

TOWN OF LLOYD
TOWN BOARD WORKSHOP MEETING
May 5, 2023

Present:

Supervisor David Plavchak
Councilmember Leonard Auchmoody
Councilmember John Fraino
Councilmember Joseph Mazzetti

Absent:

Council Member Guerriero

Also Present:

Sean Murphy, Attorney
Margaret, O'Halloran, Secretary
Maribel Gabiger, Deputy Town Clerk
Jennifer Acosta, Deputy Town Clerk

The meeting was held in person at Town Hall and live-streamed on Channel 22 and WebEx

7:00 PM – Open meeting and Pledge of Allegiance

1. REPORTS – Town Board Liaisons

A. Town Board Liaisons

Audit – January 1 – June 30, 2023: Councilmembers Auchmoody and Mazzetti
July 1 - December 31, 2023: Councilmembers Fraino and Guerriero

Beautification – Councilmember Auchmoody

Veterans Flags are being moved to the Milton Ave. light poles
The Veterans Way Street sign is being installed.
The Fountain in town has been turned back on.

ECC (Environmental Conservation Committee – Councilmember Guerriero
Supervisor reported the ECC received a grant, you will see the resolution on the Agenda.

Events Committee – Councilmember Fraino

Highland Arts Day is a joint project between Beautification and Events. They have asked Students to create art that best represents Spring and the Art work will be displayed in local businesses in the Hamlet.

Spring Fest is June 3rd from 11 am – 6 pm in Town and then 7 pm-9 pm on the Town Field

4th of July Fireworks are Saturday, July 1st on the Town Field

Memorial Day Parade is being hosted by the American Legion, May 29th at 9 AM

Highland Fire District/ Ambulance – Councilmember Fraino

Fire District

39 Alarms
14 Average Firefighters per call (the highest was 26)
92 Apparatus responses
310 Man hours responding to alarms
88 manhours for meetings
172 manhours for training
35 Manhours for misc events.
35 total volunteer man hours

TOTAL Manhours 605 April 2023

Ambulance

165 Calls
Non-Transports (approx. 31% declined Transportation)
6 mins and 8 seconds was the response time

Highland Central School District – Councilmember Mazzetti

The Art Department hosted a District-wide Art Show at the Highland Public Library.
Former professional football player turned inspirational speaker Shamiel Gary visited Highland High School last month to teach students how to live their lives with purpose and passion.

The School Budget passed for \$52 million.

Alisha Mokal has been named Valedictorian of the Class of 2023, and Erica Angelillo is this year's Salutatorian.

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Highland Landing Park – Councilmember Auchmoody

The damage to the building by the car should be fixed next week.

They have one more dock to put in.

The grass is being mowed every Friday.

Lights – Councilmember Fraino

All lights are on in Bridgeview

Lloyd Community Development Committee – Supervisor

Currently updating by-laws and then will begin Marketing the program again.

Planning Board – Councilmember Auchmoody

He reported that most items in front of the Planning Board are STR's and they all have passed.

Hudson Valley Rail Trail – Councilmember Auchmoody

Peter Bellizzi reported that MayFest is this weekend.

Their Annual Meeting is Saturday, June 3rd at 9 AM at the Highland Rotary Pavilion

Discussion of the purchase of small parcel for sale by the County that runs along the Rail Trail. See resolution.

Supervisor discussed the purchase of the property on Macks Lane from the County

Zoning Board of Appeals – Councilmember Guerriero

2. OLD BUSINESS

- A. Tillson/Toc the roads are closed. The light is up at Chapel Hill Road and Vineyard Ave. We have added 2000 more cars to that intersection and have been working with NYSDOT on the timing of the lights. There are 5-6 months of work still ahead.

- B. Pavilion project has been simplified. We will do all the excavation and water and sewer work. Then we will go out to bid for the cement base and then the building itself. If there is time, we will bid out the bathrooms and storage. If not, we will do next year.

The pavilion kit comes with labor.

Fraino said they are having a meeting with the surveyor, architect, Adam Litman and Rich Klotz to see what the next steps are.

3. NEW BUSINESS

- A. Tony Williams Field Parking Lot Update

The final plans will be completed this week.

4. PRIVILEGE OF THE FLOOR

Liz Weisz, North Riverside Road has repeatedly asked the town to repaint the lines at the pickleball court.

Supervisor stated that the company will be coming in June and that the color of the lines is the standard color. We have been waiting to see when the company is going to be in our area as opposed to spending the extra money to have them make a separate trip to us. They called the other day, upset, that someone called them representing the Town, which they were not a Town employee. We do not have an exact date.

Michael Rider, Leonta Court

Crossfit makes a lot of noise, Police have been called regarding the issue. Board will have Chief Janso follow up.

He has concerns about the Assisted Living Facility when it is completed.

He is concerned about the construction safety.

Auchmoody asked if he wanted to sidewalk closed. They will send building department to check the safety concerns.

5. MOTIONS AND RESOLUTIONS

- A. **MOTION** by Fraino, seconded by Auchmoody to approve the minute's May 3, 2023 Town Board Workshop Meeting.

Four ayes carried

B. RESOLUTION Auchmoody, seconded by Fraino to authorize the payment of vouchers as audited by the Audit Committee.

MAY 2023				
GENERAL	G.285		G.348	\$84,492.58
HIGHWAY	H.125		H.149	\$23,745.48
MISC	M.56		M.71	\$163,137.46
PREPAYS	P.501		P.661	\$598,243.45
SEWER	S.88		S.102	\$24,706.45
WATER	W.97		W.125	\$10,643.10
				\$904,968.52

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye
Four ayes carried

C. MOTION by Auchmoody, seconded by Fraino to appoint Scott McCarthy to the Ulster County Planning Board for 2023.

Four ayes carried

D. RESOLUTION by Mazzetti, seconded by Fraino to amend the working hours of the Town of Lloyd Highway Department from the current Winter hours of 7 am - 3:30 pm to Summer Hours of 6:00 am – 2:30 pm effective May 29th, 2023 until Labor Day September 4, 2023, at the recommendation of the Highway Superintendent, Richard Klotz.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye
Four ayes carried

E. RESOLUTION by Auchmoody, seconded by Fraino to hire the following Lifeguards for Berean Park at the recommendation of Frank Alfonso, Recreation Director:

Nathaniel Bartolotti
Jack Guadagno
Benjamin Hammond
Holland Janosek
Margaret Petty
Matthew Petty
Timothy Petty
Daniel Piegari
Ruth Weimann
Christopher Hammond – Director

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye
Four ayes carried

F. RESOLUTION by Auchmoody, seconded by Mazzetti to hire the following Summer Counselors for Berean Park at the recommendation of Frank Alfonso, Recreation Director;

Mikayla Schlosser Arts & Crafts
Brendan Kerr Arts & Crafts
Emma Hanlon Sports Camp

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye
Four ayes carried

G. MOTION by Mazzetti, seconded by Fraino
WHEREAS, the Town of Lloyd Events Committee has organized “Spring Fest”, to be in the Hamlet of Highland on June 3, 2023; and,
WHEREAS, BAD SEED CIDER CO., 43 Baily’s Gap Rd, Highland, NY 12528, are planning on attending and have requested permission from the Town Board to sell beer and/or hard cider at said event in a designated roped off area; and,

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WHEREAS, the Town Board is desirous of granting said permission to said businesses as requested;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. That **BAD SEED CIDER CO.** is hereby granted special permission to sell/serve beer at Spring Fest, in a designated roped-off area, on Saturday, June 3, 2023; and,

BE IT FURTHER RESOLVED that this special permission is contingent upon **BAD SEED CIDER CO.** providing documentation to the Town that they have obtained the required permits and/or licenses from the New York State Liquor Authority and that they have the necessary insurance in place.

Four ayes carried

- H. RESOLUTION** by Mazzetti, seconded by Auchmoody to authorize Chief Janso to purchase 5 in-car police cameras and equipment from Axon Enterprise, Inc to replace the old in-car police cameras at a cost of \$48,423.00. Payment is not due until 2024.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

- I. RESOLUTION** by Mazzetti, seconded by Fraino to authorize Supervisor to sign an agreement with Scenic Hudson to complete the John Burroughs Black Creek Trail.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

THIS AGREEMENT, made the _____ day of _____ 2023 by and between The TOWN OF LLOYD Inc., a municipality of the State of New York having a mailing address and property address at 12 Church Street Highland, NY, Ulster County ("Lloyd"), whose interest in this project is to develop and construct a recreational trail and wayfinding improvements starting on Town of Lloyd's Illinois Mountain and extending through municipal lands to its property at the Hudson Valley Rail Trail and Empire State Trail, collectively called the Mountainside Connector Trail ("Project" see Attachment A), and THE SCENIC HUDSON LAND TRUST, INC., a not for profit 501(c)(3) having an office and place of business at One Civic Center Plaza, Suite 200 Poughkeepsie, NY 12601 ("Scenic Hudson"), whose mission is to protect and restore the Hudson River, its riverfront and its majestic landscape as an irreplaceable national treasure and a vital resource for residents and visitors.

WHEREAS, the parties hereto completed the John Burroughs Black Creek Trail Plan ("Plan") in collaboration with a local Steering Committee; and

WHEREAS, the parties now desire to begin implementing the Plan; and

WHEREAS, the Town Board resolved to support an application prepared by Scenic Hudson from the Office of Parks, Recreation, and Historic Preservation ("OPRHP") through the Environmental Protection Fund ("EPF") and the New York State Consolidated Funding Application ("CFA"); and

WHEREAS, Scenic Hudson secured \$600,000 grant from the Office of Parks, Recreation, and Historic Preservation ("OPRHP") through the Environmental Protection Fund ("EPF") to advance these goals, of which approximately \$102,310 of the grant funds are intended for projects directly within the Town of Lloyd, subject to change due to unforeseen budgetary changes during implementation of the Plan; and

WHEREAS, Lloyd has committed approximately \$57,990 in cash and \$33,160 in-kind labor and administration services as a portion of the overall match in support of the grant award; and

WHEREAS, Scenic Hudson must have the Lloyd's permission to do work on their property; and

WHEREAS, Lloyd desires any work on their properties as shown on a map, hereto attached (see Attachment B) to be conducted according to their wishes and oversight; and

WHEREAS, the parties hereto wish to complete the scope of tasks included in the Plan located at the Berean Park and Illinois Mountain for the Project, as shown on Attachment A; NOW, THEREFORE, the parties hereto in consideration of the terms and conditions herein contained to agree as follows:

- 1) Lloyd and Scenic Hudson agree to complete the scope of services and budget of the Project in Attachment A, and that the organizations will agree, in writing, to any material changes to the scope of work.

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2) Lloyd, in order to complete the Project, gives Scenic Hudson (a) full access to the properties as needed for the project, (b) authority to sign the grant contract agreement with OPRHP, (c) authority to execute any and all documents, establishing long-term protections for the property, and (d) authority to execute documents in accordance with items (a), (b), and (c) above.

3) Lloyd, in order to complete the Project, gives Scenic Hudson (a) the right to contract for professional design services for construction to be carried out by the Lloyd's Highway Department staff, or upon Lloyd's authorization to change terms of match support (b) the right to construct or install Project improvements, subject to the following terms:

- i. Scenic Hudson and Lloyd shall be responsible jointly for managing the work of any and all contractors secured to complete the Project, and each of Scenic Hudson and Lloyd shall keep the other apprised of all significant developments and shall provide each other with copies of any and all documents and correspondence concerning the work. Such management will be executed in practice through joint decision-making by the Scenic Hudson project manager and the designated contact for Lloyd. In case of disagreement, the final decision will rest with Lloyd.
- ii. The parties shall review and consult with each other to determine how to proceed with the Project, including criteria for selection of the contractors, relevant responsibilities of the parties regarding funding, design and construction of the Project, and the need for public participation in the design or implementation of the Project.
- iii. Scenic Hudson, with input from Lloyd, will issue Requests for Proposals consistent with item (b) and the contracting standards of Lloyd or OPRHP, whichever is stricter, to hire any and all necessary contractors for the Project.
- iv. After the bids have been received, Scenic Hudson shall forward copies in a timely manner to Lloyd and the parties shall review the submissions against minimum requirements and completeness of the application to create a list of bona fide bids. If the lowest bona fide bid exceeds the available funds, Lloyd and Scenic Hudson shall jointly decide on how to proceed. If the lowest bona fide bid does not exceed the funds available for the scope of work, Lloyd and Scenic Hudson shall confer, review the bids, and Lloyd will award to the lowest, qualified contractor to complete the work. Scenic Hudson shall then prepare and review with Lloyd each construction contract, and award the construction contracts in a timely manner.
- v. For each contract, Lloyd will assist Scenic Hudson in managing the contractors including, but not limited to, scheduling work, reviewing work, authorizing change orders and issuing communications with the contractor as provided by the general conditions and terms to each contract.
- vi. Lloyd, in coordination with Scenic Hudson, will be responsible for coordinating and documenting in-kind services and volunteer labor for the Project as per the requirements of the grant.

4) Subject to the limitation of liability provided below, Scenic Hudson and Lloyd shall each indemnify, defend and hold harmless the other against any liabilities, obligations, losses, damages, penalties or claims of any kind, whether contingent or otherwise, and whether or not resulting from third-party claims incurred by the other to the extent arising out of the negligence, bad faith or willful misconduct of the other, the willful breach by the other of its obligations under this Agreement, or violations of law by the other, in each case in the performance of this Agreement by either party or while on, entering or leaving the Property. Lloyd and Scenic Hudson each agree and acknowledge that in entering into this Agreement each is relying on the protection against liability contained in Section 9-103 of the New York State General Obligations Law, as the same may be amended, and that for such purposes Lloyd and Scenic Hudson shall each be deemed "occupants" of the Property.

5) Lloyd and Scenic Hudson shall each maintain in effect at all times during the term of this Agreement, at the sole cost and expense of each, a policy of public liability insurance: (i) having a face amount of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate; (ii) naming the other, either Scenic Hudson or Lloyd, as an additional insured party; (iii) providing that such policy cannot be modified or cancelled without at least thirty (30) days prior written notice to the other party; and (iv) issued by an insurance company reasonably acceptable to the other party. A certificate of insurance evidencing such coverage shall be delivered to each party by the other upon execution of this Agreement. Certificates indicating annual renewal shall be delivered to each party by the other no less than

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thirty (30) days prior to any policy's expiration. The amounts of insurance coverage specified herein may be amended by mutual agreement of Scenic Hudson and Lloyd.

6) Upon completion of the Project, all improvements will become the sole property of Lloyd and Lloyd's responsibility to operate and maintain them.

7) Lloyd, Scenic Hudson, and the grant funding source will be mentioned in all press releases, public communications, and social media posts regarding the project. Scenic Hudson reserves the right to review all Lloyd press releases regarding the Project prior to issuance. Lloyd reserves the right to review all Scenic Hudson press releases regarding the Project prior to issuance.

8) Lloyd and Scenic Hudson shall comply with all Federal, State and local laws, rules and regulations affecting the conduct of their respective activities.

9) Both parties are working to secure additional state and local funding for the Project and agree to comply with any public rules and regulations that might be required to secure funding.

10) Nothing contained herein shall be deemed to create any liability or obligation in an individual capacity on the part of the officers, trustees or employees of Scenic Hudson and Lloyd.

11) This agreement shall not be assigned by either party without the express written consent of the non-assigning party. Any such purported assignment is void ab initio.

12) This agreement shall not take effect and be enforceable until it has been signed by both parties.

13) Nothing herein creates a partnership between Scenic Hudson on the one hand and Lloyd on the other. Neither party shall have the power or authority to bind the other except as expressly set forth herein.

J. RESOLUTION

At a meeting of the Town Board, Town of Lloyd, held at the Town Hall, 12 Church Street, Highland, New York, on the 17th day of May, 2023, at 7:00 p.m.

THE FOLLOWING Resolution was moved by Mazzetti and seconded by Fraino as follows:

WHEREAS, the intersection of Chapel Hill Road and State Route 44-55 in the Town of Lloyd is a very busy intersection, particularly during peak commuter times in the mornings and afternoons on weekdays; and,

WHEREAS, the Town Board of the Town of Lloyd has been concerned with the safety of said intersection due to various factors, including but not limited to its configuration on a curve, the limited sight lines and the amount of traffic that passes through it; and,

WHEREAS, the Town of Lloyd has previously requested a turn study for said intersection that was completed in July of 2022, which study indicated a large turn count at said intersection, particularly in the morning and afternoon commuter hours; and,

WHEREAS, due to the current construction on Tillson Avenue and the Tillson Avenue – Toc Drive intersection located within the Town, traffic is being diverted to the intersection of Chapel Hill Road and NY State Route 44-55, and as a result, the NY State Department of Transportation has installed a traffic signal at said intersection on a temporary basis, and

WHEREAS, the Town Board of the Town of Lloyd feels it would be in the best interest of the Town, its residents and all persons using said intersection to have a traffic signal at said intersection on a permanent basis, and

WHEREAS, the Town Board wishes to request that the NY State Department of Transportation conduct a traffic study to determine whether the traffic at said intersection warrants the installation of a traffic signal at that location on a permanent basis.

NOW, THEREFORE, be it resolved that for the reasons set forth above, the Town Board of the Town of Lloyd hereby requests that the NY State Department of Transportation conduct a traffic study at the intersection of Chapel Hill Road and NY State Route 44-55, located within the Town, to determine whether the traffic volume at said intersection warrants the installation of a traffic signal at the intersection on a permanent basis.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

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K. RESOLUTION At a meeting of the Town Board, Town of Lloyd, held at the Town Hall, 12 Church Street, Highland, New York, on the 17th day of May, 2023, at 7:00 p.m

THE FOLLOWING Resolution was moved by Fraino and seconded by Mazzetti as follows:

WHEREAS, the Town of Lloyd seeks to hire a consultant firm to work closely with an active group of volunteers to investigate Chodikee Lake and develop a management plan to insure its short and long-term health, and to complete a lake assessment with particular focus on aquatic invasive species, rare amphibian species, and terrestrial invasives. The assessment will be aimed to be the first phase of an invasive species management plan for both Chodikee Lake and the larger Black Creek watershed, and

WHEREAS, the Town has negotiated an agreement with New York-New Jersey Trail Conference (which agreement provides that the Town of Lloyd will hire GEI Consultants, Inc, P.C. to lead all project management and volunteer coordination efforts) to conduct a full lake aquatic plant survey, a Northern Cricket frog survey (a population of which is known to inhabit Chodikee Lake and which are listed as an endangered species in New York State), and to prepare a summary memorandum detailing results of harvesting effort and surveys outlining next steps for lake management, a copy of which is attached hereto and made a part hereof, and

WHEREAS, the Town Board wishes to approve said Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lloyd does hereby approve the Town of Lloyd and New York-New Jersey Trail Conference "Agreement", as attached hereto and made a part hereof as EXHIBIT "A", and hereby authorizes the Supervisor to execute said agreement on behalf of the Town of Lloyd.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

L. RESOLUTION by Fraino, seconded by Mazzetti

WHEREAS, the Town of Lloyd is in the process of creating an invasive species management plan for both Chodikee Lake and the larger Black Creek watershed, and

WHEREAS, the Town is in the process of obtaining a lake assessment for Chodikee Lake with particular focus on aquatic invasive species, rare amphibian species, and terrestrial invasives a first phase of the planned Invasive Species Management Plan, and

WHEREAS, the Town has obtained a proposal for lake management services from GEI Consultants, Inc., P.C., to prepare an aquatic and terrestrial invasive species assessment of Chodikee Lake, with particular attention to the Northern Cricket frog, a population of which is known to inhabit Chodikee Lake and which are listed as an endangered species in New York State, as set forth in the Standard Professional Services Agreement with attachments thereto, which is attached hereto and made a part hereof, and

WHEREAS, the aforementioned proposal includes coordination, training and oversight of volunteer water chestnut monitoring and management efforts.

WHEREAS, the Town Board wishes to approve said Agreement; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lloyd does hereby approve the Town of Lloyd and GEI Consultants, Inc, P.C. "J Standard Professional Services Agreement", as attached hereto and made a part hereof as EXHIBIT "A", and hereby authorizes the Supervisor to execute said agreement on behalf of the Town of Lloyd.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

M. MOTION by Auchmoody, seconded by Fraino to authorize closing the following streets: Phillips Avenue north to New Paltz Road easterly to Main Street, along Vineyard Avenue south to Milton Avenue to Van Wagner Avenue to Vineyard Avenue north into the hamlet of Highland for the Memorial Day Parade on Monday May 29, 2023 from 8:00 AM to approximately 11:00 AM.

Four ayes carried

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N. RESOLUTION by Fraino, seconded by Mazzetti to close Main Street, from Church Street to Vineyard Avenue, and Vineyard Avenue, from Milton Avenue to Woodside Place, from 7am-6pm, for SpringFest on Saturday, June 3, 2023. There will be no parking on the above-mentioned streets from 7am-6pm for SpringFest. Also, part of the municipal parking lot near town field from 7am to 9pm.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

O. RESOLUTION was moved by Auchmoody and seconded by Mazzetti as follows:

WHEREAS, a certain parcel of land located within the Town off of Toc Dr. (SBL: 88.17-11-15), which said parcel is adjacent to a parcel owned by the Town known as the Hudson Valley Rail Trail is scheduled to be auctioned for unpaid taxes by the County of Ulster on June 13th, 2023, and

WHEREAS, the Town of Lloyd has an opportunity to purchase said property prior to the auction for the amount of \$641.00 prior to said sale, and

WHEREAS, the Town Board feels that it would be in the best interest of the Town of Lloyd and its residents to purchase said property for Town purposes.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Lloyd hereby approves the purchase of the parcel of land located in the Town of Lloyd off of Toc Dr. (SBL: 88.17-11-15) containing approximately 0.23 acres for the purchase price of \$641.00, and hereby authorizes the Supervisor to enter into any agreements and sign any documents necessary to effectuate the purposes of this Resolution.

Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye

Four ayes carried

MOTION by Mazzetti, seconded by Fraino to adjourn at 8:03 PM.

Four ayes carried

Respectfully submitted,

Maribel Gabiger
1st Deputy Town Clerk

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