



Town Board Regular Meeting

Tuesday April 5, 2022

This regular meeting was held in person and began at 6:00pm

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:06pm and Councilman LaFera lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Absent

Councilman LaFera – Present

Councilman Davenport – Present

Councilman Tim Hunt – Present

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

PUBLIC COMMENT

There were no public comments on the resolutions presented at the meeting.

APPROVAL OF VOUCHERS & AMENDMENTS

Town Clerk Moody submitted the following amendment to the 3/15/22 vouchers:

Town Clerk Moody submitted the following amendment for approval:

<u>April 5, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
Highway Fund	V#91	\$965.49
		\$22,347.80

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

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

4-0 Aye; 1 absent motion carried.

Town Clerk Moody submitted the following vouchers for approval:

<u>April 5, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#163-210	\$110,229.63
Highway Fund	V#92-120	\$97,398.59
High Falls Water District	V#27-32	\$14,989.98
RMC		

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

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

4-0 Aye; 1 absent motion carried.

- Councilman Hunt inquired about voucher from the First Aid Unit and Supervisor Parete stated that was the voucher for the 2nd payment/installment.
- Councilman Hunt asked about the February voucher for Jacobowitz and Gubits, LLP. Supervisor Parete explained this is all the work done responding to the motion to dismiss for Duchess Farms.

MEETING MINUTES:

Councilman Hunt made a motion, seconded by Councilman LaFera to approve the meeting minutes from 3/1/2022. 4-0 Aye; 1 absent, motion carried.

RESOLUTION #41-2022; SUPPORTING DEVELOPMENT OF A COMMUNITY PRESERVATION PLAN

The following Resolution was offered by Councilman Hunt and seconded by Councilman LaFera

WHEREAS, The Town of Marbletown is distinguished by its unique landscape setting, including the Shawangunk Ridge, the Catskill Mountains, woodlands, wetlands, farmland, scenic features; and

WHEREAS, Marbletown's historic features are fundamental to our unique community character and are integral to our landscape and sense of place;

WHEREAS, the protection of our natural resources provide clean water, fresh local food and resiliency in the face of climate impacts; and

WHEREAS, these features contribute to the quality of life for all Marbletown residents and visitors and are important to the economic future of the community; and

WHEREAS, The Town's Comprehensive Plan, Open Space Plan, Historic Resource Survey update and Farmland Protection Plan all call for additional protection of these resources in the face of encroaching development; and

WHEREAS, New York State has enacted a *Community Preservation Act* which enables communities that have a *Community Preservation Plan* to create a *Community Preservation Fund* for open space and historic resources, derived from a local Real Estate Transfer Tax;

WHEREAS, Marbletown's existing plans can be updated and consolidated into a single *Community Preservation Plan* in accordance with the criteria set by the *Community Preservation Act*; and

WHEREAS, with a *Community Preservation Plan* our community will be eligible to establish a *Community Preservation Fund*, if approved by the community by referendum.

THEREFORE, the Town will:

- Create an ad-hoc committee, made up of members of the Environmental Conservation Commission, the Planning Board and the Historic Preservation Commission and other interested residents to carry out the following activities:
 - Draft a comprehensive Community Preservation Plan based on Marbletown's existing planning documents for adoption by the Town Board that will identify open space, farmland, and historic preservation priorities.
 - Educate the public about Marbletown's natural and historic priorities, funding needs and potential opportunities for a new funding source.
 - Evaluate and make recommendations about the opportunity to participate in New York State's Community Preservation Act and make recommendations on a referendum to enact a Community Preservation Fund

NOW THEREFORE, BE IT RESOLVED by the Town Board that it is the legislative policy of the Town to consider, evaluate, and support the adoption of these proposed activities.

BE IT FURTHER RESOLVED that the Supervisor, upon the advice of the Board shall charge the ad-hoc committee to make recommendations to the Board and to the Supervisor regarding open space, farmland and historic resources, and funding for their protection.

BE IT FURTHER RESOLVED that the committees will explore technical, environmental, and economic considerations to aid the community in selecting protection priorities and funding sources.

BE IT FURTHER RESOLVED that the committees, the staff of the Town, and Town consultants should develop and plans to implement appropriate practices so that the Town can continue to be a conservation leader, and an outstanding steward of our irreplaceable resources.

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>No</u>
Councilman LaFera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Absent</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

3-1; 1 absent; Resolution #41-2022 was thereupon adopted.

- Councilman Hunt made a motion to add a friendly amendment "Historic Resource Survey Update" to the 5th WHEREAS, seconded by Councilman LaFera.
- Supervisor Parete stated you have to have a Town preservation plan before you can have a transfer tax. This plan will be created in accordance with state guidelines under the Community Preservation Act, allowing municipalities to impose a 3%-5% transfer tax on real estate transactions. An ad-hoc committee will be created with members from the ECC and Historic Preservation along with other community members. They will be tasked with organizing Marbletown's existing planning documents into a draft Community Preservation Plan. The draft will need to go to a community referendum on the ballot in November.

RESOLUTION #42-2022 MAINTENANCE AGREEMENT FOR HEATING & AIR CONDITIONING UNITS AT THE RONDOUT MUNICIPAL CENTER

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

WHEREAS, Lowe Plumbing, Heating & Air Conditioning, Inc installed split heat & air conditioning units at the Rondout Municipal Center in 2016; and

WHEREAS, these units require maintenance; and

WHEREAS, the Town has requested quotes for maintenance of these units; and

WHEREAS, Lowe Plumbing and heating has provided a quote for such services, said quote which is attached hereto and made a part hereof, and

WHEREAS, RMC Building Manager Steven Christiana has reviewed the above quote and has recommended that said quote from Lowe Plumbing, Heating & Air Conditioning be accepted.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Marbletown hereby authorizes the Supervisor to sign attached agreement with Lowe Plumbing, Heating & Air Conditioning, Inc. for \$3075, which has been attached and made a part hereof for maintenance of these units; and

BE IT FURTHER RESOLVED, that this resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board 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 Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Absent</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 absent; Resolution #42-2022 was thereupon adopted.

- Supervisor Parete explained this is a one-year agreement and in the past they have passed this as a three-year agreement.
- Councilman Davenport asked if the Town could get something from the Building Manager that lets us know the life span of the units. Supervisor Parete said he would follow up with Christiana.

RESOLUTION #43-2022; ACCEPTING ESCROW PAYMENT IN LIEU OF BOND FOR OAKWOOD ESTATES SUBDIVISION

The following Resolution was offered by Councilman Hunt and seconded by Councilman Davenport

WHEREAS, John Russell as the owner of Oakwood Estates, a Two-Phase Subdivision that has received Phase II Conditional Subdivision Approval on 6/14/2021, from the Town of Marbletown Planning Board; and

WHEREAS, the owner of Oakwood Estates Subdivision Phase I & II provided to the Town of Marbletown in the amount of \$48,400, to be deposited in escrow for the completion of all site work required under the Subdivision approval; and

WHEREAS, the owner, John Russell, upon the transfer of the subdivided premises known as Oakwood Estates Subdivision Phase I & II, is assuming responsibility for the completion of all site work as required under the subdivision application and as secured in escrow; and

WHEREAS, and for all purposes set forth under the Resolution, the owner of Oakwood Estates Subdivision Phase I and II, is operating as John Russell, and

WHEREAS, John Russell, owner of Oakwood Estates Phase I & II, is intending to comply with the Town of Marbletown Subdivision Regulations; and

WHEREAS, the submissions are accordance with subsection 9 of Section 277 and subsection 4 of Section 279 of Town Law; and

WHEREAS, the Town Board of the Town of Marbletown has determined that upon the recommendation of the Town of Marbletown Planning Board to accept payment provided by John Russell, owner of Oakwood Estates; and

WHEREAS, the Town Board of the Town of Marbletown has determined that upon completion and approval by the Town of Marbletown Engineer of the Road Construction and all condition of the Final Subdivision Approval that the road shall be Privately Owned and not for Dedication to the Town of Marbletown; and

NOW, THEREFORE BE IT RESOLVED, by the Town Board of the Town of Marbletown authorizes the Town Supervisor to Accept \$48,400 provided by John Russell to be put in escrow and will be returned when Town Engineer determines subdivision in compliance with all the 6/14/2021 Conditional Subdivision Approval, and the roadway certification of completion; and

BE IT FURTHER RESOLVED, by the Town Board of the Town of Marbletown authorizes the Town Highway Supervisor and Town Engineer to take all necessary steps to formally inspect and approve the roadway and all associated and required infrastructure improvements of the Oakwood Estates Subdivision Phase I & II, as shows upon the approved Subdivision plans, in compliance with all conditions of the 06/14/2021 Conditional Subdivision Approval, and the roadway certification of completion by the Town Engineer.

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

4-0; 1 absent; Resolution #43-2022 was thereupon adopted.

RESOLUTION #44-2022 SETTING FENCE PERMIT FEE

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

WHEREAS, the Town of Marbletown adopted a Fence law on January 18, 2022, and

RESOLVED, that the building department will charge a Zoning fee of \$50 and Permit fee of \$25 for all fence permits.

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

4-0; 1 absent; Resolution #44-2022 was thereupon adopted.

- Supervisor Parete added the fence permit fee will cover the cost of the office work and a field visit or two. Other towns that have fence permit fees range from \$50 - \$175.

RESOLUTION #45-2022; AGREEMENT WITH ENVIRONMENTAL CONSULTANTS LLC

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

WHEREAS, the Rondout Municipal Center wishes to provide centralized and uniform supervisory and administration of the Rondout Municipal Center Town Offices water treatment facility, and

WHEREAS, Environmental Consultants, LLC has agreed to provide the same, and

NOW, THEREFORE RESOLVED, the Town of Marbletown Town Board authorize the Supervisor to sign the attached agreement with Environmental Consultants LLC, and

BE IT FURTHER RESOLVED that this resolution shall become effective upon its approval by both the Town Board of Rosendale and the Town Board 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 Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Absent</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 absent; Resolution #~~45~~-2022 was thereupon adopted.

- Supervisor Parete added this testing will be twice a week.

RESOLUTION #46-2022: AMENDMENT NO.1 TO AGREEMENT FOR PROFESSIONAL SERVICES WITH ULSTER COMMUNITY COLLEGE AND TOWN OF MARBLETOWN

The following Resolution was offered by Councilman Hunt and seconded by Councilman LaFera

WHEREAS, the Parties entered into an Agreement to develop a connector trail to link the College's Stone Ridge campus to Main Street in Stone Ridge beginning September 22, 2021, and ending September 22, 2022; and

WHEREAS, the Town of Marbletown has offered to box out and install a walking trail across the field from the existing roadway to the connector trail; and

WHEREAS, the College accepts this offer from the Town of Marbletown to box out and install a walking trail across the field from the existing roadway to the connector trail; and

WHEREAS, the Parties have agreed to amend the Agreement to expand the scope of work, and to increase the not-to-exceed amount of the Agreement by FOUR THOUSAND TWENTY AND 00/100 (\$4,020.00) DOLLARS, as indicated below.

NOW THEREFORE, in consideration of the mutual promises set forth herein, the Town Board of the Town of Marbletown authorize the Supervisor to sign 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 Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Absent</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 absent; Resolution #46-2022 was thereupon adopted.

OTHER TOWN BUSINESS:

- Councilman Davenport stated that the Trails Committee was continuing to clean up after the storms and pointed out that we have a great trails committee.
- Councilman Hunt reported that Linda Williams had resigned from the Ethics Committee and that the committee would be looking for a new member. Supervisor Parete said we could advertise on the town social media accounts.
- Town Clerk Moody stated that the town annual Easter Egg Hunt would be on Friday, April 15th and to contact the Youth & Rec Department to sign up.
- Town Clerk Moody asked Supervisor Parete what the schedule for the transfer station should be over the Easter holiday. Supervisor Parete said he would speak to the attendants, but they could be open on Good Friday and closed on Easter Sunday. The schedule will be posted on the town Facebook page.

EXECUTIVE SESSION:

- At 7:00pm Councilman Davenport made a motion to open an executive session, seconded by Councilman LaFera. 4-0; 1 absent, motion passed.
- The Town Board motions to enter into executive session for the purpose of
 - Litigation.
- No votes were taken during executive session.
- At 7:24pm Councilman LaFera made a motion to close the executive session and reconvene the meeting with no action taken nor monies expended, seconded by Councilman Hunt. 4-0; 1 absent, motion passed.

Motion to adjourn: There being no further discussion Councilman Hunt made the motion to adjourn the meeting, seconded by Councilman Davenport; 4-0 Aye, 1 absent motion carried. The meeting adjourned at 7:25pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector