



Town Board Regular Meeting

Tuesday January 18, 2022

This regular meeting was held via Zoom, and Facebook Live and began at 6:00pm

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:02pm and lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present via Zoom

Councilwoman Foote – Present via Zoom

Councilman LaFera – Present via Zoom

Councilman Davenport – Present via Zoom

Councilman Tim Hunt – Present via Zoom

Also, Present: Heather Moody; Town Clerk/Tax Collector, via Zoom

PUBLIC HEARING; PROPOSED ACCESSORY DWELLING LAW:

- At 6:03pm a motion was made by Councilwoman Foote, seconded by Councilman Davenport to open the public hearing on the proposed Local Law # of 2022 ‘Accessory Apartment Law’, 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on January 9th. The legal notice as also posted on the town website and the Town Clerk’s Community Board.
- Supervisor Parete stated that if people raise their hand on Zoom they will be called upon. He will also accept public comments via phone also. He provided his cell phone.
 - Bobbi Esmark, resident, read a statement she had provided. The statement is on file in the town clerk’s office. Ms. Esmark feels the new changes in the existing accessory apartment law are an attempt to push back into the law some of its originally conceived purposes. Prior to the changes made in 2019 to the law only those homeowners who were already residents in our community were eligible to apply for the apartment/dwelling unit. It was meant to help residents stay in their home if they had a change in circumstance. But the purpose changed in 2019 to allow anyone buying or building a new to immediately plan for an accessory apartment. The new law states that accessory apartments are supposed to be long term rentals (versus short term – to help with the housing problem as defined by the Town) but they can be rented for only 30 days. In 2019 the waiting period was 10 years and now it has changed to zero years. This new law is weak and states the house has to be in a person’s name as a full time residence. How will these issues be policed and verified? Ms. Esmark would like the definition of ‘relative’ be described. Ms. Esmark requests that 2 modifications be made: 1. Extend the term of accessory apartment rental to no less than 6 months. 2. Consider reinstating a residency period of 5 years before one is eligible for an accessory apartment.

- Maggie Colan, resident, asked if we could define ways to encourage people to allow the accessory apartments to be affordable housing.
- Janet Condon-Krieger, resident, concerned with the 30-day allowance and feels it should be 6 month to a year.
- Sharon Klein, resident who agrees with the other comments that the allowance needs to be longer then 30 days, it should be 6 – 9 months.
- Town Clerk Moody stated a written comment from resident Bill Terpening had been received, via e-mail, and it is on file in the office. Mr. Terpening believes that the original intent for the allowance of accessory apartments has been and is sorely violated. Those with means are given the benefit of the 2019 changes and the present proposed changes, while the Law as it was before 2019 was fair to all residents.
- At 6:14pm there being no more comments or questions on the proposed Accessory Apartment law Councilman Davenport made a motion, seconded by Councilman LaFera to close the public hearing on the proposed accessory apartment law.
The question of the motion was duly put to a vote on roll call which resulted as follows:

Councilman Davenport	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, motion carried.

PUBLIC HEARING; PROPOSED FENCE LAW:

- At 6:15pm a motion was made by Councilwoman Foote, seconded by Councilman Hunt to open the public hearing on the proposed Local Law # of 2022 ‘Fence Law’, 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on January 9th. The legal notice as also posted on the town website and the Town Clerk’s Community Board.
- Supervisor Parete stated that if people raise their hand on Zoom they will be called upon. He will also accept public comments via phone also. He provided his cell phone.
 - Maggie Colan, resident, stated the fence law mentions state designated highways but what about the scenic byway? Ms. Colan feels that existing fences along the road should be required to be painted a dark color, so it is not so obvious when you are driving down the road.
 - Bobbi Esmark, resident, stated she feels this is a great law. Thanked the board and said this was long overdue.
 - Jim Hoover, resident, feels that the fences will offer some privacy to those older houses that were built close to the road and are necessary to keep road noise out. He agrees that deer fencing is a very good way to support native plants.
 - Stuart Leigh, resident agrees with Jim Hoover about deer fences and fencing should help to get noise level down.
- At 6:26pm there being no more comments or questions on the proposed Fence law Councilman Hunt made a motion, seconded by Councilman LaFera to close the public hearing on the proposed fence law.
The question of the motion was duly put to a vote on roll call which resulted as follows:

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>

Supervisor Parete
5-0 Aye, motion carried.

Voting Aye

APPROVAL OF VOUCHERS AMENDMENTS

Town Clerk Moody stated there were no amendments to the vouchers submitted on December 21, 2021.

Town Clerk Moody submitted the following vouchers for approval:

<u>Dec. 2021 Supplemental</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#869-907	\$55,957.52
Highway Fund	V#490-509	\$10,285.02
High Falls Water District	V#138-142	\$10,004.96
RMC	V#156-168	\$23,959.03

A motion was made by Councilman LaFera and Seconded by Councilwoman Foote to approve these vouchers.

Councilman Davenport Voting Aye
Councilman LaFera Voting Aye
Councilwoman Foote Voting Aye
Councilman Hunt Voting Aye
Supervisor Parete Voting Aye

5-0 Aye; motion carried.

<u>Jan. 18, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#1-26	\$129,315.22
Highway Fund	V#1-11	\$148,320.76
High Falls Water District	V#1-5	\$12,312.53
RMC	V#	\$

A motion was made by Councilwoman Foote and Seconded by Councilman Davenport to approve these vouchers.

Councilman Davenport Voting Aye
Councilman LaFera Voting Aye
Councilwoman Foote Voting Aye
Councilman Hunt Voting Aye
Supervisor Parete Voting Aye

5-0 Aye; motion carried.

MEETING MINUTES:

Councilman Hunt made a motion, seconded by Councilman Davenport to approve the meeting minutes from 1/3/2022 5-0 Aye; motion carried.

RESOLUTION #20-2022 APPOINT DISTRICT BOARD OF AMBULANCE COMMISSIONERS

The following Resolution was offered by Councilman LaFera and seconded by Councilman Davenport.

WHEREAS, the Marbletown Town Board formed 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, pursuant to Town Law Section 209-b, the Town oversees the Ambulance District, and

WHEREAS, the creation of the Ambulance District allows the Town Board to establish a three-member District Board of Ambulance Commissioners who will be charged with acting in an advisory capacity to the Town Board with regard to functions related to the operation of the Ambulance District, and

NOW THEREFORE RESOLVED, that the Marbletown Board appoint David Gagnon to a term that expires 12/31/2022, Bruce Fallon to a term that expires 12/31/2023, and Peter Hood to a term that expires 12/31/2024.

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

Councilman Davenport	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; Resolution #20-2022 was thereupon adopted.

- Supervisor Parete pointed out that this board will be working as a liaison between the Ambulance board and the Town Board but they will not be making any big decisions. He also added that the appointments will be staggered terms.
- Councilwoman Foote added that maybe at some point they could be the liaisons for all emergency services and attend commissioner meetings.

RESOLUTION #21-2022 AUTHORIZE PURCHASE AND INTERMUNICIPAL AGREEMENT FOR PURCHASE OF BUCKET TRUCK

The following Resolution was offered by Councilman Davenport and seconded by Councilman LaFera.

WHEREAS, the Highway Superintendents agree that the purchase price for a used bucket truck In the amount of \$66,900 is reasonable; and

WHEREAS, the Highway Superintendents unanimously recommend to their respective Town Boards that the two Towns enter into an agreement outlining terms for the purchase, use, storage and maintenance of the used bucket truck: and

WHEREAS, the representatives of the two Town Boards and their respective Highway Superintendents, have agreed to terms for the purchase, use, storage and maintenance of the used bucket truck; and

WHEREAS, the payment for is to be paid out of Highway Unexpended Funds; and

Whereas, under the provisions of Article 5-G of the General Municipal Law the terms of this Intermunicipal Agreement are practical because the respective Towns have a need for a bucket truck, and therefore the agreed upon terms will benefit the taxpayers, and

WHEREAS, the Highway Superintendents of the Towns of Marbletown and Rosendale have consulted on the purchase of a used Bucket Truck; and of the respective Towns by joint ownership of the bucket truck and the sharing of costs to purchase, use, store and maintain the bucket truck;

NOW THEREFORE, the Town Board of the Town of Marbletown authorizes the Supervisor to sign the attached contract.

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

Councilman Davenport	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; Resolution #21-2022 was thereupon adopted.

- Supervisor Parete that this would be shared between Marbletown and Rosendale for tree work and trimming. The Rosendale truck is out of service and each town will pay half.
- Councilwoman Foote asked for a description and texted George Dimler. Highway Superintendent Dimler sent back the description: 2011 Freightliner Bucket Truck, orange, mileage 61,925 and it is a diesel with 6 speed transmission, and it is coming from Virginia.
- Councilman Davenport asked who would own the asset? Supervisor Parete stated the truck would be shared but the truck will be in Marbletown's name.

RESOLUTION #22-2022: APPROVING UNITED PUBLIC SERVICE EMPLOYEES UNION CONTRACT WITH HIGHWAY BARGAINING UNIT

The following Resolution was offered by Councilman LaFera and seconded by Councilwoman Foote.

WHEREAS, contract negotiations between the Town of Marbletown and the United Public Service Employees Union have been ongoing for employees in the Highway and General Units; and

WHEREAS, the Town of Marbletown and the United Public Service Employees Union have reached an understanding on the terms of the agreement with the Highway Unit contract and have recommended its adoption; and

WHEREAS, the Town Board of the Town of Marbletown have approved the new agreement which runs from January 1, 2022 through December 31, 2024; now

THEREFORE, BE IT RESOLVED THAT the Town of Marbletown hereby approves said attached three (3) year agreement commencing on January 1, 2022, through December 31, 2024, with the United Public Service Employees Union for the Highway bargaining unit and authorizes the Town Supervisor and Deputy Supervisor to sign the contract.

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

Councilman Davenport	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; Resolution #22-2022 was thereupon adopted.

- Supervisor Parete stated they had been working on negotiations with the Highway for the past 3 months. One thing that will be added to the contract that any unvaccinated Highway employees will have to go for weekly Covid test, on their own time.
- Councilwoman Foote took a moment to thank all the highway workers for their hard work.
- Supervisor Parete reminded everyone that if they have someone that plows their driveway or if they plow themselves please do not leave any extra snow in the roadways.

RESOLUTION #23-2022; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER ____ OF 2022, A LOCAL LAW KNOWN AS ALLOWING MEMBERS OF THE TOWN BOARD TO PARTICIPATE IN TOWN BOARD MEETINGS VIA VIDEOCONFERENCE FROM LOCATIONS OUTSIDE TOWN OF MARBLETOWN BOUNDARY LINES

The following Resolution was offered by Councilman Hunt and seconded by Councilwoman Foote.

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 2022, known as **A local law to authorize members of the Town Board to participate in town board meetings videoconferencing from locations outside the town of Marbletown's geographical limits, in order to achieve the purposes and objectives set forth in the Local law.**

NOW THEREFORE, BE IT RESOLVED as follows

1. Schedule a Meeting of the Town Board, Town of Marbletown on February 15, 2022, for the purpose of holding a Public Hearing.
2. A public hearing will be held by the Town Board on February 15, 2022, at 6:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill, NY, to hear all interested parties on the proposed Local Law #__ of 2022 entitled "**A Local Law # __, 2022 A local law to authorize members of the Town Board to participate in town board meetings videoconferencing from locations outside the town of Marbletown's geographical limits, in order to achieve the purposes and objectives set forth in the Local law.**"

3. 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 Davenport	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; Resolution #23-2022 was thereupon adopted.

- Supervisor Parete added that this law will allow board members to remotely participate in board meetings virtually from outside of town boundaries.

RESOLUTION #24-2022 TO ADOPT LOCAL LAW # -2022; 'ACCESSORY APARTMENT LAW'

The following Resolution was offered by Councilman Davenport and seconded by Councilwoman Foote.

WHEREAS, the Town Board of the Town of Marbletown held a public hearing on January 18, 2022, on Local Law Number of 2022, known as the Accessory Apartment Law for the Town of Marbletown; and

WHEREAS, the adoption of this Local Law Number 1 is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, the Board has determined that the adoption of this Local Law will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, said Local Law is hereby adopted as attached

NOW, THEREFORE BE IT RESOLVED, that by the actions of the Town Board of the Town of Marbletown this Local Law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

- Supervisor Parete stated that the law had been forwarded to the Ulster County Planning Board and they said this was a good law.
- Councilman LaFera said that the 30 days that was in the law had been put in as a default and he had no issue extending it to 6 months or more for residency.
- Councilman Davenport added that it is important that we build inventory that does not get eaten up for short term rentals.
- Attorney Kellogg pointed out that 30 days qualifies as a month-to-month basis. Supervisor Parete added that no law says you have to have a lease.
- Supervisor Parete reminded the town board that if they did not feel ready to vote on the law they could hold off and could still have more discussion. The board agreed to set the resolution aside to continue discussions and will revisit at the next meeting on Feb. 1st.

RESOLUTION #25-2022 TO ADOPT LOCAL LAW # 1-2022; 'FENCE LAW'

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Hunt.

WHEREAS, the Town Board of the Town of Marbletown held a public hearing on January 18, 2022, on Local Law Number 1 of 2022, known as the Fence Law for the Town of Marbletown; and

WHEREAS, the adoption of this Local Law Number 1 is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, the Board has determined that the adoption of this Local Law will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, said Local Law is hereby adopted as attached

NOW, THEREFORE BE IT RESOLVED, that by the actions of the Town Board of the Town of Marbletown this Local Law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

- Attorney Tracy Kellogg made amendments to the law as the discussion was taking place.
- Councilman LaFera suggested removing ‘seasonal fencing’.
- Attorney Kellogg read through the amendments; 3 amendments were made to the law; Instead of sending to the Planning Board they will go to the ZBA; remove seasonal fencing and add Town code and zoning law.

The following Resolution, with amendments was offered by Councilman LaFera and seconded by Councilman Hunt.

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

Councilman Davenport Voting Aye

Councilman Lafera Voting Aye

Councilwoman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution #25-2022 was thereupon adopted.

OTHER TOWN BUSINESS:

- Supervisor Parete announced that Brian Pickard, town Accountant, was in the process of performing the yearly cash audit on the departments.
- Town Clerk Moody stated that the Town Clerk’s office still had a number of test kits and masks. Residents can just come in and provide a Marbletown address to receive a kit.
- Tom Konrad, ECC Chairman, stated that this Saturday there would be an event going on about planning your transition to renewable energy. Pledge signs are going up around town.

PUBLIC COMMENT:

- Town Clerk Moody stated that resident Bill Terpening had sent a public comment via email. Mr. Terpening would like to know if the Town Board will address and make a determination of his complaint, which was submitted at the 12/7/21 meeting along with a follow up at 12/21/21? He would like to know if his matter will be placed on the agenda for the next meeting in February?
 - Supervisor Parete responded that the Ethics Law was more for the employees vs. residents with complaints. Right now the Ethics board is waiting for some legal follow up information before they can formalize their formal protocols and complaint forms.

Motion to adjourn: There being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Davenport; 5-0 Aye, motion carried. The meeting adjourned at 8:26pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector

FINAL