

TOWN OF LLOYD
TOWN BOARD WORKSHOP MEETING
June 1, 2022

Present: Supervisor David Plavchak
Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Councilmember John Fraino
Councilmember Joe Mazzetti

Also present: Sean Murphy, Attorney
Wendy D. Rosinski, Town Clerk
Margaret O’Halloran, Secretary

4:00 PM – Supervisor opened meeting with Pledge of Allegiance led by Councilmember Auchmoody

Live in Town Hall, WebEx, live stream access channel 22.

Presentation of “Life Saving” award to Sgt. Anthony Kalimeras, Officer Dan Labodin and Trooper Brittany Schurko.

Chief Janso described a snapshot of the case and why they are getting awarded. Janso said their quick, coordinated life-saving effort, “showed a high level of professionalism, dedication and poise under an extremely stressful and life-threatening situation. I am honored and proud tonight to present a Town of Lloyd Police Life Saving Award to these officers.”

Delafield and Hawkins – Bill Jackson

1. REPORTS

Assessor – Ann Feo

Budget – Margaret O’Halloran
O’Halloran sent out the Supervisor’s report on the budget to all the councilman.

Building & Zoning Department – David Barton

Permits	Building Permits Issued	52
	Total CO & CC Issued	42
	SFD Permits/ -CO’s Issued	1/1
	Permits in Water/Sewer District <small>(new)</small>	0
	Burning Permits	13
Inspections	Field inspections (Regular)	50
	Field Inspections (Final)- CC/CO	63
Fire	Fire Safety Inspections	35
Stormwater	Field/Yearly	1
Total Inspections	(Include-Field, Final, Fire, Stormwater)	149
Complaints	Complaints	23
	Complaints Resolved	13
	Order to Remedy issued/Resolved	2/0
	Stop Work Orders issued/Resolved	0/0
	Appearance Tickets/Resolved	0/0
	Unsafe Structures	0
Stormwater	Complaints/Resolved	0/0
C.O. & Violation Searches	Received/Completed	15/15

Fees Collected

<u>Building Dept.</u>	
Building Permit Fees (A2115)	\$7,737.00
Burn Permits (A2121)	\$205.00
Public Assembly / Multiple Dwelling Fire Inspections (A2123)	\$1,595.00

June 1, 2022

Certificate of Occupancy & Violation Search (A2125)	\$2,250.00
Map Copies	\$0.00
Parking Fees	\$0.00
Building	\$11,787.00
Planning Board	\$900.00
ZBA	\$0.00
Recreation Fees	\$0.00
<u>Grand Total</u>	\$12,687.00

Barton reported this is overgrown lawn season. He suggested Councilmembers give the Building Dept. a call if they see something that needs attention.

This is also pool season. A general reminder to everybody who does have a little temporary pool they put up every year and then take it down in the fall - those pools also require a building permit.

The state requires anything that holds 24 inches of water, that is man-made, get a permit for compliance for life safety.

If anybody is watching at home and you have a little blow-up pool, and you haven't gotten a permit yet, there is no extra fee for not getting a permit. They much prefer to have those people be safe, especially with little kids running around.

There were four fire calls last month and one the month before.

They are still working on the circumstances of the fire on Loretta Drive.

Fraino asked how the process works once a high grass complaint is received.

Barton answered that it is the same process as written in their code and New York State property maintenance code. If the grass grows more than ten-inches, and you can see it from the road, a letter goes out to the property owner. If it's not mowed in two weeks, because the way the mail works now it takes forever, they have to contact them, letting them know what their plan is or mow it.

If the property owner doesn't mow it within two weeks, then the building department will get bids to mow it. Baker is one of the bidders. They go out and mow it and then he invoices the property owner. If they don't pay it, it goes on their taxes.

They haven't had to enforce in two years.

Guerriero asked Barton about the vehicles on 9W being parked on the shoulder of the road.

Barton responded that after he spoke to Guerriero he did talk to the permit guy from DOT (Lance Gorney). He asked him about the cars parked in the roadway. DOT has enforcement cars that go around. Barton said he doesn't have any authority to enforce.

Guerriero stated it's dangerous. Somebody has to do something about it.

Barton stated that he will see what he can do.

Dog Control – Andrew McKee

25 calls including 4 calls to service from the New York State Police and Ulster County Sherriff.

4 active complaints and/or cases which are now closed or resolved.

2 open cases or complaints.

Impounded.

2 appearance tickets were issued.

0 dog bites reported this month

Please do not leave your pets outside unattended when you are not home. There is no way for you to protect them if you aren't there! They escape, bark, and have wild animals enter their areas.

With warm weather, ticks are on the move. Ticks also use our dogs as vehicles to enter our homes. Please consider flea/tick preventative for your pets and check them for ticks regularly.

Finance – Kendra Minard

Highway – Superintendent Richard Klotz

Klotz reported they are going to start paving Friday. They have starting milling, then they will pug mill, and then they start paving.

He asked Fraino if he wants to come out and see how that works.

Unfortunately, few roads are being paved this year due to the high prices. Blacktop is up \$25

June 1, 2022

per ton.

They have already cut three roads. He is going to pave what he has and hope they make it and if they have a little bit left over, they will see what they can do.

A new loader came in.

He will be tied up from Friday to at least the middle of July.

Supervisor asked Klotz how many roads he has on the schedule?

Klotz answered that he has Toc, Brescia, part of Hilltop, Blue Point, Via Borgetto, a piece of North Chodikey Lake and Carly Drive.

Police – Chief James Janso

PATROL ACTIVITIES:

CALLS FOR SERVICE-----1036

ACCIDENTS----- 34 (6 personal injury, 28 property damage)

TICKETS (PARKING/UTT'S) ----- (2 parking)

(60 UTT'S)

ARRESTS----- 20

FOOT PATROL-----HAMLET (OFFICER/SGT)-----Approx. 150 hrs.

SCHOOL (OFFICER/SGT)-----Approx. 12 hrs.

FOOT PATROL-----HAMLET (CHIEF/LT.)-----Approx. 1 hr.

SCHOOLS (CHIEF/LT.)-----Approx. 1 hr.

May 3rd - Cops and Coffee took place at Vignetto's Cafe

May 03rd-Chief Janso and Lt. Roloson stopped in at the Highland Elementary School and had lunch with the 2nd graders.

May 10th - Town of Lloyd Police Youth League was held. Members of the Town of Lloyd Police Department along with members of the Highland Rotary Club joined youth from the community to play basketball and kickball.

May 14th- the Town of Lloyd PBA hosted a youth fishing tournament at Berean Lake. The tournament was a great success with an amazing turnout. Over 120 children attended the fishing tournament. Thank you everyone that volunteered, sponsored or helped the PBA host the fishing tournament.

May 14th-Spring Fest took place in the hamlet. Officers were on foot patrol for the event.

May 19th -members attended the Senior Luncheon at Highland Landing Park.

May 21st – Mayfest took place on the Rail Trail and Walkway. Lloyd Police were on foot patrol and ATV patrol at the event.

May 25th-Chief Janso and Lt. Roloson attended the Highland High School Memorial Day Service.

May 30th -After 3 years the American Legion Memorial Day Parade took place. The police department was honored to attend and assist.

May 31st-Lloyd Police provided security and traffic assistance to the TV production crew “Pokerface” that was being filmed in the Town of Lloyd.

Narcan

(1) Use - subject revived

Mazzetti said to Murphy that he noticed that the vagrants are back, now that the warm weather's back. Did they ever find out if they could do anything about how close they can be to an ATM or bank?

Murphy stated that he did do some research and he did not really find anything that would be appropriate. He doesn't think they are going to be able to do much. He can share what he has with them and they can talk about it more, but at this point he doesn't see anything that can be done.

Recreation/Buildings & Grounds – Frank Alfonso

Alfonso reported that starting yesterday, right up to June 27th, it is going to be busy.

Once Summer Fun starts, it works itself through for the next six weeks and it's kind of enjoyable to watch everything just happen.

This past weekend they opened up Berean Park for swimming.

Saturday was a slow day but obviously Sunday and Monday were busier.

The concession stand opened this weekend. They will start charging for entry.

They will not be offering swim lessons this year. They don't have the staff to do that.

Right now, they have three lifeguards who are certified. The other seven will be getting certified

over the next three days.
They will have a staff of 10 which is pretty good considering where they were last year.
Summer Fun will start on the 27th. Staff is complete there. They still need to secure a couple of the trips; order some supplies, staff t-shirts and camper t-shirts. He will take care of that this week and next week.
Tony Williams Park and the Town Field are busy every night. Last night, on the way back through Highland, he drove behind the Middle School and Lacrosse is still using that field. They had the scoreboard on, and there were two teams playing and two teams waiting.
Tony Williams - both fields are being used this year. There is a men's league.
Frank LaManna was able to get a couple teams together so they are using the Tony Williams softball field on Sunday nights and Tuesday nights.
It's a good thing that things are starting to come back.
He would like to thank the two guys from the water department - John Rockwell and Kevin Klotz - for helping out Chris Hammond and a couple of the lifeguards last week.
Last year they lost one of the ladders off the dock into the water and they could not find it. They ended up getting a hook, and found it and were able to pull it out. That was a good thing. Now they don't have to buy a new one.
Supervisor added that he stopped by Berean Park on Monday and everything looks good there. He talked to Nick at the concession stand and he seems to have everything set up and knows where he wants to go so hopefully it will be successful.
Lines are on the pickleball court and they are on the the schedule to get completed. They will be going with yellow.
He didn't really want to do that in-house. He would rather have them come. They are the professionals, let them do it.

Town Clerk – Wendy Rosinski

Taxes

Today is the last day for tax payments.
We are currently at \$855,422.35 in unpaid or 159 bills out of 4377.

UNPAID Taxes, history	
2022	\$855,422.35
2021	\$679,718.68
2020	\$976,479.13
2019	\$796,482.31
2018	\$866,964.09
2017	\$807,729.52
2016	\$1,598,417.38
2015	\$1,650,482.73
2014	\$1,036,676.55
2013	\$1,023,738.94
2012	\$1,064,022.47
2011	\$1,156,759.47

Supervisor – David Plavchak

Supervisor announced that the town has applied for grants with Homeland Security and FEMA. They submitted grants for a generator for the pump station on Oakes Road and a generator for the water plant on Reservoir Road for a total of \$1.3 million. They also put in another a \$1.2 million grant to bury the utilities in the town. The grants went in today and they probably won't hear back until the November time frame. They would like to get all three of them, but they will wait for the results. He noted that the town hired Barton & Loguidice last February to write these grants.
Mazzetti asked when they will be able to start seeing some progress.
Supervisor said the design is done. It still can't go out to bid till the end of the year because they have to close up the rest of the design. They won't see it until next year. It's good if they get that utility grant. You won't have any poles and wires in the downtown area, so that would be a big plus.

Water & Sewer – Adam Litman

June 1, 2022

Water Department

1. Mid May we began to blend river and reservoir, by week's end it is anticipated that we will be processing full river water.
2. Daily production time is varying between 8 to 10 hrs.
3. We are still dealing with a clogged sludge line on the backwash tank at the Water Plant, after many attempts to clear the line. I am now reaching out to a company to have the tank cleaned out in order to get into the sump pit in the tank.

Update

The new two-million-gallon tank is out to bid.

Road Crew

1. Hydrant flushing took place in May. John Rockwell & Thomas McGovern spent the week working nights in order to complete the task.
2. The crew installed a sewer service tap for Torsone's Funeral Home.
3. It's mowing season.
4. In the coming weeks school will be out for the summer, the road crews plan on starting the valve maintenance program. This will consist of cleaning out all the valve boxes, exercising all the valves and making a list for all the valves that need repairs or replacement.

Sewer Department

1. Daily operations continue as usual.
2. Cleaning and maintenance.

Supervisor asked if while they are out cleaning, repairing and looking for the valves if they could update their locations on the GIS system so they have a map of them for the future.

Litman said that is something that he would like to speak to Barton about. He and Kevin Klotz met with Barton several weeks ago. Barton has explained that he has the new system and they are putting in some information. Litman would like to try to learn how this new system works, and try to enter the coordinates on all the valves. Then maybe later they can figure out how to fill in the blanks as far as the water mains go. I am definitely interested in doing this.

Supervisor added it would be a good start because he knows we've had problems locating them all in the past.

Litman added that there are a lot of valves out there.

Supervisor concluded that that's more reason to get them into the system.

Auchmoody stated that the foam insulation is going into the building at the Highland Landing Bob Shepard Park.

2. OLD BUSINESS

A. StreetScape Project

Supervisor gave an update to the Board and the public on the StreetScape project that has been proposed for the Hamlet of Highland. He highlighted the areas where new sidewalks will be put in. It will start by Eltings Place, down through Main Street, Vineyard Avenue and up to Commercial. There was a section of Commercial Avenue Extension and the corner of Church Street that was also part of it.

Supervisor said he has been discussing the overall project with Barton & Loguidice, and this is the same project where we are trying to put all utilities underground. The firm pointed out that there is a right-of-way and four or five construction easements that still have to be secured. The bid for the project is supposed to go out at the end of this year, but obtaining the right-of-way and the easements could push the project bid out to 2024.

Supervisor said to make sure the bids go out by the end of this year, he suggested that the firm descope the areas that had right-of-ways in them and pick them up on another phase. The reason he wants to do that is so we can get started. If we're successful getting the grant to bury the utility cables, we can get it done and then go back and do Commercial Avenue, Commercial Avenue Extension and Church Street.

Supervisor recalled that the initial 2016 grant was part of the Safe Routes to School, and the priority was to get a sidewalk from the Middle School over to the Highland Public Library.

Councilmember Joe Mazzetti agreed, saying this sidewalk is of primary importance.

He said he's glad that we're not going to wait because you see what happens when we wait, like the Tillson/Toc project, where the prices get exorbitant and you can't get it done and the plans get outdated. He thinks we should move as quickly as possible. He's tired of talking about these projects.

June 1, 2022

When Mazzetti asked when the board will be able to see some progress on this project, Plavchak said the town cannot go out for bid until the end of the year because they have to close up the rest of the designs, so we won't see it until next year. He said this might prove advantageous because the utility grant may end up coming in at about the same time. Then you won't have any poles and wires in the downtown area and that would be a big plus.

The Board approved a resolution to exempt the Town from the requirements of the eminent domain law relating to the future StreetScape project.

3. NEW BUSINESS

A. Mural Painting on underpass on Vineyard Ave. – Sue Gilmore

Gilmore gave a presentation on painting a Mural on the State-owned underpass on lower Vineyard Ave. She explained how the idea started and the steps taken to get approvals from NYSDOT and working with the team.

Vineyard Avenue Mural Project Team

Susan Gilmore – Project Coordinator

Lady Pink - Artist

Professional Assistants - Matt O'Connor, Roger Smith, Chloe Mosbacher

Roger Smith – Artist Assistant for Business

Ulster BOCES

Amy Storenski – Principal of Career and Tech Education

David Salvestrini- Teacher of Career and Tech Education

Nikki Salvestrini - Student

Highland Central School District

William Zimmer – Highland High School Principal

Ericka Babineau – Highland High School Art Teacher

Les Castellanos – Highland High School Art Teacher

David Laties- Educational Coin Company, Business Owner

David Corrigan- NYS Dept. of Transportation, Acting Resident Engineer

Alan Barone- Barone Construction, Business Owner

David Plavchak – Town of Lloyd Supervisor

Richard Klotz – Town of Lloyd Highway Superintendent

MOTION made by Mazzetti, seconded by Guerriero, to approve the painting of a Mural.

Five ayes carried

B. Sharon Drive Water – Dan Navins, 28 Sharon Drive

Navins gave an overview of the private central well that is used to supply water to the development. The Association is concerned it might fail because the well is over 50 years old.

Councilmembers Mazzetti and Auchmoody talked about the cost.

Mazzetti commented that regardless of the cost, if that well system is to fail, the Town is responsible. It's not failing now, but they are being proactive to see what options they have.

There are two well heads that are located inside Illinois Mountain that feed an eight by eight shed that contains a thousand gallon holding tank, a couple bladder tanks, and some booster pumps to make sure the water gets all the way down to the bottom end of the hill.

There's a five-gallon jug of chlorine to treat it.

When the power goes out it turns into a gravity feed system so everybody on the bottom end of the hill gets great pressure. He immediately loses everything.

This feeds 30 homes, which house approximately 120 people.

June 1, 2022

The state is coming out to do an inspection.

Navins said that on average they pump between 3,000 and 3,500 gallons a day. Two weekends ago they were up to seventy-five hundred because pool season started.

The homes do not have running meters. Everyone pays the same, no matter how much water they use.

Mazzetti asked Murphy if the Town would be able to create a special water district in that area.

Murphy replied that you could. His suggestion would be to have Navins come to the Water/Sewer Committee meeting and get some direction. Inventory what they have there, the condition of what they have there, and what their needs are. We need a lot more information than what they have right now. If he went to the Water/Sewer Committee, the committee could direct them on what exactly they are going to need to give a recommendation to send back to the Town Board.

You could create a district out there. At some point they would have to do a map, plan and report including what infrastructure exists there, what would be needed and what the cost would be and who would pay for it, and submit a petition to the Town. His suggestion would be to send it to the Water/Sewer Committee and let them develop a recommendation to send it back to the Town Board.

Litman added that Murphy is absolutely right. They need to come before the Water/Sewer Committee. They have looked at it in the past, on a basic level, of what the Town could potentially do with providing them with distribution - not taking control of or accepting a private system. Mazzetti is right, to a degree, on some type of an evaluation of that system. That should probably be done by the homeowner's association so they can determine what the condition of their system currently is, and what type of repairs it may need. That would be a cost on them.

The next thing that Navins has brought up is the evaluation by the State.

The State might come in and do just a cost analysis on things because they are getting a price increase. But if there are other things that are found one when they are present, they might offer another evaluation of what the system's condition is and make other recommendations to them. But he does think it's a great idea that they come in tomorrow and sit before the water/sewer study committee meeting.

Litman said Hudson Hills used to be a private system, and that was ultimately not in good condition. The developer had to build the system and they supplied them with water. Once they had done a proper build out it was dedicated to the Town. The tank and pump stations went in. There can be bad situations in private systems. Typically, two small wells that are at the foothill of Illinois mountain may generate good quality water, and he hopes they do for the residents' sake. Unlimited water is great. Maybe the price is a little steep. He is sure whatever the maintenance and upkeeps are, if an expansion tank or a pump goes in, the Town knows how much a booster pump costs for a small system. The last one he purchased last year was about \$6500. Tanks get very costly.

Supervisor concluded that going to the water/sewer committee meeting tomorrow is the right starting point. He said let's see what they come back with and see what questions they have, or what additional information they are going to need from Navins.

4. PRIVILEGE OF THE FLOOR

Mark Reynolds, reporter, asked if the Town has an update on the package plants law being considered.

Supervisor answered that they met today with Murphy and Paul VanCott to go through the options. The public hearing is open. They have received input from Falcon Ridge. They have also received some other impact information, both positive and negative.

Reynolds asked if the positive and negatives were from residents.

Supervisor replied that they were from residents and some input they got from other communities that have thought about the same thing.

Reynolds asked if the Town has a time frame when that might come to a finish.

Supervisor said, no, not yet.

Frank Samartano, who lives on Hilltop Lane at the corner of Hilltop and Tano, said in 2004, when they had their house built, it was a dead-end road. With new development in the neighborhood, he feels a stop sign is needed, preferably a three-way stop.

Supervisor said they will go look at it first to make sure they know what he is talking about.

June 1, 2022

5. MOTIONS & RESOLUTIONS

A. MOTION made by Mazzetti, seconded by Fraino, to approve the minutes of April 20, 2022.

5 ayes carried

B. RESOLUTION made by Auchmoody, seconded by Fraino, for authorization for Supervisor Plavchak to sign the contract with The Reis Group for MVP Healthcare insurance renewal for the term of 7/1/2022-6/30/2023.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

C. RESOLUTION made by Fraino, seconded by Guerriero, to authorize Supervisor to sign the contract with Millennium Grant Writing for a period of 12 months commencing on the date affixed to the agreement.

Scope of Services on behalf of Client will be a flat monthly retainer fee of \$3000.00 payable in twelve equal monthly installments for an amount not to exceed \$36,000.00 per annum.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

D. MOTION TABLED to grant special permission to The Ulster County Art Community to serve wine and beer at the Highland Landing Park under the pavilion on Saturday, August 27 from 2:00 PM to 6:00 PM for their Memorial Service for Jim Fawcett as per Town Code Chapter 32, Section 32-4.

Discussion regarding insurance requirements.

E. MOTION made by Mazzetti, seconded by Fraino, to accept the retirement of Ronald Hull effective 6/1/2022 from the Sewer Department due to non-work-related disability at the request of Water/Sewer Administrator Adam Litman. Mr. Hull would like to thank the Town for his 19 years and 3 months of service.

5 ayes carried

F. RESOLUTION made by Guerriero, seconded by Auchmoody, to move Heather Blume to Senior Clerk at a base rate of \$19.61 effective 6/2/2022.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

G. MOTION made by Auchmoody, seconded by Fraino, to authorize Supervisor Plavchak to name the following to the Beautification Committee: Curt and Shari Hyers, Megan Primo, Melissa Alfonso, Craig Tunks, Pat Fisher, Darlene Plavchak.

4 ayes carried, 1 abstain; Plavchak

H. MOTION made by Fraino, seconded by Auchmoody, to close the Hudson Valley Rail Trail from (Walkway) Haviland Road Caboose to Tony Williams Park on Sunday, June 26, 2022 from 6:30 AM to 1:00 PM for Bike NY, Discover Hudson Valley Ride. Bikes will be on the trail from 7:30 AM to 12:00 NOON.

5 ayes carried

I. RESOLUTION made by Mazzetti, seconded by Guerriero, to hire the following staff for the 2022 Berean Park and SummerFun season, Camp Counselors: Chase Roraback, Nikayla Schlosser and Quinlan Jones at a rate of \$13.50 per hour at the request of Frank Alfonso.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

J. RESOLUTION made by Mazzetti, seconded by Guerriero, to hire the following lifeguards, pending certification, for the 2022 Berean Park season at \$15.50/hour: Ben Hammond, Ruth Weinmann, Margaret Petty, Matthew Petty, Timothy Petty, Daniel Picari, Nathaniel Bartolotti, Jack Guadagno and Holland Mooney at the request of Frank Alfonso.

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

K. RESOLUTION made by Auchmoody, seconded by Guerriero, to approve the following

June 1, 2022

funds to be moved:

Water 20-08-9760-60	-\$ 40,000.00
Water 20-07-8340-40	\$ 40,000.00

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

L. MOTION made by Mazzetti, seconded by Auchmoody,

EXEMPTING THE TOWN OF LLOYD FROM THE REQUIREMENTS OF EMINENT DOMAIN PROCEDURE LAW ARTICLE 2 RELATIVE TO THE HIGHLAND HAMLET STREETScape PROJECT (P.I.N. 8762.55)

WHEREAS, on June 18, 2020, the Town Board of the Town of Lloyd approved Resolution authorizing the Preliminary Engineering, Design, ROW incidental and ROW acquisition phases for the Highland Hamlet Streetscape Project. Said project involving the rehabilitation, replacement and/or improvement various sections of Town sidewalks, curbing and pedestrian crossings; and

WHEREAS, it is anticipated that it will be necessary for the Town to acquire permanent and temporary easements. The areas to be affected by said easements consist of one small parcel situated immediately adjacent to the highway boundary, currently used by the public as part of Commercial Avenue Extension, with the area of the easement 180 square feet as shown on the plans in Exhibit A of the Final Design Report; and

WHEREAS, the proposed Project is being administered by the Town, with oversight by the New York State Department of Transportation ("NYSDOT") and the Federal Highway Administration ("FHWA"), in accordance with the requirements of the NYSDOT "Procedures for Locally Administered Federal Aid Projects" manual, the NYSDOT "Project Development Manual" New York State Eminent Domain Law ("EDPL"), the National Environmental Policy Act of 1969 ("NEPA") and the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, NYSDOT and FHWA require that all title in and to the permanent and temporary easement areas be acquired by the Town free and clear of all title defects and encumbrances. In the event the Town is unable to timely acquire clear, unencumbered title to the easements due to title defects or other reasons, the Town will need to acquire such interests by means of eminent domain; and

WHEREAS, EDPL Article 2 requires, as a condition precedent to acquiring title by exercise of the power of eminent domain, the Town to conduct a public hearing to inform the public of the Project, to review the public use to be served by the proposed Project, and to discuss the Project's impact on the environment. However, per EDPL §206 (D), parcel acquisition may be exempt from compliance with the hearing requirements of Article 2 when the acquisition is de minimis in nature so that the public interest is not be prejudiced by the acquisition; now, therefore, be it

RESOLVED, that the above-mentioned easement acquisitions are hereby exempt from compliance with the hearing provisions of EDPL Article 2 as the acquisitions are de minimis in nature so that the public interest is not be prejudiced by the acquisition; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to take such steps, perform such acts and execute such documents as are necessary for the Town to acquire the previously identified permanent easement and temporary easement interests in, on, over and through portions of the affected tax map parcels as are necessary in order to accomplish the Project, including, but not limited to, acquisitions in accordance with any provision of law, regulation or rule.

Five ayes carried

M. RESOLUTION made by Auchmoody, seconded by Guerriero,

BOND RESOLUTION OF THE TOWN OF LLOYD, NEW YORK, ADOPTED JUNE 1, 2022, AUTHORIZING THE CONSTRUCTION OF ROAD IMPROVEMENTS FROM THE INTERSECTION OF TILLSON AVENUE, TOC DRIVE, AND ROUTE 44/55 TO THE INTERSECTION OF TILLSON AVENUE AND ROUTE 9W IN THE TOWN, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$6,803,000, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$6,803,000 BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

June 1, 2022

THE TOWN BOARD OF THE TOWN OF LLOYD, IN THE COUNTY OF ULSTER, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Town Board) AS FOLLOWS:

Section 1. The Town of Lloyd, in the County of Ulster, New York (herein called the "Town"), is hereby authorized to construct road improvements from the intersection of Tillson Avenue, Toc Drive, and Route 44/55 to the intersection of Tillson Avenue and Route 9W (the "Project") in the Town. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$6,803,000 and said amount is hereby appropriated therefor. The plan of financing includes the issuance of \$6,803,000 bonds of the Town to finance said appropriation and the levy and collection of taxes on all the taxable real property in the Town to pay the principal of said bonds and the interest thereon as the same shall become due and payable. The Town expects that Federal and State funding will be available to pay substantially all of the cost of said Project. Any Federal and State grant funds received by the Town and any other funds available for such purpose are hereby authorized to be applied toward the cost of said Project or redemption of the Town's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Town in the principal amount of \$6,803,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The period of probable usefulness applicable to said Project, the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20(c) of the Law, is fifteen (15) years.

Section 4. The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 5. The proposed maturity of the bonds authorized by this resolution may exceed five (5) years.

Section 6. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Town, payable as to both principal and interest by general tax upon all the taxable real property within the Town. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 7. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 8. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

June 1, 2022

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This bond resolution is subject to a permissive referendum and the Town Clerk of said Town of Lloyd is hereby authorized and directed to cause to be published, in full, within ten (10) days after the adoption of this resolution, in “*Southern Ulster Times*” which is hereby designated the official newspaper of the Town for such publication, and posted on the sign board of the Town maintained pursuant to the Town Law, a Notice in substantially the following form:

Roll Call; Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye; Mazzetti, aye

5 ayes carried

N. MOTION made by Mazzetti, seconded by Fraino, to authorize Supervisor to sign agreement;

**INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION
RELATING TO SHORT TERM RENTAL PROPERTIES BETWEEN THE
COUNTY OF ULSTER AND THE TOWN OF LLOYD.**

THIS INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION RELATING TO SHORT TERM RENTAL PROPERTIES (the “Agreement”), is entered into by and between the COUNTY OF ULSTER, a municipal corporation with principal offices at 244 Fair Street, Kingston New York 12401 (the “County”), and the TOWN OF LLOYD, having its principal office at 12 Church St. Highland, NY 12528 (the “Municipality”) (each referred to as a “Party,” together, the “Parties”).

WITNESSETH

WHEREAS, a growing industry of online service providers have turned short term rentals into a rapidly growing sector of the vacation rental market putting these largely unregulated rooms in competition with local traditional lodging providers, such as hotels and Bed and Breakfast facilities; and

WHEREAS, the addition of short-term rentals, that primarily market through online hosting platforms, create a situation where all lodging providers are not compliant with local zoning, health and safety rules, and state and local tax requirements; and

WHEREAS, in order to ensure collection and enforcement of the County’s hotel and motel tax from individuals renting residential properties on a short-term basis, the County has entered into a software services agreement with a private vendor to monitor marketplace operators for advertisements of short-term rentals of properties in the County and provide to the County a list of the short-term rental properties, parcel information on those properties, physical property information, the addresses and contact information for the properties’ owners, and information on the nightly rates (the “Master Agreement”); and

WHEREAS, the growth of the short-term rental marketplace has left local municipalities scrambling to understand the scope and size of this marketplace within their jurisdiction, while attempting to address health and safety concerns and quality of life issues determined through local zoning and code enforcement; and

WHEREAS, in an effort to assist local municipalities, the County has offered to provide, at local option, an inventory of all properties within the respective municipal jurisdiction that have been identified by the County’s vendor as advertising short term rentals; and

WHEREAS, the County and the municipality now desire to enter into an agreement for the sharing of the information provided through the County’s software services agreement; and

WHEREAS, the County and the Municipality have reached an agreement as to the terms and conditions and by this Agreement memorialize their understandings, expectations, and representations as to their agreement; and

WHEREAS, the respective governing bodies of the County and the municipality have approved the actions set forth in this Agreement and have approved the execution thereof by their appropriate representatives;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth, the County and the Municipality agree as follows:

- 1) The County shall provide the Municipality, in an electronic format, information on the short-term rentals being advertised in the Municipality’s jurisdiction that the County has obtained by virtue of the Master Agreement.

June 1, 2022

- 2) After the initial information is provided, upon the Municipality's request the County shall provide updated information on the short-term rentals being advertised in the Municipality's jurisdiction that the County has obtained by virtue of the Master Agreement on a quarterly basis.
- 3) The information shall be provided to the Municipality "as is" and the County makes no representations or warranties as to the accuracy of the data from the County's software services vendor.
- 4) In the event that the municipality passes regulations or ordinances applicable to short-term rentals, the municipality shall include in such regulations or ordinances a requirement that the property owners register with the County's Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County, and provide documentation relating thereto to the Municipality.
- 5) In the event that the municipality creates a permit system for short-term rental properties, the municipality shall require the property owners to register with the County's Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County and provide documentation relating thereto to the Municipality in order to be eligible for any such permit.
- 6) Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party (i) for the Party's convenience, or (ii) upon the failure of the other Party to comply with any of the terms or conditions of this Agreement.
- 7) No changes, amendments, or modifications of any of the terms and/or conditions of this Agreement shall be valid unless reduced to writing and signed by the Parties to this Agreement.
- 8) Except as expressly provided otherwise in this Agreement, all notices given to any of the Parties pursuant to or in connection with this Agreement will be in writing, will be delivered by hand, by certified or registered mail, return receipt requested, or by Federal Express, Express Mail, or other nationally recognized overnight carrier. Except where otherwise specifically defined within this Agreement, notices will be effective when received. Notice addresses are as follows:

Municipality:

Town of Lloyd
Attention: Town Clerk
12 Church St
Highland, NY 12528

County:

Ulster County Department of Finance
Attention: Commissioner
Post Office Box 1800
Kingston, New York 12402

Any communication or notice regarding indemnification, termination, litigation, or proposed changes to the terms and conditions of this Agreement will be deemed to have been duly made upon receipt by both the County's Department of Finance and the Ulster County Attorney's Office at the addresses set forth herein, or such other addresses as may have been specified in writing by the County:

June 1, 2022

Mailing Address:
County of Ulster
Attention: County Attorney
Post Office Box 1800
Kingston, New York 12402

Physical Address:
County of Ulster
Attention: County Attorney
244 Fair Street, 5th Floor
Kingston, New York 12401

Either Party may, by written notice to the other Party given in accordance with the foregoing, change its address for notices.

- 9) This Agreement is governed by the laws of the State of New York except where the Federal Supremacy Clause requires otherwise.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to enter into this Agreement as of the dates set forth below.

COUNTY OF ULSTER

TOWN OF LLOYD

By: _____
NAME: _____
TITLE: _____
DATE: _____

By: _____
NAME: David Plavchak
TITLE: Supervisor
DATE: _____

Five ayes carried

MOTION made by Mazzetti, seconded by Guerriero, to go into Executive Session at 5:35 PM to discuss Contracts.

Five ayes carried

MOTION made by Mazzetti, seconded by Auchmoody, to adjourn at 6:00 PM.

Five ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk