

TOWN OF LLOYD TOWN BOARD
REGULAR MEETING
MAY 20, 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

7:02 PM – Supervisor opened meeting with Pledge of Allegiance led by Lenny Auchmoody.

Public Hearings to be continued: Bark Place
 The Commons / The Views at Highland, Inc.
 Villages in the Hudson Valley

Supervisor said there are three public hearings continuing tonight.

MOTION made by Winslow, seconded by Mazzetti to adjourn the public hearings for The Commons/The Views at Highland and Villages in the Hudson Valley until June 17, 2020 for the following reasons;

1. Substantial public interest in these projects.
2. We are not confident that effective public participation can be achieved by remote meetings.
3. The governor's executive order postponed public hearings for April and May and provide for, but do not require remote public hearings and meetings.
4. The current executive order is in effect until June 6th and will be reassessed when we receive an update from the state.

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

MOTION made by Winslow, seconded by Mazzetti to close public hearing on Bark Place.

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

RESOLUTION made by Winslow, seconded by Auchmoody to grant Bark Place a moratorium waiver.

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

1. REPORTS

Beautification – TBD

ECC (Environmental Conservation Committee) - Councilmember Guerriero

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Guerriero reported the ECC is planning an invasive plant management at Chodikee Lake and Black Creek. This will be the second year they have done this. They go in and remove the overgrowth and invasive water plants.

The Lloyd Leaf is on hold for print but will circulate digitally. Neil Curri, Chairman, has contacted the Wallkill Valley Land Trust about 96 acres adjacent to town property on Illinois mountain, which they have offered to donate to the town. They have reached out to the town attorney. They will move forward with that.

EDC (Economic Development Committee) – Councilmember Auchmoody

Auchmoody asked Charles Glasner to update.

Glasner said they had a zoom meeting and discussed that with all the businesses on hold right now, they would be holding off on any printed material. EDC, in conjunction with the Town Historian and the Historical Society, are trying to come up with a virtual celebration for the 175th Anniversary of the Town of Lloyd. Since it is an entire year, it does not have to be on the day the document was signed. Joan Kelley, Historian, is having research maps put on the Town website. They are trying to come up with some sort of combined approach. It appears the area is going to grow rapidly with Manhattan people moving into the Hudson Valley.

Highland Fire District – Supervisor Pizzuto

Highland Central School District – Councilmember Mazzetti

Mazzetti said parents should check the website often as things change very quickly. The budget vote will be done completely by absentee ballot.

Hudson 7 – Councilmember Auchmoody

Lights – Councilmember Auchmoody

Planning Board – Councilmember Winslow

Winslow reported the Webex meetings are working well. New business includes Torsone, Paul Cusa on Park Lane, and SMA Cusa Holdings, a 3-lot subdivision on North Road by her business. There is a public hearing for Sal Timperio, which is near her as well. Old business includes the Pedro subdivision on North Eltings Place, Gruner Meed for a lot line division, Premier Contracting for a lot line revision, Zal for an accessory apartment, and Fannelli with a house that does not meet setbacks.

Project Resilience has ended in our area and has been taken over by Office of the Aging. Her “team” is going to continue to get food bags once a week and deliver them to people they feel are very much in need.

Guerriero said that St. Augustine’s food pantry is open on the first and third Saturday from 9 am – 11 am. The food is brought out to the patron’s car, one at a time.

Winslow said we are very blessed in this town with so many that help with food; Community Action, St. Augustine’s, and the First Methodist Church. She learned that if you need food in

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Highland, it is available.

Police – Supervisor Pizzuto

Water and Sewer – Councilmember Auchmoody

Auchmoody reported they are still testing the hydration plant. They flushed all the town hydrants. The water quality is very good.

No date has been chosen to put the Highland Landing Park Water and Sewer Extension project out for re-bid.

Zoning Board of Appeals – Councilmember Guerriero

Guerriero reported the next meeting will be Tuesday, May 26th at 7:00 PM.

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported the Rail Trail has remained open. He, Pizzuto and Parks at the Walkway, have been working together to keep things safe and moving.

There have been a few issues with crowds, but he is on the trail twice a day and 90% of the people are distancing.

They opened a new walking trail off the rail trail between the caboose at 101 New Paltz Road and Tony Williams. It is on the old original trail bed from 1889. There is a trail that spurs off and goes to Black Creek.

Phase I repair of drainage and black top has started. They are investigating the history of the train turnaround at Commercial Avenue.

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

Auchmoody said the park is open and the lights they ordered for the back of the parking lot will be another 6-8 weeks. The two benches will be shipping on June 1. They are working on the steps off the back of the building.

The dock on the northern side is in, and the other dock is being repaired.

REPORT – Frank Alfonso, Summer Fun 2020 Update

Supervisor said the Ulster County Health Department is going to issue permits to open parks.

He spoke with Alfonso and the plan is to open the reservoir on or about June 15th for swimming and picnicking. There will not be a Summer Fun program. Alfonso will have a full report and information at the next workshop meeting.

2. OLD BUSINESS

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

John Furst, Attorney for The Villages of the Hudson Valley, said he strongly objects to the board adjourning their public hearing until June 15th. They have had four public hearings prior to tonight, and three of those were prior to Covid -19. At the last public hearing in

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March, there were not any public comments. Even at the two meetings prior to that there was minimal public comment. He doesn't understand the concern of the town not having public access as their application has been posted on the town's website for weeks. As per an email from the Town Clerk this morning, no comments have been submitted on their application. He feels they are being lumped in with the Views who just submitted their application and now they are going to be further delayed. He believes this is unacceptable and implores the board to hear him out tonight. They are ready for a decision.

Supervisor asked if anyone has any comments.

Furst asked what the issues are with his specific project. The only public comments have been on the Views.

Supervisor said he will ask Counsel to send the four items out first thing in the morning pertaining to what they based their decision on.

Furst asked the board to at least instead of pushing until June 17 that they have it at the workshop meeting. They submitted their application for a waiver in February of 2020. They modified the application in early March, before Covid-19. This information has been out in front of the public for months. We are getting delay after delay and it is embarrassing, he has to go back to his client with this information.

Supervisor said we have had restrictions from the Governor in April and May, and hopefully we will have some relief in June. He has received phone calls in his office from the public, as have the Councilmembers, stating that they want a public hearing they can physically attend, not virtually. He understands his frustration, but they have taxpayers who want to voice their opinions.

Furst said they are happy to have people voice their opinions, and they have had plenty of opportunity, but there have been no comments.

He said the board has had no problem granting waivers to other applicants under Covid-19 restrictions. The Town has no problem holding Planning Board public hearings. This is unfair and unjust. His client has been compromising with you and you keep turning around and adding another list of objectionable items. You keep jerking us around.

Supervisor said this is not coming out of the blue, it comes from our attorneys based on what we receive from the governor's office.

Alex Gladd, Attorney for the Views, said he agrees with Mr. Furst's objection to adjourning the hearing until June. The purpose of the virtual meetings is so the town can continue doing business and the public can join in. I would argue that it is actually easier, because they don't have to get up and leave their house and go to the Town Hall. They can offer comments from the comfort of their own home. The governor's order said it prohibits holding a Public Hearing in April or May unless it can be done virtually. You granted a waiver for an application just a few minutes ago.

Gladd also requested that they move it to the June 3rd workshop meeting.

Crystal Hammond asked Supervisor if he received a letter from a resident in regards to a council member's comment on Facebook?

Supervisor said no.

Hammond said it was sent to your town supervisor email account.

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Supervisor responded the account is fpizzuto@townoflloyd.com.

Hammond said that is where it was sent.

Supervisor said it has not come to him or his secretary, and they answer everything that comes in the door.

Hammond asked if he knows what she is referring to.

Supervisor responded no.

Hammond said I am sure it was talked about amongst the board, Claire Winslow's comment to her on Facebook.

Supervisor responded that he believes that is a personal thing.

Hammond said it is not personal, Winslow told her she does not represent her and she did not put her in office and to mind her own business, and furthermore they would never see eye to eye because I'm sure you voted for the idiot president.

Supervisor said please send the email tomorrow and he will review it and take it to counsel.

Hammond said she would like to know if the Town Board condones this disrespectful behavior to a taxpayer of the Town of Lloyd.

Winslow said she would be happy to respond.

Supervisor said no.

Hammond said I think you've responded enough.

Supervisor interrupted that he will not allow this conversation.

5. MOTIONS AND RESOLUTIONS

- A. MOTION** made by Winslow and seconded by Mazzetti to approve the minutes of the Town Board Regular Meeting of April 15, 2020.

Five ayes carried

- B. RESOLUTION** made by Winslow, seconded by Guerriero to authorize the payment of vouchers as audited by the Audit Committee.

GENERAL	G-452 - G545	\$ 68,472.81
HIGHWAY	H-185 - H213	\$ 47,868.53
MISC	M-88 - M-112	\$178,020.12
PREPAYS	P-198 - P-269	\$156,666.90
SEWER	S-108 - W-124	\$ 9,387.47
WATER	W-165 - W-187	\$ 7,351.04

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

Five ayes carried

- C. MOTION** made by Winslow, seconded by Auchmoody to accept the resignation of Elaine Rivera from the Town of Lloyd Revolving Loan Fund Committee effective May 6, 2020.

Five ayes carried

Dave Lavoie from the Reis Group said renewal is July 1st. The town utilizes an MVP high deductible program which means the town funds a Health Reimbursement Account (HRA) \$6750 for individual and \$13500 for a family. It's a very rich program, once the deductible is satisfied everything is picked up 100%, including prescriptions.

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The other part of the program that makes it so successful is people are using the HRA. As of the April report the town is running at 30% utilization, the town has been a poster child for the success of this program. Even with an increase of 6.28% this is still the best program and you are doing very well with it. They don't get any phone calls concerning issues.

If you have any questions, he would be happy to answer them.

Mazzetti said Crystal Run does not participate, can they invite them to.

Lavoie said you would think, with an organization that size, it would be an attractive get by any insurance company, but it comes down to dollars and cents. It is not something he negotiates, but he's sure they have been negotiating. Crystal Run will no longer be in the insurance business at the end of this year. It comes down to what they want to get reimbursed and what the insurance companies are willing to pay.

Lavoie said another item that needs to be addressed is the town's Statutory Disability, which is up for renewal on June 1st. There are two mandated benefits in New York State; Workers' Compensation which covers employees while on the job, and Statutory Disability which covers employees 24/7. The town has had this insurance through Shelter Point since 1999, and currently pays \$5.90 per person, per month.

The negotiated rate will be \$7.25 with Shelter Point. The state statutory benefit is \$170 per week, and the town has a statutory benefit of \$255 per week. There are very few companies that offer this insurance.

Lavoie will forward a grid format of options to Supervisor in the next 24 hours.

- D. RESOLUTION** to renew the health insurance plan, as is, with MVP Bronze 6 HDHP EPO Plan, with the Reis Group as insurance carrier, effective July 1, 2020, as well as Disability Insurance with Shelter Point (through Reis Group) effective June 1, 2020 and authorize Supervisor to sign agreement.

NO ACTION TAKEN

- E. RESOLUTION** made by Winslow, seconded by Guerriero to approve the following budget amendments:

HIGHWAY

5112.97 – Mile Hill Road	+ \$79,000.
5112.98 – Maple Ave.	+ \$75,000.
5112.99 – Bellevue Rd.	+ \$32,000.
5113.21 – River Rd.	+ \$14,000.
5110.40 – General Repairs CE	- \$200,000.

Roll call: Pizzuto, aye; Winslow, aye; Mazzetti, aye; Guerriero, aye; Auchmoody, aye
Supervisor commented this is CHIPS money and will be reimbursed.

Five ayes carried

- F. RESOLUTION** made by Winslow, seconded by Guerriero to hire Emilia Lisiecki as Contingent Permanent Receptionist w/Typing for the Building Department at \$15.80/hr.

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effective May 26, 2020 at the recommendation of Building Department Director, David Barton.

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

Five ayes carried

- G. RESOLUTION** made by Mazzetti, seconded by Guerriero to amend the working hours of the Town of Lloyd Highway crew from the current hours of 7:00am to 3:30pm to summer hours of 6:00am to 2:30pm effective Tuesday, May 26th, 2020 at the recommendation of Highway Superintendent, Richard Klotz.

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

Five ayes carried

Auchmoody thanked the Highway Department for cleaning the brush at Johnson-Iorio Park. You can now sit there and see across the river.

Supervisor said they are topping the trees next week so you should be able to see the river.

- H. RESOLUTION** made by Winslow, seconded by Mazzetti to authorize the Town of Lloyd Highway Department as Contractor and Project Manager for the Hudson Valley Rail Trail Restoration from June 1st through September 2020, to announce closures of the Rail Trail at their discretion by posting, with or without prior warning, for public safety during times of active construction. Temporary closings will commence from the Commercial Ave. section of the Rail Trail to Tony Williams Park.

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

Five ayes carried

- I. RESOLUTION** made by Auchmoody, seconded by Winslow to promote Sgt. Philip Roloson to Lieutenant from the Ulster County Civil Service list effective May 21, 2020 at the recommendation of Chief James Janso.

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

Five ayes carried

- J. RESOLUTION** made by Auchmoody, seconded by Guerriero to promote Det. Anthony Ventura to Sergeant from the Ulster County Civil Service list with a yearly salary of \$85,818 effective May 21, 2020 at the recommendation of Chief James Janso.

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

Five ayes carried

- K. RESOLUTION** made by Mazzetti, seconded by Guerriero

WHEREAS, a local law, being proposed as Local Law C - 2020, was introduced at this meeting by Mazzetti and seconded by Guerriero as follows:

Local Law C-2020, a local law to amend the Code of the Town of Lloyd, Chapter 100, Zoning, Section 100-28, entitled "Signs".

(copy of Local Law attached)

WHEREAS, the Town Board of the Town of Lloyd has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA)

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and a short form EAF has been prepared on behalf of the town, and the Board having declared its intention to assume lead agency to do all necessary reviews in this matter; and **WHEREAS**, this Board desires to hold a Public Hearing with respect to the adoption of the said local law.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby is designated as lead agency to conduct all necessary reviews in this matter; and it is further

RESOLVED that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 17th day of June, 2020 at 7:00 p.m.; and it is further

RESOLVED that the Town Clerk is hereby directed to publish and post a notice of said public hearing in accordance with law and circulate pursuant to the Town of Lloyd Code and the New York State General Municipal Law to the Town of Lloyd Planning Board, the Ulster County Planning Board and any other interested agencies for response prior to the public hearing.

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

Five ayes carried

LOCAL LAW C - 2020

A LOCAL LAW TO AMEND CHAPTER 100, ZONING, SECTION 100-28 OF THE CODE OF THE TOWN OF LLOYD

Section 1 Purpose.

The purpose of this local law is to amend Chapter 100, Zoning, Section 100-28 of the Code of the Town of Lloyd.

Section 2

The Town of Lloyd Code, Chapter 100, Zoning, Section 100-28, entitled "Signs" be, and the same hereby is, amended as follows:

Paragraph F. (7) is deleted and replaced with the following:

“Nonconforming billboards. Unless compensation therefore is provided pursuant to § 88 of the Highway Law, any billboard which is leased or rented for profit shall be deemed a nonconforming sign. Pursuant to New York General Municipal Law § 74-C(2), such billboards shall be removed by the owner of the property or the permit holder upon written notice sent to the owner of the property or the permit holder to their last known address of record by certified mail, return receipt requested, by the Code Enforcement Officer. Said billboard shall be removed on or before 10 years from the date of the adoption of this Local Law, and such lapse of time shall be deemed sufficient to amortize the cost thereof.”

Section 3

This local law will take effect when filed with the Secretary of State in accordance with the Municipal Home Rule Law.

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L. RESOLUTION made by Mazzetti, seconded by Guerriero

WHEREAS, on January 15, 2020 the Town Board adopted a local law entitled the “2019 Temporary Moratorium Law” imposing a moratorium for a period of six (6) months on Town review of certain development approvals (the “Moratorium”); and

WHEREAS, the Town Board adopted the Moratorium due to local concerns about current and anticipated development pressure and the impacts associated with such development, finding that a temporary suspension of development approvals would 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 Board established a Comprehensive Plan Review Committee in 2019 and by resolution of January 15, 2020 asked the Committee to make recommendations to the Town Board as expeditiously as possible regarding potential revisions to the Town of Lloyd Zoning Code; and

WHEREAS, after several public meetings and substantial time and effort, the Committee submitted its recommendations to the Town Board and the Town Board, on April 15, 2020, referred them, along with some additional proposed revisions, to the Town of Lloyd Planning Board for review and a report of recommendations as required by Zoning Code § 100-58; and

WHEREAS, on April 29, 2020 the Planning Board held a special meeting to consider the referral from the Town Board and developed its recommendations in response to the Town Board’s referral of potential revisions to the Zoning Code. A written report of those recommendations was provided to the Town Board; and

WHEREAS, on May 6, 2020 the Town Board: (1) considered the recommendations of the Committee, the proposals by Town Board members and the report of the Planning Board; (2) introduced a proposed local law amending the Zoning Code; and (3) referred a full statement of proposed Zoning Code amendments to the Ulster County Planning Board pursuant to General Municipal Law § 239-m; and

WHEREAS, the Moratorium provides that the Town Board may extend it “by two (2) additional periods of up to three (3) months each by resolution of the Town Board upon a finding of the necessity for such extension;” and

WHEREAS, without an extension the Moratorium will expire on or about July 16, 2020; and

WHEREAS, the Town’s diligent efforts to develop and, if appropriate, consider and adopt amendments to the Zoning Code consistent with the purposes of the Moratorium have been unexpectedly slowed by the challenges of conducting public business during the Covid 19 pandemic, and it remains uncertain whether additional delays may occur between now and expiration of the Moratorium on or about July 16th; and

WHEREAS, the remaining process for Town Board adoption of amendments to the Zoning Code intended to achieve the purposes of the Moratorium including: (1) review of public comments and recommendations from the Ulster County Planning Board; (2) SEQRA review; (3) a public hearing; and (4) considering and making a final decision on amendments to the Zoning Code may extend a limited period of time beyond July 16, 2020; and

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WHEREAS, extending the Moratorium for one (1) additional three-month period may thus be necessary given the uncertainties of conducting government business during the Covid 19 pandemic and to provide the Town Board sufficient time to consider and adopt amendments to the Zoning Code consistent with the purposes of the Moratorium.

NOW, THEREFORE, BE IT RESOLVED that:

- I. The Town Board expresses its intention to extend the Moratorium, if necessary, for one (1) three-month period; and
- II. The Town Board hereby directs that this resolution shall be referred to the Ulster County Planning Board for review and recommendations pursuant to General Municipal Law § 239-M.

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

Five ayes carried

Supervisor said there is no Memorial Day parade this year but the American Legion has put together a schedule to pay honor at the monuments and cemeteries throughout town.

MOTION to adjourn at 8:06 pm made by Winslow, seconded by Guerriero

Five ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk