



Town Board Regular Meeting

Tuesday, April 6, 2021

This regular meeting was held via Zoom and Facebook Live and began at 6:02pm

CALL TO ORDER

- Supervisor Parete called the meeting to order at 6:03pm and lead the Pledge of Allegiance.

ROLL CALL

Supervisor Parete took roll call:

Supervisor Parete – Present via Zoom

Councilwoman Foote – Present via Zoom

Councilman LaFera – Present via Zoom (Councilman LaFera joined the meeting at 6:19pm)

Councilman Hunt – Present via Zoom

Councilman Stewart – Present via Zoom

Also, present – Heather Moody, Town Clerk/Tax Collector

*Attorney Tracy Kellogg joined the meeting at 7:25pm

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following amendments to vouchers, from 3/16/2021, for approval:

	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#174	\$10,100.00
Total		\$57,751.84

<u>4/6/2021</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#175-223	\$37,213.79
Highway Fund	V#109-130	\$72,749.64
High Falls Water District	V#27-36	\$26,296.45
RMC	V#22-31	\$13,307.98

A motion was made by Councilman Hunt and Seconded by Councilman Stewart to approve these vouchers.

Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0 Aye; 1 absent; motion carried.

MEETING MINUTES:

- Councilwoman Foote made a motion, seconded by Councilman Hunt to approve the meeting minutes from the 3/16/2021 town board meeting. 4-0 Aye; 1 absent; motion carried.

- Councilman Stewart Voting Aye
- Councilman LaFera Voting Absent
- Councilwoman Foote Voting Aye
- Councilman Hunt Voting Aye
- Supervisor Parete Voting Aye
- **4-0 Aye; 1 absent; motion carried.**

PRESENTATION ; NEW EV CHARGERS PROPOSAL

- Presentation given by Tom Konrad, Town of Marbletown ECC Chairman on proposed new EV chargers in the Town of Marbletown.
- Mr. Konrad highlighted two state grants that the Town could apply for which would assist with the cost.
- Proposed locations for new EV charging stations – Grady Park, Town Park, Old Town Hall (Rondout Food Pantry) or local businesses. One of the issues would be Wi-Fi, as not all the proposed locations have Wi-Fi. Supervisor Parete said he has been considering getting Wi-Fi at the town park so they could also install security cameras.
- Mr. Konrad, the ECC and the Town Board will continue to discuss the EV chargers to decide on charger types, grant applications, and getting quotes.
- A copy of the presentation can be found on the website.

RESOLUTION #33-2021; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER 3 OF 2021, A LOCAL LAW KNOWN AS CODE OF ETHICS

The following Resolution was offered by Councilman Stewart seconded by Supervisor Parete:

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt Local Law ____ of 2021, Code of Ethics, in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall or Zoom at 6:05 p.m. on Tuesday April 20, 2021 by interested persons, upon passage of this resolution, to hear all interested parties on the proposed Local Law #__ of 2021 entitled “**A Local Law # __, 2021 Code of Ethics**”
2. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

- | | |
|--------------------|-------------------|
| Councilman Stewart | Voting <u>Aye</u> |
| Councilman Lafera | Voting <u>Aye</u> |
| Councilwoman Foote | Voting <u>Aye</u> |
| Councilman Hunt | Voting <u>Aye</u> |
| Supervisor Parete | Voting <u>Aye</u> |

5-0 Aye; Resolution #33-2021 was thereupon adopted.

RESOLUTION #34-2021; PARKING HOURS AND LOCATIONS

The following Resolution was offered by Councilwoman Foote seconded by Councilman Stewart:

WHEREAS, the Town adopted Local Law #5 of 2019 **Parking Regulations**: and

WHEREAS, pursuant to Section 3 (A)

The Town Board by Resolution shall establish areas with limited parking hours. These areas may be modified from time to time by resolution as well as the limitations on hours parked may be modified from time to time. The Town Board may instruct the Town Clerk to publish the list of areas that are restricted and the limited number of hours in the official town newspaper. The Town Board shall post parking restrictions and hours on the Official Town of Marbletown Website upon adoption of the town resolution.

NOW, THEREFORE BE IT RESOLVED, that the Town Board designates the following locations to be posted with No Parking. East side of Bruceville Road, starting at 10 Bruceville Road and ending at the Town Line at the intersection of Gravel Road. West side of Bruceville Road starting at 13 Bruceville Road and ending at the Town Line at the intersection of Gravel Road. The West side will be until September 30, 2021.

BE IT FURTHER RESOLVED to request that the Town Clerk publish the location in the Town Newspaper and to post on the Town of Marbletown Website.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #34-2021 was thereupon adopted.

- Supervisor Parete and Highway Superintendent Dimler met with a group of neighbors on Bruceville Road on Friday, April 2nd to discuss the parking issues on Bruceville Road. They agreed to put up no parking signs along Bruceville Road on the east side starting at 10 Bruceville Rd and ending at the town line at the intersection of Gravel Road and on the west side starting at 13 Bruceville Rd and ending at the town line at the intersection of Gravel Road.
- There will also be new signs directing people to municipal parking in High Falls.
- Councilman LaFera pointed out that he had identified about 60 parking spots in High Falls that people can be directed to.

RESOLUTION #35-2021; LICENSE AGREEMENT WITH MATILDA DAVENPORT

The following Resolution was offered by Councilwoman Foote seconded by Councilman Stewart:

WHEREAS, the Town is interested in expanding areas available for use and enjoyment by the residents of the Town of Marbletown, and

WHEREAS, Matilda Davenport is interested in making available her property in the Town of Marbletown, in Stone Ridge, and

WHEREAS, the subject of this Resolution is limited to one parcel of land owned by Matilda Davenport located within the Hamlet of Stone Ridge: and

WHEREAS, the parcel is identified as parcel 62.3-4-11, together; and

WHEREAS, the execution of the Option and Ground Lease Agreement for the Property is subject to: a permissive referendum pursuant to Section 64, Subdivision 2 of the New York State Town Law;

WHEREAS, the Town of Marbletown is prepared to undertake such implementation for the benefit and enjoyment of residents, visitors, and friends of Marbletown.

WHEREAS, this resolution is subject to permissive referendum pursuant to subdivision 4 of Section 6-c of the General Municipal Law.

THEREFORE, BE IT RESOLVED, that the Town of Marbletown Town Board authorizes the Town Supervisor to sign the attached lease to enter a 50-year lease (the “Lease”) between Matilda Davenport (Lessor) and the Town of Marbletown (lessee), and be it,

FURTHER RESOLVED, that this Resolution is adopted subject to a permissive referendum and that the Town Clerk is directed to publish and post the notice of adoption of this Resolution in accordance with Article 7 of the Town Law within ten (10) days; and it is,

FURTHER RESOLVED, that upon the expiration of the permissive referendum period, the Town Supervisor is authorized to execute all documents required to complete the Option and Ground Lease Agreement subject to the review and approval of the Town Attorney for the Town as to form and content.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #35-2021 was thereupon adopted.

RESOLUTION #36-2021; APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

The following Resolution was offered by Councilwoman Foote seconded by Councilman Hunt:

WHEREAS, Steven Gilroy has expressed an interest in being appointed to a position on the Board of Assessment Review; now, therefore be it

RESOLVED, that the Town Board of the Town of Marbletown does hereby designate and appoint Steven Gilroy to the Board of Assessment Review, to fill the term as follows: Appointment Term Expires September 30, 2025.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #36-2021 was thereupon adopted.

RESOLUTION #37-2021; MEMORIALIZING RESOLUTION LOWER ESOPUS

The following Resolution was offered by Councilman Stewart seconded by Councilman Hunt:

We, as representatives of the Town of Marbletown in Ulster County, NY, urge the New York State Department of Environmental Conservation (NYSDEC) to exercise its authority and responsibility for enforcing the state and federal laws that protect water quality in our rivers and streams, and as the lead agency overseeing the State Environmental Quality Review (SEQR) process responsible for evaluating the impacts of New York City Department of Environmental Protection’s (NYCDEP) releases to the Lower Esopus Creek.

WHEREAS: The Esopus Creek is located in northern Ulster County where it travels sixty-eight miles (68) from the mountains of the Catskills to the Hudson River.

WHEREAS: In 1915, the City of New York completed construction of the Ashokan Reservoir by damming the Esopus Creek in Olivebridge. The Lower Esopus – the Esopus Creek downstream of the dam – flows through the towns of Olive, Marbletown, Hurley, Ulster, Kingston, and Saugerties as well as the City of Kingston, and the Village of Saugerties. The Upper Esopus watershed includes the Town of Shandaken and Woodstock.

WHEREAS: The Ashokan Reservoir is one of the largest sources of drinking water for the state of New York, providing up to 40% of the water for 9.5 million residents. In addition to New York City, many communities in the Hudson Valley are served by the Catskill Aqueduct, including the Village of New Paltz and the High Falls water district in Ulster County.

WHEREAS: The DEP constructed a “waste channel” designed to release water from its Ashokan Reservoir to the Lower Esopus, which for nearly a century was not used except for a short period in 2006 because of an emergency. DEP now calls the “waste channel” a “release channel,” though its function remains the same.

WHEREAS: In 2010, DEP instituted new operating procedures that called for releasing exceptionally turbid water from the reservoir into the Lower Esopus through the previously unused release channel, as it alone deemed “necessary.”

WHEREAS: Elevated turbidity after storms is a long standing problem in the Ashokan Reservoir and will only be magnified in the future due to increased storm events due to climate change. The designers knew this and constructed the Reservoir with two basins to allow the turbidity to settle in the west basin before moving clearer water into the east basin to send down the Catskill Aqueduct for drinking water.

WHEREAS: In the past, whenever turbidity levels in both basins exceeded state and federal drinking water standards, the DEP treated the water with a chemical (alum) in the Catskill Aqueduct above the Kensico Reservoir in Westchester County to reduce turbidity by removing the suspended solids. Since 2013, the DEP has been required by state and federal law to reduce the amount of alum discharged to the Kensico Reservoir from the Catskill Aqueduct.

WHEREAS: With its 2010 procedures, the DEP made a major change to its operations, behind closed doors and without community input, environmental review, rules or permit modification regarding the waste channel’s operating parameters to release turbid water from the west basin into the Lower Esopus to prevent it from spilling into the east basin, potentially impacting NYC’s drinking water quality and requiring alum treatment.

WHEREAS: When a waterbody is turbid, the levels of light and oxygen within the water are reduced. This negatively affects everything living in the stream, from microscopic organisms and submerged plants to aquatic insects and fish. In particular, it stresses fish and impacts their ability to feed and see their food. Fine sediment also physically impacts the stream channel by filling in the natural voids and spaces in the streambed. This reduces habitat for aquatic insects and smothers fish eggs and larvae.

WHEREAS: The Lower Esopus valley has extensive agricultural production that depends on the creek for clean irrigation water throughout the year. Turbid water can clog irrigation equipment and potentially impair the quality of the irrigation water to the point where crops cannot be sold at market.

WHEREAS: The DEP’s actions have already impaired use and enjoyment of the creek for recreational activities, including kayaking and ice fishing. Continuing the pollution to the Lower Esopus throughout the summer could also affect bathing beaches along the creek, which must meet water clarity standards for safety.

WHEREAS: During extended turbid releases from the waste channel, the sediment plume from the Lower Esopus is clearly visible in the Hudson River, which is the drinking water supply for over 100,000 people. The Towns of Esopus, Lloyd, Poughkeepsie, Rhinebeck, Hyde Park, and the City of Poughkeepsie and Village of Rhinebeck draw municipal drinking water from the Hudson River downstream of where the Esopus empties

into it. During major releases, the water treatment plants have recorded elevated turbidity, resulting in the need for increased chemical and electricity use for treatment, and increased production of sludge, all of which come at an increased cost.

WHEREAS: The increased volume of water sent by DEP into the Lower Esopus represents the single largest change to the Creek's hydrologic regime (flow) since the completion of the reservoir.

WHEREAS: The frequency and intensity of storms has increased in recent years, and is projected to increase significantly in the coming decades. Under current conditions and operating procedures, these storms will increase erosion, turbidity, and the resulting impacts.

WHEREAS: Periodically since 2011, the DEP has dumped millions of gallons a day of turbid, muddy water from the Ashokan Reservoir into the Lower Esopus Creek. DEP argues it has the authority to do so because of its Interim Release Protocol (IRP), which was put in place temporarily pending a full environmental review of the City's releases pursuant to an October 2013 Consent Order. DEC issued the Consent Order to settle an enforcement action it brought against the City with respect to the City's turbid releases in February 2011.

WHEREAS: The IRP is an inexpensive way for the DEP to preserve the quality of NYC drinking water, but the farmers, businesses and residents along the Lower Esopus have been forced to bear the consequences. The releases have had such negative impacts that in 2013 the U.S. Environmental Protection Agency placed the Lower Esopus on the NYS Impaired Water Bodies List for excessive turbidity.

WHEREAS: DEP has most recently discharged turbid water to the Lower Esopus Creek following storms during Christmas 2020, and continuing until today.

WHEREAS: The specific impacts of the current releases to the Lower Esopus are unknown, because DEP did not conduct or provide the county with a baseline assessment prior to initiating releases. A scientific study prior to the initiation of releases was necessary to set the baseline from which to accurately assess environmental impacts.

WHEREAS: As part of the aforementioned Consent Order, DEP was required to study all social, economic and environmental impacts of the releases and alternative methods to reduce turbidity in the Ashokan Reservoir. Alternatives to be considered included both structural and operational practices; however, DEP rejected all structural alternatives requiring construction expenditures and proposed instead only slight adjustments to the IRP as the preferred alternative.

WHEREAS: The DEC has released the Draft EIS for the Modification of the Catalum SPDES Permit and made it available for public review and comment. That Draft EIS concludes that the City's operation of the Ashokan Release channel pursuant to its IRP does not cause any significant adverse impacts to the lower Esopus Creek (ES 29), in the face of the high turbidity releases that communities along the Lower Esopus Creek have witnessed since they began in December 2020.

WHEREAS: The public currently has an opportunity to comment on DEP's Draft EIS, either through submission of written comments to DEC between now and 5:00pm on June 16, 2021.

NOW THEREFORE BE IT RESOLVED: The Lower Esopus is an important contributor to the social, economic and environmental quality along the creek's corridor. It cannot be the solution to NYC's turbid water problems.

BE IT FURTHER RESOLVED: The Hudson River is a critical regional drinking water supply for over 100,000 people in the Mid-Hudson Region. Protecting water quality in this drinking water source is an important regional priority.

The current state of Ashokan releases is unsustainable and unacceptable. DEC must consider all the public comments to capture the concerns raised before deciding about whether to approve or deny approval; and require

revision and/or supplementation of the current DEIS. The input of the Town of Marbletown on the adequacy of the current DEIS is very important to ensure the community's interests are protected. The potential and actual short-term, long-term, and cumulative impacts on the downstream communities along the Esopus Creek and Hudson River must be recognized and thoroughly studied within the DEIS, including impacts on other drinking water systems, the local economy, and the aesthetics of the area. In addition, the Town of Marbletown calls for the incorporation of a hard look at a range of alternatives in the DEIS, including examining combinations of structural and operational alternatives. The DEIS must present a long-term plan to stop the mud, specifically accounting for climate change impacts.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #37-2021 was thereupon adopted.

RESOLUTION#38-2021; NATIONAL ORGAN DONATION MONTH

WHEREAS, one of the most meaningful gifts that a human being can bestow upon another is the gift of life; and

WHEREAS, today more than 115,000 men, woman and children are on the waiting list for an organ transplant. To help them get the care they need millions of Americans choose to be organ and tissue donors; a decision that reflects not only profound generosity, but also our commitment to one another. During National Donate Life Month we renew the call for organ and tissue donation; and

WHEREAS, most people can be donors, and the need is great. We encourage Americans of every background to learn the facts about organ and tissue donation, consider signing up for their State's registry, and talk to family and friends about their decision. Information and resources about how to get involved are available at

www.OrganDonor.gov.

WHEREAS, together, we can respond to the donor shortage that keeps thousands of patients from getting life-saving care. Let us mark this month by rededicating ourselves to that task, standing with donors and their families, and igniting hope for those in need.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marbletown declares April National Donate Life Month in the Town of Marbletown.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #38-2021 was thereupon adopted.

OTHER TOWN BUSINESS:

MARIJUANA:

- Councilman Hunt discussed the webinar that he recently took part in that discussed the law legalizing marijuana which the Governor signed on March 31st.
- Councilman Hunt outlined the responsibilities of the town which will be whether the town will approve retail dispensaries and/or on-site consumption sites. The State will deal with all other aspects of the newly passed law.
- If the town decides to opt out of allowing dispensaries it would have to be adopted as a local law. If the town does nothing the town will be automatically opted in to allow dispensaries and/or on-site consumption sites.
- Having dispensaries and/or on-site consumption sites could provide tax revenue for the town, up to 4%.
- The new law also states that you cannot restrict pot smoking outside except where smoking is already restricted.
- Councilman Hunt and the town board hope to form a committee that will assist in developing the local law and allowing community input.

MARBLETOWN FIRST AID UNIT:

- Councilman LaFera and Councilwoman Foote met with the Marbletown First Aid Unit to discuss a contract for services between the town and the first aid unit. There has been quite a lot of discussion about how much money the town is willing to provide the first aid unit. Supervisor Parete has said in the past that a meeting should happen between the first aid unit, Marbletown, Rochester and Rosendale to discuss a fair and equitable agreement between all towns that the first aid unit services.

Motion to adjourn: There being no further discussion Councilwoman Foote made the motion to adjourn the meeting, seconded by Councilman LaFera; 5-0 Aye; motion carried. The meeting adjourned at 7:59pm.

Respectfully submitted,

Heather Moody

Town Clerk/Tax Collector