

TOWN OF LLOYD

TOWN BOARD MEETING

August 17, 2022

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

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

Absent: Councilmember Joseph Mazzetti

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

7:00 PM – Supervisor opened meeting with Pledge of Allegiance led by Michael Guerriero.

Proclamation **Louis S. Foscaldi** Memorial Resolution

WHEREAS, Louis S. Foscaldi, a longtime resident of the Town of Lloyd, was taken from our midst on July 20, 2022; and

WHEREAS, Louis S. Foscaldi was born in Bronx, New York on January 18, 1931; and

WHEREAS, Louis S. Foscaldi married his late wife Judith Fortunato in 1951; and

WHEREAS, Louis S. Foscaldi married his surviving wife, Arlene Crawford on August 2, 2004; and

WHEREAS, Louis S. Foscaldi served in the US Marine Corp from 1952-1954; and

WHEREAS, Louis S. Foscaldi attended Mindel Institute for Mechanical Engineering; and

WHEREAS, Louis S. Foscaldi worked as a Mechanical Engineer at IBM from 1956 until his retirement in 1991; and

WHEREAS, Louis S. Foscaldi was the Town of Lloyd Town Supervisor from 1970-1973; and

WHEREAS, Louis S. Foscaldi was a member of the Italian Center, Highland Legion Post 193, the Italian Club and Elks Club of Vero Beach, FL; and

WHEREAS, Louis S. Foscaldi enjoyed his summers in New York and winters In Florida; and

WHEREAS, Louis S. Foscaldi loved finance and investing, politics, history and baseball; and

WHEREAS, Louis S. Foscaldi was a voracious reader, loved the beach, working outside, a good cocktail and Golf and played regularly until the age of 90; and

WHEREAS, Louis S. Foscaldi loved life; his kindness and infectious personality endeared him to those fortunate enough to know him, had an immense circle of friends and the love of his family; and

WHEREAS, Louis S. Foscaldi's sense of humor, love of family and friends and capacity to enjoy the simpler things in life, will be deeply missed by all; and

NOW, THEREFORE, BE IT RESOLVED that this Regular Meeting of August 17, 2022 of the Town of Lloyd Town Board be opened in memory of Louis Foscaldi; and

BE IT FURTHER RESOLVED that a certified copy of this resolution will be delivered to his family with the deepest sympathy of this Town Board of the Town of Lloyd.

A. MOTION made by Auchmoody, seconded by Fraino, to **CLOSE** Public Hearing
Local Law G-2022 Video Conference Meetings

August 17, 2022

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

Four ayes carried

B. RESOLUTION made by Auchmoody, seconded by Fraino,

WHEREAS, a proposed **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” was introduced at a meeting of the Town Board held on the 15th day of June, 2022 at 7:00 P.M.; and,

WHEREAS, within the local law is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA) and is exempt from further proceedings under such act; and,

WHEREAS, a public hearing has been held thereon on the 20th day of July, 2022 at 7:00 P.M., and continued on the 17th day of August, 2022 at 7:00 P.M., at which time all interested parties were given an opportunity to be heard thereon; and,

WHEREAS, the Town is determined that it is in the best interest of the Town to proceed with the Local Law in the form attached hereto;

NOW, THEREFORE, BE IT RESOLVED that **Local Law G – 2022** be enacted as in the form attached hereto as Schedule “A” as fully as if set forth herein, being 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”.

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

Four ayes carried

C. RESOLUTION made by Guerriero, seconded by Fraino, to adopt Policy and Procedures for Videoconference Meetings.

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

Four ayes carried

D. RESOLUTION by Auchmoody, seconded by Fraino to OPEN Public Hearing

In the Matter of the

Increase and Improvement of Facilities of the Highland Water District,

in the Town of Lloyd, in the County of Ulster, New York,

pursuant to Section 202-b of the Town Law

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

Four ayes carried

The Supervisor stated that a public hearing had been called for this meeting at the Town Hall, 12 Church Street, Highland, New York, at 7:00 o'clock P.M. (Prevailing Time) to consider the increase and improvement of facilities of the Highland Water District, at the estimated total cost of \$2,525,000, 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 and other costs in connection with the foregoing, at the estimated maximum cost, including preliminary costs and costs incidental thereto and the financing thereof, 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. The Town Clerk presented affidavits showing that the Notice of said public hearing had been duly published and posted pursuant to the provisions of Article 12 of the Town Law; The Supervisor stated that the hearing in the said matter was now open and asked if there were any interested persons present who desired to be heard. The following persons appeared in favor of such increase and improvement of facilities of said District:
The Supervisor inquired as to whether there were any other persons present who wished to be heard. No one appeared, whereupon the Supervisor declared the public hearing closed.

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 – Auchmoody reported that the committee is working on its annual budget. They are planning to purchase 30 plant hangers for next year and are attempting to weed, but right now it's too dry.
There was a discussion about a Holiday light competition.

Highland Landing Park – Auchmoody reported that somebody backed into one of the lights by the boat launch ramp and broke it off and they drove away. He asked anybody who witnessed this incident to call the Town Hall or himself and report it.

The sheetrock inside of the building has been completed.
He thanked David Weinberg of Mountainside Woods for donating the sheetrock and getting it installed.

The interior has been painted.

The air conditioner and heater are now operational.

The tiles have been ordered for the two bathrooms.

The knotty pine that's going to go on the ceiling in the main room is in the building.

Most of the electrical outlets, plugs and the exit sign have been ordered and will be in at the end of this week or next week, and then they can start to put that stuff together.

The plastic backs for the nine benches came in on Monday. The legs are supposed to come tomorrow.

He thanked Peter Bellizzi for all the work he has volunteered to do in the building.

Planning Board – Auchmoody reported the Public Hearing is ongoing for Lakeside Licks, at the intersection of Rt. 299 and Lily Lake Rd., to turn into a garden center.
Rodeway Inn & Suites Commercial Special Permit for roof-mounted solar arrays was approved.

Water and Sewer – Auchmoody reported that their committee meeting was about the Assisted Living Facility and the PRRD across Rt. 9W from Hannaford's.

The biggest concern was about a sewer line that they are afraid they are going to have to do a 30-foot easement for, and take trees down.

The law states you can't put trees back in an easement.

That one sewer line would be extremely deep.

Building Department – Supervisor reported that there have been a lot of complaints from residents driving around and seeing properties that haven't been taken care

The Building Department has started to send out notices.

The process takes a long time. You have to give the homeowner time to try to correct the issue on their own.

If it is not fixed the Town sends an official Order to Remedy.

As a Town Board, they have to decide if they want to fix the issue. Some of the properties are complicated because they are owned by a bank or they have property maintenance groups maintaining the properties.

They have been working to come up with a process that's a bit more expeditious.

It's definitely an issue. They don't want to have a resident with six or seven bulldozers in front of their house on a residential road, which has happened lately.

Furthermore, the department has been busy with fire inspections.

EDC (Economic Development Committee)- Supervisor reported they are having 7,500

“Welcome to Highland” brochures printed. It will have all the local businesses with maps.

They are repairing and cleaning up some of the signage around town.

Whether it's the Welcome to Lloyd signs or whether it's some of the directional signs.

They will talk about that in the next meeting.

They had a long discussion in the meeting with President Charles Glasner and the rest of the team on the Comprehensive Plan. The Town has the Greenway Grant to start the visioning cycle of the Comprehensive Plan in September.

EDC is always key in driving some of the Comprehensive Plan.

Police – Supervisor reported that the Chief hired another officer and a dispatcher. They are focusing on trying to get their staff up to where they need to be.

The Police Department is doing a great job. They are active in the community and they have all their programs still going.

ECC (Environmental Conservation Committee) – Guerriero reported that they are working on getting members to join the Ulster County Environmental Management Council. On Illinois Mountain, the Fats in the Cats are going to be clearing a new trail, starting in September and the first week of October. They are looking for volunteers, if anybody wants to help, please get hold of Neil Curri. They have been clearing water chestnuts from Chodikee Lake. It's an invasive growth. If you are kayaking, or canoeing, it will clear the path and give you a better day on the lake.

Zoning Board of Appeals – Guerriero reported Trevor Depuy at 4 Eagle Court, seeks to annex a twenty-five-foot-wide parcel of land from the adjoining Klemm property and create a two-lot subdivision, each with fifty feet of road frontage and twenty-five-foot-wide access parcels. The public hearing has been set for the next meeting. Sara Krall at 13 Bell Drive is seeking an area variance to allow the shed to stay in the front yard.

Highland Fire District/ Ambulance – Fraino reported the commissioners had their meeting last Tuesday. The number of alarms continues to be high. With the dryness, they are getting a lot of brush fire calls and people flicking cigarettes out and catching brush and mulch on fire. They are starting their budget preparations and he was invited to participate on September 16th, 2022.

He and the Supervisor met with the Vice-President of Operations, as per their agreement with Mobile Life, for a six-month contract review. They reviewed their performance since they are renewing the contract in January. Mobile Life is content with the volume. It's coming back slowly to pre-Covid rates. In July they had 143 calls and the number of "No" transports was 61. Which is about 42%. They are running and going when there's "No" transport, they don't collect any money. Their map is not up to date, the response map they have been working off of was the Highland Fire District map which is different from the Town of Lloyd map. Rosinski provided them with an electronic and a hard copy of the Town of Lloyd map. They will be updating their database. When you get out into areas like where the Gunk Haus is, 387 South Street, they did not include that as part of the Highland District, which they now are.

They talked about their financial performance; the cost of energy, fuel, and salaries continue to be a problem. They are still not staffed where they want to be for the whole Hudson Valley, but they are managing to attract new people that they have been sending through the EMT classes and some paramedic classes. The one key item that they are concerned about which they told Mobile Life about, was that they did not want another hundred thousand dollar surprise this year. Supervisor asked about the increase this year. Fraino said it's probably going to be about a 3% increase, but will absolutely not exceed 5%. They asked Mobile Life to forecast that by the time the Town starts its budget process. They also offered to attend a Board meeting and answer any questions that they or the public may have about their service in the Town of Lloyd.

Lights – Fraino stated that they will have a resolution tonight on the Bridgeview project. Bids came in. Originally, they were talking \$1,800 to \$2,000, and then the number kept coming down. They have come up with a proposal that he believes it will be very beneficial to the community. It will eliminate the problems with the existing lighting at Bridgeview. The project that they are going to vote on tonight is to replace the 37 existing fixtures and an option to install them. They have identified three more locations at Bridgeview where new lighting should be installed. This will require more work because there are no wires there. Fraino concluded that he has been working with President Chris Spylos on that project.

Lance Spaulding discussed the dark area by Hannaford.

Hudson Valley Rail Trail – Bellizzi reported that they will be opening a little library kiosk up on Commercial Ave in a couple of weeks. It's all in place. It's going to go on the library network so they will be out on the web for people to come and

take a book or leave a book.
He has been working on the windows of the caboose at 75 Haviland because they were broken.
He has been working with Auchmoody at the Highland Landing Park.
He also stated that if anybody is on the Rail Trail in the last few days you may notice little red cabooses painted on the blacktop. Every half mile is marked out. They had the rail trail surveyed, from the Walkway Over the Hudson to South Street. It's accurate because it was done by Brooks and Brooks Land Surveyors. If people have races they can use those markers to measure the distance they need for the race.
This Monday night he attended the Ulster County Advisory Trails Committee meeting which is for the County Legislators. All the trails in Ulster County and Mohonk Mountain are working together to make it flow. One of the big concerns is e-bikes. They are going to come up with a process so every trail has the same rules – requiring bikes that you have to pedal, that's what it would be limited to.
Their signage will be consistent throughout Ulster County.
In September he wants to invite the Supervisor and Councilmembers to come and they can open a discussion on the problem they are having with bikes.

Supervisor added that they are going into the budget season in a few weeks. They will begin prepping for that. You will be getting materials from me, O'Halloran, and Minard in the very near future.

2. OLD BUSINESS

3. NEW BUSINESS

4. PRIVILEGE OF THE FLOOR

Donna Phillips Balint, from 14 Smith Terrace, asked what was going on with Tillson. They don't see too many people there.
Supervisor answered that they had their construction meeting today and they talked with both the contractors and their consultants about not moving fast enough, and not being current with the progress.
They had some conflicts with utilities where they had to move gas mains.
He spoke with Central Hudson today and they said they will bend over backward to help them and work logistically.
Central Hudson knows where everything's at from the test pits drill.
We will start seeing some activity on Tillson soon. Unfortunately, now there's going to be traffic to deal with, since school will be back in session.
He reaffirmed to Mrs. Balint that she will see some change in the very near future.
And he will issue an email with the update of plans going forward.
Mrs. Balint also inquired if there was a new music venue on Bordi Lane. On 4th of July weekend, Friday, Saturday, Sunday, and Monday music was blaring until 2:30 AM. They had it again this past weekend. There is one hell of a party going on.
Supervisor answered that there's no new venue that's been approved for events, but they will check with the Police Chief if they have had any complaints.
Mrs. Balint then asked if there was still a noise ordinance in this town.
Supervisor answered yes, it's enforced through the police department. It's effective 8 PM – 9 AM on the weekends, and 8 PM – 7 AM during weekdays.

5. MOTIONS AND RESOLUTIONS

E. **MOTION** made by Auchmoody, seconded by Guerriero, to approve the July 20, 2022, Town Board Regular Meeting and the August 3, 2022, Town Board Workshop Meeting minutes.

Four ayes carried

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

GENERAL	G - 688	to G - 767	\$	140,762.91
HIGHWAY	H - 287	to H - 312	\$	75,455.45
MISC	M - 127	to M - 151	\$	196,736.28
PREPAYS	P - 577	to P - 648	\$	78,584.34
SEWER	S - 238	to S - 286	\$	56,206.85
WATER	W - 277	to W - 306	\$	38,723.44
		TOTAL	\$	586,469.27

August 17, 2022

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

G. RESOLUTION made by Auchmoody, seconded by Fraino, to approve the following budget amendments for General:

00-06-7110-40	- \$6500.00
00-06-7110-50	+ \$1607.00
00-06-7110-42	+\$3393.00
00-01-1630-40	+\$1500.00
00-07-8560-40	+\$2866.00
00-04-5140-40	-\$2866.00
00-06-7550-20	-\$1000.00
00-06-7550-40	+\$1000.00

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

H. RESOLUTION made by Auchmoody, seconded by Fraino, Budget Amendment to move funds for Postage: June - July 2022. Budget Supported.

1355.40	-\$18.09
1220.40	-\$71.63
1320.40	-\$149.49
1410.40	-\$210.34
8010.40	-\$419.29
1110.40	-\$913.73
5010.40	-\$2.68
8310.40	-\$320.79
8110.40	-\$320.79
3120.40	-\$30.37
7310.41	-\$572.73

1670.40	+ \$3029.93
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Roll call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Guerriero, aye
Four ayes carried

I. Resolution made by Guerriero, seconded by Fraino, to approve the following budget amendments for Sewer:

30-08-9060-80	-\$23000.00
30-07-8130-20	- \$15000.00
30-08-8130-40	+\$38000.00

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

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

01-04-5112.36	- \$6738.85
01-04-5112.39	- \$1426.49
01-04-5112.41	- \$837.85
01-04-5112.42	+\$5436.96
01-04-5112.40	+\$14431.18
01-04-5110-40	-\$10864.95

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

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

01-04-5142.40	- \$40000.00
01-04-5110-40	+ \$40000.00

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

L. RESOLUTION made by Auchmoody, seconded by Fraino, to approve the following budget amendments for Water:

20-07-8310.30 +\$15000.00

20-07-8340-40 -\$15000.00

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

Four ayes carried

M. RESOLUTION made by Auchmoody, seconded by Fraino, to approve the following budget amendments for Summer Recreation:

00-06-7310-13 +\$3589.88

00-06-7310-40 -\$3589.88

00-06-7310-12 +\$4724.88

00-06-7310-40 -\$4724.88

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

Four ayes carried

N. RESOLUTION made by Auchmoody, seconded by Guerriero, to hire Brady J. Robin as a part-time Dispatcher at a rate of \$18.65 per hour with a start date of August 18, 2022 at the recommendation of Chief James Janso.

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

Four ayes carried

O. RESOLUTION made by Guerriero, seconded by Fraino, to hire Richard Belliveau, Jr. as a full-time Police Officer at a starting salary of \$52,902.00 per year with a start date of August 22, 2022 at the recommendation of Chief James Janso.

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

Four ayes carried

P. RESOLUTION to set Public Hearing for Short Term Rentals

WHEREAS, a local law, being proposed as Local Law H – 2022, was introduced at this meeting by Fraino, and seconded by Guerriero, as follows:

Local Law H – 2022, a Local Law to revise Chapter 100 of the Town Code

Entitled “Zoning” to add a Provision to Chapter 100 “Zoning” Article VI “Special Use Permits” to Add 100-42a Entitled “Short-term Transient Rentals (STR)”.

(copy of Local Law attached)

WHEREAS, this Board desires to hold a Public Hearing with respect to the adoption of the said local law; and,

WHEREAS, the Town Board is 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, the Town Board desires to hold a public hearing with respect to the adoption of said local law.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby declares itself lead agency to do all necessary reviews in this matter; and it is further

RESOLVED, that a public hearing will be held by the Town Board with respect to the adoption of the aforesaid local law at the Town Hall on the 21st day of September 2022, at 7:00 P.M.; and it is further

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

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

Four ayes carried

LOCAL LAW H - 2022

**A LOCAL LAW TO REVISE CHAPTER 100 OF THE TOWN CODE
ENTITLED "ZONING" TO ADD A PROVISION TO CHAPTER 100 "ZONING"
ARTICLE VI "SPECIAL USE PERMITS" TO ADD 100-42a ENTITLED "SHORT-
TERM TRANSIENT RENTALS (STR)"**

Section 1.

The Town of Lloyd Code, Chapter 100, is hereby amended to add a new section 100-42a as follows:

"Short-Term Transient Rentals

Definitions:

A. Purpose. With the increase in tourism over the past several years in the Town of Lloyd and adjacent areas, there has been an increase in the number of property owners renting to tourists on a short-term transient basis. Many residents list their properties as short-term transient rentals on web-based booking sites such as AirBnB and VRBO. Short-term transient rentals offer benefits to property owners and residents in the town such as increased income; however, STRs also create potential health, safety, and quality of life detriments to the community. In recognition of the widespread popularity of short-term transient rentals and in recognition that many short-term transient rentals are already operating in the town; the purpose of this local law is to regulate the safety and use of short-term transient rentals as home businesses in line with the goals of the Town Comprehensive Plan.

The following local law imposes mandatory regulations and requirements on all Town of Lloyd property owners that desire to rent their property on a short-term transient basis. The purpose of such regulations and requirements are to assure that the properties being rented meet certain minimum safety and regulatory requirements which are proportional to those imposed on similar uses such as beds and breakfasts, inns, motels, and hotels; thereby protecting the property owners, the occupants of such housing and the residents of the Town of Lloyd.

B. Authorization. This Local Law is adopted in accordance with Article 16 of the Town Law of the State of New York which grants the Town of Lloyd the authority to enact local laws for the purpose of promoting the health, safety, and welfare of the Town, and in accordance with Municipal Home Rule Law, Article 2, Section 10, that gives the Town of Lloyd the power to protect and enhance its physical environment. The Town Board authorizes the Planning Board of the Town of Lloyd to issue Special Use Permits to property owners to use their properties as a short-term transient rental per the provisions of this local law. Applications for a permit to operate a short-term transient rental shall be processed under the procedures set forth in this local law.

C. Zoning. The use of a property for Short Term Transient Rental shall be strictly considered an accessory use to residential use single family and two-family dwelling units and allowable only upon receipt of a short-term transient rental permit in the A, R2, R1, R1/2, R1/4, and CB zoning districts. To apply for a permit, a parcel must contain a residential dwelling unit.

D. Density. Existing short-term transient rental units shall meet all density and setback requirements for the zoning district unless they are pre-existing nonconforming structures. New construction dwelling units shall meet density and setback requirements for the zoning district.

E. Prohibitions. The following parcels shall be prohibited from being issued permits to operate short-term transient rentals.

- (1) Parcels utilized for multifamily dwelling units.
- (2) Parcels utilized for commercial or industrial purposes.
- (3) Vacant property which does not contain a residential dwelling unit.

F. Definitions. As specifically apply to this subsection

Access - The place, means, or way by which pedestrians and/or vehicles shall have safe, adequate, and usable ingress and egress to a property, structure, or use.

Camping - The use of a property as a site for sleeping outside; or the parking of travel trailers or similar equipment, the erection of tents or other shelters, to serve as temporary residences.

Density - The number of families, individual dwelling units or principal structures per unit of land.

Dwelling Unit - A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the

premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

Existing Short-Term Transient Rental – A short-term transient rental, as defined herein, which is in operation as of December 31, 2022.

House Rules - A set of rules that applies to renters of short-term transient rentals while occupying the unit.

Local Manager - The person specifically named on the application and permit that is responsible for the day-to-day operation of the short-term transient rental, and who may be contacted, day or night, if there is a problem at the short-term transient rental. The local manager may be either the owner or an agent of the owner. The local manager must reside within thirty (30) miles of the Town of Lloyd Town Hall.

New Operating Short-Term Transient Rental – A Short-Term Transient Rental not in operation prior to December 31, 2022

Non-Owner Occupied – A STR unit that does not qualify as owner-occupied.

Owner Occupied – A STR unit that is the primary residence of the owner for at least 180 days in the calendar year, or the owner is present in the dwelling or is present on the same parcel while the residence is being used as a short-term rental.

Primary Residence – A person's domicile where they usually live in the Town of Lloyd, whether on a full-time or part-time basis for at least 180 days in the calendar year, typically a house including any habitable accessory structures on the same property.

Rental - An agreement granting use or possession of a residence, in whole or in part, to a person or group in exchange for consideration valued in money, goods, labor, credits, or other valuable consideration.

Rented in Part – An STR in a Primary Residence, as defined above, that is being occupied in part by the owner and in part by STR guest(s), simultaneously.

Rented in Whole – An STR in a dwelling unit that is being occupied entirely by STR guests for the rental duration.

Secondary Dwelling Unit (SDU) – An attached or detached secondary residential dwelling unit that shares the building lot of a larger, primary home, including having separate cooking and sanitary facilities.

Short-Term Transient Rental (STR) - The use of a parcel for the rental or lease of any or part of any residential use single family and two-family dwelling unit, for a period of less than thirty (30) days. Motels, hotels, resorts, inns, and bed & breakfasts, as defined in this chapter are excluded from this definition.

Short-Term Transient Rental Unit – A dwelling unit utilized for the purposes of short-term transient rentals

Sleeping Room - An interior room other than a bedroom, as defined under the NYS Uniform Fire Prevention and Building Code, that may serve to afford sleep to a person, however, sleep shall not be the primary function of the room. Examples include, but are not limited to, a living room, family room, den or great room which may be furnished with a futon, convertible couch, or other sleeping surface. All sleeping rooms shall meet NYS Uniform Fire Prevention and Building Code mandates for bedrooms. (i.e., size, ceiling height, access, egress, lighting and ventilation, electrical outlets, heat, and smoke and carbon monoxide alarms).

Vacant Property – A parcel which does not contain a residential dwelling unit.

G. Applicable Law.

(1) All property owners desiring to rent on a short-term transient basis must comply with the regulations of this local law. However, nothing in this local law shall alter, affect, or supersede any regulations or requirements of the Town of Lloyd Zoning Code, any regulations or requirements imposed by the County of Ulster, or any State or Federal regulations or requirements, and all property owners must continue to comply with such regulations or requirements.

(2) All short-term transient rental property owners shall obtain a valid Special Use Permit permit from the Town of Lloyd Planning Board before operation. Such permits shall be applicable for a two-year period, subject to annual fire and safety inspection.

H. Ownership of Properties

(1) Properties must be owned by an individual, individuals, sole proprietorship, general partnership, limited liability partnership, or a limited liability company. No property owned by a corporation or other business entity shall qualify for a permit.

(2) A general partnership, limited liability partnership or a limited liability company must disclose names of all partners and/or members when applying. Any changes in partners and/or members shall be provided to the Building Department within thirty (30) days of change.

(3) No owner entity composed of similar individuals may hold permits for greater than two properties at any given time, one owner-occupied and one non-owner-occupied STR. Only one permit per property is allowed at one time.

- I. Designation of STR Properties. All short-term transient rentals shall be designated as Owner Occupied, or Non-Owner Occupied, as defined herein.
- J. Ulster County Hotel and Motel Occupancy Tax. All short-term transient rentals shall comply with the Ulster County Hotel and Motel Room Occupancy Tax (Local Law Number 5 of 1991). An operator of a hotel or motel may be responsible for the collection of tax on occupancy of Hotel/Motel room rentals. Included in the definition of Hotel/Motel rooms are short term and/or vacation rentals and properties typically listed on sites like Airbnb, Home Away, and VRBO.
- K. Application of Law to Existing Short Term Rentals
- (1) Property owners who operate an existing short-term transient rental shall have 90 days from the effective date of this law to apply for a valid permit.
 - (2) They shall be allowed to continue operation until such time as a Special Use Permit is issued or denied by the Planning Board.
 - (3) Pre-Existing, un-permitted STRs
The Town of Lloyd will offer a one-time pre-existing, un-permitted STR opportunity recognizing existing STR units operating prior to December 31, 2022. This is for BOTH owner-occupied and non- owner occupied STR units.
To qualify for “preexisting, un-permitted” of existing use, a property owner shall meet the standards and produce documentation of compliance of (a), (b), and (c) below. Any property owners who fail to produce such documentation shall be required to file and be considered a NEW operating short-term transient rental.
- (a) Provide an Ulster County Department of Finance Certificate of Authority dated prior to December 31, 2022. AND
 - (b) Provide proof of operation as an STR between December 31, 2016 and December 31, 2022.
AND
 - (c) Have submitted a complete application and be subject to Section (T), Special Use Permit Regulations and an annual fire and safety inspection.
 - (4) Preexisting STR Units shall be allowed to operate, subject to biennial application renewal and annual fire and safety inspection, until such use ceases to exist or the property changes ownership.
- L. Fee. A nonrefundable permit application fee and inspection fee shall be established by resolution of the Town Board for each dwelling unit that functions as or contains a short-term transient rental unit. Such permit fee shall be submitted with each new application and each biennial renewal application. A separate fee shall be submitted for an annual fire safety inspection of each permitted STR.
- M. Application Forms. Application forms for a permit to operate a short-term transient rental shall be developed by the Building Department.
- N. Applicants must file a separate application and tender a separate application fee and obtain a separate permit and inspection for each dwelling unit which contains or functions as a short-term transient rental.
- O. Application Process.
The initial permit application to operate a short-term transient rental shall be submitted to the Planning Board along with the applicable application fee, prior to operation.
Property owners shall register with the County's Commissioner of Finance and receive 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 to be eligible for any such permit.
- (1) The initial permit application shall include the following:
 - (a) Contact information. The names, addresses, email address(es) and day/night telephone numbers of the property owners and local managers shall be included on the application.
 - (b) Designation of the STR as Owner Occupied or Non-Owner Occupied, as defined herein.
 - (c) Designation of the STR as Rented in Part and/or Rented in Whole, as defined herein.
 - (d) Hosting Platform information. The applicant shall provide the names and URLs for all hosting platforms or other advertising platforms, such as but not limited to AirBnB, VRBO or other hosting websites; and Facebook, Instagram, or other social media postings used by the applicant for advertisement of the short-term transient rental unit. Any changes or additions to the listed hosting/advertising platform shall be reported on the applicant’s renewal permit.
 - (e) Parking. The number of off-street parking spaces to be provided shall be stated on the application. Off street parking shall be provided to accommodate the occupancy of the short-term transient rental unit, one parking space for each sleeping room in the dwelling plus other parking as required by §100-29. Vehicles shall not be parked on front lawns. There shall be no on-street parking allowed. No parking shall be allowed outside of the parking spots designated and detailed on the permit.

(f) Maximum Occupancy. The maximum desired occupancy by the operator shall be stated on the application. The Code Enforcement Officer shall establish the maximum occupancy. The Code Enforcement Officer shall limit the number of occupants based on the number, size, configuration, and furnishings of the bedrooms and/or sleeping rooms, and per the provisions of NYS Uniform Fire Prevention and Building Code.

(g) Water and septic. The source of the water supply shall be stated on the application and the permit. The septic system shall be functioning, and the type, size, and location of the septic system shall also be stated on the application. New permit applications shall require documentation as determined acceptable to the Planning Board, indicating that the septic system is found to be currently working properly and is adequate for the Short-Term Transient Rental maximum occupancy.

(h) Fire Safety. Documentation of location and existence of fire extinguishers in compliance with NYS Uniform Fire Prevention and Building Code

(i) Description. State the occupancy of each bedroom and sleeping room and the methods of ingress and egress (examples: doors and windows) shall be included with the application. No kitchen shall be occupied for sleeping purposes.

(j) Plat. The applicant shall submit an aerial plat of the property showing approximate property boundaries and existing features, including buildings, structures, well, septic system, parking spaces, firepits/outdoor fireplaces, driveways, streets, streams and other water bodies, and neighboring buildings within one hundred (100) feet of the short-term transient rental unit. This does not need to be a survey. This is easily obtained free of charge from many online sources.

(k) Garbage Removal. The applicant shall state how garbage is to be removed from the property. The applicant is responsible for all refuse and garbage removal. The applicant shall be responsible for either (a) contracting with a refuse company or (b) the owner or property manager shall remove garbage on a weekly basis. If there is a dumpster located on the property, the location of the dumpster shall be depicted on the plat submitted with the application.

(l) House Rules. The applicant shall submit a copy of the house rules (see below Section T for required House Rules.)

(m) Jurisdiction. If a property owner does not reside within thirty (30) miles of the Town of Lloyd Town Hall, then they must designate the Local Manager, as an agent.

(n) A copy of the Ulster County Commissioner of Finance Certificate of Authority

P. Inspections.

(1) Annually, each short-term transient rental unit shall be inspected by the Code Enforcement Officer or Fire Inspector to determine compliance with New York State Uniform Fire Prevention and Building Code. Inspections shall be done for the initial permitting and annually, thereafter.

(2) All STR units must comply with NYS Building Code requirements and shall have no open violations. No initial or renewal permit shall be issued without compliance with the elements of the submitted application.

(3) The entire structure, regardless of whether parts are not to be occupied by short term rental tenants, is to be inspected. This includes all owner-occupied spaces in buildings where a STR unit is located. Those owner-occupied spaces shall be in compliance with the Property Maintenance Code of New York State related to interior and exterior spaces and fire safety.

Q. Application Review. Upon receipt of the application and fee, the Planning Board shall determine if the applicant has complied with all the requirements of this local law as well as any federal, state, county, or local laws. If the applicant has fully complied, then the Planning Board shall issue the property owner a short-term transient rental permit so long as initial fire safety and property maintenance inspections have been completed and approved. No permit shall be issued until inspection is completed and the short-term transient rental unit is approved by the Planning Board. Notification of the initial permit shall be sent to neighbors within 200 ft of the property by the Building Department upon permit approval.

R. Renewal permits. The applicant will provide the Town of Lloyd with any changes to the original underlying application for a Short-Term Transient Rental Permit, together with such additional documentation as determined by the Planning Board, all of which will be on forms prescribed by the Building Department, along with the current application fee. Renewal applications shall never be subject to any cap, provided the property remains under the same ownership. Any applicant who applies for a short-term transient rental permit and did not hold a permit for the immediate prior year, shall be considered a new applicant and not a renewal applicant. Permit holders shall be able to apply for Renewal Permits beginning October 1st through December 1st.

S. General Permit Regulations.

(1) The permit to operate a short-term transient rental in any given year will expire on December 31, except an initial permit approved after September 1st of a calendar year shall be

allowed to run through December 31st of the subsequent year. All renewal permits shall run from January 1st to December 31st of a calendar year.

(2) Copies of the permit must be displayed in the dwelling unit in a place where it is easily visible to the occupants.

(3) Permits for operation of a short-term transient rental may not be assigned, pledged, sold, or otherwise transferred to any other persons, businesses, entities, or properties.

(4) All short-term rental properties shall have posted on or about the inside of the front or main door of each dwelling unit a card listing emergency contact information. Such information shall include, but not be limited to the name, address, email, and phone numbers of the building owner, if local, or of a local manager and instructions on dialing 911 for emergency/fire/ambulance assistance. A local manager shall be able to respond in person within one hour.

(5) Exterior advertising signs are prohibited except an STR may have one nonilluminated accessory use freestanding or wall sign not to exceed 4 square feet in area to identify the STR.

(6) No person or persons shall be housed separately and/or apart from the approved dwelling unit in any temporary structure, tent, trailer, camper, lean-to, recreation vehicle, 'tiny-house', boat, or non-dwelling unit.

T. House Rules

(1) All short-term rental properties shall post for renters of each dwelling unit a listing of House Rules. House Rules shall incorporate, but not be limited to, the following:

(a) An emergency exit egress plan

(b) The location of fire extinguishers

(c) Identify the property lines and a statement emphasizing that unit occupants may be liable for illegal trespassing.

(d) Identify the procedures for disposal of refuse/garbage.

(e) If allowed by the property owner, specify outdoor fires shall be made solely within a fireplace or fire pit in accordance with all New York State burning regulations.

(f) If allowed by the property owner, instructions for fires in fireplaces or wood stoves. If not allowed by the property owner, a statement stating as such

(g) Short Term Transient Rentals shall not be permitted to be used for any commercial use or commercial event space.

(h) No outdoor camping shall be allowed.

(i) Parking shall be allowed solely in the designated parking spaces.

(j) If the property has a pool, hot tub or other swimming or bathing appurtenance (hereafter: "pool"), a clear list of requirements related to use of the pool, including explanation of the use of the required barrier, barrier latches, alarms, electrical disconnect, etc. Further, the property owner will place a sign in each location leading to the pool that the property requires a "Water Watcher": a responsible adult to supervise the pool while it is in use and to be responsible for assuring that the barrier requirements are in place at all times.

(k) Noise should be kept to a reasonable level. Unreasonably loud, disturbing and unnecessary noise should not occur after 8:00pm nor before 7:00am during weekdays, and not between 8:00pm and not before 9:00am on Sundays or any holiday.

U. Complaints

(1) Complaints regarding the operation of a short-term transient rental shall be in writing to the Code Enforcement Officer.

(2) Noise Complaints should be made to the Town of Lloyd Police Department.

(3) Upon receipt of a complaint of violation, the Code Enforcement Officer shall investigate to determine the presence of a violation, and upon finding to his/her satisfaction that a violation was or is currently occurring, he/she shall issue to the property owner and the local manager a notice detailing the alleged violation(s) as determined by the Code Enforcement Officer. Such notice shall also specify what corrective action is required of the property owner, and the date by which action shall be taken.

(4) Notices required by this section shall be issued by the Code Enforcement Officer either by personal service to the property owner and/or the local manager, if applicable, or by certified mail to the address of the property owner and/or local manager as shown on the permit application.

(5) If the landowner does not comply with corrective action by the date given by the Code Enforcement Officer, the Town of Lloyd may initiate procedures to revoke the permit, or the Town of Lloyd may begin a criminal action against the property owner or pursue any other relief permitted by law.

(6) The Code Enforcement Officer shall refer to the Town Board any property owners whom they believe to be in violation of this Local Law. The Town Board shall determine whether the permit in question shall be revoked. A revocation of a permit requires a public

hearing by the Town Board. The referral to the Town Board may be done in addition to any other penalties permitted by law.

Complaints can further lead to a denial of a renewal permit until the violation is resolved.
Section 2.

This local law shall take effect when filed with the Secretary of State pursuant to the Municipal Home Rule Law.

Q. RESOLUTION made by Auchmoody, seconded by Fraino, that the Town Board, upon the recommendation of the Chief of Police and the Town Supervisor, hereby approves the terms of and authorizes its Town Supervisor to sign a Supplemental Memorandum of Agreement “SMOA” between the Town and the PBA dated August __, 2022 regarding the reimbursement of certain training fees and other costs. The terms of August __, 2022, SMOA shall be incorporated by reference within the minutes of this meeting.”

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

Four ayes carried

R. RESOLUTION made by Fraino, seconded by Guerriero,

WHEREAS, High Bridge Place LLC, owner of property located within the Town of Lloyd, which said property is adjacent to the Hudson Valley Rail Trail and Vineyard Ave. both located within the Town; and

WHEREAS, the Town and High Bridge Place LLC would like to provide access to the public through the property owned by High Bridge Place LLC through said premises for access to and from the Hudson Valley Rail Trail and Vineyard Ave. in the Hamlet of Highland; and

WHEREAS, the Town and High Bridge Place LLC have negotiated the terms of an Agreement for Public Trail Easement through said premises for ingress, egress and regress over, across and through the Trail Easement for public hiking, running, walking and biking use via the Trail Easement, for access by police, fire and emergency services agencies of the Town of Lloyd and for future emplacement, improvement and maintenance of the Trail Easement by the Town of Lloyd and for all other lawful purposes by the Town of Lloyd and High Bridge Place LLC; and

WHEREAS, The Town of Lloyd wishes to approve the terms of said proposed Declaration of Agreement for Public Trail Easement for High Bridge Place LLC in the form attached hereto and made apart hereof.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Declaration of Agreement for Public Trail Easement for High Bridge Place LLC annexed hereto as Exhibit A between High Bridge Place LLC and the Town of Lloyd be and hereby approved.
2. The Supervisor, David Plavchak, is hereby authorized to sign said agreement on behalf of the Town.

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

Four ayes carried

S. RESOLUTION made by Fraino, seconded by Guerriero, to authorize Supervisor to sign agreement with Keith Libolt, “Highbridge”, for a donation of \$10,000 to the Town to be used for the purpose of constructing and or repairing sidewalks within the Town of Lloyd. The Town hereby agrees to accept said donation so that said funds will be used for the construction and or repair of sidewalks within the Town of Lloyd.

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

Four ayes carried

T. RESOLUTION made by Fraino, seconded by Auchmoody,

WHEREAS, the Town has solicited proposals for forty street light fixtures including anchors, poles and heads and necessary supports, fittings, trims, brackets and accessories to make a complete lighting assembly; and

WHEREAS, the Town has received two proposals from Vertex Innovative Solutions and one from Wisconsin Lighting Labs; and

WHEREAS, the request for proposal was for forty fourteen-foot aluminum direct burial poles and forty SLX area/flood LED light fixtures; and

WHEREAS, Vertex Innovative Solutions submitted two quotes, one for forty poles directly from the distributor for Forty-Two Thousand Sixty-Six Dollars and Fifty-

Eight cents. (\$42,066.58) and forty poles from the contractor for Forty-Six Thousand One Hundred Thirty Dollars and Sixty cents (\$46,130.60), and a quote for forty similar poles at a price of Fifty Thousand Eight Hundred Ninety-Nine Dollars and Eighty-Seven cents (\$50,899.87) directly from the distributor and Fifty-Seven Thousand Two Hundred Sixty-Two Dollars (\$57,262.00) directly from the contractor. All quotes are F.O.B. factory plus freight to the destination. Said proposal had a disclaimer stating, "Prices quoted are subject to adjustment should Duty and Tariff rates change during time of Bid and time of order." Lead time 6-8 weeks; and **WHEREAS**, Wisconsin Lighting Labs quoted Fifty-One Thousand Two Hundred Forty Dollars (\$51,240.00) for 40 units which price is guaranteed to September 8, 2022. The cost of freight to the Town of Lloyd is included in the quote. Said proposal also provided if the Town's electrician requested a longer lead (whip) for connecting, it would include that at no additional costs. Lead time 4-6 weeks; and

WHEREAS, the Town Board wishes to award the bid to Wisconsin Lighting Labs as it feels it is the best value which optimizes quality, cost and efficiency as the bid from Wisconsin Lighting Labs followed the RFP relative to quantities and specifications, provided clear product descriptions of all products, does not have the exposure to additional tariffs and import taxes, has included the cost of freight in their proposal, the Town will be dealing with Factory Direct Communication with Wisconsin Lighting Labs, the quotes include the longer whip at no cost if requested at the time of order and the proposal has a shorter lead time with less exposure to delays in shipping due to the Factory Direct Contact.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. The Town hereby awards the bid for the Bridgeview Lighting Project to Wisconsin Lighting at a cost of Fifty-One Thousand Two Hundred Forty Dollars (\$51,240.00) for 40 units as attached hereto and made a part of.

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

Four ayes carried

U. RESOLUTION made by Auchmoody, seconded by Fraino,

WHEREAS, a Project for Tillson Avenue: Route 44/55 (Vineyard Avenue) to Route 9W in the Town of Lloyd, Ulster County, identified as **PIN 8757.81** (the "Project") involves the reconfiguration of the intersection of Tillson Avenue, Toc Drive and Route 44/55, culvert replacement, pedestrian accommodations, drainage improvements, sight distance improvements, roadway grade reduction, sidewalk installation and replacement, pedestrian enhancements, Americans with Disabilities Act (ADA) compliant elements, drainage design, utility relocations, curb installation, pavement striping, retaining wall construction, and landscaping; and

WHEREAS, the Consultant provided preliminary design, detailed design, and construction services as outlined in Sections 1 through 9 of the original project scope and Supplemental Agreements No. 1 through No. 5; and

WHEREAS, the consultant performed additional preliminary and detailed design services to complete the NYSDOT requested National Environmental Policy Act (NEPA) Re-evaluation that allowed the project to proceed to the construction phase, performed additional coordination with the NYSDOT, Town, and Metropolitan Planning Organization related to the bid analysis and project funding; and

WHEREAS, construction delay from the 2021 season to the 2022/2023 seasons have resulted in expected additional construction support and inspection service-related costs due to the increase in DBE subconsultant costs, materials testing costs, and extension of construction operations into a second construction season; and

WHEREAS, the provisions of the original project agreement and Supplemental Agreements No. 1 through 5, remain in effect except as modified under Supplemental Agreement No. 6; and

WHEREAS, Supplemental Agreement No. 6 is for a total sum of \$253,959.00; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the Project is eligible for New York State Marchiselli Aid related to work completion not associated with a New York State highway; and

WHEREAS, the Town of Lloyd is committed to 100% of the non-federal share of the costs of design, construction, and construction inspection work for the Project; and

NOW, THEREFORE, the Lloyd Town Board, duly convened does hereby

August 17, 2022

RESOLVE, that the Lloyd Town Board hereby approves Supplemental Agreement No. 6 for the additional out of scope work not included as part of the original agreement and Supplemental Agreements No. 1 through No. 5; and it is hereby further

RESOLVED, that an authorized representative of the Town of Lloyd is hereby authorized to execute **Supplemental Agreement No. 6** on behalf of the Town of Lloyd, and it is further

RESOLVED, this Resolution shall take effect immediately.

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

Four ayes carried

V. MOTION made by Fraino, seconded by Guerriero, to Close Public Hearing on Increase and Improvements of Facilities of the Highland Water District, in the Town of Lloyd.

Four ayes carried

W. RESOLUTION made by Auchmoody, seconded by Fraino,

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 (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 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”); and

WHEREAS, the Engineer has estimated that the cost of such increase and improvement of facilities shall be \$2,525,000 and said map, plan and report have been filed with the Town Board; 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; and

WHEREAS, the Town Board adopted an Order describing in general terms the proposed increase and improvement of such facilities, specifying the estimated cost thereof, and stating the Town Board would meet to hear all persons interested in said increase and improvement of facilities on August 17, 2022 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 12 Church Street, Highland, New York; and

WHEREAS, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

WHEREAS, such public hearing was duly held by the Town Board on August 17, 2022 at 7:00 o’clock P.M. (Prevailing Time) at the Town Hall, 12 Church Street, Highland, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of such facilities; and

Now, therefore, be it

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described, at the estimated total cost of \$2,525,000; and it is hereby

ORDERED, that the facilities of the District shall be so increased and improved and that the Engineer shall prepare plans and specifications and make a careful estimate of the expense of said increase and improvement of such facilities and, with the assistance of the Town Attorney, shall prepare a proposed contract for such increase and improvement of facilities of the District, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

August 17, 2022

FURTHER ORDERED, that the expense of said increase and improvement of facilities shall be financed by the issuance of \$2,525,000 bonds of the Town, and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid from charges collected through water metering and/or the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; and it is hereby

FURTHER ORDERED, that the Town Clerk record, or cause to be recorded, a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Ulster County within ten (10) days after adoption thereof.

DATED: August 17, 2022

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

Four ayes carried

X. RESOLUTION made by Auchmoody, seconded by Fraino,

THE COMMONS AT HIGHLAND, INC. EXTENSION OF HIGHLAND WATER DISTRICT

RESOLUTION TO EXTEND DISTRICT

WHEREAS, a petition by The Commons at Highland, Inc. under Article 12 of the Town Law for the extension of the Highland Water District in the Town of Lloyd, Ulster County, New York, the said petition being dated February 17, 2022 has been filed with the Town Clerk and duly presented to the Town Board; and,

WHEREAS, CPL Architecture Engineering Planning having prepared and filed a Map, Plan and Report with the Town Clerk; and,

WHEREAS, the Town Board adopted an Order reciting the improvements proposed, the boundaries of the proposed district extension and the estimated expenses, and specifying the date and time that the Town Board would hold a public hearing to consider the petition and hear all persons; and,

WHEREAS, the capital costs associated with this District extension will be borne by the owner without any cost to the Highland Water District taxpayers and the installation of the improvements are to be inspected by the Town Engineer and funded by escrow established by the owner; and,

WHEREAS, this is an ad valorem district, there will be no debt service or benefit assessment, and no application to the State Comptroller is necessary. This is a no-cost extension of the Highland Water District and there will be no further cost for construction to the taxpayers of the Highland Water District; and,

WHEREAS, this extension proceeding is a Type II action and exempt from SEQRA under 6NYCRR Part 617, Section 617.13(d) (20) of such regulations.

WHEREAS, an Order was duly adopted by the Town Board on January 19th, 2022, reciting the filing of the petition, the improvements, the boundaries and the estimated expense, and specifying February 16th, 2022, at 7:00 p.m. as the time and place at the Town Hall in said Town, where the said Town Board would meet to consider the petition and to hear all persons interested; and,

WHEREAS, such Order was duly posted and published as required by law; and,

WHEREAS, a hearing in the matter was duly held by the Board on the 16th day of February, 2022 and continued on the 16th day of March 2022, the 20th day of April, 2022, the 18th day of May, 2022, the 15th day of June 2022, the 20th day of July 2022, and the 17th day of August 2022 to consider the petition and to hear all persons interested in the subject thereof concerning the same, and all persons desiring to be heard having duly been heard.

NOW, THEREFORE, upon the evidence considered by this board and upon motion as set forth above, it is

RESOLVED AND DETERMINED THAT:

(a) The petition aforesaid is signed and approved as required by law, and it duly complies with the requirements of Section 191 of the Town Law as to the sufficiency of signers, and it is otherwise sufficient.

(b) All the property and property owners within the proposed extension of the Highland Water District are benefited thereby.

(c) All the property and property owners benefited are included within the limits of the proposed extension of district.

(d) It is in the public interest to grant in whole the relief sought.

AND IT IS FURTHER RESOLVED AND DETERMINED THAT:

August 17, 2022

- (a) The establishment of an extension to the Highland Water District, as proposed in said petition, be approved and the district hereby extended.
- (b) The improvement thereon mentioned be constructed and the service therein mentioned be provided for upon the required funds being made available or provided for by the Petitioner.
- (c) The extension shall be designated and known as The Commons at Highland, Inc. extension of the Highland Water District and shall be bounded and described as set forth in Schedule AA@ annexed hereto.

AND IT IS FURTHER RESOLVED AND DETERMINED THAT:

The proposed improvement, including costs of rights of way, construction costs, legal fees and all other expenses shall be paid by the owner.

AND IT IS FURTHER RESOLVED THAT:

The Town Clerk of this Town shall, within ten days after the adoption of this resolution, file certified copies thereof in duplicate in the office of the State Department of Audit and Control at Albany, New York, and cause a certified copy of this Determination and Order of the Town Board recorded with the Ulster County Clerk, all pursuant to Town Law Section 194 and 195.

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

Four ayes carried

Y. RESOLUTION made by Auchmoody, seconded by Fraino,

APPROVING DEVELOPER'S AGREEMENT

WHEREAS, The Commons at Highland, Inc. (hereinafter referred to as the "Developers") has obtained Final Conditional Subdivision Approval from the Town of Lloyd Planning Board via resolution dated March 25th, 2021 which was filed in the Town Clerk's Office on April 7, 2021 (the "Site Approval Resolution") to allow construction and operation of a mixed use development to include ground floor commercial and office space with second story residential apartments (the "Project") on the property; and

WHEREAS, a copy of the latest plans for the Project showing all of the improvements on-site and within the adjacent NYS Route 9W right-of-way (water/sewer, roads, landscaping, etc.) is attached to the Developers Agreement which is attached hereto as Exhibit A; and

WHEREAS, all improvements shown on the latest plans attached to said Developers Agreement will be installed by the Developer in substantial conformity with these plans, with any modifications subject to prior review and approval by the Town, and in compliance with any Building Permits issued by the Town; and

WHEREAS, the Developer has applied to the Town of Lloyd Town Board for water and sewer approvals to connect the Project to public facilities, including an extension of the Town's water district; and

WHEREAS, the Town and the Developer desire to enter into an Agreement to address impacts and conditions set forth from the Development and operation of the Project; and

WHEREAS, the Town and the Developer wish to memorialize their Agreement concerning the Development and operation of the Project with respect to: (1) the future posting of a performance security, (2) the Developers' construction and installation of onsite improvements as set forth in the Developers Agreement including (1) on-site storm water control facilities; and (2) 242 LF water main extension along Mayer Drive, including associated road work within the Town's right of way (collectively referred to as the "Improvements"); and

WHEREAS, representatives of the Developers have met with the Town Building Department, the Town Engineers, both Water and Sewer, the Town's Attorneys and other representatives of the Town, and there has been a Developer's Agreement drafted to address the issues as set forth above, a copy of which is annexed hereto as Exhibit A; and,

WHEREAS, the Town Board desires to approve such agreement in order to move the proceedings toward final approval and the Planning Board Chairman's signing of the site plan map in the near future; and,

WHEREAS, the Developer's Agreement shall be utilized by all parties to facilitate the improvements and other conditions required in the Planning Board's approval.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

August 17, 2022

1. The agreement by and between The Commons at Highland, Inc. as, “Developers” and The Town of Lloyd, annexed hereto as Exhibit A, be, and the same hereby is, approved.
2. The Supervisor, David Plavchak, be, and they hereby are, authorized to sign said agreement.
3. The Developers are to post such security as required by this agreement and pay such fees as required by the agreement by transmittal of the security to the Town Attorney and Town Supervisor, in accordance with the agreement.
4. Upon the signing of several duplicates by the Developers’ representatives and the Town of Lloyd representatives, one complete duplicate original of the Developer’s Agreement is to be filed with the Town Clerk, with other duplicates for the Developers, Planning Board, Supervisor and Town Attorney’s office.

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

Four ayes carried

MOTION made by Fraino, seconded by Guerriero, to adjourn at 8:04 PM.

Five ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk