

TOWN OF LLOYD TOWN BOARD

REGULAR MEETING

FEBRUARY 21, 2018

Present: Supervisor Paul Hansut
Councilmember Leonard Auchmoody
Councilmember Michael Guerriero
Councilmember Joseph Mazzetti
Councilmember Claire Winslow

Also present: Sean Murphy, Attorney
Rosaria Peplow, Town Clerk
Kate Jonietz, Secretary

Absent: None

7:00 PM – Supervisor opened the meeting and asked Mr. Brown to lead the Pledge of Allegiance.

7:00 PM Supervisor opened the Public Hearing on Local Law C - 2018, a proposed local law known as “A Local Law to Amend the Code of the Town of Lloyd, Chapter 100, Article VI, titled ‘Supplemental Regulations’, Section 100-39.1, Titled ‘Solar Energy Facilities’,

Supervisor asked Sean Murphy, Town Attorney to give an update on the proposed law. Murphy explained that he had reviewed the response from the Ulster County Planning Board and made some minor changes.

James Podeszedik, 173 Perkinsville Road asked how the amended law will affect Windgate, the current project in front of the Planning Board.

Murphy responded it would probably stop the project but Cypress Creek (Windgate) has asked to be exempt from the new law so they can proceed with their project.

Podeszedik asked why they would be exempt.

Winslow responded that the Town Board would have to vote on that.

Anne Waling, Cypress Creek Renewable, representing the solar developer said she would like to present why they feel the current law which is in place is sufficient for the Town’s needs. She brought with her are Doug Warden, Attorney from Snyder and Snyder; Michael Finan, Langan Engineers and Rich Kirkland, Kirkland Appraisers. The comments they have heard from the public are the concerns of putting the Windgate Solar Farm Project on Perkinsville Road in a residential area. They will address those concerns with data from across the country. Restricting solar from the residential zone puts a ban on Solar in the Town of Lloyd.

Waling said that they see Lloyd as a Town that cares a lot about alternative energy, economic development and making it work in a way that meets the developer, the land owners and the community needs and wants. The current ordinance allows discretion of the Planning Board to control the project in a way they would like to see it happen. Tonight, is more about the legalities.

Doug Warden, Attorney for Cypress Creek, stated that Windgate Solar has invested a lot of time and money in this project. They have been working with the Planning Board for almost a year. They submitted their application in April of 2017 and have since attended 14 meetings with the Planning Board and invested a \$165,000.00 on this application to date. They have made six revisions to the application based on comments from the Public and the Planning Board on visual analysis including one that will cost over \$300,000.00 which involves burying utility lines. The Law has a foundation for basic fairness. Under vested rights they are entitled to proceed with this application under the current ordinance that existed when they applied. If this new ordinance prevents Windgate from moving forward, the Town is sending the message to future developers that the Town of Lloyd is not open for business. Windgate is before the Planning Board and the Board has ample mechanisms to make sure the project is consistent with the character of the Town of Lloyd. They have already made six revisions and the Planning Board can deny the application. There are no other applications for Solar Farms in Lloyd and there won’t be if the Town Board excludes residential zone.

Mazzetti asked Barton about the \$300,000.00 revision to bury utilities; he thought that was part of the solar law.

Barton responded they require it in new subdivisions but it was not written into this Solar Law.

Sal Incorvaia, 100 Perkinsville Rd. asked if there was a provision in the Solar Law that pertained to anything in the R-1 Zoning that would also be applicable to the solar farm.

Rick Kirkland, Certified General Appraiser, said that he has spent the last seven years studying this and working with MAI's (Member Appraisers Institute) on the impact on property values because of solar farms across the United States. Consistently across the country where solar farms are located the typical residential set back is 150 to 1000 feet and the predominant energy size is 5 megawatts. He goes back each year and does paired sales analysis around approximately 30 different solar farms. He picks a property that has sold next to a solar farm and then finds an identical property which is not next to a Solar Farm and you measure for a difference. A housing development was built in North Carolina at the same time as a solar farm and the homes adjacent to the solar farm sold for the same amount as the homes a couple blocks away. The development sold out of homes within their timeline. Three years later a home sold and appreciated at a 2 ½ % increase per year which is normal for that area. He spoke with homeowners who purchased before the solar farm was built, while it was being built and after it was built and their comments were that it was a quiet neighbor. They preferred it over more housing. He said that is just one example and there are many more.

Waling said that Community Solar in New York State is an important piece of the new Energy Law that New York's Governor has put into place which says that by 2030 50% of New York electricity will come from renewable energy. The Town Board and Planning Board have done a lot of work on this project. A solar farm brings consistent tax revenue which equals Economic Development. The project will put \$2.5 million dollars into the local economy, it will bring 20 construction and installation jobs, it will provide clean energy to over 500 homes, it will not put children into the schools, and it will not put a demand on services. Community solar is a way for a landowner to keep a large tract of land and – after a number of years it can be returned to the original land and have an increased value.

Waling showed maps of the Town of Lloyd and the land constraints including steep terrain, rock and wet lands. She felt that this parcel was really the only place for this solar farm. The landowner wanted to be at the meeting but was hesitant and provided a letter stating that they strongly feel that the project is safe and friendly to the environment.

William Brown, 268 Perkinsville Road, asked about reflection from the solar panels.

Waling said they are working with the Planning Board on the trees and berm.

Dave Dunn, 141 Perkinsville Road, said he appreciates the work the Boards and Cypress Creek have put into this project. As a resident of Perkinsville Road he hopes the Town Board will not give Cypress Creek an exemption.

Sal Incorvia, 100 Perkinsville Road, feels that large scale solar does belong in residential. The proposed law is not a ban on solar you can still have it on your home, this is an industrial power plant being moved out of a residential zone.

Fred Schmalkuche, 144 Perkinsville Road felt that the presenters were "spinners". He said North Carolina is not New York and feels appraisals need to be done prior to installation of a solar farm. Cypress Creek has spent \$165,000.00 but business is a risk and that doesn't give them the right to build, the residents of Perkinsville Road have said from the beginning to move the project to the 9W side of the parcel. Cypress Creek said that is not feasible but it was the owner that refused to move the project to the 9W side of the parcel. He feels the character of the neighborhood would change significantly.

Jim Podeszedlik 173 Perkinsville Road, said he has more invested in his home than Cypress Creek has in this project. He feels that the project has no economic value to the Town, it won't have employees or pay taxes. He would rather have a subdivision.

Marc Fisher, 142 Perkinsville Road, said that the new law does not provide for exemptions. There should not be any.

Colleen Incorvaia, 100 Perkinsville Road said she supports the new law and does not believe an exemption should be given to Cypress Creek.

Maryanne Martensen, 131 Perkinsville Road, agrees with the other homeowners of Perkinsville Road and does not believe this project belongs on Perkinsville Road.

7:55 PM Supervisor opened the Public Hearing on Local Law D-2018, a local law to amend Chapter 92 of the Town of Lloyd Code to abolish the ten-year limitation imposed on the Cold War Veterans' Exemption.

He asked if there were any comments.

There were none.

1. REPORTS – Town Board Liaisons

Audit –January 1 to June 30, 2017:Councilmember Auchmoody, Councilmember Mazzetti
July 1 to December 31, 2017:Councilmember Guerriero, Councilmember Winslow

ECC /Zoning Board – Councilmember Guerriero

Guerriero reported that a new group has been formed to protect the quality of our drinking water. It is an alliance of seven towns along the Hudson River that depend on the river as a source of drinking water. The Highland Water district in the Town of Lloyd is one.

A speaker from Poughkeepsie will attend the next ECC Meeting on March 19th.

The Zoning Board of Appeals has an open Public Hearing for 84 New Paltz. Rd. It was previously an Auto Repair shop which has been closed for over a year. A construction business wants to move into it and is applying for a use variance.

Highland Central School District – Councilmember Mazzetti

Mazzetti reported that on February 6th, the HCSD Board unanimously appointed interim Superintendent Thomas Bongiovi as Superintendent of Schools. The Elementary School had their *Jump Rope for Heart* to raise money for the American Heart Association. The Elementary School had a Robotics Fair. High School students came with lots of robots and coding/programming games for the students to enjoy. The HS students set up many 'stations' to showcase different types of robotic devices to use. The HS students taught the younger students how to create, build, code, and make robots move. The High School Honor Society had their Senior Citizens Valentine's Day Lunch with approximately 30 Seniors attending.

The Annual Snow Ball Dinner Dance and Silent Auction hosted by the Educational Foundation will be held at Novella's in New Paltz on February 24th.

The Varsity Cheerleaders took 1st Place at the Monticello Cheerleading Competition, 1st Place at Warriors' Ultimate Cheerleading Competition and 3rd place at the Purple Champion Cheer Challenge in Warwick.

Ryan Judge was appointed Assistant Principal at the High School on January 18, 2018.

Guerriero asked if the school has increased security.

Mazzetti said there was a group called Concerned Parents is planning to go to the School Board and ask them to add new security measures such as scan stations and metal detectors.

Supervisor said he attended the event "Not My Child" at the High School. Vivian Lanzarone organized the event and Chief Waage attended. There were five families from Highland who have lost loved ones to the Heroin/Opium epidemic. It was a powerful presentation. He thanked the Chief for attending.

Planning Board – Councilmember Winslow

Winslow reported they have received six letters of interest for the open positions on the Planning Board and have scheduled Saturday interviews. Peter Brooks has put together a list of criteria for proposed members. There are currently a few small projects in front of the Planning Board. The Solar Law and pending projects are consuming the Planning Board.

Police/Fire/Town Justice – Supervisor Paul Hansut

Water/Sewer/Drainage Committee –Councilmember Auchmoody

Auchmoody reported that they moved the meeting next month from March 1st to March 8th.

The meeting was short as the Town Engineer was not present. They discussed mapping the shut offs valves and water lines. Discussed expanding the capacity of the reservoirs.

REPORT – Peter Bellizzi, President, Hudson Valley Rail Trail

Bellizzi reported that construction of the water line down the Rail Trail to the new Ulster Visitors' Center has started and the detour is in place. The detour comes off the Walkway, through the Park's parking lot (which is closed) west on Haviland Road, into the 75 Haviland Road parking lot and back onto the Hudson Valley Rail Trail heading west.

The High Bridge Project along the Rail Trail across from the old lumber yard on Linwood Ave. will be putting in their water line across the Rail Trail. The Trail will be closed for a day during construction.

The Mountainside Woods project behind Toc Drive is bringing their sewer line down to Phase III of the project. The line will run down the side of the Rail Trail starting at the

Rotary Garden and go for approximately 800 feet connecting with the Sunnybrook line. Bellizzi is working closely with them. They will be taking down a minimum number of trees, which is part of the site plan.

The Rail Trail Extension Phase III is waiting for DOT. Phase IV is being done by Ulster County and will start on March 1st. Phase IV section runs from the corner of New Paltz Rd. and Rt. 299 to South St. and Rt. 299.

The Rail Trail has received a grant to repave the original section of the Rail Trail from the Commercial Ave. Ext. to Tony Williams Field, they are waiting for the State to commit the funds.

The Hudson Valley Rail Trail is part of the Empire State Trail which is scheduled to be completed by 2020.

Bellizzi will install the Hudson Valley Rail Trail Gateway sign after the water line to the Ulster Visitors' Center is complete.

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

Auchmoody commented that there has been no activity due to the weather but he hoped to start again next month.

2. OLD BUSINESS

A. Snow Ordinance

Supervisor said they have had some conversations concerning the Snow Ordinance Law.

Murphy said he has drafted a revision to the law which will basically reverts back to the old law including the provision that cars be able to park during business hours in the Hamlet. A public Hearing must be scheduled.

Klotz said that according to the last paragraph of the new law that it will cost \$22,000.00 to install new signs.

B. Recreation Fees

Supervisor said that Alfonso gave the Town Board a list of the current Parks and Recreation fees. He would like to get the new fees in place for the next workshop the facilities.

Sharon Morris, former member of the Recreation Commission for 20 years, said that she was on the Commission they would talk about fees, present them to the Town Board and they would turn them down. They never bumped a Highland team from any of the fields for an out of town team in all her years on the Commission or as head of Woman's Softball in Highland. She felt that it is not a fair assessment to compare Highland facilities to other towns. The Commission met once a month and decided on all the fees, programs, schedules, and then the Commission was dissolved.

Winslow asked why that happened to the Commission.

Supervisor replied that they could not conduct business 5 to 6 times during its last 12 months as Commission because they did not have a quorum. The Board therefore, dissolved the Commission and made it a committee. The job of Recreation Director went from part-time to full-time and the Town Board decided that since there is a Department Head it did not need a Recreation Committee. He asked if the Board would like to form a Recreation Committee.

Supervisor would like to set the fee for out of town field rentals to \$75.00 per game.

No motion was made.

Alfonso asked the Town Board to tell him what they felt the fees should be.

Supervisor said he would like the fees set at the next regular Town Board meeting.

3. NEW BUSINESS

A. UCRRA – Landfill License Agreement expiration

Supervisor said that he was notified on February 2nd that the Landfill License Agreement with Ulster County Resource Recovery Agency has expired. UCRRA has paid fees to the Town of Lloyd Transfer Station for the Annual Post Closing Monitoring Report for the last 20 years. The Town will now be responsible for the cost of the monitoring which is \$7,565.00. Sterling Environmental has been doing it since 2006 through the County.

Mazzetti said that in addition to the cost of monitoring for \$7,565.00 the Town will now have to maintain the lawn and the shredding. It will cost taxpayers between \$14,000.00 and \$17,000.00.

Supervisor said that is probably close to correct. The \$7,500.00 is just for the monitoring. The County will be sending additional information on the costs. Klotz added that it will cost another \$7,000.00 to \$8,000.00 to do the grinding.

B. Comprehensive Master Plan – Selection of Review Committee

Supervisor proposed that a committee be selected. The last committee had nine members but he would like to reduce the number to seven.

Guerriero suggested that they have the Planning Board, Zoning Board and Building Department review the current Master Plan to identify the problem areas.

Supervisor said that the committee should have a cross section of the town as well as members from each of the Boards. The Committee would review the Master Plan, come up with suggestions, present them to the Town Board and the Town Board would implement the changes.

C. Dates of Town Events:

- 03/24/2018 – Easter Magic in the Hamlet
- 04/21/2018 – Shred Event
- 05/19/2018 – Springfest
- 07/06/2018 – Independence Day Fireworks
- 08/22/2018 – Senior Citizens Breakfast
- 09/11/2018 – Highland Remembers
- 10/21/2018 – Halloween in the Hamlet
- 11/11/2018 – Veteran’s Day luncheon
- 12/14/2018 – Light Up the Hamlet

Mazzetti asked if the Fireworks could have a rain date.

Supervisor said that it could. If the Town cancels before they get here there is no charge, if they arrive but don’t unload there is a partial charge and if they set up the Town pays the full amount.

Town Clerk commented that the Veteran’s Day celebration was changed from a breakfast to a luncheon.

Supervisor said they thought that after the ceremony they would have a bar-b-que because it falls on a Sunday.

4. PRIVILEGE OF THE FLOOR

Supervisor reminded all to limit comments to 3 to 5 minutes and the Board will not get into debates, they will answer your question as best as they can.

Jill Indelicato said she was here because of comments made to the local paper by Supervisor Hansut and Councilmember Winslow in regards to her not being reappointed to the Ethics Board.

Winslow and Hansut addressed her concerns.

Sharon Morris asked who should be contacted concerning the parking on Town of Lloyd property for Walkway Over the Hudson evening events since there are no lights.

Peter Bellizzi said the Town parking lot is not equipped for night time events as the Rail Trail is a dawn to dusk park. He told the Walkway Board that they need to have lights at the Caboose on Haviland Road and Ambassadors there to greet people when they are having events after dark.

5. MOTIONS AND RESOLUTIONS

A. MOTION made by Mazzetti, seconded by Guerriero to approve the minutes of the Reorganization Meeting January 3, 2018 and Regular Meeting January 17, 2018.

Five ayes carried

B. Resolution made by Guerriero, seconded by Mazzetti to authorize the payment of vouchers as audited by the Audit Committee.

General	G - 93 to G - 234	\$ 185,451.47
Highway	H - 38 to H -112	\$ 87,242.88
Miscellaneous	M -16 to M - 35	\$ 44,033.41
Prepays	P – 54 to P - 98	\$ 109,478.37
Sewer	S - 22 to S - 62	\$ 66,479.08
Water	W -30 to W - 82	\$ 84,502.73

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye

Five ayes carried

C. Resolution made by Mazzetti, seconded by Winslow

WHEREAS, the “Think Differently” initiative is about promoting awareness and acceptance of all people, and advocating for the inclusion of all individuals living on the Autism Spectrum and with special needs; and

WHEREAS, our state and communities are stronger because of our diversity and differences; and

WHEREAS, according to the Center for Disease Control (CDC) over 55 million people, or approximately 19% of Americans, have a type of disability or special need; and

WHEREAS, for some people with special needs, the very things that make them unique can also keep them on the sidelines, separate from those who might not understand their differences or uniqueness; and

WHEREAS, it is important to promote and provide guidance to those with special needs on how to access publicly supported services available to them in the community; and

WHEREAS, it is important to encourage and educate the community and businesses on ways they can make facilities and services more accessible and on how to train staff to welcome and support special needs customers and co-workers; and

WHEREAS, the goal of this initiative is to provide a supportive and inclusive environment for individuals of all abilities by supporting community events that expand family friendly opportunities for people with special needs and their families; and

WHEREAS, adopting the “Think Differently” initiative is an important statement that our Town/Village/City officials, business owners and residents can make to show their support for the differently-abled children and adults with special needs, and their families.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Lloyd, residents and business owners to adopt the “Think Differently” initiative so that all are better prepared to communicate with, provide for, and support those living on the Autism Spectrum and with special needs.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

D. Resolution made by Mazzetti, seconded by Guerriero to authorize the Town Clerk’s attendance at the Annual 2018 NYSTCA_Conference from April 22, 2018 to April 25, 2018.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

E. Resolution made by Auchmoody, seconded by Winslow to hire Edison Kovalsky as a fulltime dispatcher off the list of certified eligibles at an annual rate of \$32,217.00, effective 03/01/2018 at the recommendation of Chief Daniel Waage.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

F. Resolution made by Mazzetti, seconded by Guerriero to accept the resignation of Fernando Lopez as recreation aide effective March 6, 2018.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

G. Resolution made by Auchmoody, seconded by Winslow to hire Alec Brandow as a part-time police officer at an hourly rate of \$20.50 effective February 22, 2018 subject to the successful completion of the pre -employment physical at the recommendation of Police Chief Daniel Waage.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

H. Resolution made by Mazzetti, seconded by Guerriero to accept the quote of \$8,800.00 from Fireworks Extravaganza for the Town of Lloyd Independence Day fireworks display to be held on Friday July 6, 2018 and authorize the Supervisor to sign the contract. Check on rain date.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

I. Resolution made by Auchmoody, seconded by Guerriero to approve the Transient Merchant Market application of Mark Christiana at a fee of \$150.00 to expire on 12/31/2018.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried

J. Resolution Guerriero, seconded by Winslow to amend the fee for tires at the Transfer Station effective April 1, 2018, at the recommendation of Richard Klotz, Highway Superintendent, as follows:

Tires (each):

Car \$7/\$4 if smaller

Medium tires \$16.

4-ply \$27, 6-ply \$37, 8-ply \$52, 12-ply \$77, 14-ply \$87

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried.

K. Motion made by Guerriero, seconded by Auchmoody to authorize at the request of Peter Bellizzi President HVRTA, the Highland Middle School PTA hosting the "Huskies 5K Challenge" on Thursday, May 3, 2018 from 5:00pm to 7:00pm to be staged at the Hudson Valley Rail Trail Depot beginning at 3:00 pm and the concluding at 8:00 PM. The race will go westward to Tony Williams and return to the Depot; this section of Hudson Valley Rail Trail will be closed from 4:30pm to 7:30pm The organizers of the event will contact Rafael Diaz, Trail Safety and Courtesy Coordinator, before the event to coordinate necessary signage and the use of monitors on the trail before and during the event.

Five ayes carried

L. Motion made by Mazzetti, seconded by Winslow to designate Frederick Pizzuto as the Planning Board Vice-Chairman for 2018.

Five ayes carried

M. Motion made by Mazzetti, seconded by Winslow to close the Public Hearing on Local Law C - 2018, a local law to Amend the Code of the Town of Lloyd, Chapter 100, Article VI, titled 'Supplemental Regulations', Section 100-39.1, Titled 'Solar Energy Facilities', Places at 9:07PM.

Five ayes carried

N. Resolution made by Mazzetti, seconded by Winslow

WHEREAS, the Town of Lloyd has introduced a local law known as "A Local Law to Amend the Code of The Town of Lloyd Chapter 100 Titled 'Zoning', Article VI, Titled 'Supplemental Regulations', Section 100-39.1 Titled 'Solar Energy Facilities'"; and,

WHEREAS, SEQRA Part 617 requires the Town Board to make a SEQRA determination on every project that is not a Type II action; and

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

WHEREAS, after reviewing Parts 1 and 2 of the Full Environmental Assessment Form and considering the factors, as contained in 6 NYCRR Section 617.7(c) and considering the environmental effects of the amendments to Chapter 100, Article VI of the Town Zoning Code, the Town Board of the Town of Lloyd has determined that the adoption of the local law will have no significant environmental impact; and

WHEREAS, this Town Board has reviewed in detail the long form Full Environmental Assessment Form annexed hereto as Exhibit "A" in detail, has taken a "hard look" at all of the factors involved, and finds as follows:

a) The proposed action will update the Town Zoning Code and further the public policy of providing for alternative energy sources.

b) The proposed amendment will not create any actual land, air or water quality impacts but will facilitate the ability of landowners to apply for projects which may require further review on an individual basis for potential impacts.

NOW, THEREFORE, IT IS RESOLVED BY THE TOWN BOARD OF THE TOWN OF LLOYD that the local law to amend Chapter 100, Article VI, by adding Section 100-39.1 titled "Solar Energy Facilities" will have no significant

environmental impact, and the Board hereby issues its negative declaration pursuant to Part 617 of the New York State Environmental Quality Review Act.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried

O. Resolution made by Mazzetti, seconded by Winslow

WHEREAS, proposed Local Law "C" of 2018, a local law known as "A Local Law to Amend The Code Of The Town Of Lloyd Chapter 100 Titled 'Zoning', Article VI, Titled 'Supplemental Regulations', Section 100-39.1 Titled 'Solar Energy Facilities'", was introduced at a meeting of the Town Board held on the 21st day of February, 2018, at 7:00 P.M.; and,

WHEREAS, this is a Type I action under SEQRA; and

WHEREAS, the Town Board, having examined Part I and Part II of a full Environmental Assessment Form and considered the environmental effects of the matter, has found, as lead agency, that there is no environmental impact and has issued its Declaration of Non-Significance; and,

WHEREAS, a public hearing has been held thereon on the 21st day of February, 2018 at 7:00 P.M., at which time all interested persons were given an opportunity to be heard thereon; and

WHEREAS, the Town Board has received recommendations from the Town of Lloyd Planning Board and the Ulster County Planning Board; and

WHEREAS, after considering said recommendations the Town Board revised the Local Law, incorporating the recommendations of both the town and county planning boards, as follows:

- (a) Revising the language in Section (E)(l) to clarify that Large-Scale Solar Energy Systems are permitted through the issuance of a Special Use Permit within "Agricultural, Heavy Industrial, Light Industrial, Designed Business and General Business Zoning Districts," as opposed to "Agricultural, Industrial and Commercial Zoning Districts.";
- (b) Revised the language in Section (E)(3)(d) to provide that "The fencing and the entire system of arrays and secondary equipment shall not be visible from streets, public ways and all neighboring properties, to the greatest extent practicable," as opposed to the initial language providing that "the fencing and the entire system shall be situated and screened so as to be invisible from streets, public ways and all neighboring properties.";
- (c) Added language in Section (E)(3)(f) to provide that "The Planning Board shall require an applicant to prepare a visual impact analysis as part of the submittal requirements for Large-Scale Solar Energy Systems."; and
- (d) Added language in Section (E)(3)(h) to provide that "The applicant shall, to the greatest extent practicable, avoid construction on areas of prime farmland as designated by the U.S. Department of Agriculture."

NOW, THEREFORE, it is resolved that Local Law "C" of 2018 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law known as "A Local Law To Amend The Code Of The Town Of Lloyd Chapter 100 Titled 'Zoning', Article VI, Titled 'Supplemental Regulations', Section 100-39.1 Titled 'Solar Energy Facilities'".

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye

Five ayes carried

P. Motion made by Auchmoody, seconded by Winslow to close the Public Hearing on Local Law D-2018, a local law to amend Chapter 92 of the Town of Lloyd Code to abolish the ten-year limitation imposed on the Cold War Veterans' Exemption at 9:09PM.

Five ayes carried

Q. Resolution made by Auchmoody, seconded by Mazzetti

WHEREAS, a proposed Local Law D – 2018, a local law to amend Chapter 92 of the Town of Lloyd Code to abolish the ten-year limitation imposed on the Cold War Veterans' Exemption was introduced at a meeting of the Town Board held on the 7th day of February 2018 at 4:00 P.M.; and,

WHEREAS, a public hearing has been held thereon on the 21st day of February 2018 at 7:00 P.M., at which time all interested parties were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that Local Law D -2018 be enacted as in the form attached hereto as Schedule "A" as fully as if set forth herein, being a local law to amend Chapter 92 of the Town of Lloyd Code to abolish the ten-year limitation imposed on the Cold War Veterans' Exemption.

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.

Five ayes carried

R. Resolution made by Mazzetti, seconded by Winslow

WHEREAS, there is presently pending against the Town of Lloyd two proceedings commenced by New Concept Management LLC. pursuant to Article 7 of the Real Property Tax Law of the State of New York to review the assessment of a parcel of real property located within the Town of Lloyd, on the final tax assessment rolls adopted in 2016 and 2017, as such parcel is set forth and described in the attached copy of a proposed Stipulation of Settlement with respect to said Petitions.

NOW, THEREFORE, BE IT RESOLVED, that Settlement on the terms set forth in the next Stipulation is approved by The Town Board of the Town of Lloyd and Di Stasi, Moriello & Murphy Law, PLLC, attorneys for the Town of Lloyd, be and hereby are, authorized on behalf of the Town of Lloyd to execute the within Stipulation, and that said settlement be submitted to the Ulster County Supreme Court for final approval and entry of the Consent Order directing adjustment of the affected tax roll and payment of appropriate refunds, if applicable.

File No. 55-29 T

At a Special Condemnation and Tax Certiorari
Term of the Supreme Court of the State of New
York, for the County of Ulster at Kingston, New York, on the day of ,20_

PRESENT:

HON. CHRISTOPHER E. CAHILL,
Justice.

-----x
In the Matter of
NEW CONCEPT MANAGEMENT LLC,

CONSENT ORIDER & JUDGMENT	
Index No.	Assessment Year
16-1915	2016
17-1899	2017

Petitioner,
-against-
THE BOARD OF ASSESSORS ANDIOR THE ASSESSOR
OF THE TOWN OF LLOYD AND THE BOARD OF
ASSESSMENT REVIEW,

Item: 88.1/4/10

Respondents.

And

HIGHLAND CENTRAL SCHOOL DISTRICT,

Respondent-Intervenor.
-----x

The above petitioners having heretofore appeared by JENNIFER D. HAOWER, ESQ. of

HERMAN KATZ CANGEMI & CLYNE, LLC, and the respondents having appeared by SEAN MURPHY, ESQ., of DI STASI MOREILLO & MURPHY LAW, PLLC, Attorneys for the Town of

Lloyd, and the respondent-intervenor having appeared by MARC E. SHARFF, ESQ. of SHAW PERELSON MAY & LAMBERT LLP, and the parties having made their settlement agreement, it is

ORDERED, that the assessments on the above-referenced property be and the same is hereby reduced, corrected and fixed for the assessment year as follows:

Assessment Year	Original Assessed Value	Reduction	Final Assessed Value
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February 21, 2018

2016	\$3,492,000	\$ -0-	\$3,492,000
2017	\$3,492,000	\$ -0-	\$3,492,000

and it is further

ORDERED, ADJUDGED AND DECREED that the parties have agreed that no reductions shall be made to the assessments for the 2016 and 2017 assessment years, and it is further ORDERED, ADJUDGED AND DECREED, that the Respondent, Town of Lloyd has agreed in accordance with the settlement agreement between the parties, to reduce the assessment for the 2018 assessment year (2018/19 tax year) to reflect an assessment of \$3,096,000, and it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that in the event of administrative delay or any other delay the assessment for the 2018 assessment year (2018/19 tax year) is not reduced and the tax bills are not issued at the agreed upon reduced assessment, the attorneys for the petitioner shall file a petition for the 2018 assessment to protect the rights of the petitioner. The petitioner will be entitled to any and all refunds for the overpayment of any portion of the 2018/2019 taxes. Upon refunds, if necessary, being paid, petitioner agrees to discontinue any and all proceedings pending for the 2018 assessment year, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Town of Lloyd, the amount of Town ad valorem taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid year had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Highland Central School District of the Town of Lloyd, the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest from the date of payment thereof as provided by statute. This refund shall be paid within sixty (60) days of service of the Consent Order with Notice of Entry; If the refund is paid in a timely manner, then interest is waived, together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED that the County Legislators of the County of Ulster, State of New York, be and are hereby directed and authorized to audit, allow and to pay to the petitioner the amount, if any, of State, County, Judiciary, Sewer District and any special taxes paid by the petitioner as taxes against said erroneous assessments in excess of what the taxes would have been if the said assessments had been as determined by this Order, together with interest thereon from the date of payment thereof as provided by statute. This refund shall be paid within sixty (60) days of service of the Consent Order & Judgment with Notice of Entry. If this payment is made in a timely manner, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the even the refund of taxes are within the specific guidelines as stated for each taxing authority, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be made by respondent, the Town of Lloyd, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ CANGEMI & CLYNE, LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the 2016 and 2017 assessment years herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

ENTER,

J.S.C.

SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:

Di STASI MORIELLO & MURPHY LAW PLLC
Attorneys for Respondent

By: SEAN MURPHY, ESQ.
400 Upper North Road
P.O. Box 915

Highland, NY 12528
(845) 691-7292

HERMAN KATZ CANGEMI & CLYNE, LLP
Attorneys for Petitioner

SHAW PERELSON MAY 7 LAMBERT
Attorney for Respondent-Intervenor

By: Jennifer D Hower, ESQ.
538 Broadhollow Road
Melville, NY 11747
(631) 501-5011

By: MARC E. SHARFF, ESQ
115 Stevens Avenue
Valhalla, NY 10595
(914) 741-9870

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.
Five ayes carried

S. Resolution made by Mazzetti, seconded by Winslow to authorize the Supervisor to sign an agreement with Sterling Environmental to conduct Post-Closure monitoring (PCM) for the Town of Lloyd Landfill on Lily Lake Road at a cost of \$7, 565.00. (See Attached)

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.
Five ayes carried.

T. Resolution made by Guerriero, seconded by Auchmoody to approve the following budget amendments for the 2017 budget:

Central Data Processing	1680.40	+\$881.00
Central Data Equip	1680.20	-\$881.00

Parks Capital Improve	7110.50	+\$49,785.00
Recreation Reserve		-\$49,785.00

(Lights at Tony Williams Field approval for project done 11/1/17, this moves funds from reserve account)

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.
Five ayes carried.

U. Resolution made by Mazzetti, seconded by Winslow to approve the following budget amendments for the 2018 budget:

Town Board	1010.40	+\$1,000.00
Contingency	1990.40	-\$1,000.00

(Newly Elected Official School expenses)

Engineering	1440.40	+\$1,000.00
Contingency	1990.40	-\$1,000.00

Dues	1920.40	+\$130.00
Contingency	1990.40	-\$130.00

Roll call: Winslow, aye; Mazzetti, aye; Guerriero, aye; Hansut, aye; Auchmoody, aye.
Five ayes carried

MOTION made by Guerriero, seconded by Winslow to adjourn the meeting at 9:15PM.
Five ayes carried.

Respectfully submitted,

Rosaria Schiavone Peplow
Town Clerk