

TOWN OF LLOYD

TOWN BOARD MEETING

August 16, 2023

Present:

Supervisor David Plavchak
Councilmember Leonard Auchmoody
Councilmember John Fraino
Council Member Guerriero

Also Present:

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

Absent:

Councilmember Joseph Mazzetti

Meeting was live in Town Hall, WebEx, and Access Channel 22.

7:00 PM – Open meeting and Pledge of Allegiance

1. REPORTS – Town Board Liaisons

A. Town Board Liaisons

Audit – January 1 – June 30, 2023: Councilmembers Auchmoody and Mazzetti

July 1 - December 31, 2023: Councilmembers Fraino and Guerriero

Beautification – Councilmember Auchmoody

Darlene Plavchak, Chair said the Flowerpots are hung around town and thank you to Wallkill View Farms. Next year they will have to get the pots to them early to get the plants they want.

Craig Trunk has launched the Adopt a Spot program and is in touch with several landscapers.

The plants are being watered by the Town. Thank you for the purchase of the gator to help out with this.

They have been looking at holiday decorations and have been told we cannot put any more attachments on the light poles. They plan to put greenery roping and commercial grade battery operated lights. They will be removing all the lights that are currently in the trees. They will order new lights and re-wrap the trees.

They have reached out to the Rotary Club to help with volunteering.

They are looking at large plants to fill in some empty looking spots around the Hamlet.

October 7th they will have a make a scarecrow event then attach them to the lamp posts around town.

ECC (Environmental Conservation Committee – Councilmember Guerriero

Events Committee – Councilmember Fraino

Highland Fire District/ Ambulance – Councilmember Fraino

Fire District

Ambulance

They have noticed the documentation is not clear and response time is not good. They have scheduled a meeting with Empress for next week to address their concerns.

Highland Central School District – Councilmember Mazzetti

Highland Landing Park – Councilmember Auchmoody

Auchmoody said they are in touch with Michelle Hinchey's office so they can do a ribbon cutting of the Educational Building. There is a small amount of plumbing that needs to be completed.

They have had some vandalism on the plaques.

Lights – Councilmember Fraino

There are a couple of lights they have reported out that have not been repaired. There is still one light in Bridgeview that has not been connected. There are 3 lights on Vista out, after some research, they found they are town-owned poles. They sent the electrician out to work on them.

Lloyd Community Development Committee – Supervisor

Plavchak reported the bylaws have been updated and accepted by the committee.

The next step is to start marketing the program. They have put together a one-page marketing brochure and Supervisor took it to the Highland Rotary meeting today and it was very well received. The next group we will meet with is the Highland Business Association. Liza Mackey, from Sawyer Savings who is on the committee and also a Rotarian recommended we present it to the Rotary and it was a great idea.

Planning Board – Councilmember Auchmoody

David Barton, Building Department Director, reported The Village of HV is under review

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for a phasing plan. The very first thing will be the traffic light which is a matter of safety.

Guerriero asked if the sidewalk plan is complete.

Barton responded the plan has been completed and they are just waiting for DOT.

180 South Street is close to a decision.

Peppino's Food is applying a lot line revision.

A couple of Short-Term Rentals are in front of the planning board.

Silver Gardens is starting up.

Auchmoody added there are some illegal apartments trying to become legal and Falcon Ridge.

Hudson Valley Rail Trail – Councilmember Auchmoody

Peter Bellizzi, HVRTA President, reported the trail has a lot of trees down and minor damage from the past storms, he thanked Highway and Parks for the excellent job of cleaning up. He said the road comes first, then they get to the trail.

They received a \$5000 Grant from Parks to create artwork to hang along the trail. The first session is Saturday, August 26th at 101 New Paltz Road Pavilion.

He thanked the Police Department and the Town for helping them move forward on projects.

Zoning Board of Appeals – Councilmember Guerriero

Public Hearing for 16 Washington Ave seeking a various for an additional apartment.

Orchard Road, the applicant is seeking to put a garage in their front yard.

2. OLD BUSINESS

A. Tillson/Toc update

This week they are tying into the new lines. That finishes the water lines.

Footings are being poured for the new piers. Piers should be installed in September.

B. 69 North Road

This property was discussed way back when we were discussing 9 Commercial Ave.

They were on hold without taking further action against them because they were starting to get it cleaned up. The male owner of the property is in a nursing home, the female owner is still dumping on the property. There was a son and daughter who were trying to clean up the property but the female owner threw them off the property. At this point, they are done with discussions and have placarded the property as unsafe. The history of complaints started in 2012.

If you pass this resolution tonight, we have to wait 30 days. The companies we have on standby to clean up the property are ready to go.

Unfortunately, we do not know where they live to serve them.

3. NEW BUSINESS

A. Assessor, Gerardo Feo

Supervisor read aloud the letter from the Institute of Assessing Officers congratulating Gerardo on passing his recent exams and his high grade.

4. PRIVILEGE OF THE FLOOR

5. MOTIONS AND RESOLUTIONS

A. MOTION by Auchmoody, seconded by Fraino to approve the minutes July 19, 2023, Regular meeting, August 2, 2023 Workshop meeting.

Four ayes carried

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

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GENERAL	G.500		G.602	\$129,299.25
HIGHWAY	H.200		H.233	\$491,536.75
MISC	M.106		M.149	\$108,063.33
PREPAYS	P.917		P.1006	\$898,050.04
SEWER	S.140		S.169	\$19,498.26
WATER	W.163		W.197	\$31,315.39
				\$1677,763.02

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

Four ayes carried

C. RESOLUTION by Auchmoody, seconded by Fraino to hire John Tornello as a part-time dispatcher at \$19.20 per hour with a start date of August 17, 2023, at the recommendation of Chief James Janso.

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

Four ayes carried

D. RESOLUTION by Auchmoody, seconded by Fraino

WHEREAS the Town of Lloyd desires to send out requests for written quotations and put a legal notice in the newspaper for lawn care, including mowing, weed whacking, disposal of clippings, fertilizing, and spring and fall cleanup for the following locations;

Tony Williams Park, Village Field, Berean Park, Veterans Park, Highland Landing Park, Rail Trail, New Paltz Road, Small Rotary Garden, John-Iorio Park, Town Hall, 3 Parking lot Entrances to Rail Trail for a three-year season contract;

The Season: March 15, 2024 thru December 31, 2024; March 15, 2025 thru December 31, 2025 and March 15, 2026 thru December 31, 2026) and;

WHEREAS sealed quotes must be received before 11 am Friday, September 29, 2023. Sealed quotes will be opened at 11:00 am on Friday, September 29, 2023. No quotes will be accepted by email or after 11 am On Friday, September 29, 2023, and;

WHEREAS The Town Board reserves the right to award only certain locations if deemed necessary due to budget constraints; and

WHEREAS The Town Board reserves the right to refuse or reject any and all quotes and will reference General Municipal Law Section 103(1) – Best Value in State Finance Law Section 163.

Now, therefore it is resolved; the Town of Lloyd shall receive sealed quotes for Lawn Care of various town-owned locations, which shall include the signed non-collusion certification and a certificate of insurance naming the Town of Lloyd as the additionally insured. The Town of Lloyd requires coverage of \$1,000,000.00 general liability and \$2,000,000.00 aggregate coverage.

Sealed bids will be submitted to:

Town of Lloyd
Attention: Wendy Rosinski, Town Clerk
12 Church St.
Highland, New York 12528

Request for Quotation advises potential bidders that the Town of Lloyd Recreation Director would be available for questions from potential bidders regarding properties referred to in the Request for Quotation.

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

Four ayes carried

E. MOTION by Guerriero, seconded by Fraino

WHEREAS, the Town of Lloyd Events Committee will be holding an event called Fall Night Out on September 23, 2023 from 5:00 PM to 9:00 PM on the Town Field; and,

WHEREAS, The Highland Rotary Club will be serving Beer, Wine, and Cider; and
WHEREAS The Highland Rotary Club will obtain a Special Event Permit from the New York State Liquor Authority for this event only; and

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WHEREAS the Highland Rotary Club will provide liability insurance for this location and event for the day; and

WHEREAS the Highland Rotary Club have requested permission from the Town Board to serve Beer, Wine and Cider at said event in a designated roped-off area; and,

WHEREAS, the Town Board is desirous of granting said permission to said The Highland Rotary Club as requested;

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Highland Rotary Club is hereby granted special permission to serve Beer, Wine and Cider at the Town Field, in a designated roped-off area, on Saturday, September 23, 2023; and,

BE IT FURTHER RESOLVED that this special permission is contingent upon the Highland Rotary Club providing documentation to the Town that they have obtained the requisite permits and/or licenses from the New York State Liquor Authority and that they have the necessary insurance in place.

Four ayes carried

F. RESOLUTION by Auchmoody, seconded by Fraino

ORDER CALLING FOR A PUBLIC

HEARING TO BE HELD ON

SEPTEMBER 20, 2023

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 Brinner and Larios, P.C., Kingston, New York, engineers duly licensed by the State of New York (the “Engineer”), to prepare a map, plan and report dated March 2023 (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 various improvements and upgrades to the Water Filtration Plant of the District (Phase I) 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 \$4,689,500; and

WHEREAS, the Town expects that all or part of the cost of the project may be financed through the State of New York Environmental Facilities Corporation pursuant to the Water Infrastructure Improvement Act (WIIA), or any other source of funding. 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 September 20, 2023 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 signboard 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: August 16, 2023

TOWN BOARD OF THE TOWN OF LLOYD

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

Four ayes carried

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- G. RESOLUTION** by Fraino, seconded by Guerriero o to amend the working hours of the Town of Lloyd Highway Department from the current Summer hours of 6am to 2:30pm to Winter Hours of 7am to 3:30pm effective Labor Day 9/4/23, at the recommendation of the Highway Superintendent, Richard Klotz.

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

Four ayes carried

- H. RESOLUTION** by Auchmoody, seconded by Fraino to hire Patrick J. Davis, who possesses the qualifications to fill the W/WWMW position at the Town of Lloyd Water/Sewer Departments pending the successful completion of the pre-employment physical. This position will be full-time and pay a 2023 base rate of \$25.62 Pr. Hr. A start date of Monday, August 28, 2023 at the recommendation of Adam Litman, Water/Sewer Administrator.

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

Four ayes carried

- I. RESOLUTION** by Fraino, seconded by Auchmoody

WHEREAS, the Town has initiated a project called the “Lewis C. Distasi, Jr. Pavilion” with the intention of building a pavilion on Town property adjacent to the municipal parking lot behind the Methodist Church in the Town of Lloyd; and

WHEREAS, the Town has solicited requests for proposals to construct said pavilion pursuant to plans prepared by Sean Williams, Williams ReCraft LLC; and

WHEREAS, their bidders were requested to submit a base bid for the work as well as prices for two alternatives; and

WHEREAS, the Town has received three proposals pursuant to said request for proposal; and,

WHEREAS, the Town has assigned Williams ReCraft LLC for services to be provided for the project including review of bid and bidders; and

RESOLUTION WHEREAS, Williams ReCraft LLC has reported to the Town Board the results of the bids and recommended the Town award the bid to the low bidder “The Barn Raiser, LLC” with option number 2; and

WHEREAS, based on said recommendation and the Town’s review of said bids, the Town Board wishes to award the Contract to the low bidder “The Barn Raiser, LLC” for the base bid with option number 2 in the total amount of \$254,073.00.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town Board of the Town of Lloyd approves and accepts the bid from “The Barn Raiser, LLC” for the work to be done pursuant to their base bid with Alternative Number 1 dated August 8, 2023.

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

Four ayes carried

- J. RESOLUTION** by Auchmoody, seconded by Fraino

WHEREAS, the Town has a project, Walkway Western Access Enhancements, that involves improvements to the shared parking areas for the Walkway over the Hudson and the Hudson Valley Rail Trail located along Haviland Road in the Town of Lloyd which includes three (3) phases; and,

WHEREAS, Phase three (3) of the project is located to the northerly side of Haviland Road and includes the creation of additional parking and the placement of approximately eight thousand (8,000) cubic yards of fill in an existing depression to bring the ground surface elevation up to match that of Haviland Road and additional drainage structures and piping to extend the drainage channels to the west; and,

WHEREAS, said phase of the project will partially encroach on property owned by Central Hudson; and,

WHEREAS, the Town has requested that Central Hudson enter into a License Agreement to allow the Town to proceed and complete the project as set forth above; and,

WHEREAS, The Town and Central Hudson have negotiated a License Agreement in the form attached hereto and made a part hereof; and,

WHEREAS, The Town Board has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA) and the Town Board intends to act as lead agency to do all necessary reviews in this matter; and,

WHEREAS, the Town wishes to approve said License Agreement as attached hereto as Exhibit A.

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NOW, THEREFORE,

1. The Town hereby declares itself as lead agency to do all necessary reviews in the matter.
2. A Short Form EAF has been prepared on behalf of the Town and the Town Board hereby determines that the proposed action will have no significant adverse environmental impacts.
3. The “License Agreement” between Central Hudson Gas and Electric Corporation and the Town of Lloyd attached hereto as Exhibit A is hereby approved.
4. The Supervisor David Plavchak is authorized to sign the Agreement on behalf of the Town and to provide copies to the Town attorney and the Town Clerk.

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

Four ayes carried

K. RESOLUTION by Guerriero, seconded by Fraino

WHEREAS, The Town Board has determined that the building situated at 69 North Rd., in the Town of Lloyd, (SBL: 88.13-9-3) has been deemed unsafe pursuant to Chapter 44 of the Code of the Town of Lloyd due to the dwelling being in significant disrepair and the presence of unregistered motor vehicles, garbage, debris and other refuse upon the premises; and

WHEREAS, on August 3rd, 2023 the Building Department of the Town of Lloyd issued and served a Notice of Unsafe Building and Order to Comply and advised the owner that the Town Board had scheduled a hearing on the matter on August 16, 2023 at 7:00pm and that the Town Board may make an Order determining the building is a public nuisance and the Board may direct that the unsafe condition and nuisance be remediated or removed and further that the Town Board may contract privately or use its own employees to remediate the property and that the cost of that remediation would be invoiced to the property owner and that failure to pay that invoice in full and in a timely manner would cause the cost of remediation to be assessed against the sites property taxes; and

WHEREAS, to date the owners of the structure have failed to comply with the Notice of Unsafe Building and Order to Comply; and

WHEREAS, Pursuant to the code of the Town of Lloyd Chapter 44 “Buildings, Unsafe” when the Building Inspector of the Town or such other person appointed by the Town Board to enforce the provisions of said Chapter 44 have determined that a building is dangerous or unsafe to the general public or is unfit for the purposes for which it may lawfully be used, he shall cause or make an inspection thereof and shall report in writing to the Town Board his findings and recommendations in regard to which repair or demolition and removal; and

WHEREAS, the Town Building Department has made such inspection and reported its findings and recommendations in regard to the premises and structure located at 69 North Rd., in the Town of Lloyd; and

WHEREAS, the Town Board has considered such report and desires by Resolution to declare that such building to be unsafe and dangerous and direct the Building Department to arrange for the remediation of said property to remove the danger and nuisance to the public by securing said property and removing the garbage and debris and unregistered motor vehicles present on the premises.

NOW, THEREFORE, it is resolved as follows:

1. The Board hereby determines that the property located at 69 North Rd., in the Town of Lloyd (SBL: 88.13-9-3) is a public nuisance and directs that it shall be made clean and presentable by removing all debris and garbage and/or refuse the location and that all unregistered and/or non-registered motor vehicles shall be removed and that all exterior storage shall be removed either to the interior of the premises or the offsite.
2. In the event that the owner does not remediate the premises as set forth above the Town Board hereby directs the Building Department to arrange by Contract with an Independent Contract to remediate the issues upon the premises located at 69 North Rd., in the Town of Lloyd, and secure the premises and that all expenses incurred by the Town in connection with the proceedings to remediate and secure and remove the unsafe condition shall be assessed against the land on which said the building is located and shall be levied and collected in the same manners provided in Article 15 of the Town Law for Levy and Collection of a Special Ad Valorem Tax Levy.
3. **AND, it is FURTHER RESOLVED,** the Owner or other interested person shall have thirty (30) days of this Resolution to remediate the condition and remove the

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garbage and debris littering the premises prior to the Town taking action as set forth above.

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

Four ayes carried

DISCUSSION

Supervisor stated that at the August 2, 2023 meeting, Councilman Mazzetti, who is absent tonight, brought up what he thought was an Ethics violation concerning Councilmember Fraino.

Sean Murphy, Town Attorney explained that Mazzetti had asked for an opinion. Murphy issued an opinion to the Town Board and recommended it be referred to the Ethics Committee for their opinion.

Murphy did refer it to the Ethics Committee.

Two Committee members are present, Rafael Diaz and Steve Laubach.

Councilmember Fraino recused himself from the discussion and stepped out of the room.

Supervisor read the letter of opinion from the Ethics Committee.

- L. MOTION** by Auchmoody, seconded by Guerriero to accept and adopt the ETHICS BOARD ADVISORY OPINION 2023-01 REGARDING JOHN FRAINO, TOWN COUNCILMAN dated August 11, 2023.

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

Fraino, recused; Mazzetti absent

Three ayes carried

RESPONSE TO COUNCILMAN MAZZETTI'S ALLEGATIONS

JULY 17, 2023

IN RESPONSE TO SEAN MURPHY'S FINDINGS (JULY 14, 2023); RELATIVE TO MY ABSTAINING ON A VOTE TO ENTER INTO CONTRACT WITH AUDIT FIRM NUGENT & HAEUSSLER. APRIL 8, I READ THE AGENDA FOR THE APRIL TOWN BOARD MEETING. I INFORMED THE TOWN SUPERVISOR AND CONFIDENTIAL SECRETARY THAT MY WIFE WORKED FOR NUGENT & HAEUSSLER. THEIR RESPONSE WAS, YOU WERE NOT INVOLVED WITH THE BID, THE REVIEW OR SELECTION PROCESS, YOU ARE FINE, BUT YOU HAVE TO ABSTAIN FROM THE VOTE. I THEN ASKED IF I HAD TO COMMENT ON MY REASON FOR ABSTENTION. I WAS TOLD NO, UNLESS YOU ARE ASKED, YOU CAN.

IN HINDSIGHT, I SHOULD HAVE RESEARCHED THE REQUIRED ACTION DEFINED BY SECTIONS 10-2 & 10-5 OF THE TOWN CODE FURTHER. I ASSURE YOU THAT MY ACTION WAS PURELY A TECHNICAL VIOLATION AND DID NOT CONSTITUTE A CORRUPT OR UNETHICAL ACTION. THERE WAS NOT ANY FINANCIAL GAIN OR BENEFIT TO ME OR MY FAMILY BY THE TOWN AWARDED THIS CONTRACT TO NUGENT & HAEUSSLER.

RESPECTIVELY SUBMITTED,

JOHN FRAINO

MOTION by Auchmoody, seconded by Guerriero to adjourn at 8:13 PM.

Four ayes carried

Respectfully submitted

Maribel Gabiger