

TOWN OF LLOYD

TOWN BOARD MEETING

November 15, 2023

Present:

Supervisor David Plavchak
Councilmember Leonard Auchmoody
Councilmember John Fraino
Councilmember Joseph Mazzetti

Also Present:

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

Absent:

Councilmember Guerriero

Meeting was held live in Town Hall, Live on WebEx and live streamed on Optimum Channel 22.

All meetings are available on You Tube Town of Lloyd.

Most current meeting is replayed on Optimum Channel 22 Monday 7pm, Wednesday 9 am, Friday 7 pm and Saturday at 9 am.

7:00 PM – Open meeting and Pledge of Allegiance

Supervisor thanked the American Legion and Commander Terry Elia for hosting the Veterans Day Event at Veterans Memorial Park.

1. REPORTS – Town Board Liaisons

A. Town Board Liaisons

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

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

Beautification – Councilmember Auchmoody

Auchmoody reported they are going to start decorating for Christmas the day after Thanksgiving.

ECC (Environmental Conservation Committee – Councilmember Guerriero

Events Committee – Councilmember Fraino

Fraino reported Light up the Hamlet is December 8th at 6:00 PM.

Highland Fire District/ Ambulance – Councilmember Fraino

Fraino reported they are waiting for the ambulance contract from New Paltz Rescue.

The Fire District Commissioner election is Tuesday, December 12th at the Firehouse.

DISTRICT REPORT

Fire Alarms Dispatched	48
Average firefighters per call	12 (highest 23)
Total Number of apparatus responses	107
Manhours for alarms	438
Manhours for meetings	60
Manhours for training	183
Manhours for misc events	455
TOTAL Manhours	1136

Highland Hose Company No. Inc members conducted fire prevention activities at nine (9) in-district day care establishments, the Highland Elementary School, Lowes Safety Day, Halloween in the Hamlet and the Highland Public Library.

Highland Central School District – Councilmember Mazzetti

Mazzetti said he had nothing to report.

Highland Landing Park – Councilmember Auchmoody

Auchmoody reported they have changed the Bob Shepard Plaque.

Lights – Councilmember Fraino

Fraino report that got all the lights on at Mountain Side Woods. Central Hudson assured Fraino they would catch up on getting the reported lights fixed.

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Lloyd Community Development Committee – Supervisor

Supervisor reported there are no new applications, they will do more marketing after the 1st of the year.

Planning Board – Councilmember Auchmoody

Hudson Valley Rail Trail – Councilmember Auchmoody

Peter Bellizzi reported they are pouring the pads for the new signage.

Zoning Board of Appeals – Councilmember Guerriero

2. OLD BUSINESS

A. Tillson/Toc

Dan Goslin from Barton and Loguidice gave an update on the Tillson Toc project.

As of today, the bridge has been set, which is a huge milestone. They have lost a couple of months due to weather, every time it rained, they had to wait a day or 2 for the stream to drop back down so they could get in it. They couldn't pour concrete or footings. They are now done with any work being done in the stream.

Work completed includes the new water main, new 18 inch up to Linwood. All gas lines have been installed, except the one across the bridge. They will do that this winter and then be able to remove the old bridge.

Final top course of paving is complete up Tillson Ave to the bank. 85% of the driveways are complete, the rest will be done before winter. Sidewalks up to Linwood is done.

They have to back fill, put in sub base and relocate some sewer lines.

NYS requires us to re-open Vineyard Ave by December 1st. They need it open for their winter maintenance operations.

B. Pavilion

Fraino reported the conduit was installed, drains were installed, the slab will be poured on Monday.

3. NEW BUSINESS

A. Comprehensive Plan: Monday 11/20/2023 from 5 – 8 pm will be the 2nd Comprehensive Plan Public session at the Fire house.

4. PRIVILEGE OF THE FLOOR

Lenny Casabura, 1 Christopher Ave. inquired on the progress of his property flooding.

Supervisor said, the town engineer, highway and building dept went out and looked and plan to put a camera in the pipe to see if something is clogged.

AJ Reusse, 412 Landscaping inquired about the Lawn Care bid.

Supervisor told him they are not awarding the bid. After discussions with Buildings and Grounds and the Town Attorney they were not able to compare apples to apples, there were too many variables so they are going to put it out to bid again.

Mazzetti asked what narrative had they come up with explaining best value and it being awarded to Baker and Sons.

Supervisor reiterated; they could not come up with a narrative because there were too many variables in the request which is why they are going to completely redo the request.

Sean Murphy, Town Attorney, said the Town is not obligated to award the bid.

Mike Ryer, 4 Leonta Court asked if the Police could monitor the parking lot during court.

People are urinating on his property and there are prostitutes.

5. MOTIONS AND RESOLUTIONS

A. MOTION by Auchmoody, seconded by Fraino to approve the minutes October 18, 2023 Town Board Meeting and October 25, 2023 Town Board Meeting.

Four ayes carried

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

NOVEMBER 2023

GENERAL	G.714	G.775	\$36,137.40
HIGHWAY	H.292	H.319	\$16,597.55
MISC	M.177	M.196	\$59,263.77
PREPAYS	P.1290	P.1465	\$1,047,728.45
SEWER	S.213	S.232	\$27,652.46
WATER	W.242	W.260	\$6,286.11
			TOTAL \$1,193,665.74

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

- C. RESOLUTION** by Auchmoody, seconded by Fraino
WHEREAS, the Ford Farm Historic Truss Bridge over the Hudson Valley Rail Trail is currently in a state of disrepair and closed to pedestrians for reasons of public safety, both on and below the bridge; and
WHEREAS, the Town and the Hudson Valley Rail Trail Association had the engineering firm of Creighton Manning Engineering LLP conduct an inspection to document the existing conditions of the bridge’s structural elements; and
WHEREAS, the report prepared by Creighton Manning Engineering has made several recommendations for the repair, including immediate recommendations to be performed and further, that a load rating with a professional engineer’s stamp be performed to ensure that the rehabilitated bridge rates satisfactorily for current design codes and the proposed loads; and
WHEREAS, the Town Board feels that the bridge in its current condition endangers public safety as it passes above the Hudson Valley Rail Trail, which is a very busy pedestrian path used by members of the public; and
WHEREAS, the Town Board feels that it is an emergency to make the repairs as expeditiously as possible and therefore wish to waive the competitive bidding requirements of General Municipal Law Section 103; and
WHEREAS, the Town has received a proposal from Piasecki Steel Construction Corp. for the repairs and rehabilitation of the bridge in the amount of \$ 18,500.00, a copy of which is attached hereto and made a part hereof; and
WHEREAS, the Town Board in the interests of public safety wish to engage Piasecki Steel Construction Corp. to perform the necessary repairs and rehabilitation as quickly as possible.
NOW, THEREFORE, IT IS RESOLVED that the proposal from Piasecki Steel Construction Corp. for the repair and rehabilitation of the Ford Farm Historic Truss Bridge over the Hudson Valley Rail Trail is hereby accepted and the Supervisor is hereby authorized to enter into any further agreements to effectuate the work as set forth in said proposal.
Roll Call: Fraino, aye; Plavchak, aye; Auchmoody, aye; Mazzetti, aye
Four ayes carried

- D. RESOLUTION** by Fraino, seconded by Auchmoody
WHEREAS, the Ford Farm Historic Truss Bridge over the Hudson Valley Rail Trail is currently in a state of disrepair and closed to pedestrians for reasons of public safety, both on and below the bridge; and
WHEREAS, the Town and the Hudson Valley Rail Trail Association had the engineering firm of Creighton Manning Engineering LLP conduct an inspection to document the existing conditions of the bridge’s structural elements; and
WHEREAS, the report prepared by Creighton Manning Engineering has made several recommendations for the repair, including immediate recommendations to be performed and further, that a load rating with a professional engineer’s stamp be performed to ensure that the rehabilitated bridge rates satisfactorily for current design codes and the proposed loads; and
WHEREAS, the Town Board feels that the bridge in its current condition endangers public safety as it passes above the Hudson Valley Rail Trail, which is a very busy pedestrian path used by members of the public; and
WHEREAS, the Town Board feels that it is an emergency to make the repairs as expeditiously as possible; and

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WHEREAS, the Town has received a proposal from Creighton Manning Engineering LLP to perform a load rating with professional engineer's stamp to ensure that the rehabilitated bridge rates satisfactorily for current design codes and the proposed loads, as the Town Board wishes to engage Creighton Manning Engineering LLP pursuant to said proposal for a total fee not to exceed \$6,000.00.

NOW, THEREFORE, IT IS RESOLVED that the proposal submitted by Creighton Manning Engineering LLP, a copy of which is attached hereto, is hereby approved and the Supervisor is hereby authorized to execute same.

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

Four ayes carried

E. RESOLUTION by Auchmoody, seconded by Fraino

WHEREAS Pursuant to the Executive Session, at the 11/1/2023 Town Board Meeting, where the new contract for Adam Litman was discussed.

THEREFORE Be it Resolved that the Town Board, upon the recommendation of the Town Supervisor, approves of the terms of an Agreement between the Town and the Highland Sewer District Administrator dated November 15, 2023, and authorizes the Town Supervisor to sign said Agreement.

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

Four ayes carried

F. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING IRREVOCABLE OFFER OF DEDICATION OF WATERLINE FACILITIES

WHEREAS, SILVER GARDENS RESIDENCE LIMITED PARTNERSHIP is the owner in fee of (A) 5.36 acres of real property located at Argent Drive in the Town of Lloyd, Ulster County, State of New York (the "Silver Gardens" property), and identified as Lot No. 1 on a certain minor subdivision plat entitled "Final Subdivision Plat" prepared by Colliers Engineering and Design, dated February 12, 2021 and last revised on June 2, 2022 (the "Subdivision Plat"), to be known as the "Silver Gardens" project and (B) 8.24 acres of real property located at Argent Drive in the Town of Lloyd, Ulster County, State of New York, identified as Lot No. 2 on the Subdivision Plat; and

WHEREAS, Silver Gardens Residence Limited Partnership received conditional subdivision approval and final site plan approval from the Town of Lloyd Planning Board 2 on June 24, 2021 and an irrevocable offer of dedication for waterline facilities is a condition precedent to the final subdivision approvals; and **WHEREAS**, Silver Gardens Residence Limited Partnership has submitted to the Town a proposed offer of dedication for waterline facilities to the Town of Lloyd, and the Town has reviewed in consultation with its attorneys, engineers, Building Department and Water Department; and

WHEREAS, the Town Board wishes to approve said agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: 1. The Irrevocable Offer of Dedication for Waterline Facilities to the Town of Lloyd by Silver Gardens Residence Limited Partnership, annexed hereto as Exhibit A, be, and the same hereby is, approved. 3. Upon the signing of said Irrevocable Offer of Dedication for Waterline Facilities to the Town of Lloyd, the original shall be filed with the Town of Lloyd Clerk's Office.

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

Four ayes carried

G. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING IRREVOCABLE OFFER OF DEDICATION OF WATERLINE FACILITIES

WHEREAS, GIRONDINI LLC is the owner in fee of (A) 5.36 acres of real property located at Argent Drive in the Town of Lloyd, Ulster County, State of New York (the "Silver Gardens" property), and identified as Lot No. 1 on a certain minor subdivision plat entitled "Final Subdivision Plat" prepared by Colliers Engineering and Design, dated February 12, 2021 and last revised on June 2, 2022 (the "Subdivision Plat"), to be known as the "Silver Gardens" project and (B) 8.24 acres of real property located at

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Argent Drive in the Town of Lloyd, Ulster County, State of New York, identified as Lot No. 2 on the Subdivision Plat; and

WHEREAS, Silver Gardens Residence Limited Partnership received conditional subdivision approval and final site plan approval from the Town of Lloyd Planning Board 2 on June 24, 2021 and an irrevocable offer of dedication for waterline facilities is a condition precedent to the final subdivision approvals; and

WHEREAS, Girondini LLC has submitted to the Town a proposed offer of dedication for waterline facilities to the Town of Lloyd, and the Town has reviewed in consultation with its attorneys, engineers, Building Department and Water Department; and

WHEREAS, the Town Board wishes to approve said agreement. **NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:** 1. The Irrevocable Offer of Dedication for Waterline Facilities to the Town of Lloyd by Girondini LLC, annexed hereto as Exhibit A, be, and the same hereby is, approved. 3. Upon the signing of said Irrevocable Offer of Dedication for Waterline Facilities to the Town of Lloyd, the original shall be filed with the Town of Lloyd Clerk's Office.

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

Four ayes carried

H. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING WATERLINE EASEMENT AGREEMENT

WHEREAS, GIRONDINI LLC is the owner in fee of (A) 5.36 acres of real property located at Argent Drive in the Town of Lloyd, Ulster County, State of New York (the "Silver Gardens" property), and identified as Lot No. 1 on a certain minor subdivision plat entitled "Final Subdivision Plat" prepared by Colliers Engineering and Design, dated February 12, 2021 and last revised on June 2, 2022 (the "Subdivision Plat"), to be known as the "Silver Gardens" project and (B) 8.24 acres of real property located at Argent Drive in the Town of Lloyd, Ulster County, State of New York, identified as Lot No. 2 on the Subdivision Plat; and

WHEREAS, Silver Gardens Residence Limited Partnership received conditional subdivision approval and final site plan approval from the Town of Lloyd Planning Board on June 24, 2021 and a waterline easement agreement is a condition precedent to final subdivision approvals; and 2

WHEREAS, Girondini LLC has determined to (i) permit Silver Gardens Residence Limited Partnership to install an underground water line and all waterline appurtenances necessary for Silver Gardens and (ii) permit the Town of Lloyd an easement upon the Silver Gardens property and Lot No. 2 on the Subdivision Plat, for the future construction of an extension of the Silver Gardens waterline through the Lot No. 2 property and all waterline appurtenances; and

WHEREAS, representatives of Girondini LLC, Silver Gardens Residence Limited Partnership and the Town have reviewed a Waterline Easement Agreement that they wish to enter into to memorialize each of the parties' rights and obligations relating thereto; and **WHEREAS**, the Town Board desires to approve such agreement. **NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:** 1. The Waterline Easement Agreement by and between Silver Gardens Residence Limited Partnership as "Developer" and The Town of Town of Lloyd, annexed hereto as Exhibit A, be, and the same hereby is, approved. 2. The Supervisor, David Plavchak, be, and he hereby is, authorized to sign said Waterline Easement Agreement. 3. Silver Gardens Residence Limited Partnership shall file the Waterline Easement Agreement with the Ulster County Clerk and provide a copy of the filed Declaration of Public Easement to the Town Clerk.

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

Four ayes carried

I. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING OFFER OF CESSION AGREEMENT

WHEREAS, Silver Gardens Residence Limited Partnership (hereinafter referred to as the "Developer") has obtained conditional Final Subdivision Approval and Final Site Plan Approval for a multifamily senior citizen affordable housing project known as "Silver Gardens" from the Town of Lloyd Planning Board by decision dated June 24, 2021, said development being situate east of and adjacent to Argent Drive in the Town of Lloyd; and

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WHEREAS, the Developer is the contract vendee of the fee owner for the land comprising of Silver Gardens project, and

WHEREAS, the Final Subdivision Plat depicts an approximate 0.09 acre portion of the property to be dedicated to the Town of Lloyd, which shall be used by the Town of Lloyd to reconfigure a portion of the public street known as “Argent Drive”; and 2

WHEREAS, the Town of Lloyd subdivision regulations provide that a written agreement may be submitted to the Town between the Developer and the Town, tendering cession of all land included in the streets, highways, easements, parks or public open spaces not specifically reserved by the Developer; and

WHEREAS, representatives of Silver Gardens Residence Limited Partnership and the Town have reviewed an offer of Cession Agreement that they wish to enter into to memorialize each of the parties’ rights and obligations relating thereto; and

WHEREAS, the Town Board desires to approve such agreement. **NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:** 1. The Offer of Cession Agreement by and between Silver Gardens Residence Limited Partnership as “Developer” and The Town of Town of Lloyd, annexed hereto as Exhibit A, be, and the same hereby is, approved. 2. The Supervisor, David Plavchak, be, and he hereby is, authorized to sign said Offer of Cession Agreement. 3. Upon the signing of the Offer of Cession Agreement by the Developer’s representative and the Town of Lloyd representatives, one complete copy of the Offer of Cession Agreement is to be filed with the Town Clerk.

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

Four ayes carried

J. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING DECLARATION OF PUBLIC EASEMENT FOR SILVER GARDENS PEDESTRIAN TRAIL

WHEREAS, Silver Gardens Residence Limited Partnership has obtained conditional Final Subdivision Approval and Final Site Plan Approval for a multifamily senior citizen affordable housing project known as “Silver Gardens” on the Town of Lloyd Planning Board by decisions dated June 24, 2021, said development being situate east of and adjacent to Argent Drive in the Town of Lloyd; and **WHEREAS**, said project is adjacent to Franny Reese State Park, a public park, and interconnectivity with Silver Gardens is part of the project plans; and

WHEREAS, Girondini LLC, which owns the fee to the underlying parcel and Silver Gardens Residence Limited Partnership, as contract vendee of Girondini LLC, have prepared a Declaration of Public Easement for the Silver Gardens Pedestrian Trail, and have presented it to the Town for its review and consideration; and 2 **WHEREAS**, the Town Board desires to approve said Declaration of Public Easement for the Silver Gardens Pedestrian Trail.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: 1. The Declaration of Public Easement for the Silver Gardens Pedestrian Trail annexed hereto as Exhibit A, be, and the same hereby is, approved. 2. Silver Gardens Residence Limited Partnership shall file the Declaration of Public Easement with the Ulster County Clerk and provide a copy of the filed Declaration of Public Easement to the Town Clerk.

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

Four ayes carried

K. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING DEVELOPER’S AGREEMENT

WHEREAS, Silver Gardens Residence Limited Partnership (hereinafter referred to as the “Developer”) is the successor entity to Golden View II, LLC, which entity received on June 24, 2021, (A) Final Site Plan Approval, which Site Plan Approval was extended by resolutions of the Town of White Plains Board dated April 20, 2023; and (B) additional subdivision approval of the subdivision plat from the Town of Lloyd Planning Board, which subdivision approval was extended by resolution of the Town of White Plains Planning Board dated September 28, 2023 (collectively the “Final Approvals”) for a multifamily senior citizen affordable housing project, as shown on the subdivision plat, and as further depicted on certain site plan maps entitled “Site Plan For Silver Gardens” dated December 22, 2020 and last revised August 30, 2023; and 2 **WHEREAS**, pursuant to and in accordance with the final approvals, The Developer is obligated to construct certain roadways, storm water control facilities and storm water

conveyance facilities, install water mains, install sewer mains, provide landscaping, install sidewalks adjacent to the roadways and install fencing in identified areas; and **WHEREAS**, the Town and its Planning Board require a bond or other sufficient security to insure the prompt and faithful construction of the public improvements made part of the final approvals; and

WHEREAS, the Developers are required to pay certain inspection fees to the Town to confirm that all construction and installation is in accordance with the rules, regulations and specifications of the Town and its Planning Board and to the satisfaction of the Town engineers, Highway Superintendent and Highway Department's engineers; and

WHEREAS, prior to the issuance of any building permit for the construction of the Silver Gardens project, the Developers are required to pay recreation fees as set forth in the Town's fee schedule and consulting escrow fees for review of the Silver Gardens project, or other instruments required in connection with the Subdivision plat and/or site plan; and

WHEREAS, the Town and the Developer desire to enter into an agreement to memorialize the obligations of the parties as set forth above or otherwise set forth and contained in the Final Approvals; and

WHEREAS, representatives of the Developer have met with the Town Building Department, the Town's engineers, the Town's attorneys and other representatives of the Town, and there has been a Developer's Agreement drafted to address the issue set forth above, a copy of which is annexed hereto as Exhibit "A"; and 3

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; and

WHEREAS, the Town Board desires to approve such Agreement.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: 1. The agreement by and between Silver Gardens Residence Limited Partnership as "Developer" and The Town of Town of Lloyd, annexed hereto as Exhibit A, be, and the same hereby is, approved. 2. The Supervisor, David Plavchak, be, and he hereby is, authorized to sign said agreement. 3. Upon the signing of the Agreement by the Developer's representative and the Town of Lloyd representatives, one complete copy of the Developer's Agreement is to be filed with the Town Clerk.

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

Four ayes carried

L. RESOLUTION by Fraino, seconded by Auchmoody

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 Town entered into a contract to complete the construction with A. Colarusso & Sons, Inc. (Contractor) on June 2nd, 2022 for the completion of the construction of the Base Bid for the above referenced project.

WHEREAS, the Contractor was given a Notice to Proceed with the work outlined in the Base Bid on July 13, 2022 to complete the base bid work within 120 Calendar Days.

WHEREAS, the Town executed Order on Contract #1 with the Contractor on November 18, 2022, for the completion of the work outlined in Add Alternate #1 of the contract drawings.

WHEREAS, Order on Contract #1 only increased the contract quantities and cost to complete the work associated with Add Alternate #1 but did not modify the contract duration to account for the additional work; and

WHEREAS, the provisions of the original project agreement Order on Contract #1, remain in effect except as modified under Order on Contract #2; and

WHEREAS, Order of Contract #2 is for an additional contract length of 534 Calendar Days; and

WHEREAS, Order on Contract #2 is for the total sum of \$0.00; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the program to be borne at the ration 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

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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 **RESOLVE**, that the Lloyd Town Board hereby approves Order on Contract #2 for the additional out of scope work not included as part of the original agreement and Order on Contract #1; and it is hereby further

RESOLVED, that an authorized representative of the Town of Lloyd is hereby authorized to execute Order on Contract #2 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; Mazzetti, aye

Four ayes carried

M. RESOLUTION 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. 7; 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, 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 7, remain in effect except as modified under Supplemental Agreement No. 8; and

WHEREAS, Supplemental Agreement No. 8 is for a total sum of \$256,618.00; and

WHEREAS, the Project is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of the 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

RESOLVE, that the Lloyd Town Board hereby approves Supplemental Agreement No. 8 for the additional out of scope work not included as part of the original agreement and Supplemental Agreements No. 1 through No. 7; and it is hereby further

RESOLVED, that an authorized representative of the Town of Lloyd is hereby authorized to execute Supplemental Agreement No. 8 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; Mazzetti, aye

Four ayes carried

N. RESOLUTION by Auchmoody, seconded by Fraino

APPROVING CONSERVATION EASEMENT AGREEMENT

WHEREAS, Cay Of Heron, Ltd., Toloms Holdings, LLC and Sixteen Acres, LLC (hereinafter, together the "Facility Owners") intend to construct, operate and maintain a planned residential retirement development project, a planned residential development (the "Project") on property located in the Town of Lloyd, which project is also described in certain site plans approved by the Town of Lloyd Planning Board ("Site Plans") on the 24th day of August, 2023; and

WHEREAS, as a condition to approval of the Site Plans, the facility owners are required to set aside one-third of the total acreage of the property as a conservation

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easement with the restrictions against future development; and
WHEREAS, the Facility Owners have prepared a conservation easement, which the Town Board, the Town Building Department, the Town’s engineers, and attorneys have reviewed; and

WHEREAS, the Town Board wishes to approve said conservation easement agreement.

NOW, THEREFORE, BE IT RESOLVED:

1. The Conservation Easement Agreement by and between Cay of Heron, Ltd., Toloms Holdings LLC and Sixteen Acres, LLC, and the Town of Lloyd annexed hereto as

Exhibit “A”, be, and the same hereby is, approved.

2. The Supervisor, David Plavchak, be, and hereby is, authorized to sign said Conservation Easement Agreement.

3. Upon the signing of said Conservation Easement Agreement and any other forms necessary for the filing thereof the original shall be filed with the Ulster County Clerk’s

Office and thereafter filed with the Town of Lloyd Clerk’s Office.

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

Three ayes carried

O. RESOLUTION by Fraino, seconded by Auchmoody to approve the following Budget Amendments for General:

Code:	1010.10	-\$158.24
	1110.10	\$3000.00
	1110.20	-\$300.00
	1110.41	-\$7626.09
	1220.10	\$7138.25
	1320.10	-\$8000.00
	1355.10	-\$3138.51
	1630.10	\$6000.00
	1990.40	-\$70000.00
	3120.10	\$58439.00
	3120.14	\$19000.00
	3510.10	-\$699.94
	7020.10	\$2385.53
	7310.40	-\$56.00
	8010.10	-\$4500.00
	8010.20	\$8500.00
	8010.40	\$1425.00
	8010.41	-\$1425.00
	8260.10	\$7000.00
	9010.80	-\$5545.00
	9015.80	-\$23439.00
	9030.80	\$12000.00

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

Four ayes carried

P. RESOLUTION by Fraino, seconded by Auchmoody to approve the following Budget Amendments for Highway:

5110.10	-\$7236.48
5140.10	\$2136.48
9030.80	\$5100.00

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

Four ayes carried

Q. RESOLUTION by Fraino, seconded by Auchmoody to approve the following Budget Amendments for Water

8310.10	\$2663.87
8320.10	-\$22000.00
8340.10	\$19336.13

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

Four ayes carried

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R. RESOLUTION by Fraino, seconded by Auchmoody to approve the following
Budget Amendments for Sewer

8120.10	\$12000.00
8120.20	-\$25500.00
8120.40	\$3000.00
8130.10	-\$4000.00
8130.40	\$12000.00
9030.80	\$2500.00

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

MOTION by Auchmoody, seconded by Fraino to adjourn at 7:50 PM.
Four ayes carried

Respectfully submitted,

Wendy D. Rosinski
Town Clerk