

TOWN OF LLOYD

TOWN BOARD MEETING

APRIL 15, 2020

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

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

Also Present: Rob Stout, Attorney, Whiteman, Osterman and Hanna
Paul Van Cott, Attorney, Whiteman, Osterman and Hanna

David Barton, Webex Host, stated the ground rules for the meeting. If you are not participating in the meeting please turn off your video, and leave audio on. The only videos showing should be the Town Supervisor, Town Board members, Town Clerk and Attorneys. Everyone other than the above mentioned, and himself, are on mute. You must “raise your hand” to speak. If for any reason, the Board or Clerk feel that you are being disruptive, you will be booted from the meeting and will not be able to rejoin. This is a new medium and a very difficult time, so everyone please be patient.

7:00 PM – Supervisor opened the first virtual meeting of the Town of Lloyd with the Pledge of Allegiance led by Lenny Auchmoody.

Town Clerk did roll call for those present.

Hearings to be opened: Bark Place
The Commons at Highland, Inc.

Hearings to be continued: Villages in the Hudson Valley
Paul Cusa
Michael Torsone Memorial Funeral Home
P We Holdings, LLC

MOTION made by Winslow, seconded by Auchmoody at 7:10 pm to Open Public Hearing for Bark Place.

Four ayes; Mazzetti nay

Rob Stout defined the guidelines for the Moratorium Waiver.

The Town Board shall have the authority, after a public hearing, to vary or modify the application of any provision of this Local Law upon its determination that strict application of this Local Law would impose practical difficulties or extraordinary hardships upon an applicant and that the variance granted would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law.

The Board should bear in mind that tonight’s action is to approve the request for waiver, it does not give an applicant project approval or permission to build.

Supervisor asked Paul Cusa to make a presentation of his project.

Paul Cusa said his project is on 5 Park Lane, he is looking to do a 3000 sq. ft. single floor building for offices. He has two possible tenants but cannot commit to anything until he has a start date or when he can get on a board agenda.

Paul Van Cott, Attorney, said we opened the hearing for Bark Place and should not be talking about Paul Cusa.

Van Cott said the Bark Place project has already been through the Planning Board, received Planning Board approval and is now seeking an amendment to that approval to reduce the size of the project. So, the hardship is that they have been through the process, received their approval and there is no indication that this would conflict with the intent of the moratorium. He said this is a reasonable basis to grant the waiver application.

Supervisor said they have done this already with other waiver applicants whose projects have been through the approval process.

Van Cott said if you choose to, because you just opened the hearing tonight, in case you want to hear additional public comment, you could just leave the hearing open.

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Supervisor agreed with the recommendation to leave the hearing open.

MOTION made by Winslow, seconded by Auchmoody to continue Public Hearing on May 20, 2020 for Bark Place.

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, nay; Guerriero, nay; Auchmoody, aye
Three ayes carried

Mazzetti said nothing against Bark Place, he doesn't feel any public hearings should move forward until the public can be present.

Guerriero agreed with Mazzetti.

Winslow said we are not approving the project; they are just letting them go forward with appearing in front of the planning board.

Guerriero said if the people don't have a chance to speak tonight then the only other time is at the Planning Board meeting.

VanCott explained that all you are doing is continuing the public hearing to next month.

The public has had an opportunity to participate in tonight's meeting, but if you move it to next month, more people will have an opportunity for public input.

They have been given the opportunity to participate remotely, notice was given, it was published in the paper. The public has had an opportunity to email or participate tonight.

All you are doing is continuing the public hearing to next month.

Mazzetti said next month could continue to be an online meeting. We don't know who the people are that are participating, we don't know if they are even residents. We don't know if the people are plants in this meeting. He doesn't see a reason why they can't hold off on everyone at this time.

Auchmoody added that this project was already approved, they are just trying to make it smaller. There wasn't any objection to the bigger building.

Guerriero said this is a public hearing and the people have a right to participate.

The Commons at Highland, Inc. (The Views)

MOTION made by Mazzetti, seconded by Winslow at 7:26 pm to open public hearing for the Commons at Highland.

Mazzetti said this is a high priority project and he feels the public should have the opportunity to be at these meetings. He doesn't feel this project should move forward for the same reasons as Bark Place.

Guerriero said he agrees with Mazzetti.

Supervisor requested applicant to give an updated presentation.

Alec Gladd, Attorney from Cuddy and Fedder, who represent the Commons at Highland, presented an overview of their site plan. A mixed-use project in the business district, zone compliant, only planning board approval needed, no zoning approval.

It is a 3.6 acre on Rt 9W across from Wingate at Ulster, Walgreens and Sunoco. The Views is proposing 2 modest buildings consisting of 32 one-bedroom and 12 two-bedroom apartments on the second floor, and 20,000 sq. ft. of commercial space on the first floor. 10% of the apartments will be affordable which is consistent with the town's requirement.

The project has been under review since 2018. The applicant has appeared at 8 Planning Board meetings and 2 Town Board meetings. In September they met at Town Hall with New York State Department of Transportation (NYSDOT), Ulster County Department of Public Works (UCDPW) and Town of Lloyd staff to discuss possible changes to South Chapel Hill Road. The Planning Board has declared themselves Lead Agency, the application was declared complete. A Public Hearing was held in December 2019 and was scheduled to continue in January of 2020. The Town's engineer from CPL has prepared a traffic study and Map, Plan and Report for the Water Extension they need.

The variance status:

The Views respectfully submits a waiver from the moratorium due to practical difficulties or extraordinary hardships upon an applicant.

The Views is unique, as the developer they are also property owners in the Town of Lloyd and therefore constituents. They pay all the taxes to the Town of Lloyd. As the property owners they are paying taxes on this vacant property which is a hardship. This is a self-funding project and an extension of the moratorium would cause even further financial hardship.

The moratorium has delayed the commercial and residential identification in leasing.

The Views has continued to consult with their professionals in preparation of going back into review with the Planning Board. The delay in construction means delayed income.

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The Views has already sought one extension on the mortgage and will likely have to seek refinancing a non-income producing property.

The moratorium has blocked the ability to bring in additional private investors.

The delay has created a backlog of legal and other professional invoices.

As part of the traffic plan, the Views has been in discussion with the Sunoco Station property owners on possibly taking part of their land, but the moratorium has slowed these discussions.

The Views has expended \$950,000.00 in soft costs and other expenses: architect, engineer, escrow accounts with the Town, mortgage, insurance, etc.

These costs would accelerate if the town adopts new zoning because of the review of the Comprehensive Plan, and they are required to make design changes.

In light of the pandemic and changing economy we would hope the Town would want to move forward with developers who want to make an investment in their community.

Furthermore, granting the waiver would not adversely affect the health, safety or welfare of the citizens of the Town or significantly conflict with the general purpose and intent of this Local Law.

The Views is a fully zoning compliant as of right development, subject to only site plan Planning Board review.

As this board is aware, they granted Joyful Moments child care a waiver and determined that no area variance was needed, and it was permitted by special use permit.

Further, granting the waiver would only enable the Planning Board to further review the project, not approve the project. The PB maintains its full power to protect the health, welfare and safety of the community.

The HBD Zoning district and its design standards have been recently updated. The Views, proposing to redevelop an under-utilized property along Route 9W in accordance with these recently updated standards is consistent with the nearby character of the area. This project is exactly the type of project that meets the HBD standards.

For closing comments, they also have their engineer here to answer any questions.

Mazzetti said D & D was much further in the process and had already ordered their building, and Joyful Moments Daycare is working with a pre-existing building and did not do any major changes. So, comparing your project to theirs isn't comparing apples to apples, it's more like apples to oranges.

Mazzetti asked what the length of each building is.

Gladd stated that each building is 150 long and 70 feet deep.

Mazzetti asked how tall each building is.

Gladd responded 35 feet.

Mazzetti said the design looks like they are 3 stories or even 4.

Gladd responded there are 3 stories and the 3rd story is blended into the roof line.

Mazzetti said that when the side street, South Chapel Hill Road, was 2 way, it was very dangerous. There has been discussion that you are proposing to open to 2 ways again, is that a proposal.

Taylor Palmer, Attorney with Cuddy & Feder, said the current traffic study done by DOT shows that the existing condition of one way is actually the hazard, and they would mitigate that for better function. That is being reviewed by both the County and the State Department of Transportation.

Mazzetti asked if they have it in writing from DOT to do that.

Palmer responded that currently the project is on pause because of the moratorium. They have been in discussion with the NYSDOT, but that part of the highway is County not State.

Mazzetti asked again if they have written permission.

Palmer again reiterated that they have had discussions and review with the state, the county and their engineers, and again the moratorium has put the project on pause.

Mazzetti asked how much green space in one spot are they leaving.

Gladd shared a screen shot of the site plan.

Palmer stated that this discussion is for the purpose of seeking a hardship waiver as they have been in review with the Planning board since 2018. They are heavily through the SEQRA process and Public Hearing process.

Mazzetti said it is a self-inflicted hardship because you bought the property without putting in contingency for project approvals.

Gladd said they are landscaping the entire project along Chapel Hill Road and Rt. 9W. They have ample screening along the parking lot and Mayer Dr. The rear of the property has terraced retaining walls which will be landscaped. The rear of the property

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will also have evergreen trees for screening. He showed a topography of the site and where the green space is.

Mazzetti said there is access from Mayer Dr.

Palmer said there is no commercial access at this location.

Mazzetti asked again how much continuous green space there will be. I see the shrubbery but what is the green space?

Michael Morgante, Engineer, said approximately 1/3 of the property.

Mazzetti asked what the percentage of green space is.

Morgante responded that it is an acre.

Palmer said this project has been before the Planning Board for some time. There have been significant changes in design and screening as a reflection of the comments of the Planning Board. The topography of the site allows for significant buffering from the neighbors. They have had Public Hearings with the community and received their comments.

There have been significant expenses that the developer incurred as Gladd laid out in his presentation. The application is completely zoning compliant as is the affordable housing portion.

Mazzetti said this sloppy presentation is the reason it is taking you so long to get your approvals. You have been working on this project for a while and have not been able to build it. He said this is a self-created hardship. You don't have the approval for the roadway. I think it would be criminal to move this project further until all questions are answered.

Palmer requested the Supervisor to open up to public comments.

Supervisor said that everyone understands, other than himself, this is the same town board that was in place since the inception of this project, so they are very familiar with his project.

Mike Guerriero, Councilmember said he was at the public hearing when the traffic issues were discussed and the residents were quite upset, how far have you gone to resolve that and make it a better plan?

Palmer said the Public Hearing that was opened immediately before the moratorium was adopted, so no, there has not been any additional communication or an opportunity to speak with the public.

Mazzetti asked if they have come up with a better plan for entering and exiting.

Palmer said I expect you are referring to Mayer drive.

Initially they spoke with residents directly across the street to lay out additional screening and to modify the plan consistent with comments from the Planning Board, to not allow commercial traffic. Commercial traffic can only access off 9W. Additional comments will be heard when that Public Hearing continues. They have been responsive to the comments of the Planning Board.

Paul Van Cott asked if they would like public comments at this point.

Supervisor asked if anyone would like to speak and explained that the Commons and the Views is the same project.

Barton explained that you need to raise your hand to speak or you can chat. He explained how to do that. All the people on just the phone are unmuted.

Van Cott asked if there are public comments.

Palmer said this is deferred to counsel; to clarify, the comments that came from the councilmember this evening were specific to site planning issues, and the nature of tonight's meeting is to discuss hardships and they are explaining why they are unique to this project and where we are in the process, and request a waiver from the moratorium. The site plan and public hearing are for the planning board review.

He refers to the attorney pool to clarify that the relief they are requesting tonight are in the original comments of this public hearing.

Mazzetti said that is his point about using the internet, people want to speak and they can't.

Barton responded they can speak.

Barton said that John Hines, resident of Mayer Drive, asked how this can move forward with the traffic, and the impact the traffic will have on the residents.

Van Cott said the project waiver request is procedurally in the same place as Bark Place. We have just opened the public hearing tonight, and this is a significant project for the town. Our past practice has been to continue the public hearing to the next month to allow for additional public comments on the waiver request. We are looking for a waiver to move forward with the planning board. Our past practice has been to allow for additional public comment after the first opening of the public hearing.

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Mazzetti said past practice means they would automatically go to the planning board. That is not past practice. Past practice is you come before us and we vote if you get to move forward. I've been voting no and voting yes, depending on the project. Past practice is you get voted on and then go forward, past practice is not automatically going forward. I don't think it is correct to use the word past practice.

Van Cott said his point is that if the board chooses to do so, they could make a motion and move this public hearing to the next meeting. This is what was done with the initial waiver requests; they were continued to the following meeting, then the board approved certain projects and the waivers were granted. You have the option of doing that tonight with this project.

Mazzetti said they were voted on and then they were passed or not passed. There is no guarantee they are going to move forward.

Palmer asked if there was a motion and roll call to open the hearing.

Sean Murphy, Attorney, said the question here is whether you are going to motion to continue the hearing to next month, or motion to grant the waiver.

Wendy Rosinski, Town Clerk, said at 7:26 there was a motion made by Mazzetti and seconded by Winslow to open the public hearing and a roll call.

Mazzetti and Guerriero said they are ready to vote.

Auchmoody asked what they are voting on.

Supervisor asked Rob Stout to explain that this is an open public hearing and can continue to be open. We are not voting on opening a public hearing

Rob Stout said it is his understanding that you want to extend the public hearing to allow for additional public comment and allow people to comment at next month's meeting.

Mazzetti said if we close the hearing they have to come back and request a waiver again.

Stout responded no, if you vote to close the hearing you have to give him a decision in 30 days.

If you want to allow for additional public participation, then vote to move it to next month.

Winslow said, so everyone is clear, if we vote to continue the public hearing and we don't have town presence in the town hall, we can continue the public hearing until we do have presence.

Supervisor said that is absolutely correct.

Mazzetti said he would like to hear that from the lawyers, Mr. Pizzuto.

Stout said it is the Town Board's discretion to leave the public hearing open for as long as they feel appropriate. He wants to be clear that when they use the phraseology "move it forward", they are only keeping the public hearing open. It is the board's prerogative to extend the hearing as they deem necessary.

Mazzetti said as long as we deem necessary, is that correct?

Winslow responded they aren't saying no to the waiver, they are extending the public hearing so the public can come out and express their feelings about the project

Gladd said they understand that the board is pushing them to next month.

Palmer said the public will have opportunity to comment at the planning board public hearing on site plan issues. That hearing is still open.

Again, tonight's hearing is not about site plan.

Stout said they can continue to have public comments until the next meeting.

MOTION made by Winslow, seconded by Auchmoody.

to extend Public Hearing on May 20, 2020 at 7:00 PM for The Commons at Highland, Inc.

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

Mazzetti commented that he is voting yes, based on the fact that the lawyers said they can extend the hearing again. He said he believes it is important for the public to come forward and have their opinions heard.

Villages in the Hudson Valley continued Public Hearing.

John Furst, Attorney, said this is their fourth Public Hearing on this project. They had three public hearings prior to the Corona Virus outbreak. At the last public hearing on March 4th we presented going forward with only the assisted living facility, and forgo the housing, medical office and Urgent Care. The assisted living facility use is a permitted use under the current zoning code and special use permit. There is no indication that this is going to be changed by the Comprehensive Plan Committee. Last week they submitted elevations in a rough concept plan, again, for just the assisted living facility. It is a

general concept. All they are looking to do is get a waiver from the moratorium and move forward and work out the site plan details with the Planning Board as part of the special use and site plan process. They have a lot of flexibility with design, and feels his client has been flexible and will continue to do so. They would love to get into the details on the landscaping, and access and all, but right now they are just trying to move forward with the assisted living facility only. Everything will be zoning compliant, the height will be two stories, less than 35 feet, the length 366 feet, set back approximately 100 feet from the 9W property line. The access is directly from 9W. There will be an access road off Mayer Drive for fire safety and fire access. Again, those are site plan issues to be worked out with the Planning Board. They still plan to install a traffic light at Mayer Dr. and Route 9W, and plan on widening Route 9W as was in the original proposal. This proposal is consistent with the current zoning. They are flexible with the design and part of the special use site plan approval with the Planning Board. This is a continued public hearing for us, and they have submitted several letters outlining the extraordinary hardships, a lot of money has been spent. As far as the assisted living goes, they are dependent on HUD financing and are almost at the end of the rope. They have pushed them off as long as they could. They would like to get a decision as soon as possible so they can tell HUD, and their financing groups, that they are moving forward.

Mark Sanderson, owner and applicant, said that he is very excited about this project and feels it is needed in our town, and he is looking forward to working with the town. He is committed to providing high quality housing for local seniors at an affordable price. He will continue to listen to your concerns and address them and hopefully satisfy everybody.

He knows he can't satisfy everybody, but he will do his best. He thanked everyone for arranging this meeting in this horrible time and wished everyone to stay safe and stay healthy.

Mazzetti addressed John Furst and thanked him for the hard work he has put into this project and wants to clarify a statement he made. At previous meetings he said he had approval to widen Route 9W and put in the traffic light. Tonight, you said you propose to widen the road and put in the traffic light. Which one is it?

Furst responded that they have conceptual approval from NYSDOT. They will not give final approval until we get land use approval from the local municipality.

Mazzetti asked if they have that in writing.

Furst said yes, they have submitted it in reports to the town and they update the town's engineer regularly.

Barton said he has all the data. It was based on the larger project and they will need to go back to DOT but doubts they will back out.

Mazzetti said he really wants a light; it is a high traffic road and without a light there would be a lot of fatalities.

Barton said the town board has seen the new map, and the additional traffic going on Mayer Dr. is auxiliary traffic. There won't be a lot of additional traffic going on Mayer Dr.

Mazzetti said he is also concerned about a 360-foot building so close to the road and that, from 9W, it would look like they are building a wall along the road.

Furst said the building will be set back further than the storage facility, and they will work on the site plan, with the planning board, during site plan review process. They will work with the planning board on setbacks, screening, and elevations; they would love to get into all the details with the planning board, but right now their hands are tied, and that is why they are asking to move forward, to work out the issues and concerns with the planning board.

Mike Guerriero said he is concerned about the traffic light. There is already a light 200' north of Mayer Dr. Why can't you line up with Hannaford's and Argent Drive.

Barton said he has met yearly with DOT, since Supervisor Ray Costantino, and the concern is the amount of dirt that would have to come out of that hill and the grade of moving the road. This new model is the model that DOT is more in favor of.

Furst said they will synchronize the lights and that will be in the traffic report.

Auchmoody said if we do grant the waiver, the law says it is at the owner's risk to move forward. We can still stop them.

Mazzetti said his concern is not about stopping them, it is allowing the public to come out.

Winslow said granting them the waiver to go in front of the Planning board is not moving them forward.

Mazzetti said he has no problem keeping the public hearing open. John Furst is asking for a waiver so they can go in front of the planning board. He does not want to do that.

John Furst said this is our fourth public hearing on the waiver request.

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Mazzetti said according to our Attorneys, we can keep the public hearing open as long as we see fit. You have to understand, as an elected official I represent the residents, and I have to represent them thoroughly and hear their voice.

Rob Stout said the point Furst is making is that this is their fourth public hearing and the public have had more opportunity to comment on this particular application than they did on the previous two applicants. He said to Mazzetti that it is his prerogative to extend the public hearing to next month, but recognizing the urgency given the funding situation.

Mazzetti said his urgency is not to them, it is to the residents. And even though this is their fourth public hearing, the project has changed and the public has not had an opportunity to comment on it. Until they do, I am uncomfortable moving it to the planning board.

Furst said the project hasn't changed, it has been scaled back, they are asking for much less than they originally proposed. They received comments at the first two public hearings on the full project and did not receive any comments on March 4th on the scaled back project.

Furst said he hasn't heard any public comment.

Winslow said the public has commented, and they are not happy. Comments are coming in by text and they do not want the project pushed forward. She explained that the project is not being moved forward, they are just leaving the public hearing open until May 20, 2020.

Paul VanCott said that Villages is asking for a waiver to the moratorium so it would be put back in front of the Planning Board. As Rob Stout said, if you feel you don't have enough information you can keep the hearing open, or you could refer it to the planning board with some direction with the concerns you have.

Mazzetti said he is not in favor of putting them in front of the planning board.

Guerriero said the public has to speak because the plan has changed.

Winslow said the plan has been downsized.

Rob Stout said you should take public comments from whoever is on this meeting.

Winslow said they are all typing in the questions and comments.

Susan Lindauer of Hudson Hills said she is confused because some are referring to this as assisted living and others are calling it a nursing home, which are two different things.

John Furst said it is an assisted living residence.

Lindauer asked if there will be a medical facility attached as was originally proposed.

Furst responded that the original plan had an urgent care and medical facility. They are proposing to move forward with the assisted living facility right now.

Lindauer asked what does right now mean.

Furst responded right now means to get through the moratorium and to the planning board for an assisted living facility. Once the zoning is finalized, there could be stuff in the future, but we don't know that. They do not know what zoning will be, once the town revises the comp plan.

Lindauer asked if Furst could verify the amount of acreage there is and how much this part of the project will take. She wants to know what they will have available to possibly build on in the future.

John Hines said he is concerned about what may come down the road. So, you are asking for the assistant living, but later could come back and ask for the urgent care, and then continue with the project that is up on the hill.

Winslow said that they are only keeping the hearing open on the assisted living facility. Any further projects would have to go through the entire process, individually.

Furst added, in response to Susan Lindauer's question, that after the assisted living facility is built, it would leave roughly 50 acres. What they do with the remainder of this property is all speculation at this point, until the new zoning amendments get adopted.

Dave Barton said if the Town board decides to move them out of the moratorium by waiver, or the Town comes out of the moratorium by satisfaction of zoning changes, then this project will go to the planning board and the process would basically start over, based on the new project parameters that they are proposing, which is only the assisted living building. That is the only thing the planning board would review, no housing, no urgent care. It is only a two-story building. Barton shared his screen to show the elevations of the proposed building.

Furst added that they want to move forward with something that is permitted under the zoning, and not inconsistent with what is being purposed.

Supervisor asked if the project is granted a waiver, and goes to the Planning Board, does the planning board have the ability to ask for changes in the building such as height, length, etc.

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Barton said yes, they do have that ability based on a rational decision as to why. The building cannot go higher than 2 ½ stories. The planning board has the authority to influence the site plan.

Supervisor said new projects can take upwards of 8 months to go through the site plan process. When the Comp Plan recommendations for zoning changes go from the town board to the planning board, and back to the town board, if there are any changes made to the zoning that could affect this building, does the developer have to comply with them?

Barton responded yes; zoning changes are an immediate impact if you are under review. Only if you are “shovel in the ground” would they not affect the developer.

Supervisor asked how long the process of approval could take.

Barton said that is difficult to guesstimate. This is a significantly smaller project that they are proposing. The planning board reviews elevations, location on site, lighting, landscaping, parking, traffic, etc. He said this isn't something that is immediate, the planning has much more reviewability and skill than that.

He said he can't say how long it will take.

Mazzetti said he is not concerned with how long the process will take, but the end result. If our community residents can't voice their opinion and it goes forward, once it is built it changes the landscape of our community forever.

Barton responded that he understands, and he has heard the same from other board members. He attempts to advise all three boards; the planning board, zoning board and the town board to the best of his ability, and he does trust all those boards to make the best decisions for the town, including the planning board. Scott McCarthy, Planning Board Chairman, is on this meeting tonight and he told him that he does trust his board to make the right decisions for the town.

Furst said there will be an approval process through the planning board, and there will be public hearings, and plenty of opportunity for the public to comment and listen to the details of the project. Once again, they are just trying to move forward to the planning board, and get into the details with them and the public. Hopefully by May the pause will be lifted, and we can go back to more traditional public hearings and meetings.

Mike Guerriero said that if we extend this hearing another month, people will have an opportunity to speak, and then one more time once it goes to the planning board. They really don't have a lot of opportunity.

Furst said, as a reminder, the full-scale project has been in front of the planning board for a year. They had an informational meeting in August 2019. They had many public meetings before the planning board. The public is very aware of the project. It has now been downscaled significantly, and yes, it has changed, but it has become much smaller. This is our fourth public hearing on the waiver request. He asked that if the board is going to extend the hearing again, they move it to the workshop in May, as opposed to waiting the full month to the next regular meeting.

Supervisor asked for any further public comments.

Terrance Wilson, resident, said that in light of the current crisis, he can't see anything proceeding from this board or having another public hearing, until we are back to business.

I am not saying this project should stop. It doesn't make sense when only the tech savvy can participate in this process.

Mazzetti added that is his point exactly.

Supervisor asked Sean Murphy, Attorney, if he could poll the board.

Murphy said, informally, you can ask the board what their thoughts are.

Mazzetti said he is in favor of extending the public hearing, but he is a hard no on moving them to the planning board at this time.

Murphy added that Furst requested you extend the hearing to the workshop instead of the regular meeting.

Mazzetti said no, he is in favor of moving it to the regular meeting.

Winslow is in agreement to leaving the public hearing open until they can have public comment.

Guerriero agrees to extending the public hearing, it is the fair and right thing to do.

It will give the public the opportunity to come forward with their comments.

Auchmoody said there is a chance we will have to move the hearing again next month, but he does agree to continue the hearing.

MOTION made by Mazzetti, seconded by Auchmoody to continue Public Hearing on May 20, 2020 for Villages in the Hudson Valley

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

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Five ayes carried

Furst said if there are any questions by the board members or the public, that the plans are available at Town Hall, or electronically. You can reach out to him and he would be happy to answer any questions.

Paul Cusa

Supervisor said they heard from Cusa at the beginning of the meeting. He asked if anyone had any questions for Paul Cusa. He asked Cusa if he had any additional comments.

Cusa responded he has a couple of possible tenants and would like to get moving.

Mazzetti asked if the building he is proposing is similar in size and style to the other buildings he has built on Park Lane.

Cusa said it will be similar to the building he built for the USDA, 3000 sq. ft.

Mazzetti said it is a modest building and consistent with the other buildings on that street.

Supervisor said that Cusa is seeking a waiver from the moratorium so he can move forward with his project to build a 3000 sq. ft. commercial building on Park Lane for offices. He has built several other similar buildings on Park Lane, and this building is consistent with those in the same area.

Auchmoody said Cusa is a premier builder and has made a great contribution to the community.

Supervisor asked for public comments.

**RESOLUTION
GRANTING VARIANCE FROM MORATORIUM TO
PAUL CUSA**

At a regular meeting of the Town Board, Town of Lloyd, held at the Town Hall, 12 Church Street, Highland, New York, on the 15th day of April, 2020, at 7:00 p.m. there were:

PRESENT: Pizzuto, Winslow, Mazzetti, Guerierro, Auchmoody

ABSENT: O

Motion made by Mazzetti, seconded by Auchmoody

WHEREAS, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the “Moratorium”); and

WHEREAS, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

WHEREAS, the Moratorium provides a process for the Town Board to vary or modify the application of the local law 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 the Moratorium; and

WHEREAS, the Town Board’s determination to grant or deny a request for relief from the Moratorium is a Type 2 action under the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, “SEQRA”) and accordingly requires no further SEQRA review; and

WHEREAS, Paul Cusa (the “Applicant”) has applied to the Town Board for relief from the Moratorium in order to seek development approvals for a new office building to be constructed on 5 Park Lane, SBL #87.1-3-37.120 (the “Project”); and

WHEREAS, the Applicant maintains that the strict application of the Moratorium to his situation would impose practical difficulties or extraordinary hardships because he has: (1) incurred costs for the design and county application for a septic system on the property; and (2) been planning for this project for some time and paying taxes on his property without realizing its full value. According to the Applicant, granting the waiver will allow him to move forward with this important project for him in this difficult economic time; and

WHEREAS, the Project is proposed in a Designed Business zoning district where an office building is a permitted use; and

WHEREAS, a public hearing was held on the Applicant’s request for relief from the Moratorium on April 15, 2020.

NOW, THEREFORE, BE IT RESOLVED that:

APRIL 15, 2020

1. The strict application of the Moratorium would result in practical difficulties or extraordinary hardship to the Applicant for the reasons described above; and
2. The Project will not adversely affect the health, safety or welfare of the Town since it is a permitted use in the Designed Business zoning district subject to Planning Board review; and
3. The Project does not conflict with the general purpose and intent of the Moratorium; and
4. Accordingly, the Applicant's request for relief is granted and the Applicant may seek any necessary development approvals required by the Town in connection with the Project.

The vote: __5__ AYES ___ NAYS ___ ABSTENTIONS

The Resolution was declared adopted.

Michael Torsone Memorial Funeral Home

Supervisor said they have seen the presentation for this project. They are looking for a waiver to proceed. It will take them some time to get their house in order and hopefully the conditions we are currently under will be better in 2 or 3 months.

Mazzetti said they are a fourth-generation family owned business, and he has been in the funeral home many times, and it has been crammed. He said with this Covid-19 and people passing away, it is important to let them make the funeral home bigger.

Auchmoody said the entire family has done a lot for this community. They are not hurting anyone, and not encroaching on anyone's property. He is in favor of going forward.

Guerriero said he is in favor.

RESOLUTION GRANTING VARIANCE FROM MORATORIUM TO MICHAEL TORSONE MEMORIAL FUNERAL HOME, INC.

At a regular meeting of the Town Board, Town of Lloyd, held at the Town Hall, 12 Church Street, Highland, New York, on the 15th day of April, 2020, at 7:00 p.m. there were:

PRESENT: Pizzuto, Winslow, Mazzetti, Guerriero, Auchmoody

ABSENT: O

MOTION made by Auchmoody, seconded by Mazzetti

WHEREAS, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the "Moratorium"); and

WHEREAS, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

WHEREAS, the Moratorium provides a process for the Town Board to vary or modify the application of the local law 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 the Moratorium; and

WHEREAS, the Town Board's determination to grant or deny a request for relief from the Moratorium is a Type 2 action under the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA") and accordingly requires no further SEQRA review; and

WHEREAS, Michael Torsone Memorial Funeral Home, Inc. (the "Applicant") has applied to the Town Board for relief from the Moratorium in order to seek development approvals for a rearward expansion of its existing funeral home at 38 Main Street, SBL #88.69-1-7.100 (the "Project"); and

WHEREAS, the Applicant maintains that the strict application of the Moratorium to its situation would impose practical difficulties or extraordinary hardships by delaying an anticipated 2020 construction schedule. Moreover, operation without the expanded space creates an unsafe situation due to the public currently having to stand outside and near the road during funerals; and

WHEREAS, the Project is proposed in the Central Business zoning district where the use is permitted; and

WHEREAS, a public hearing was held on the Applicant's request for relief from the Moratorium on April 15, 2020.

NOW, THEREFORE, BE IT RESOLVED that:

APRIL 15, 2020

1. The strict application of the Moratorium would result in a practical difficulties or an extraordinary hardship to the Applicant for the reasons described above; and
2. The Project will not adversely affect the health, safety or welfare of the Town since it is a permitted use in the Central Business zoning district subject to Planning Board review; and
3. The Project does not conflict with the general purpose and intent of the Moratorium; and
4. Accordingly, the Applicant's request for relief is granted and the Applicant may seek any necessary development approvals required by the Town in connection with the Project.

The vote: 5 AYES NAYS ABSTENTIONS

The Resolution was declared adopted.

P We Holdings, LLC

Supervisor said P We Holdings is a continued public hearing; they are asking for a waiver from the moratorium based on the conditions they previously cited.

Mazzetti said for those of you who don't know, this is the owner of Sal's Place in the Hamlet. He wants to expand his catering. This is a true hardship; because of Covid-19 he has had a loss of revenue at the restaurant. This is not a self-created hardship. He is one of the backbones of our community.

RESOLUTION GRANTING VARIANCE FROM MORATORIUM TO P WE HOLDINGS, LLC

At a regular meeting of the Town Board, Town of Lloyd, held at the Town Hall, 12 Church Street, Highland, New York, on the 15th day of April, 2020, at 7:00 p.m. there were:

PRESENT: Pizzuto, Winslow, Mazzetti, Guerierro, Auchmoody

ABSENT: O

MOTION made by Auchmoody, seconded by Mazzetti

WHEREAS, a local law entitled the 2019 Temporary Moratorium Law was adopted by the Town Board as Local Law 1 – 2020 on January 15, 2020 and became effective on January 16, 2020 (the "Moratorium"); and

WHEREAS, the Moratorium temporarily suspends for a period of six (6) months all action on applications before officials or boards of the Town of Lloyd for certain development approvals and provides that no Town decisions shall be made either approving or denying such applications while the Moratorium is in effect; and

WHEREAS, the Moratorium provides a process for the Town Board to vary or modify the application of the local law 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 the Moratorium; and

WHEREAS, the Town Board's determination to grant or deny a request for relief from the Moratorium is a Type 2 action under the New York State Environmental Quality Review Act and its implementing regulations in 6 NYCRR Part 617 (collectively, "SEQRA") and accordingly requires no further SEQRA review; and

WHEREAS, P WE Holdings, LLC (the "Applicant") has applied to the Town Board for relief from the Moratorium in order to seek development approvals for a new restaurant catering facility to be constructed on NYS Route 9W, SBL # 88.1-4-8.222 (the "Project"); and

WHEREAS, the Applicant maintains that the strict application of the Moratorium to its situation would impose practical difficulties or extraordinary hardships because of the costs incurred to date for development of the Project and the potential loss of business opportunities from further delay of review of the Project; and

WHEREAS, the Project is proposed in a General Business zoning district where an restaurant catering facility is a permitted use; and

WHEREAS, a public hearing was held on the Applicant's request for relief from the Moratorium on April 15, 2020.

NOW, THEREFORE, BE IT RESOLVED that:

1. The strict application of the Moratorium would result in practical difficulties or

APRIL 15, 2020

- extraordinary hardship to the Applicant for the reasons described above; and
2. The Project will not adversely affect the health, safety or welfare of the Town since it is a permitted use in the General Business zoning district subject to Planning Board review; and
 3. The Project does not conflict with the general purpose and intent of the Moratorium; and
 4. Accordingly, the Applicant's request for relief is granted and the Applicant may seek any necessary development approvals required by the Town in connection with the Project.

The vote: 5 AYES NAYS ABSTENTIONS

The Resolution was declared adopted.

Supervisor said in order to expedite this meeting he is going to jump to New Business **3A**.

1. REPORTS – Town Board Liaisons

Beautification - TBD

ECC (Environmental Conservation Committee) - Councilmember Guerriero

EDC (Economic Development Committee) – Councilmember Auchmoody

Highland Fire District – Supervisor Pizzuto

Highland Central School District – Councilmember Mazzetti

Hudson 7 – Councilmember Auchmoody

Lights – Councilmember Auchmoody

Planning Board – Councilmember Winslow

Police – Supervisor Pizzuto

Water and Sewer – Councilmember Auchmoody

Zoning Board of Appeals – Councilmember Guerriero

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

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

2. OLD BUSINESS

A.

B.

3. NEW BUSINESS

A. Comprehensive Plan Review Committee (CPRC) Recommendations

Rob Stout said the Comprehensive Plan Review Committee was asked to look at the current code as part of the Moratorium review process. On Monday, they submitted their recommendations to the Town Board. This is the first step in any potential zoning change process. The memo from the CPRC is advisory in nature to the Town Board, the next step would be for the Town Board to refer any proposed zoning changes to the Planning Board for their review and input. He said he understands that in addition to the recommendations made by the committee, some town board members have additional proposed changes for the planning board to review. At this point in time it is appropriate to send any potential changes to the planning board, and it is the planning board's responsibility to review them and provide recommendations to the town board. Once the town board receives the planning board's report, which we hope will be early May, it would be appropriate for the Town Board to refer the proposed changes to the Ulster County planning board for review and schedule a public hearing.

Mazzetti said he got the draft yesterday; he and Councilmember Winslow discussed it and have some further recommendations and changes they would like to see implemented. He said he would rather send the draft back to the Comprehensive Plan Review Committee with the changes, and then back to us to vote on. He wants to make sure the changes are made before it goes to the planning board.

Stout said you don't vote on what the CPRC sent you. They send you their advisory opinion, you take that into consideration, and then you send it to the planning board for their advisory opinion. He said he believes the CPRC has sent their final work draft.

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Winslow said the changes were already added to the draft which was sent to all the town board members for review, so that they can give it to the planning board for their review, so it can come back to the town board, and they can finalize it and move forward.

Stout said when it comes back from the planning board to the town board you have complete discretion to make any changes you feel appropriate.

Supervisor reiterated that when the draft comes back from the planning board, the town board can make any changes it wants to.

Stout said that is correct.

MOTION made by Winslow, seconded by Mazzetti to forward the recommendations from the Comprehensive Plan Review Committee and the Town Board for proposed zoning changes to the planning board for their review.

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, nay
Four ayes carried

4. PRIVILEGE OF THE FLOOR

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Winslow, seconded by Auchmoody to approve the minutes of the Regular Town Board meeting of March 18, 2020.

Five ayes carried

B. RESOLUTION made by Mazzetti seconded by Guerriero 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 Mazzetti, seconded by Winslow to approve the following budget amendments for 2019.

APRIL 15, 2020

General				
DESCRIPTION	ACCOUNT CODE	DEBIT	CREDIT	
A-1220 CONTRACTUAL EXP	00-01 -1220-40	169.20		
A-1220 PERSONAL SERVICES	00-01 -1220-10	127.50		
A-1320 AUDITING/ACCOUNTING PERSONAL SERVICES	00-01 -1320-10	3,173.07		
A-1320 CONTRACTUAL EXP	00-01 -1320-40	5,240.00		
A-1440 CONTRACTUAL EXPENSE	00-01 -1440-40	13,812.70		
A-1620 CONTRACTUAL EXPENSE	00-01 -1620-40	5,707.20		
A-1620 TOWN HALL CAPITAL IMPROVEMENTS	00-01 -1620-50		(5,842.20)	
A-1620 TOWN HALL EQUIP	00-01 -1620-20	135.00		
A-1630 BUILDINGS & GROUNDS CE	00-01 -1630-40	1,671.23		
A-1630 BUILDINGS & GROUNDS PS	00-01 -1630-10		(1,671.23)	
A-1660 CENTRAL STOREROOM	00-01 -1660-40	842.72		
A-1670 CONTRACTUAL EXPENSE]	00-01 -1670-40	4,695.26		
A-1680 CENTRAL DATA PROCESSING CE	00-01 -1680-40	3,673.84		
A-1680 EQUIPMENT	00-01 -1680-20		(3,673.84)	
A-1990 CONTINGENT	00-01 -1990-40		(72,800.56)	
A-3120 PART-TIME POLICE	00-02 -3120-11	20,241.40		
A-3120 PERSONAL SERVICES	00-02 -3120-10		(20,241.40)	
A-3510 CONTRACTUAL EXPENSE	00-02 -3510-40	1,457.73		
A-5650 CONTRACTUAL EXPENSE	00-04 -5650-40	26,055.07		
A-5680 RAIL TRAIL CONTRACTURAL EXPENSE	00-04 -5680-40	14,293.37		
A-7110 PARKS CAPITAL IMPROVEMENTS	00-06 -7110-50		(5,106.39)	
A-7110 PARKS CE	00-06 -7110-40	5,049.26		
A-7110 PARKS RAIL TRAIL	00-06 -7110-41	57.13		
A-7550 CONTRACTUAL EXPENSE	00-06 -7550-40	2,461.99		
A-8260 CONTRACTUAL EXPENSES	00-07 -8260-40	8,381.90		
A-8260 PERSONAL SERVICES	00-07 -8260-10	6,431.15		
A-8260 TRANSFER STATION CAPITAL IMPOVEME	00-07 -8260-50		(14,813.05)	
A-9045 POLICE LIFE INSURANCE	00-08 -9045-80	363.60		
A-9055 DISABILITY INSURANCE	00-08 -9055-80	108.35		
		124,148.67	(124,148.67)	

Highway				
DESCRIPTION	ACCOUNT CODE	DEBIT	CREDIT	
DA-5010 ENGINEER/CONSULTANT	01-04 -5020-30		(156.00)	
DA-5010 SUPT OF HIGHWAY CE	01-04 -5010-40	156.00		
DA-5110 CONTRACTUAL EXPENDITURES	01-04 -5110-40		(211.81)	
DA-5110 EQUIPMENT	01-04 -5110-20	211.81		
DA-5112 COMMERCIAL AVE (2019)	01-04 -5112-92	14,509.55		
DA-5112 GROVE ST (2019)	01-04 -5112-93	35,692.39		
DA-5112 LEONTA CT (2019)	01-04 -5112-94	12,064.65		
DA-5112 LINCOLN AVE (2019)	01-04 -5112-95	7,111.60		
DA-5112 MACKEY RD (2019)	01-04 -5112-91		(4,104.65)	
DA-5112 MEADOW ST (2019)	01-04 -5112-96	12,104.90		
DA-5112 N ELTINGS CORNERS RD (2018/19)	01-04 -5112-87		(27,856.64)	
DA-5130 CONTRACTUAL EXPENDITURES	01-04 -5130-40	612.44		
DA-5130 MACHINARY EQUIPMENT	01-04 -5130-20		(161.55)	
DA-5130 PERSONAL SERVICES	01-04 -5130-10	439.43		
DA-5132 GARAGE	01-04 -5132-40	6,414.58		
DA-5140 BRUSH/WEEDS EQUIPMENT	01-04 -5140-20		(1,683.29)	
DA-5140 CONTRACTUAL EXPENDITURES	01-04 -5140-40	244.83		
DA-5140 PERSONAL SERVICES	01-04 -5140-10	2,800.95		
DA-5142 CONTRACTUAL EXPENDITURES	01-04 -5142-40		(52,540.15)	
DA-5142 PERSONAL SERVICES	01-04 -5142-10		(5,649.04)	
		92,363.13	(92,363.13)	

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Water			
DESCRIPTION	ACCOUNT CODE	DEBIT	CREDIT
SW-8310 ADMINISTRATION PROF. SERVICES	20-07 -8310-30		(44,594.88)
SW-8320 CONTRACTUAL EXPENDITURES	20-07 -8320-40	13,851.08	
SW-8320 PERSONAL SERVICES	20-07 -8320-10	7,695.88	
SW-8330 CONTRACTUAL EXPENDITURES	20-07 -8330-40	31,391.51	
SW-8330 EQUIPMENT	20-07 -8330-20		(8,343.59)
SW-8340 CONTRACTUAL EXPENDITURES	20-07 -8340-40	1,999.86	
SW-8340 TRANSMISSION/DISTRIB. EQUIP	20-07 -8340-20		(1,999.86)
SW-9010 STATE RETIREMENT	20-08 -9010-80	30.00	
SW-9030 SOCIAL SECURITY	20-08 -9030-80		(30.00)
		54,968.33	(54,968.33)

Sewer			
DESCRIPTION	ACCOUNT CODE	DEBIT	CREDIT
SS-8130 CONTRACTUAL EXPENDITURES	30-07 -8130-40	40,115.50	
SS-8130 EQUIPMENT	30-07 -8130-20		(35,025.37)
SS-8130 PERSONAL SERVICES	30-07 -8130-10		(5,090.13)
SS-9055 DISABILITY INSURANCE	30-08 -9055-80	8.05	
SS-9060 HOSPITAL & MEDICAL INSUR.	30-08 -9060-80		(8.05)
		40,123.55	(40,123.55)

2020 Budget Amendments

General			
DESCRIPTION	ACCOUNT CODE	DEBIT	CREDIT
A-1950 JUDGMENTS AND CLAIMS	00-01-1950-40	1,811.52	
A-1910 UNALLOCATED INSURANCE	00-01-1910-40		622.87
A-1990 CONTINGENT	00-01-1990-40		1,188.65
A-9040 WORKER'S COMPENSATION	00-08-9040-80	324.32	
A-9060 MEDICAL INSURANCE	00-08-9060-80		324.32
SW-8342 GROVE/MAIN ST WATER MAIN	20-07-8342.41	99,583.82	
SW-9730 FUTURE BAN EXPENSE	20-08-9730-60		97,000.00
Fund Balance	770		2,583.82

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

D. RESOLUTION made by Auchmoody, seconded by Winslow to authorize Supervisor to sign agreement with Civic Plus.

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

E. RESOLUTION made by Mazzetti, seconded by Winslow

WHEREAS on March 16, 2020, Governor Cuomo issued Executive Order 202.4 directing all local governments and political subdivisions, effective March 17, 2020 and continuing through April 15, 2020, to allow no less than fifty percent (50%) of their non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency, and County Executive Patrick Ryan has declared a State of Emergency, all relating to the ongoing COVID-19 crisis, and

WHEREAS on April 7, 2020, Governor Cuomo issued Executive Order 202.15 extending until April 29, 2020, and subjection to extension thereafter by future Executive Orders, the restrictions on all local governments their political subdivisions to allow no less than fifty percent (50%) of their non-essential personnel as determined by the local government, to be able to work from home or take leave without charging accruals, except for those personnel essential to the locality's response to the COVID-19 emergency; and

WHEREAS, the Town of Lloyd has and will continue to comply with the Governor's Executive Orders by maintaining a reduction in staff at Town Facilities to avoid and reduce COVID-19 transmission, to assure the continued delivery of

necessary services to Town residents and businesses, and to promote the health and well-being of its valued employees, consistent with the Governor's directive, **BE IT RESOLVED**, in accordance with Executive Orders 202.4 and 202.14, certain Town employees will be directed by the Supervisor and their Department Administrator to work at home as much as is feasible to accomplish the job, others will be directed to work at Town Facilities, while others will be placed on leave, with all employees being subject to callback from leave and work-at-home status, and subject to assignment to job duties beyond their normal tasks and job description, and

BE IT FURTHER RESOLVED, that as part of the foregoing employment adjustments all full time Town of Lloyd employees in good standing will be paid their base salary without the use of benefit time, additional salary such as premium time or overtime will not be paid unless otherwise required by law, and all part-time employees will be paid their base salary only for hours worked unless otherwise required by law or Executive Order. All paid sick leave will be administered as outlined in the Families First Coronavirus Response act (FCCRA or ACT).

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

F. RESOLUTION made by Winslow, seconded by Guerriero to hire Joshua Vernon as a full-time dispatcher at the hourly rate of \$15.45 effective April 20, 2020 at the recommendation of Chief James Janso.

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

G. RESOLUTION made by Winslow, seconded by Auchmoody

WHEREAS In a letter dated March 26, 2020 from Region 8 of the NYS Department of Transportation the Town of Lloyd received authorization to proceed with Preliminary Design and Right of Way Incidentals for PIN 8762.55, Streetscape Improvements in Highland Hamlet in Town of Lloyd; and

WHEREAS; In September 2019, The Town of Lloyd, using the NY State County Highway Superintendents Association (NYSCHSA) Locally Driven Selection Arrangement (LDSA) procedures and list for Region 8 to select a consultant for this project issued a Request for Qualifications for Expressions of Interest from all consultants on the Region 8 LDSA list for full project coordination, engineering design through construction support, incidental ROW and construction inspection services; and

WHEREAS The Town of Lloyd received several consultant responses prior to the stated deadline of September 30, 2019 and evaluated these responses by ranking each responding firm by the understanding of the work to be done, experience with similar kinds of projects and/or work, quality of staff for work to be done, familiarity with Federal and State requirements, organization and financial responsibility, and logistics and familiarity with the project area; and

WHEREAS The top-ranked consultant response was submitted by Barton & Loguidice, DPC ranked as most qualified to meet the Town of Lloyd's and project needs.

THEREFORE The Supervisor is authorized to begin Contract negotiations with Barton & Loguidice, DPC to establish an acceptable scope of service, total fee and project schedule for full project coordination, engineering design through construction support, incidental ROW and construction inspection services. If the Town of Lloyd and the most qualified firm cannot agree the Town of Lloyd, at its sole discretion, can start negotiations with the second ranked firm.

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

H. RESOLUTION made by Mazzetti, seconded by Guerriero

WHEREAS, the Town Board has previously adopted Local Law 1 of the year 2020 a Local Law temporarily suspending certain development within the Town; and

WHEREAS, the Law provides that the Town Board shall have the authority after a public hearing to vary or modify the application of any provision of the Local Law upon application in writing filed with the Town Clerk; and

WHEREAS, the Local Law provides that such application shall include a \$250.00 processing fee; and

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WHEREAS, the Town has received several applications from applicants requesting that the Town Board vary or modify the application of the Local Law to their development or project; and

WHEREAS, the applicants have all submitted a \$250.00 processing fee pursuant to the Local Law; and

WHEREAS, the Town Board wishes to waive the fees submitted by the applicants to the Town.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lloyd hereby waives the \$250.00 application fee submitted by the developers pursuant to Local Law 1 of 2020 and hereby directs the Town Clerk to return all such fees submitted to date to the developers.

Roll Call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye

Five ayes carried

MOTION to adjourn at 9:18 pm made by Mazzetti, seconded by Auchmoody

Five ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk

