

# TOWN OF LLOYD

## TOWN BOARD MEETING

AUGUST 19, 2020

**Present:** Supervisor Frederick Pizzuto  
Councilmember Leonard Auchmoody  
Councilmember Michael Guerriero  
Councilmember Claire Winslow

**Also present:** Sean Murphy, Attorney  
Wendy D. Rosinski, Town Clerk

**Absent:** Councilmember Joseph Mazzetti

### **WEB-EX Meeting only**

**7:00 PM** – Supervisor opened meeting with Pledge of Allegiance led by Councilmember Auchmoody

### **1. REPORTS – Town Board Liaisons**

#### **ECC (Environmental Conservation Committee) - Councilmember Guerriero**

Danskammer Energy plant construction in Town of Newburgh – What is being proposed, potential impacts to Lloyd, reasons for ECC's opposition, and ECC request for TB resolution opposing construction and operation of facility

Dear Town Board Members,

In response to the news that Lloyd was near to seeing a proposal for a 20- megawatt (MW) natural gas-fired "peaker plant", the ECC recommended that the Town Board enact a temporary moratorium on all fossil fuel-powered peaker plants in order to protect our vulnerable community. We are grateful to the Board for acting on this recommendation in early 2019, as we now see another fossil-fuel plant proposed in our region - the expansion of the Danskammer Generating Station in the Town of Newburgh. While not located in our community, impacts from Danskammer will be far-reaching and have prompted other municipal leaders in the region to formally express their opposition. (See attached map illustrating 15 cities and towns and 4 villages opposing Danskammer.) We ask the Town Board to now join these communities in opposing the construction and operation of this plant based on the information presented below.

#### **Background**

As you may know, Danskammer Generating Station was built in the 1950s and was formerly operated as a coal-burning power plant. Closed after damage from Hurricane Sandy, the plant was retooled as a natural gas-burning "peaker plant" and has since produced power much below its capacity. The proposed "expansion", which is in fact a new facility built adjacent to the former, would increase the plant's total capacity to 595.5-600 MW. Such a facility would have harmful impacts to residents of Lloyd and the Hudson Valley.

#### **Surplus power already exists**

Proponents of the new Danskammer facility argue that the closing of Indian Point Nuclear Power Plant in Westchester County necessitates the need for new power plant construction in the Hudson Valley. However, according to the state's own Independent System Operator (NYISO, the quasi-governmental agency that operates New York's electric grid, and which is responsible for ensuring the state's projected electricity demands are met), New York has sufficient excess capacity to meet its strict demands without Danskammer through 2023. **1**

As explained in the ECC's letter to the Town Board dated December 5, 2018 (attached), New York is divided into "capacity zones", each of which must provide adequate supply to meet its projected peak demands. The recent inclusion of our region in the newly-created Lower Hudson Capacity Zone (the "G" zone) has incentivized power plant creation in our region, imposing emissions and other impacts in areas where demand has been decreasing, to provide power in areas in other parts of the capacity zone where it is rising. The effect is that communities like Lloyd and others in the mid-Hudson Valley who need Danskammer the least are those who will be impacted the most by it. Nevertheless, existing

generation sources without both Indian Point and Danskammer are adequate to meet projected needs based on NYISO's projections.

1 NYISO, 2018 Reliability Needs Assessment, p. 48: "When recent and planned capacity deactivations were included in the calculation, the net statewide surplus increased by 1,817 MW as compared with the 2016 Reliability Needs Assessment (see Figure 1)."

### **Natural gas power plant developers benefit from federal subsidies**

Because New York's electricity markets are deregulated, electrical generation and transmission infrastructure development is driven primarily by market forces, not necessarily by capacity needs. When the Federal Energy Regulatory Commission (FERC) ordered the NYISO to create the Lower Hudson Valley Capacity Zone, the stated purpose was to incentivize power plant creation between Albany and New York City. As part of the incentive, power plants in our region now receive millions of dollars in "capacity payments" regardless of how much electricity they provide to the grid. This means that power plant developers like Danskammer can benefit even if the facilities they build are never turned on.

The New York State Public Service Commission and New York State Power Authority both challenged the creation of the G zone in 2013, arguing that it could result in the construction of new unnecessary power projects and increase residents' utility bills.<sup>2</sup> Since the creation of the Lower Hudson Valley Capacity Zone, two natural gas fired power plants have been built and two more proposed in our region.

### **Natural gas power plants are not "clean"**

Proponents of the Danskammer facility argue that natural gas power plants like Danskammer are a cleaner alternative to coal-burning facilities, and necessary while the state and the nation transition to renewable power (e.g. solar, wind). The ECC considers these arguments lacking.

While natural gas power plants do emit lower levels of global warming emissions and air pollution than coal-fired plants, coal is just about the dirtiest way to produce electricity. So, anything compared to coal will seem cleaner. Nevertheless, natural gas power plants do emit substantial amounts of nitrogen oxides, which can linger locally, cause respiratory problems and react with other substances in the air to produce particulate matter and ozone; substances associated with other respiratory and pulmonary health impacts.<sup>3</sup>

By Danskammer's own projections in its application to the NYS Board on Electrical Generation Siting and the Environment, the proposed plant would increase current emissions from the existing plant's emissions of nitrogen oxides from 44.2 to 143.5 tons per year, and greenhouse gasses from 47,304 to 1,954,952 tons per year. An independent consultant hired by Scenic Hudson and two communities in the Hudson Valley (Cities of Beacon and Newburgh) who have joined as intervenors" in the state's siting and environmental review process ("Article 10" review) have offered critiques of Danskammer's projections and their impacts. At minimum, these projections and impacts must be fully investigated so that effects to residents in the region are clearly understood.

2 NYS Public Service Commission, 9/25/2013, Press Release: "PSC & NYPA SEEK TO REVERSE FEDERAL DECISION THAT WOULD INCREASE ENERGY BILLS BY \$350M IN LOWER HUDSON VALLEY".

3 Union of Concerned Scientists, 11/9/2018. No, Natural Gas power Plants Are Not Clean. <https://blog.ucs.org/mark-specht/natural-gas-power-plants-are-not-clean>

### **We should be replacing fossil fuel power plants, not creating new ones**

The construction of the new Danskammer facility is not only at odds with the state's generation needs, but also with the declining costs of renewable power and the renewable power generation goals mandated by the New York State Climate and Community Protection Act (CLCPA), which stipulates that 70% of the state's electricity needs come from renewable energy sources by 2030 and that New York achieves 100% carbon-free electricity by 2040.

The cost of renewables is expected to become equal to that of natural gas within the next 5 to 10 years. As this cost gap closes and New York builds out its renewable energy infrastructure (like the battery storage facility to be constructed off Route 9W in Lloyd, for example) natural gas generation and transmission infrastructure (i.e. pipelines) will become more expensive to run and maintain. Building new fossil fuel infrastructure now will push the tipping point of this cost gap further into the future, keeping natural gas the cheaper option for however short a period is possible and creating the illusion that new natural gas facilities are needed as a "transition" electrical power source.

AUGUST 19, 2020

Instead, the ECC argues that the transition time is now, before the increasing cost of running and maintaining new fossil fuel infrastructure relative to renewables results in increased rates to customers. Furthermore, any new facilities and infrastructure built now will become stranded assets once shut down before the end of their life cycle to meet the CCLPA's 2030 and 2040 goals. This could make Danskammer potentially more expensive to dismantle or repurpose than let sit and become a brownfield.

If New York is to realize its renewable goals, protect the health of its communities, and control costs for utility customers, the construction of new fossil fuel power plants doesn't make sense.

### **Conclusions and Recommendations**

The ECC urges the Town Board to join other communities in the Hudson Valley opposing Danskammer, and to enact a resolution opposing the expansion of the facility. The state and the region's electrical power needs can be adequately met without construction of this facility. FERC's manipulation of the state's energy market in our region and subsidies to developers like Danskammer serves them at the expense of our communities. And new facilities like Danskammer are not part of New York's renewable energy future.

Sincerely,

Town of Lloyd ECC

Neil Curri, Chairperson

**EDC (Economic Development Committee)** – Councilmember Auchmoody

**Highland Fire District** – Supervisor Pizzuto

The Fire District contract for the building has expired. They will begin discussions soon.

**Highland Central School District** – Councilmember Mazzetti

**Hudson 7** – Councilmember Auchmoody

**Lights** – Councilmember Auchmoody

**Planning Board** – Councilmember Winslow

Winslow reported the Villages will be doing a presentation at the Thursday meeting.

3 Church St. (old library) has submitted an application for renovations.

There is an application for a house on Bellevue which is creating some controversy.

**Police** – Supervisor Pizzuto

**Water and Sewer** – Councilmember Auchmoody

The water plant lost power in the storm a couple weeks ago, when the power was returned the water plant workers worked around the clock to get everything back up to speed.

**Zoning Board of Appeals** – Councilmember Guerriero

Guerriero said last meeting was cancelled and moved to September 10<sup>th</sup>.

**REPORT** – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi said the amount of people on the trail has slowed a bit, but it is amazing to see all the different people that use the trail. The original section should be paved by the end of September.

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

The contract will be signed on the 26<sup>th</sup> for the boring under the rail road tracks; so that job will be starting soon. The rest of the lights are ready to be picked up. The back steps on the classroom building are being done. The park is being well used. There are a lot of boat trailers using multiple parking spots, this should lessen after Labor Day.

## **2. OLD BUSINESS**

### **A. Employee Handbook**

The board has their copy of the revised handbook. There will be discussion at the workshop. He asked the board to make notes and suggestions and hopefully adopt it at the next regular meeting.

**3. NEW BUSINESS**

**4. PRIVILEGE OF THE FLOOR**

**5. MOTIONS AND RESOLUTIONS**

- A. MOTION** made by Auchmoody, seconded by Guerriero to approve the minutes of July 15, 2020 Regular Town Board Meeting.

**Four ayes carried**

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

GENERAL	G-688 - G-761	\$ 102,131.92
HIGHWAY	H-267 - H-322	\$ 248,892.71
MISC	M-156 - M-169	\$ 45,196.03
PREPAYS	P-375 - P-443	\$ 162,979.60
SEWER	S-159 - S-182	\$ 13,838.54
WATER	W-292 - W-315	\$ 34,029.85

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

**Four ayes carried**

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

**WHEREAS**, Local Law E of 2020, a local law to revise Chapter 100 if the Town Code to create a new district. The purpose of this local law is to amend Chapter 100, entitled “Zoning” of the Town of Lloyd to create a Waterfront Business District, and to amend the Zoning District Map and the Use Table (Zoning 100 attachment I) as part of a plan for the orderly, efficient, economic and environmentally sound development of the Town, particularly the Town’s Waterfront with the Hudson River and to bring the Town zoning ordinance more in compliance with the Town’s Comprehensive Plan. The Town Board has prepared a proposed local law known as “A Local Law to Amend to Chapter 100, entitled “Zoning” of the Code of the Town of Lloyd to create the “Waterfront Business District”, a copy of which is attached hereto and made a part hereof as Exhibit “A”; and

**WHEREAS**, the Town Board of the Town of Lloyd has determined that this matter constitutes an unlisted action under the State Environmental Quality Review Act (SEQRA), and a short Environmental Assessment Form (EAF), has been prepared and the Town Board having declared its intention to assume lead agency and 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** 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 16th day of September, 2020 at 7:00 p.m., and it is further

**RESOLVED**, that the Town Board is designated as lead agency to conduct all necessary reviews in this matter, 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 prior to the public hearing.

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

**Four ayes carried**

A local law to amend Chapter 100, entitled “Zoning” of the Code of the Town of Lloyd to create a Waterfront Business District.

**Section 1. Purpose**

The purpose of this local law is to amend Chapter 100, entitled “Zoning” of the Code of the Town of Lloyd to create a Waterfront Business District, and to amend the Zoning District Map.

**Section 2.**

Section 100-9 of the Code is hereby amended by the addition of the following district to the list of district classifications in subsection A.

<u>District label</u>	<u>Zoning District</u>
WB	Waterfront Business District

**Section 3.**

The current Zoning District Map is hereby amended to incorporate the addition of the Waterfront Business District in the Zoning Map, as set forth on the map attached hereto and made a part hereof as Exhibit “A”. The parcels to be included in the Waterfront Business District was previously zoned R-2 and contains the following Parcels:

SBL	ADDRESS	OWNER
88.17-3-2	4 Willow Dock Rd., Highland, NY 12528	John Werner and Laura Werner
88.17-3-3	2 Willow Dock Rd., Highland, NY 12528	Abraham Fruchter
88.17-3-13.200	Willow Dock Rd., Highland, NY 12528	Town of Lloyd
88.17-3-4	42 River Rd., Highland, NY 12528	Town of Lloyd
88.17-3-14.100	River Rd., Highland, NY 12528	James Relyea
88.17-3-13.112	48 River Rd., Highland, NY 12528	The Landing on the Hudson LLC
88.17-3-14.200	52 River Rd., Highland, NY 12528	Hudson Highland Apartments LLC
88.17-3-14.300	Oakes Rd., Highland, NY 12528	Hudson Highland Apartments LLC

**Section 4.**

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law, which can be given effect without such part or parts.

**Section 5.**

This local law shall supersede all prior inconsistent local laws.

**Section 6.**

This local law shall take effect when filed with the Secretary of State of the State of New York under the Municipal Home Rule Law.

**D. RESOLUTION** made by Auchmoody, seconded by Guerriero to authorize Supervisor Frederick Pizzuto to sign Supplemental Agreement No. 3 to the agreement between the Town of Lloyd and Barton & Loguidice, P.C. for PIN 8757.81 Tillson Ave., Town of Lloyd, Ulster County, New York. This supplement is ROW. These funds are already appropriated to the Project and the \$43,000.00 is 95% reimbursable.

Original MAP: \$428,000

Supplemental Agreement #1: \$ 313,505

Supplemental Agreement #2: \$ 12,607

Supplemental Agreement #3: \$ 43,000

Revised Maximum Amount Payable: \$797,112

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

**Four ayes carried**

- E. RESOLUTION** made by Auchmoody, seconded by Guerriero to authorize Supervisor Frederick Pizzuto to sign Supplemental Agreement No. 4 to the agreement between the Town of Lloyd and Barton & Loguidice, P.C. for PIN 8757.81 Tillson Ave., Town of Lloyd, Ulster County, New York. This supplement is for the Construction Inspection, Administration and Support Phase. These funds are already appropriated to the Project and the \$473,000.00.

Original MAP: \$428,000

Supplemental Agreement #1: \$ 313,505

Supplemental Agreement #2: \$ 12,607

Supplemental Agreement #3: \$ 43,000

Supplemental Agreement #4: \$ 472,978

Revised Maximum Amount Payable: \$1,270,090

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

**Four ayes carried**

- F. MOTION** made by Auchmoody, seconded by Guerriero to appoint Neil Currie and Russ Gilmore as voting members of Hudson 7 representing Town of Lloyd.

**Four ayes carried**

*Councilmember Guerriero asked Dave Barton to talk about the blasting at Mountain Side Woods.*

*Barton responded the applicant came across rock in the new building phase which had not showed in the original rock survey. They hired a very reputable blasting company. They will go in and blast, it's a quick shot, and a machine will take the rock away, they can do this once a week for a few weeks. If they hammer it, it would be all day, every day for weeks.*

*The building department has received all the insurances required and in addition they have a \$5 million liability bond. The blaster has, according to NYS protocol, gone into whatever homes they were allowed and done video evidence.*

*The blasting has started and will continue 2 weeks.*

*Guerriero asked if this was the only phase that there will be blasting.*

*Barton responded this rock did not show up in the original rock survey.*

- G. RESOLUTION** made by Auchmoody, seconded by Winslow

**Whereas** the Town of Lloyd owns the road known as Haviland Road and some abutting properties,

**Whereas** the Town of Lloyd built and operates two parking lots located at 75 Haviland Road and 100 Haviland Road,

**Whereas** the Town of Lloyd has spent and continues to expense considerable funds maintaining 75 Haviland Road and 100 Haviland Road parking lots,

**Whereas** the Town of Lloyd made improvements to the shoulders along Haviland Road to create additional off-road parking at a considerable expense and will need to maintain,

**Whereas** the Town of Lloyd owns the Hudson Valley Rail Trail,

**Whereas** the Town of Lloyd, representing the taxpayers, are funding the upkeep and maintenance of the Hudson Valley Rail Trail, cost of the yearly maintenance and future development of the Hudson Valley Rail Trail,

**Whereas** the Town of Lloyd has the authority to control parking on Town roads, streets and parking lots owned by them,

**Whereas** the Hudson Valley Rail Trail is located between the westerly boundary of the Town of Lloyd at Route 299 and the westerly property of NYS Parks also known as Walkway Over the Hudson,

**Whereas** the Town of Lloyd is considering ways to reduce the yearly Town budget,

**Whereas** the Hudson Valley Rail Trail and its amenities are in continued need of improvements and the upkeep of the infrastructure including pavement and drainage

**Therefore**, the Town of Lloyd will charge for vehicle parking on all Town owned property on, along, developed or yet to be developed or adjacent to Haviland Road starting at the Easterly boundary of Parcel #96.1-1-14.120 now known as Frozen Caboose Ice Cream to the Northernly boundary of Parcel #96.1-2-10 now known as Johnson Iorio-DiLorenzo Park, including Lot #96.1-2-24.200 known as the bus turnaround and any portions of parcel #88.17-5-36.110 known as the Hudson Valley Rail Trail.

AUGUST 19, 2020

**Therefore**, the Town of Lloyd will exempt all Town of Lloyd property taxpayers and residents residing in the Town of Lloyd from parking fees on Haviland Road. Exemption will begin once the residents register their owned or leased vehicle(s) with the Town Clerk or designee either online or in person by showing proof as a taxpayer or with a Town of Lloyd legal address,

**Therefore**, at this time all other parking lots along the Hudson Valley Rail Trail will be free to everyone wishing to enjoy the Hudson Valley Rail Trail,

**Therefore**, all revenues received from said paid parking fees/fines will be deposited in the Hudson Valley Rail Trail Reserve Fund Account maintained by the Town of Lloyd to accept donations and recreation development fees. Reserve Fund monies will be expensed from time to time to rebuild, replace, improve and maintain the Hudson Valley Rail Trail. Amenities including kiosks, cabooses, pavilions, restrooms, historical artifacts found or that may be found, parking lots and anything related to the Hudson Valley Rail Trail. Funds received will also be used to fund all future improvements and parking lots as well as amenities along the trail and to be used to offset the cost of yearly maintenance of the parking meters, software, enforcement and any vendor fees,

**Therefore**, the Town of Lloyd will enforce the parking rules, parking fees, parking fines and will prosecute offenders, issue tickets for illegal parking and collection of such fine. All monies collected will be deposited in the Hudson Valley Rail Trail Reserve Fund Account. Funds will be dispersed to pay for parking enforcement officers and Town Court costs,

**Therefore**, the Town of Lloyd will issue yearly permits at a rate of \$80.00 to non-residents or non-taxpayers. Fee to be amended from time to time by the Town of Lloyd Town Board. Permits will expire one year from issuance. Permits can be obtained either online or in person from Town of Lloyd Town Clerk.

If a permit is not obtained, the fee for parking will be \$5.00 for a four-hour period with a \$1.00 fee for each additional hour. Twenty-five dollars per day maximum. Fees are to be set by the Town of Lloyd Town Board,

**Therefore**, to gain relief from parking fees and fines, Town of Lloyd resident/taxpayer must register their vehicle(s) with the Town of Lloyd Town Clerk to obtain a free parking permit status,

**Therefore**, relief from the parking regulations and fees for special events shall be considered after any recommendation from the Hudson Valley Rail Trail Association and at the discretion of the Town of Lloyd Town Board,

**Therefore**, parking fees and regulations will be in effect on Haviland Road and along both shoulders including bus turnaround lot on a twenty-four hours seven day a week basis,

**Therefore**, the Town of Lloyd accepts the donation of one "Flow Bird" pay station with all software necessary to manage the first year of operation. The Town of Lloyd also accepts the donation on one CitePro enforcement equipment and software to operate for first year of operation.

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

**Four ayes carried**

**MOTION** made by Winslow, seconded by Auchmoody to adjourn at 7:31 PM.

Respectfully submitted,

Wendy D. Rosinski  
Town Clerk

