

TOWN OF LLOYD

TOWN BOARD MEETING

July 20, 2022

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

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

Absent: Councilmember Joseph Mazzetti

Meeting was in person at Town Hall and live streamed on Channel 22 and WebEx

7:00 PM – Supervisor opened meeting and Pledge of Allegiance led by Councilmember Fraino

Currently Open Public Hearings

6.15.2022 Local Law F-2022 “Cannabis/marijuana Retail Sales and Lounges”.

MOTION by Auchmoody, seconded by Guerriero, to CLOSE Public Hearing on Local Law F-2022, a local law to amend Chapter 100, of the Town Code Entitled “Zoning,” to add a Provision to Chapter 100 “Zoning” Article VII “Special Use Permits to add 100-53 Entitled “Cannabis/marijuana Retail Sales and Lounges”. **(RESOLUTION E)**

Four ayes carried

MOTION by Fraino, seconded by Guerriero to OPEN Public Hearing TOWN OF LLOYD LOCAL LAW G - 2022 A LOCAL LAW TO REVISE CHAPTER 16 OF THE TOWN CODE ENTITLED “MEETINGS, OPEN PUBLIC” TO ADD A NEW SECTION 16-4 ENTITLED, “VIDEOCONFERENCE MEETINGS”

Four ayes carried

TOWN OF LLOYD LOCAL LAW G - 2022 A LOCAL LAW TO REVISE CHAPTER 16 OF THE TOWN CODE ENTITLED “MEETINGS, OPEN PUBLIC” TO ADD A NEW SECTION 16-4 ENTITLED, “VIDEOCONFERENCE MEETINGS”

Section 1. LEGISLATIVE INTENT

It is the intent of this local law to give the Town of Lloyd public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the Town’s videoconferencing policy and the authority granted in Public Officers Law § 103-a.

Section 2. AUTHORITY

This local law is adopted pursuant to Public Officers Law § 103-a which expressly authorizes the Town Board to adopt a local law giving the Town’s public bodies the authority to participate in meetings via videoconference from locations not accessible to the public so long as a quorum of the board/body participates from locations where the public may be physically present and other conditions are met.

Section 3. AMENDMENT

The Code of the Town of Lloyd is hereby amended to add a new Section 16-4, “Videoconference Meetings” to Chapter 16, “Meetings, Open Public” of the Code of the Town of Lloyd to read as follows: “Video Conference Meetings: It is the intent of this local law to give the Town of Lloyd public bodies, as that term is defined in Public Officers Law § 102, the authority to participate in meetings via videoconference in a manner consistent with the Town’s videoconferencing policy and the authority granted in Public Officers Law § 103-a.

A. Definitions.

1. The terms, words and phrases used in this article shall have the same meanings as such terms, words and phrases are defined in § 102 of the Public Officers Law.

2. “Local public body” means any duly constituted board, commission or other municipal body or agency of the Town of Lloyd comprised of two or more public officers or other persons.

B. Remote attendance.

The Town Board of the Town of Lloyd hereby authorizes all members of the Town’s public bodies to participate in meetings using videoconferencing technology in a manner consistent with Public Officers Law § 103-a and with the Town’s videoconferencing policy adopted by the Town Board, which policy may be amended by resolution of the Town Board.”

Section 4. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment

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shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. EFFECTIVE DATE

This Local Law shall be effective upon filing with the Secretary of State.

1. REPORTS – Town Board Liaisons

A. Town Board Liaisons

Audit – January 1 – June 30, 2022: Councilmembers Auchmoody and Mazzetti
July 1 - December 31, 2022: Councilmembers Fraino and Guerriero

Beautification – Councilmember Auchmoody

Auchmoody reported that they talked about planting flowers around the fountain. They talked about hanging baskets for next year. Their plan is to get with Reggie Osterhoudt on the Events Committee and maybe they can work together. They are going to weed the flower beds in town and talk about preparing for fall planting.

Building Department – Supervisor

ECC (Environmental Conservation Committee) – Councilmember Guerriero

Guerriero reported there's a company called CHPE Champlain Hudson Power Express, they want to run a line underneath the bed of the Hudson River from Canada to New York. They are planning to give Ulster County and Dutchess County incentives and tax breaks for business to come in.

The County legislature voted against it.

They talked about one problem, the laying of the high voltage cable, they call it jet plowing which will stir up a lot of sediment and there's a lot of PCBs underneath. GE and state EPA said it's not that bad down here so there's a big discrepancy.

Along the Hudson River, they have about seven or eight towns that use that river as their drinking water so it's a big problem and he thinks everybody should consider how they feel if they want to write a letter to their assemblyman and to the senators to voice their opinions. He thinks it's a serious matter.

ECC did some work along the Black Creek Rail Trail and he would like to thank the Boy Scouts, they did the stairway down into black creek. He thanked their leaders that supervised them. And the Girl Scouts too have done a lot, so they have to send a little shout out to them also.

ECC Lloyd Leaf has a lot of interesting articles. They took quite a bit of time and describe what they are doing with their parks. They talked about the bottle bill that started 40 years ago and where they are today.

EDC (Economic Development Committee) - Supervisor

Supervisor reported they met last week and they have updated the website. It talks about coming into the Town and how to go about starting a business; what steps they have to go through. It is highly informative.

EDC finished a brochure for this year.

Highland Fire District/ Ambulance – Councilmember Fraino

Fraino attended the Fire Commissioner's meeting last Tuesday. They are working with two of the commissioners, Roloson and Rizzo on upgrading their IT.

They had email and IT problems for quite a while, so they are looking at a couple of different avenues to improve it.

Highland Central School District – Councilmember Mazzetti

Highland Landing Park – Councilmember Auchmoody

Auchmoody reported that the additional pads for the benches have been poured. He has been down there for two days watering them every couple of hours so they don't crack.

The bathrooms are all roughed in. The exhaust fans in the bathroom are in.

The heat and air conditioner are in, it's operational.

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Between the parking lot and the handicap ramp, there was a spot that they had to elevate, so they poured that and finished it yesterday.

The next step is the sheetrock.

Auchmoody and Bellizzi will go over a couple other little things inside, then they will get the sheetrock guys in and go forward from there.

The park has been pretty busy but the people have been really good as far as cleaning up after themselves.

It still looks pretty good, other than the grass turning brown.

Lights – Councilmember Fraino

Fraino reported that getting lights repaired or replaced by Central Hudson continues to be a slow process, but they keep reminding them and sending them little love letters to tell them they are not performing very well.

At Bridgeview, they did get two proposals for electrical work.

One for the equipment itself, the 37 units plus three additional lighting units. Four or five suppliers got a bid request on that. That's not in yet.

The electrical work is really minimal. The highway department is going to do most of the excavation, the installation, making of the foundation and bases. They are making those up at the highway garage. They saved quite a bit of money doing that.

Planning Board – Councilmember Auchmoody

Auchmoody reported that the Roadway Inn & Suites applicant is seeking a site plan and special use permit to install roof-mounted solar. The solar arrays will be mounted on the north west and south east facing roof planes. The total area of the combined arrays is to be approximately 5,909 square feet. Due to the location and 4-degree roof pitch, the flush mounted panels will have minimal impact on the visual character of the area.

There were a few questions about the angle of it and if the sun will reflect off on the people on 299, they are sort of looking into that.

Chavez Garden Center LLC., Applicant is seeking to convert Lakeside Licks, to a garden center. They want to build an apartment upstairs so the people that will be running the garden center can live there. They are going through the process.

Old Business: HHH Property Management LLC: 24 Main Street, applicant is seeking site plan to install a 1st floor yoga studio with residential living space on the second floor.

SEQRA, type II, it's a really old building, built somewhere around 1890. They are checking to see if it was on a historic registry.

Elms Main Street LLC., applicant is proposing a two-lot subdivision of a 0.95-acre parcel of land located at 41-43 Main St. Currently the lot contains 2 apartment buildings and a laundromat along with parking. The parcel is serviced by municipal water and sewer. Proposed lot 1 will be a 0.53-acre and will include the 2 apartment buildings and parking.

Proposed lot 2 will be 0.42-acress and will include the laundromat and parking. Also, proposed is a lot line revision between lot 2 and the Town of Lloyd. Lot 1 and 2 granting and reserving an easement for parking and right-of-way for ingress and egress. No new improvements on either lot for the apartment building and the laundromat, they just want to do a lot line revision subdivision to make the two lots into two lots.

The Village in the HV applied requesting a 90-day extension of the subdivision approval.

Police – Supervisor

Hudson Valley Rail Trail – President Peter Bellizzi

Bellizzi reported that his concern is the bicyclists. Last week they had an incident and then another one by the caboose. He received an email from the husband that they were over in the emergency room and that a bicyclist had hit his wife. They were going for a cat scan. She's just bruised.

The other concern is that the Walkway is looking to have dismount or lower speed limit within their building area, from the gate to the Rail Trail, which is a concern to them because once you get to that point, then it's a race track up the Tail Trail.

He wants to work with the Town and then maybe they can stretch that zone to just past where the signs and the gate are, whether it's plastic barriers or something else.

There was a discussion about types of safety solutions would be possible on the Rail Trail for pedestrians and bicyclists. Nothing has moved forward on that.

Water and Sewer – Councilmember Auchmoody

Auchmoody disclosed that the water/sewer committee spent most of their last meeting talking about the Casabura property at 1 Christopher Ave. Water has been running down the hill behind their house. Hudson Place recently built on top of the hill and they feel the run off has gotten worse.

Zoning Board of Appeals – Councilmember Guerriero

Guerriero reported that applicant Trevor Depew is seeking an area variance. He is subdividing a couple of lots. He has a 25-foot road and he wants to expand it with another 25 feet for a total of 50 feet.

An applicant on 13 Bell Drive is seeking an area of variance for a shed. They want to place their shed in the front yard.

2. OLD BUSINESS

3. NEW BUSINESS

A. The Village PRRD Application (The Village of the Hudson Valley)

Attorney John Furst, who represents developer Marc Sanderson and his Village in the Hudson Valley, spoke about his client's project on the west side of Route 9W, opposite the Bridgeview Shopping Plaza.

He described it as a Life Plan Community consisting of 197 independent housing units for seniors 62 and older. These will be primarily single-family homes with a few duplex units. Each is estimated at 1,000 to 1,400 sq/ft, and will have their own driveways and attached car ports. The units will be built approximately 10 feet apart.

Furst said the housing units will be for sale and each homeowner will pay a rental fee for the slab they sit upon.

In addition, Sanderson's overall project calls for construction of a 119 bed Assisted Living Facility (ALF) with Adult Day Care that will be 340 feet in length and is more than 60 ft in height at the peak of its roof.

This portion of the project has already received conditional approval from the Planning Board. To date, no firm financial figures on patient or housing costs have been disclosed to the public.

Furst stated that the 57-acre property is currently zoned Residential ½ acre (R-1/2), "where independent residential uses are permitted as of right and Assisted Living Facilities (and Adult Day cares) are permitted via a Special Use Permit and site plan approval from the Planning Board."

Furst noted that the R-1/2 zoning "does not accommodate this special senior housing and health care centered development." He added that the PRRD regulations are intended to, "encourage flexibility and innovation in residential development and related services for persons 62 years of age and older.

Furst stated that the Town Board will have to decide whether to grant Sanderson a Planned Residential Retirement Development (PRRD) zoning designation in order for the full scope of the project to move forward. The board also has the authority to have the developer make modification to his project, if they so choose.

In initial discussions, Sanderson stated the goal of a Life Plan Community "is to improve the quality of its resident lives, while helping them to age in the best possible way. "He states there will be restaurant style dining service, special cleaning programs, recreational activities, including horseshoes, pickle ball, tennis courts, covered bocce balls courts, walking paths, a community garden and an outdoor swimming pool. In addition, there will be an 8,000 square foot clubhouse.

Furst pointed out that the overall project is in compliance with the general intent and purpose of the PRRD zoning; it meets sewer/water regulations, provides proper access to the property via Route 9W and Mayer Drive, includes various types of senior housing, has a traditional neighborhood design, protects the natural environment and it is compatible with the commercial character of the area around Route 9W. The traffic that is generated by the project "will operate at acceptable levels of service with the proposed improvement," notably a new traffic light at the intersection of Route 9W." Significant tax revenue will be realized and the owner will own and maintain onsite water or sewer infrastructure improvements associated with the project. Additionally, there will be little impact on the Town's recreational facilities. The roadways will be privately owned and

maintained by the developer and 23.2 acres of the 57 acres will be designated as open space areas.

Furst contends that the project meets all the Town's criteria and bulk zoning requirements and that his client is not seeking any waivers from the Town Board.

He pointed out that the Town has 40 days from their submission date of June 28, 2022 to decide if they want to refer the application to the Planning Board.

"We would like the project referred to the Planning Board as soon as possible so they can re-engage the Planning Board on SEQRA review," he stated. This is a reference to meeting the provisions of the State Environmental Quality Review Act.

Fraino asked about the affordable housing. Would it be the same size unit? Would the furnishings be different? What makes it affordable?

Furst responded by stating they have to figure that out. It could be the size or it could be a combination of both. He has to talk to the developer and see how he wants to do that.

Supervisor stated that the code is pretty specific on the types of things you could do for affordable.

Furst stated that it's got to be somewhat consistent with what they are proposing and his client wants to keep that consistency. The Town has pretty extensive regulations on affordable housing.

Supervisor stated that it mainly centers around the types of finishes; appliances; flooring.

Furst stated that that's all outlined in your code, so whatever the code requires they will comply with. They are not looking for any waivers.

Guerriero asked if they are planning on paying recreation fees. You spoke about all these amenities that you were going to provide.

Furst answered by saying, under State law the Town has to show a need for the recreation needs based upon the project so if the Town shows a need, then I guess they would be responsible for a recreation fee.

Guerriero inquired about how that works. Any housing development is required to pay recreation fees. You are planning on putting 166 houses up, he is just asking a question because he thinks they ought to ask that question before the end of the project.

Furst restated, if it's required then they will pay what is required.

Supervisor stated any developer can come to them and try to make trade-offs, but it is in their law for reference and technically, like Furst said, under the Town law, the municipality is supposed to show a need. A lot of them don't, they just pay the recreation fee. Most developers probably just end up paying it, but technically the Town is also supposed to show a need, a correlation between the development and the potential increase in recreational use. They will have a lot of on-site amenities, and they will have seniors, so it's not like they are going to have children that are going to be using Town pools, little league fields or playgrounds.

Supervisor said the rec fees are all inclusive for the whole Town. They can show the need and he thinks that's why they put it in their code. As you know every developer has been paying the fees, so he doesn't think that's an issue of them not being able to justify it.

Furst stated again if they are required to pay the fee then they will. Absolutely.

Supervisor concluded by stating that they do have a resolution on tonight to send it to the planning board as lead agency to do the SEQRA. We'll get to that later in the meeting tonight.

Rosinski added that being a PRRD, it's one of the few times where recreation gets 50%, Rail Trail gets 25% and Highland Landing gets another 25%.

4. PRIVILEGE OF THE FLOOR

Mark Reynolds, Southern Ulster Times reporter, stated that the Supervisor brought up the issue of posted minutes on the website, so he took a look, and the last Town Board meeting minutes posted on the website were for May 4th, the last Planning Board meeting minutes posted on the website were for May 19th, and the last ZBA meeting minutes posted were for January 13th, and he wondered if supervisor might be able to help with that.

Supervisor answered by saying that they are going to approve minutes tonight. They don't go to the website till they approve them.

Reynolds said the last ZBA minutes posted were for January 13th.

Supervisor said that one's an issue, but the May ones were realistically only a month behind and they are approving them tonight. To make that an issue is pretty petty.

Reynolds then inquired about the PRRD the project. He wanted to know if they are buy-ins or rentals.

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Furst answered by saying that he believes, at this point, the cottages will be purchased by the individual homeowners and then the sites in which the cottages sit would be rented by the homeowners.

Reynolds then asked, do you have any ballpark idea of pricing.

Furst answered no, he can't speak about pricing at this point.

Supervisor said they will lease the site, they will buy the unit. Does leasing the site include all of the amenities so there's not another fee on top of that.

Furst said no, it would include all the maintenance and all the amenities.

5. MOTIONS AND RESOLUTIONS

- A. MOTION** made by Auchmoody, seconded by Guerriero, to approve the June 1, 2022 Town Board Workshop Meeting minutes, the June 15, 2022 Town Board Regular Meeting minutes, and the June 30, 2022 Special Town Board Meeting minutes, and the July 6, 2022 Town Board Workshop Meeting minutes.

Four ayes carried

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

Councilmembers, the resolution for May was accidentally deleted from the agenda.

GENERAL	G - 627	to G - 687	\$ 80,385.01
HIGHWAY	H - 262	to H - 286	\$ 433,667.82
MISC	M - 118	to M - 126	\$ 135,081.20
PREPAYS	P - 414	to P - 576	\$ 436,688.87
SEWER	S - 203	to S - 237	\$ 18,320.01
WATER	W - 244	to W - 276	\$ 32,366.43
TOTAL			\$ 1,136,509.34

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

Four ayes carried

- C. RESOLUTION** made by Guerriero, seconded by Fraino, to accept the following resignations from the Police Department at the request of Chief James Janso:

Marshall Bellizzi, Part-time Dispatcher effective July 28, 2022

Amber Ackert, Part-time Dispatcher effective June 30, 2022

Christian J. McGaw, part-time Officer, effective June 28, 2022

Shyquana Jones, part-time Officer, effective July 18, 2022

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

Four ayes carried

- D. RESOLUTION** made by Guerriero, seconded by Auchmoody,

WHEREAS, the Town of Lloyd has introduced a local law to amend Chapter 100 of the Code entitled "Zoning", to add a provision to Chapter 100 "Zoning" Article VII "Special Use Permits" to add 100-53 entitled "Cannabis/Marijuana Retail Sales and Lounges"; and

WHEREAS, New York State Environmental Quality Review Act (SEQRA) requires the Town Board to make a determination on every project that is not a Type II action; and

WHEREAS, said local law constitutes a Type I action under SEQRA; and

WHEREAS, after reviewing Part I and Part II of the Full Environmental Assessment form and considering the factors, as contained in 6 NYCRR Section 617.7(c), and considering the environmental effects of the amendment to Chapter 100 as contained in local law to a provision to Chapter 100 "Zoning" Article VII "Special Use Permits" to add a section 100-53 entitled "Cannabis/Marijuana Retail Sales and Lounges", the Town Board of the Town of Lloyd has determined that the adoption of the local law will have no significant environmental impact.

NOW, THEREFORE, it is resolved by the Town Board of the Town of Lloyd that the local law to amend Chapter 100 entitled "Zoning" of the Code of the Town of Lloyd, as set forth above will have no significant environmental impact, and the Board hereby issues its negative declaration pursuant to Part 617 of the New York State Environmental Quality Review Act.

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

Four ayes carried

E. RESOLUTION made by Guerriero, seconded by Fraino,

WHEREAS, proposed Local Law “F”- 2022, a local law to revise Chapter 100 of the Code entitled “Zoning”, to add a provision to Chapter 100 “Zoning” Article VII “Special Use Permits” to add 100-53 entitled “Cannabis/Marijuana Retail Sales and Lounges”, was introduced at a meeting of the Town Board held on the 18th day of May, 2022, at 7:00 P.M.; and

WHEREAS, the Town Board has determined that this is a Type I action under the New York State Environmental Quality Review Act (SEQRA), and Part I of a Full Environmental Assessment Form has been prepared on behalf of the Town Board, with the Town Board assuming lead agency to do all necessary reviews in this matter; and

WHEREAS, a public hearing was scheduled for 15th day of June 2022 at 7:00 P.M., and continued on the 20th day of July 2022 at 7:00 P.M. and the Town Clerk published and posted a notice of said public hearing in accordance with law, and circulated, 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; and

WHEREAS, the Town’s Planning Board has recommended that the law be enacted as proposed; and

WHEREAS, the Ulster County Planning Board has provided a response to the Town which recommended that the local law reference the New York State, “Cannabis Law” and provide that all approval for marijuana retail sales and lounge establishments are licensed according with the State Statute which said modification the Town has incorporated into the local law; and

WHEREAS, the Town Board has determined that it is in the best interest of the Town to proceed with the local law in the form attached hereto; and

WHEREAS, a public hearing has been held thereon on 15th day of June 2022 at 7:00 P.M., and continued on the 20th day of July 2022 at 7:00 P.M. at which time all interested persons were given an opportunity to be heard thereon and after which the Public Hearing was closed.

NOW, THEREFORE, be it is resolved that Local Law “F”- 2022 be enacted in the form attached hereto as Schedule “A” as fully as if set forth herein, being a local law to revise Chapter 100 of the Code entitled “Zoning”, to add a provision to Article VII “Special Use Permits” to add 100-53 entitled “Cannabis/Marijuana Retail Sales and Lounges”.

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

Four ayes carried

F. RESOLUTION motion by Fraino, seconded by Guerriero,

WHEREAS, the Town has proposed to build a pavilion located in the southwest corner of the village field in Highland, New York; and

WHEREAS, the Town intends to construct an open structure approximately 56 feet by 40 feet to serve the local community as an entertainment and community space for events which will also include storage for the village fields and public restrooms, and

WHEREAS, the Town has solicited proposals for the design and construction documentation services relating to said pavilion, and

WHEREAS, the Town wishes to engage the services of Williams ReCraft LLC, Sean Williams Architect, to perform the design and construction documentation services relating to said pavilion pursuant to the proposal attached here to as Exhibit “A”.

NOW, THEREFORE, IT IS RESOLVED:

The proposal attached hereto as Exhibit “A” be and the same hereby is, approved by the Town Board and the Supervisor is hereby authorized to sign said proposal on behalf of the Town.

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

Four ayes carried

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G. RESOLUTION made by Auchmoody, seconded by Fraino,

WHEREAS, the Town of Lloyd Town Board as commissioners of the Highland Water District have previously authorized a project known as the “Town of Lloyd Water Storage Tank Replacement- Reservoir Road”; and,

WHEREAS, CPL, Architects, Landscape Architect and Surveyor, D.P.C. d/b/a “CPL”, Andrew Learn, P.E., have prepared the required construction, specification and bid documents for public bid of the project; and,

WHEREAS, this is a replacement project and is exempt from further proceedings pursuant to the requirement of the State Environmental Quality Review Act (SEQRA) being a Type II action consisting of a replacement, rehabilitation or reconstruction of a structure or a facility, in kind, on the same site which does not exceed the thresholds in Section 617.4 of 6 NYCRR Part 617 and no environmental proceedings are necessary; and

WHEREAS, the Town has publicly advertised and received formal bids on or before June 29, 2022 at 1:00 p.m., from contractors for the construction of the work as called for by the bid documents; and

WHEREAS, the Town Board has received a recommendation from CPL, Architects, Landscape Architect and Surveyor, D.P.C. regarding the award of the bid.

1. This Town Board awards the project known as The Town of Lloyd Water Storage Tank Replacement – Reservoir Road to Statewide Aquastore, Inc. for the amount of \$2,525,000.00.

2. CPL Architects, Landscape Architect and Surveyor, D.P.C. be, and they are hereby are, authorized to oversee and inspect the construction for compliance with the contract documents.

3. This bid is conditional on Statewide Aquastore, Inc. providing the information required in Article 6 of the Instructions to Bidders and establishment of the performance bond in accordance of Article 7 of the Instructions to Bidders contained in the bid package.

4. This project shall be funded _____.

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

Four ayes carried

H. MOTION by Auchmoody, seconded by Fraino for the Town of Lloyd to enter into and sign the following agreement with Highland Landing Park Association

Four ayes carried

THE BOB SHEPARD HIGHLAND LANDING PARK MANAGEMENT AGREEMENT

AGREEMENT made this ____ day of _____, 2022 between the HIGHLAND LANDING PARK ASSO., INC., a domestic not-for-profit corporation with a mailing address of P.O. Box 329, Highland, New York 12528 (hereinafter referred to as “Association”), and THE TOWN OF LLOYD, a municipality in the County of Ulster, with offices located at 12 Church Street, Highland, New York 12528 (hereinafter referred to as “Town”)

WHEREAS, the Town has created a public park on a 1.7-acre commercial waterfront lot known as “The Bob Shepard Highland Landing Park” (hereinafter referred to as “Park”); and

WHEREAS, the development and use of the Park is subject to a Conservation Easement dated August 24, 2009 between the Town of Lloyd and the People of the State of New York acting by and through their Commissioner of Parks, Recreation and Historic Preservation; and

WHEREAS, the Town has previously entered into a Park Development Agreement with THE SCENIC HUDSON LAND TRUST, INC. dated December 14, 2009; and

WHEREAS, the Town Board of the Town of Lloyd has previously authorized the creation of the Association to manage and oversee the construction and installation of improvements to the Park and the day to day operation thereof; and

WHEREAS, the Town and the Association would like to enter into an agreement outlining the Association’s rights and responsibilities related thereto; and

WHEREAS, it is in the best interest of the Town and its residents to enter into this agreement.

IT IS HEREBY AGREED THAT:

1. A. The Town hereby authorizes the Highland Landing Park Association, Inc. to manage, direct and oversee the installation and construction of improvements to the Park, as well as the day to day operation, use and activities conducted at the Park.

B. The Association shall submit to the Town Board for their approval all plans and specifications for any improvements to be made to the Park prior to the construction and installation of same. The Association shall further provide to the Town copies of any bid documents or Requests for Proposals relating to any work to be done at the Park to the Town Board

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for the Board's approval prior to sending them out for bids or proposals. The Association shall ensure that all bid documents and Requests for Proposals conform to the requirements of the Town Law, General Municipal Law and the Town's Procurement Policy.

2. The term of this Agreement shall take effect on the date set forth above and terminate on the 31st day of December, _____. Notwithstanding the initial term of this Agreement, it is agreed that the Town, at its sole discretion, shall have the option of extending, by resolution, this Agreement for additional periods of one (1) year each, provided however that, at any time, the Town shall have the right to terminate this Agreement immediately upon written notice to the Highland Landing Park Association.

3. The Highland Landing Park Association shall submit a copy of its by-laws to the Town Board of the Town of Lloyd for its approval.

4. The Association will arrange for, oversee, and manage the installation and construction of improvements, pursuant to the "Park Development Plan", as set forth in paragraph 5 of the Park Development Agreement, a copy of which is attached hereto and made a part hereof as Exhibit "A".

5. The Association shall oversee, manage, and regulate the use of the Park, including all activities, functions, events or other activities conducted on Park property. The Association shall ensure that all use of the Park is consistent with the terms of the Conservation Easement held by the New York State Office of Parks, Recreation, and Historic Preservation dated August 24, 2009, a copy of which is attached hereto and made a part hereof as Exhibit "B", the rules and regulations contained in paragraph 7 of the Park Development Agreement and such other and further rules and regulations as adopted by the Town Board. The Association may, from time to time, submit to the Town Board modifications to any existing rules and regulations as adopted by the Town or additional rules and regulations which the Association deems appropriate.

6. A. The Association agrees to submit a proposed Special Activity Application relating to the use of the Park by third parties for business ventures, fundraising events, charitable events, and personal events, such as weddings or other large gatherings. The Association agrees to review any applications for Park use by third parties. When a third party requests access to the Park for purposes of hosting a business venture, a fundraising event, a charitable event, a personal event, etc., the Association will assess the usage, taking into account the impact said use will have on the Park or other members of the public or other criteria as they see fit, and approve with or without stipulations, or disapprove the application, and refer the application to the Town Board for their approval or disapproval.

B. The Association shall ensure that, for all third-party events, proof of insurance must be provided by the applicant prior to the event.

- i. The applicant shall indemnify and hold harmless the Town of Lloyd and its representatives against any and all liabilities.
- ii. **General Liability Insurance:** The applicant must have \$1,000,000 each occurrence and \$2,000,000 general aggregate in coverage for both property damage and bodily injury with the Town of Lloyd and the Highland Landing Park Asso., Inc. listed as an additional named insured on the policy. The wording on the certificate of insurance must be as follows:
- iii. **Additional Insured:** The Town of Lloyd, its Officers, Agents and Assigns and the Highland Landing Park Asso., Inc. are to be named as additional insured with coverage to be on a primary basis.
- iv. **Alcohol Beverage Requirement** (if applicable): Liquor Liability Insurance will be provided by the applicant in the amount of \$1,000,000 each occurrence; \$1,000,000 aggregate must include Liquor Liability Clause.

7. The Association shall maintain Directors and Officers Liability Insurance in a minimum amount of \$1,000,000, with the Town of Lloyd listed as an additional named insured on the policy. The Association shall provide documentation of said policy to the Town of Lloyd on an annual basis, or as otherwise requested by the Town.

8. It is understood that this instrument represents the entire agreement of the parties hereto, and all previous understandings are merged herein, and that no modification hereof shall be valid unless written evidence thereof shall be executed by the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by the respective Officers as of the day and date first written above.

July 20, 2022

- I. **MOTION** made by Fraino, seconded by Auchmoody, to enter into and sign the following agreement with Hudson Valley Rail Trail Association.

Four ayes carried

HUDSON VALLEY RAIL TRAIL MANAGEMENT AGREEMENT

AGREEMENT made this ____ day of _____, 2022 between the HUDSON VALLEY RAIL TRAIL ASSOCIATION, INC., a domestic not-for-profit corporation with a mailing address of 12 Church Street, Highland, New York 12528 (hereinafter referred to as Association@), and THE TOWN OF LLOYD, a municipality in the County of Ulster, with offices located at 12 Church Street, Highland, New York 12528 (hereinafter referred to as Town)

WHEREAS, the Town has created a rail trail known as Hudson Valley Rail Trail (hereinafter referred to as Rail Trail); and

WHEREAS, the Town Board of the Town of Lloyd has previously authorized the creation of the Association to manage and oversee the usage and maintenance of the Rail Trail, as well as the day-to-day operation thereof and the construction and installation of any improvements; and

WHEREAS, the Town and the Association would like to enter into an agreement outlining the Association=s rights and responsibilities related thereto; and

WHEREAS, it is in the best interest of the Town and its residents to enter into this agreement.

IT IS HEREBY AGREED THAT:

1. A. The Town hereby authorizes the Hudson Valley Rail Trail Association to manage and oversee the day-to-day operation, use, and activities conducted on the Rail Trail, as well as any improvements made thereon.

B. The Association shall submit to the Town Board for their approval all plans and specifications for any improvements to be made to the Park prior to the construction and installation of same. The Association shall further provide to the Town copies of any bid documents or Requests for Proposals relating to any work to be done on the Rail Trail to the Town Board for the Board=s approval prior to sending them out for bids or proposals. The Association shall ensure that all bid documents and Requests for Proposals conform to the requirements of the Town Law, General Municipal Law and the Towns Procurement Policy.

2. The term of this Agreement shall take effect on the date set forth above and terminate on the 31st day of December, _____. Notwithstanding the initial term of this Agreement, it is agreed that the Town, at its sole discretion, shall have the option of extending, by resolution, this Agreement for additional periods of one (1) year each, provided however that, at any time, the Town shall have the right to terminate this Agreement immediately upon written notice to the Hudson Valley Rail Trail Association.

3. The Hudson Valley Rail Trail Association shall submit a copy of its by-laws to the Town Board of the Town of Lloyd for its approval.

4. The Association shall oversee, manage, and regulate the use of the Rail Trail, including all activities, functions, events, or other activities conducted on Rail Trail property.

5. A. The Association agrees to regulate the use of the Rail Trail by third parties for business ventures, fundraising events, charitable events, and personal events, such as weddings or other large gatherings. Said use shall be subject to a certain agreement between the Town of Lloyd and Hudson Valley Rail Trail Association, Inc. as regards third party use of the Hudson Valley Rail Trail entered into between the parties on September 9, 2011. A copy of said agreement is attached hereto and made a part hereof.

B. The Association shall ensure that, for all third-party events, proof of insurance must be provided by the applicant prior to the event.

- i. The applicant shall indemnify and hold harmless the Town of Lloyd and its representatives against any and all liabilities.
- ii. **General Liability Insurance:** The applicant must have \$1,000,000 each occurrence and \$2,000,000 general aggregate in coverage for both property damage and bodily injury with the Town of Lloyd and the Hudson Valley Rail Trail Association, Inc. listed as an additional named insured on the policy. The wording on the certificate of insurance must be as follows:
 - iii. **Additional Insured:** The Town of Lloyd, its Officers, Agents and Assigns and the Hudson Valley Rail Trail Association, Inc. are to be named as additional insured

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with coverage to be on a primary basis. Alcohol Beverage Requirement (if applicable): Liquor Liability Insurance will be provided by the applicant in the amount of \$1,000,000 each occurrence; \$1,000,000 aggregate must include Liquor Liability Clause.

iv. 6. The Association shall maintain Directors and Officers Liability Insurance in a minimum amount of \$1,000,000, with the Town of Lloyd listed as an additional named insured on the policy. The Association shall provide documentation of said policy to the Town of Lloyd on an annual basis, or as otherwise requested by the Town.

v. 7. It is understood that this instrument represents the entire agreement of the parties hereto, and all previous understandings are merged herein, and that no modification hereof shall be valid unless written evidence thereof shall be executed by the parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by the respective Officers as of the day and date first written and to be signed by the respective Officers as of the day and date first written above.

TOWN OF LLOYD

TOWN BOARD MEETING

July 20, 2022

J. MOTION made by Auchmoody, seconded by Guerriero, 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. The Bubbly Pony will be serving the alcohol and has provided the Town with LIQUOR LIABILITY COVERAGE COMMERCIAL GENERAL LIABILITY.

Four ayes carried

K. RESOLUTION made by Fraino, seconded by Auchmoody,

RESOLUTION ACCEPTING PRRD APPLICATION

WHEREAS, The Village in the Hudson Valley, LLC (the “Applicant”) proposes construction of a Planned Residential Retirement Development (“PRRD”) pursuant to Section 100-23.2 of the Town of Lloyd Zoning Code (“Zoning Code”) to be located on lands north of Mayer Drive along NYS Route 9W; and

WHEREAS, the Applicant consulted with the Town’s PRRD Pre-application Committee (“PAC”) for review as required by the Zoning Code and the PAC made required findings with respect to the proposed PRRD based on the considerations for approval set forth in the Zoning Code; and

WHEREAS, the PAC specifically found that the Affordable Housing Regulations provided in the Zoning Code apply to the independent living units in the proposed PRRD and recommended inclusion of affordable housing units in the PRRD; and

WHEREAS, the PAC further recommended that the Planning Board should be the lead agency for purposes of SEQRA review of the application based on its prior review of a conceptual PRRD; and

WHEREAS, on June 28, 2022, the Applicant submitted an application to the Town Board for a proposed PRRD and the Town Board desires to accept the application and refer it to the Planning Board for review and recommendations.

NOW, THEREFORE, BE IT RESOLVED:

1. The Town of Lloyd Town Board accepts the PRRD application and refers it to the Planning Board for recommendations.
2. The Town Board supports the Planning Board’s serving as SEQRA lead agency for review of the application and asks the Planning Board to include a SEQRA determination in its recommendations.
3. The Town Board specifically requests that Planning Board provide recommendations to ensure the PRRD’s compliance with the Affordable Housing Regulations, including during any phasing of construction and for long-term oversight and compliance with those requirements through the Town’s contractor.

Roll Call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, nay

Three ayes carried

L. RESOLUTION made by Guerriero, seconded by Fraino,

WHEREAS Any city, town, village, or county government in New York State can take a stand by adopting the Climate Smart Communities pledge. Local governments may amend the preamble of the pledge below, but all ten points of the pledge must be adopted verbatim by the highest body of elected officials (e.g., town board or city council). The final resolution document must include a signature from the municipal clerk verifying the authenticity of the resolution and indicating the date of passage. Local governments should then designate a primary contact person to complete the online registration form and upload the resolution by following the steps at <https://climatesmart.ny.gov/actions-certification/getting-started/>. After the registration is reviewed, the community will be designated a Registered Climate Smart Community and be added to the online list. Join us!

WHEREAS, the Town of Lloyd (hereinafter “local government”) believes that climate change poses a real and increasing threat to our local and global environments and is primarily due to the burning of fossil fuels; and

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WHEREAS, the effects of climate change will endanger our infrastructure, economy and livelihoods; harm our farms, orchards, and ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose health threats to our citizens; and

WHEREAS, we believe that our response to climate change provides us with an unprecedented opportunity to save money, and to build livable, energy-independent and secure communities, vibrant innovation economies, healthy and safe schools, and resilient infrastructures; and

WHEREAS, we believe the scale of greenhouse gas (GHG) emissions reductions required for climate stabilization will require sustained and substantial efforts; and

WHEREAS, we believe that even if emissions were dramatically reduced today, communities would still be required to adapt to the effects of climate change for decades to come,

IT IS HEREBY RESOLVED that Town of Lloyd, in order to reduce greenhouse gas emissions and adapt to a changing climate, *adopts the New York State Climate Smart Communities pledge, which comprises the following ten elements:*

- 1) **Build a climate-smart community.**
- 2) **Inventory emissions, set goals, and plan for climate action.**
- 3) **Decrease energy use.**
- 4) **Shift to clean, renewable energy.**
- 5) **Use climate-smart materials management.**
- 6) **Implement climate-smart land use.**
- 7) **Enhance community resilience to climate change.**
- 8) **Support a green innovation economy.**
- 9) **Inform and inspire the public.**
- 10) **Engage in an evolving process of climate action.**

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

Four ayes carried

M. RESOLUTION made by Auchmoody, seconded by Guerriero,

WHEREAS, the Town of Lloyd and the Town of Rosendale intend to enter into a “Shared Services Agreement” with the intention that the parties may loan equipment and/or personnel that may be available from time to time to the other party as set forth in the annexed Agreement with the attachments annexed hereto as Exhibit “A”; and, **WHEREAS**, the Town Board and the Town Highway Superintendent have agreed on the terms of the Agreement and have determined that it is in the best interest of the citizens of the Town of Lloyd; and,

WHEREAS, the Highway Superintendent has recommended that the Inter-Municipal Shared Services Agreement attached hereto be approved.

NOW THEREFORE IT IS RESOLVED AS FOLLOWS:

1. The Agreement set forth as Exhibit A annexed hereto be, and the same hereby is, approved by this Town Board, and the Highway Superintendent is authorized to sign duplicate originals of the same.
2. This Agreement is made pursuant to Article 5-G of the New York State General Municipal Law and Sections 102, 133-a and 135 of the New York Highway Law.
3. An original of the signed Agreement shall be filed with the Town Clerk’s Office.

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

Four ayes carried

N. RESOLUTION made by Auchmoody, seconded by Guerriero, to hire Ruth Zaccardo as WWTPOT for the water/sewer department at \$22.55/hour (budget supported) as per the recommendation of Water/Sewer Administrator, Adam Litman.

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

Four ayes carried

O. RESOLUTION made by Guerriero, seconded by Auchmoody, to approve the following budget amendments for Highway:

01-04-5112.39 - \$4461.50

01-04-5112.37 + \$2740.56

01-04-5112.38 + \$1445.37

July 20, 2022

01-04-5112.40 +\$275.57

Roll Call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye
Four ayes carried

P. RESOLUTION made by Fraino, seconded by Auchmoody,

**ORDER CALLING FOR A PUBLIC
HEARING TO BE HELD ON
AUGUST 17, 2022**

WHEREAS, the Town Board of the Town of Lloyd (herein called the “Town”), in the County of Ulster, New York, on behalf of the Highland Water District, in the Town (herein referred to as the “District”), has caused CPL, Newburgh, New York, engineers duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report (the “Report”), which report is on file in the office of the Town Clerk, for the increase and improvement of facilities of the District, consisting of the replacement of the water storage tank and any and all necessary furnishings, equipment, machinery, apparatus, installations, appurtenances, accessories and related engineering and other costs in connection with the foregoing, as further described in the Report (the “Project”), at the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof, of \$2,525,000; and

WHEREAS, the Town expects that grant and/or other funds will be available to pay all or a part of the cost of the Project. Any such grant and/or other funds 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; and

WHEREAS, the Town Board, acting as lead agency, has given due consideration to the impact that the Project described herein may have on the environment, and has determined that such projects constitute Type II actions pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.5 (c), and therefore no further environmental review is required;

NOW, THEREFORE, BE IT

ORDERED, that a public hearing of the Town Board of the Town be held at the Town Hall, 12 Church Street, Highland, New York, on August 17, 2022 at 7:00 o’clock P.M. (Prevailing Time) to consider said increase and improvement of facilities of the District and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of the Town Board with relation thereto as may be required by law; and be it,

FURTHER ORDERED, that the Town Clerk publish at least once in the “Southern Ulster Times,” hereby designated as the official newspaper of the Town for such publication, and post on the sign board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law, a Notice of such public hearing, substantially in the form attached hereto as **Exhibit A**, the first publication thereof and said posting to be not less than ten (10) nor more than twenty (20) days before the date of such public hearing, and be it,

DATED: July 20, 2022

Roll Call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye
Four ayes carried

MOTION by Auchmoody, seconded by Fraino, to adjourn at 8:20 PM.

Four ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk