFORE, BE IT RESOLVED that:

- I. Local Law E – 2019 as attached hereto is hereby adopted; and
- II. The Town Clerk is directed to file Local Law E- 2019 with the Secretary of State in the manner provided by law.; and

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, nay

Four ayes carried

JANUARY 15, 2020

Auchmoody said he is totally against this and is sorry for leading all these projects along for over a year and now the Board is going to stop them dead in their tracks for six months and change the rules. He said the Town is going to end up with law suits and law suits cost money. Doesn't matter who wins, it costs money. If this law were to slow things down and have faith in our planning board and our building department, I would agree to it, but as it is written and not taking into account the counties recommendations, I am totally against it.

MOTION made by Winslow, seconded by Mazzetti to go into executive session to discuss personnel at 7:50 PM.

Five ayes carried

MOTION made by Winslow, seconded by Mazzetti to come out of executive session at 8:15 PM.

Five ayes carried

RESOLUTION made by Winslow, seconded by Guerriero to direct Attorney, Sean Murphy to notify Roemer, Wallens, Gold and Mineaux, Labor Relations Attorneys and Consultants by thirty (30) day notice, the termination of their Agreement with the town.

Roll call; Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

MOTION made by Winslow, seconded by Mazzetti to adjourn at 8:20.

Five ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk

