



Town Board Regular Meeting

Tuesday, September 7, 2021

This regular meeting was held in person at the RMC, 1925 Lucas Avenue and began at 6:00pm

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

Councilwoman Foote – Present

Councilman LaFera – Absent

Councilman Hunt – Present

Councilman Stewart – Present

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

PUBLIC HEARING ON AMBULANCE IMPROVEMENT DISTRICT:

- A motion was made by Councilwoman Foote, seconded by Councilman Hunt to open the public hearing on the proposed Ambulance Improvement District 4-0 Aye, 1 absent, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing on 8/29/21 in the Daily Freeman. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- Supervisor Parete asked anyone making a public comment to please state their full name before making their comment.
 - Chuck Foster, Marbletown First Aid Unit member, provided a brief overview of the Marbletown First Aid Unit, stating they had been purely volunteer until moving over to paid positions. They are requesting 24/7 coverage and the money they have requested will help fund this full-time coverage.
 - Paul Medici, MFAU member, added his support of the proposed AID.
 - Supervisor Parete added that the resolution on the AID will be presented later in the meeting and in that resolution it states the AID is subject to a permissive referendum, which means that residents have 30 days to submit a petition requiring a vote be of residents.
- There being no more comments Councilman Stewart made a motion, seconded by Councilman Hunt to close the public hearing.

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; HOLISTIC HEALTH COMMUNITY:

- Cornella Wathen presented a short film, which can be found on YouTube, on the Holistic Health program that takes place at the Community Center. During Covid they were not meeting in person, but started back up this past July with free holistic services from massage to stone healing, etc. The goal of the Holistic Health Community is to create a campus, including land, of well being which would include a Farm to Food café and a visual arts building.

PUBLIC COMMENT (On Agenda Resolutions):

- Jack Boden, resident, commented in the ambulance resolution there is a Hinle Road and a Hinle Street. Also, there is a Heinle Road. What is the difference and why are they all spelled different?

APPROVAL OF VOUCHERS AMENDMENTS

Town Clerk Moody stated there were no amendments to the vouchers submitted on August 17th.

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following vouchers for approval:

<u>9/7/2021</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#550-580	\$17,318.22
Highway Fund	V#322-335	\$5,650.16
High Falls Water District	V#88-90	\$6,838.79
RMC	V	\$

A motion was made by Councilman Stewart and Seconded by Councilwoman Foote 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.

RESOLUTION #76-2021 APPROVING ESTABLISHMENT OF TOWN-WIDE AMBULANCE DISTRICT

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

WHEREAS, the Marbletown Town Board is considering forming a Town-wide Ambulance District in accordance with Article 12-A of New York Town Law for the purpose of providing emergency medical and ambulance services within the Town; and

WHEREAS, the Town Board adopted a Resolution authorizing the preparation of a map, plan and report for the purpose of analyzing the formation of the District; and

WHEREAS, a Map, Plan and Report was prepared concerning the proposed District and was filed in the Town Clerk's Office and made available for public inspection; and

WHEREAS, following preparation of the Map, Plan and Report and a public hearing thereon, it was determined that properties located on Heinle Road should be included within the proposed Ambulance Improvement District; and

WHEREAS, the Town Supervisor possesses the inherent authority pursuant to Town Law § 29 (16) to amend the Map, Plan, and Report upon the information furnished at the Public Hearing to include the aforesaid properties on Heinle Road within the Ambulance Improvement District; and

WHEREAS, inclusion of the aforesaid properties on Heinle Road within the Ambulance Improvement District is in the best interests of all who may use, pay for, provide, or participate in the EMS system with the Town and results in a de minimis change to the cost to a typical one or two-family home previously presented at the time of the initial Map, Plan, and Report and said change was presented at the public hearing referenced herein; and **WHEREAS**, the amended Map, Plan and Report describes the boundaries of the proposed District, the proposed method of operation, the maximum amount proposed to be expended for the ambulance services and the cost of the proposed District to the typical property and, if different, the typical one or two-family home; and **WHEREAS**, establishment of the proposed District is an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and a SEQRA Short Environmental Assessment Form (EAF) was prepared for the proposed District;

WHEREAS, on August 17, 2021, subsequent to the filing of the Map, Plan and Report with the Town Clerk, the Town Board adopted an Order reciting (a) the boundaries of the proposed District; (b) the proposed services and proposed method of operation; (c) the maximum amount proposed to be expended for the services; (d) the cost of the District to the typical property and the typical one or two family home (if not the typical property); (e) that no capital improvements are anticipated for the proposed District and, therefore, no financing will be employed; (f) the fact that a Map, Plan and Report describing the proposed District, services and capital improvements is on file in the Town Clerk's Office; and (g) the time and place of a public hearing on the proposed District; and

WHEREAS, copies of the Public Hearing Order were duly published and posted and were filed with the Office of the State Comptroller, all as required by law; and

WHEREAS, prior to publication of the Public Hearing Order, a detailed explanation of how the estimated costs of the District to the typical property and typical one- or two-family home (if not the typical property) were computed was filed with the Town Clerk for public inspection as part of the Map, Plan and Report; and

WHEREAS, a public hearing on the proposed Ambulance Improvement District was duly held on September 7, 2021 and the Town Board has considered the evidence given together with other information, and

WHEREAS, the Town Board has reviewed Part 1 of the EAF and completed Part 2 based on the information included in the Map, Plan and Report and provided at the Public Hearing; and

WHEREAS, the Town Board wishes to establish the proposed District as detailed in the Map, Plan and Report in accordance with Town Law Article 12-A,

NOW, THEREFORE, BE IT RESOLVED, that establishment of the District and providing of the services described in the Map, Plan and Report will not have a significant adverse impact on the environment and the Town Board hereby authorizes the filing of the completed SEQRA Short EAF as a SEQRA Negative Declaration – Notice of Determination of Non-Significance regarding the action; and be it

FURTHER RESOLVED, that the Marbletown Town Board hereby determines that: 1. Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient; 2. All of the property and property owners within the District are benefited thereby; 3. All of the property and property owners benefited are included within the limits of the District; 4. It is in the public interest to establish the District as described in the Map, Plan and Report: and be it

FURTHER RESOLVED, that the Marbletown Town Board hereby approves the establishment of the District in accordance with the boundaries and descriptions set forth in the Map, Plan and Report, and providing of the services described in the Map, Plan and Report, subject to the following: 1. Obtaining of any necessary permits or approvals from the State of New York; 2. Permissive referendum in the manner provided in Article 7 of the Town Law; and 3. Adoption of a Final Order by the Town Board; and be it

FURTHER RESOLVED, , that pursuant to Section 198 (10-f)(e) of the Town Law, the Town Board hereby establishes a three-person, appointive District Board of Ambulance Commissioners who shall act in an advisory capacity to the Town Board with regard to the operation of the Marbletown Ambulance District, who shall serve

at the pleasure of the Town Board and whose initial commissioners shall be appointed for a one, two, or three-year term and thereafter, said commissioners shall have appointed and staggered, three-year terms; and be it **FURTHER RESOLVED**, that this Resolution is subject to permissive referendum in accordance with the provisions of Town Law Articles 7 and 12-A, and the Town Board authorizes and directs the Town Clerk to file and record this Resolution and any Order issuing here from within 10 days after the adoption of such Order, in the office of the Ulster County Clerk, and to file such order with the Office of the State Department of Audit and Control in Albany New York, and to take all actions and perform all acts necessary to implement the provisions of this Resolution and such Order.

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

4-0 Aye; 1 absent, Resolution #76-2021 was thereupon adopted.

RESOLUTION #77-2021; APPOINTMENT TO THE BOARD OF ASSESSMENT REVIEW

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

WHEREAS, Mary Azzara has expressed an interest in being reappointed 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 Mary Azzara to the Board of Assessment Review, to fill the term as follows: Appointment Term Expires September 30, 2026.

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

4-0 Aye; 1 absent, Resolution #77-2021 was thereupon adopted.

RESOLUTION#78-2021, SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER OF 2021, A LOCAL LAW KNOWN AS STRETCH ENERGY CODE

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

WHEREAS, the Town Board found it to be in the best interests of the residents of the Town of Marbletown to repeal **Local Law #4 of 2021, Stretch Energy Code**, and replace it with **Local Law # Stretch Energy Code** in order to achieve the purposes and objectives set forth in the Local law, and

WHEREAS, following **Local Law #4 of 2021** adopting the NYSTRETCH Energy Code it was determined by NYS DOS that modification needed to be made to the Local Law language that was provided, creating exemptions for certain sections of the NYS Energy Code and Building Code.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall or Zoom at 6:00 p.m. on Tuesday September 21, 2021, by interested persons, upon passage of this resolution, to hear all interested parties on the proposed repeal of **Local Law #4 of 2021** and its replacement “**A Local Law # , 2021 Stretch Energy Code**”

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. This shall repeal **Local Law #4, 2021** and replace it with **Local Law # , 2021 Stretch Energy Code** that will go into effect upon filing with the Secretary of State but will not impose the change in the code until **December 31, 2021**.

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

4-0 Aye; 1 absent, Resolution **#78-2021** was thereupon adopted.

RESOLUTION #79-2021; APPOINTMENT OF ASSESSOR

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

WHEREAS, the Town of Marbletown shares an Assessor with the Towns of Rochester and Rosendale; and **WHEREAS**, Michael Dunham retired on August 27, 2021 and his replacement will serve the remaining four years of his term, and

WHEREAS, the Town's interviewed for the position of Assessor, and

RESOLVED, that the Marbletown Town Board authorizes the Supervisor to sign the attached contract appointing Jeremy Baracca for a term to end September 30, 2025, and

BE IT FURTHER RESOLVED, that this agreement is valid only if the Towns of Rochester and Rosendale vote in support of the attached agreement.

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

4-0 Aye; 1 absent, Resolution **#79-2021** was thereupon adopted.

OTHER TOWN BUSINESS:

- Supervisor Parete stated that the latest executive order from the new Governor allows Towns to go back to remote meetings via Zoom until 1/15/2022.
- Sunday, September 12th at 1:00pm is the dedication for "Sue Paterson Way" in High Falls.
- Supervisor Parete announced the budget process will begin at the end of September. He will be meeting with department heads to review the needs of the offices. He anticipates the rates of insurance will go up.
- School is starting this week so kids and buses will be out. Please drive carefully and be respectful of the school buses.
- Councilman Hunt stated he met with Jill McLean, Youth & Rec Director, to discuss the overall maintenance and overall plan for the park going forward.
- Councilman Stewart pointed out that the recent storms have left a lot of cleanup work for the volunteer trails team and the Highway Department. Maybe the town should consider hiring a ground keeper/maintenance worker to help out at the park? Supervisor Parete added that when the Highway Department assists with the Rail Trail they are compensated for the work.

PUBLIC COMMENT (General):

- Eunice Shumalski, resident, inquiring what she should do about the deer dying in her yard? She would like to know why the Town is not picking them up. Supervisor Parete explained the Town does not have anywhere to put them and she should contact the DEC. Supervisor Parete said he heard of a company called Pet Masters and thinks they may charge \$275-\$350 per deer.
- Carol Laurito, resident, added that have dead deer in your yard is a health issue. Supervisor Parete said he would discuss with Highway Superintendent Dimler again to see if he has any other ideas about the diseased deer.
- Pat Garland, resident of Coxing Road, asked about the status of the person squatting in the trailer on Coxing Road. Supervisor Parete and Attorney Kellogg stated there is a process of evicting someone and the Town is following the process. The courts have been backed up due to Covid, so things are moving a little slow. Attorney Kellogg added the Town had obtained a warrant to inspect the trailer and it is uninhabitable. A number of complaints have been filed with the Building department pertaining to this man.

Motion to adjourn: There being no further discussion Councilwoman Foote made the motion to adjourn the meeting, seconded by Councilman Hunt; 4-0Aye; 1 absent, motion carried. The meeting adjourned at 7:30pm.
Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector