



Town Board Regular Meeting

Tuesday June 7, 2022

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

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:05pm and lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present

Councilman LaFera – Absent

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 stated there were no amendments from the 5/17/2022 meeting.

Town Clerk Moody submitted the following vouchers for approval:

<u>June 7, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#339-379	\$38,062.03
Highway Fund	V#177-197	\$24,757.41
High Falls Water District	V#49-51	\$4,862.01
RMC	V#	\$

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

Councilman Davenport	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.

- Councilman Hunt questioned what the Mombaccus Excavating Inc. and Callanan Industries vouchers covered? Supervisor Parete responded that both of these vouchers were from the Highway Fund and Mombaccus covers paving supplies and Callanan Industries is for asphalt.

- Councilman Davenport expressed some concern about the price of black top for the next year and asked how Highway Superintendent Dimler anticipates what the costs and needs will be during the budget process. Supervisor Parete explained that the Highway Department budgets receiving approximately \$190,000 from CHIPS (Consolidated Local Street and Highway Improvement Program) money, yearly. This year we have received about \$270,000 and last year we received about \$400,000. The Highway Department paves about 10 miles a year, last year they did 14 miles. If the Highway Department needs money the General Fund can give them money.

MEETING MINUTES:

Councilwoman Foote made a motion, seconded by Councilman Hunt to approve the meeting minutes from 5/17/2022. **4-0 Aye; 1 absent; motion carried.**

COMMUNITY PRESERVATION TASK FORCE

- Three members of the Community Preservation Task Force, Dale Robbins, Paul Brillinger and Dan Shuster joined the town board meeting to give an overview of the Community Preservation Plan. Below is the overview that was discussed. This overview pertains to Resolutions #58, #59 and #60, all found below and the proposed local laws that go along with them, which can all be found on the towns website.
 - This Community Preservation Plan (CPP) is respectfully submitted to the Marbletown Town Board and residents of Marbletown. It was prepared by a Committee composed of local citizen volunteers, with technical assistance from environmental planning professionals. The Plan implements the Town's adopted planning policies for natural and cultural resource preservation and helps prepare for the community's future. The Town's adoption of The Community Preservation Plan is the next important step in achieving the community's natural and cultural resource preservation goals.
 - The CPP is also required by law as outlined in the Hudson Valley Community Preservation Act (HVCPA), enacted by the New York State Legislature in 2007 and amended for Ulster County in December of 2019. The HVCPA will also allow for the establishment of a Community Preservation Fund and a ballot initiative that, if approved by the voters, would implement a Real Estate Transfer Tax, a sustainable funding source for land conservation.
 - And finally, if the Community Preservation Fund is adopted and Real Estate Transfer Tax becomes law, a Community Preservation Fund Advisory Board will be appointed. This Board would evaluate potential projects based on the Community Preservation Plan and make recommendations for the use of the Fund to the Town Board. The CPP is updated every five years.
 - With that in mind, there are four components to consider in the Town's preservation initiative:
 - **The Community Preservation Plan** is a plan for preserving community character and designed to implement Marbletown's land use vision and policies for protecting green spaces and agricultural lands, preserving natural resources, protecting historic features and providing lands for recreation and trails. It is reviewed and adopted by the Town Board following a Public Hearing. It is a state requirement that all properties under consideration for preservation be identified in The Community Preservation Plan. The 2022 Community Preservation Plan presents a data-driven approach for identifying and evaluating parcels highlighted for preservation in order to protect open space and community character in Marbletown.
 - **The Community Preservation Fund** is a fund to be used exclusively for preservation purposes and to be adopted by the Town Board. When the Fund accrues value, the Town may leverage this value to seek matching funds from conservation organizations, private donors as well as county, state and federal resources. This Fund can only be used to acquire properties or easements on properties from willing landowners.
 - **The Real Estate Transfer Tax (RETT)** is a law to be enacted if voted on by the residents of Marbletown in a ballot referendum. RETT is **a one-time fee paid by the buyer of a property**, not to exceed 2%. This percentage will be determined by the Town Board following input from

the community in a Public Hearing. The median cost of a home in Ulster County (currently 320K) will be exempt from this tax. For example in 2022, if a home costs 400k, only 80k will be subject to the tax.

- **The Community Preservation Fund Advisory Board** is an Advisory Board appointed by the Marbletown Town Board. The Advisory Board evaluates potential projects based on the Community Preservation Plan and makes recommendations for the use of the Community Preservation Fund to the Town Board. The Advisory Board can only recommend properties already identified in the Community Preservation Plan.
- **The Community Preservation Plan** is presented in three parts:
- **Part 1:** This section summarizes official town policies, plans, and planning studies such as the 2005 Comprehensive Plan, the 2008 Natural Heritage Plan, the Agricultural & Farmland Protection Plan and studies like the Aquifer Protection Study & Biodiversity Report, just to name a few. We are fortunate in Marbletown to have created extensive community planning and environmental studies for decades.
- **Part 2:** This section identifies every parcel that can be preserved in a GIS Mapping system. It presents the methodology used in developing the Plan and summarizes eight Resource Preservation Areas where priority projects and parcels have been identified for use of the Community Preservation Funds. Based on this, a scoring criteria has been developed as an objective and fair tool for prioritizing preservation. The Parcel analysis may also be a useful tool for the Planning Board and other local boards and commissions when evaluating proposed land uses in the Town. The “parcel rating and priorities” are not decisions as to the proposed order of properties to be selected for preservation. Rather, they are a tool to be used to assist decision making. They reflect an attempt to evaluate the various physical characteristics of a majority of parcels in Marbletown. However, this rating system cannot address other factors to be considered in this process, such as the following: • The fact that a significant property is being offered for immediate sale and development • The benefit of connecting adjacent properties which as a whole will be more important than in isolation • The effect that some kinds of development being considered may have on adjacent or nearby significant properties • The benefit of adding certain properties to existing public facilities
- **Part 3:** This section evaluates available land use alternatives to preservation such as zoning laws.
- This Community Preservation Plan builds on the work that residents and Town officials have, over time, carefully crafted as official Town policies within Marbletown’s adopted Natural Heritage and Comprehensive plans. Marbletown has identified the challenge of balancing conservation and development in its official municipal planning documents, due primarily to the impacts of new land uses in undeveloped areas. The Town’s adopted Comprehensive Plan states:
- *"Marbletown is a quiet and peaceful place, rich in local history and surrounded by natural beauty and open space. We cherish the quality of our natural environment and acknowledge our dependence upon healthy, intact local ecosystems for the clean air and pure water, food, fiber and fuel we require to sustain our health and our spiritual and emotional well being. We cherish the rural character and small town atmosphere of our community, and embrace sound planning as a tool to balance growth and conservation... We seek to preserve these qualities that we love and which make Marbletown a unique and special place."*
- In an on-going planning process, that has spanned more than 50 years since the 1969 Development Plan was prepared, residents have reaffirmed their desire to protect and preserve the diverse natural and historic features of undeveloped lands and farmland, which when taken together shape the Town's community character. The priorities in a 2022 survey conducted in Marbletown clearly identified clean drinking water as the number one concern and protection of agricultural lands and wildlife habitat as close seconds. The development of a Community

Preservation Fund would allow the town to have resources to protect open space, agricultural lands and culturally significant properties.

- Residents' right to own land and to buy and sell it freely, however, must also be respected. This CPP is specifically designed to allow Marbletown to accomplish both purposes. It is an entirely voluntary program that involves landowners who would like to conserve their property, when it contains important natural or cultural resources.
- The Community Preservation Plan outlines priority resource areas and priority projects for preservation that together form a comprehensive system of open space and historic preservation priorities for the Town of Marbletown. If priority lands are preserved using the Community Preservation Fund, in combination with other land use tools and techniques, the Community Preservation Plan can facilitate the short and long range protection of Marbletown's environment, economy, and community character in the manner envisioned in Marbletown's official land use policies.

RESOLUTION #58-2022: SCHEDULE A PUBLIC HEARING ON PROPOSED LOCAL LAW OF 2022 RELATING TO THE ADOPTION OF A COMMUNITY PRESERVATION PLAN

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

WHEREAS, a proposed form of Local Law No. ____ of 2022 entitled **A LOCAL LAW ADOPTING A COMMUNITY PRESERVATION PROJECT PLAN**" has been submitted to the Town Board of the Town of Marbletown on June 7, 2022; and

WHEREAS, the purpose of this local law is to meet and implement the requirements of § 6-s of the General Municipal Law by establishing and creating the Town of Marbletown Community Preservation Project Plan to help guide the Town's efforts to preserve natural, scenic, historic and open space resources within the Town;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Marbletown as follows: 1. The Town Board of the Town of Marbletown shall hold a public hearing on Tuesday June 21, 2022, at 6:00 o'clock p.m. in the manner set forth in the attached notice of public hearing to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law. 2. The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the official newspaper of said Town, which is not less than five days prior to the date of said public hearing. 3. The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

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

4-0; 1 absent; Resolution #58-2022 was thereupon adopted.

- The proposed local law can be found on the town's website.

RESOLUTION #59-2022; TO SCHEDULE A PUBLIC HEARING ON PROPOSED LOCAL LAW OF 2022 RELATING TO THE ESTABLISHMENT OF A COMMUNITY PRESERVATION FUND AND ADVISORY BOARD

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport WHEREAS, a proposed form of Local Law No. ____ of 2022 entitled **A LOCAL LAW ESTABLISHING A COMMUNITY PRESERVATION FUND AND CREATING A COMMUNITY PRESERVATION FUND ADVISORY BOARD AS AUTHORIZED BY GENERAL MUNICIPAL LAW § 6-s FOR THE PURPOSE OF PRESERVING NATURAL, SCENIC, HISTORIC AND OPEN SPACE RESOURCES WITHIN THE TOWN** has been submitted to the Town Board of the Town of Marbletown on June 7, 2022; **NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Marbletown (by the favorable vote of not less than a majority of all of the members of the Board) as follows: 1. The Town Board of the Town of Marbletown shall hold a public hearing on June 21, 2022, at 6:05 o'clock p.m. in the manner set forth in the attached notice of public hearing to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law. 2. The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the official newspaper of said Town which is not less than five days prior to the date of said public hearing. 3. The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

4-0; 1 absent; Resolution #59-2022 was thereupon adopted.

- The proposed local law can be found on the town's website.
- Supervisor Parete stated this will be good for the community. This fund will not be money the town can borrow for anything except for open spaces.
- Councilman Hunt expressed concerned about management of the fund. Who will be responsible? Supervisor Parete responded the Town Board will be in charge of the funds.
- Councilwoman Foote stated that the concern in town is about affordable housing and as we go forward we need to think about open spaces and affordable housing.
- Councilman Davenport pointed out that he is concerned about protecting the economy and the town.

RESOLUTION #60-2022; TO SCHEDULE A PUBLIC HEARING ON PROPOSED LOCAL LAW # OF 2022 RELATING TO A REAL ESTATE TRANSFER TAX FOR THE COMMUNITY PRESERVATION FUND

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport WHEREAS, a proposed form of Local Law No. ____ of 2022 entitled **"A LOCAL LAW IMPOSING A ONE PERCENT REAL ESTATE TRANSFER TAX ON THE CONVEYANCE OF INTERESTS IN REAL**

PROPERTY IN THE TOWN, WITH THE REVENUES DERIVED FROM THIS TAX TO BE DEPOSITED IN THE TOWN OF MARBLETOWN COMMUNITY PRESERVATION FUND FOR THE PURPOSE OF PRESERVING NATURAL, SCENIC, HISTORIC, AND OPEN SPACE RESOURCES FOR THE PRESERVATION OF COMMUNITY CHARACTER WITHIN THE TOWN” has been submitted to the Town Board of the Town of Marbletown on June 7, 2022;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Marbletown as follows: 1. The Town Board of the Town of Marbletown shall hold a public hearing on Tuesday June 21, 2022, at 6:10 o'clock p.m. in the manner provided in the notice of public hearing attached hereto to hear all interested parties on said proposed local law and at which time and place it shall be determined by the said Town Board whether to adopt said local law. 2. The Town Clerk is hereby authorized and directed to publish a notice of said public hearing in the official newspaper of said Town, which is not less than five days prior to the date of said public hearing. 3. The Town Clerk shall provide copies of such notice of public hearing to the Commissioner of the NYS Department of Environmental Conservation, the Commissioner of the NYS Department of Agriculture and Markets, and the Commissioner of the NYS Department of Taxation and Finance.

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

3 Aye; 1 No; 1 absent; Resolution #60-2022 was thereupon adopted.

- Supervisor Parete mentioned that a chart/graph had been shared that showed the median cost of a home in Ulster County:
 - 2018: 228K
 - 2019: 245K
 - 2020: 280K
 - 2021: 320K
- Supervisor Parete explained this will be a one time, paid by the buyer of the property and it can be rolled into the mortgage. This tax can not be more than 2%.
- Supervisor Parete reminded everyone that if this proposed local law passes this will be on the ballot in November for residents to vote upon.
- The proposed local law can be found on the town's website.

RESOLUTION#61-2022; MOHONK FIREWORKS

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport Whereas, Mohonk Mountain House is desiring the permit for Public Display of Fireworks, to be held on July 4, 2022 and

Whereas, the Town Board has received the application for Fireworks from Mohonk along with the required insurance and workers comp certificates. Legion Fireworks is the operator of the display, and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown approves the application for Fireworks for the Mohonk Mountain House.

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>Absent</u>

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

4-0; 1 absent; Resolution #61-2022 was thereupon adopted.

- Supervisor Parete pointed out that Mohonk requests this resolution be passed every year.

**RESOLUTION#62-2022; CONTRACT FOR SEALCOATING CRACKS AND RESTRIPIING PARK-
ING LOT AT THE RONDOUT MUNICIPAL CENTER**

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

WHEREAS, the cracks in the parking lot at the Rondout Municipal Center needs to be seal coated and the parking lot needs to be restriped, and

WHEREAS, the Town received two (2) quotes:

JK Seal Coaters	\$6,670
Zac's Sealcoating Plus	\$10,200

which have been attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Marbletown authorizes the Supervisor to sign a contract with JK Seal Coaters for sealcoating of the cracks and restriping of the parking lot at the Rondout Municipal Center, and

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

4-0; 1 absent; Resolution #62-2022 was thereupon adopted.

- Supervisor Parete explained the last time this was done was in 2016. We have obtained two quotes. The town had asked for a third quote but they never heard back from the 3rd company.

**RESOLUTION #63-2022 CONTRACT FOR SEALCOATING AND STRIPING OF THE PICKLE-
BALL COURT AT THE RONDOUT MUNICIPAL CENTER**

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

WHEREAS, the Town of Rosendale and the Town of Marbletown has the need to have the pickleball court seal coated and striped at the Rondout Municipal Center, and

WHEREAS, the Town received two (2) quotes:

JK Seal Coaters	\$1,465.20
Zac's Sealcoating Plus	\$2,169.00

which have been attached hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Marbletown authorizes the Supervisor to sign a contract with JK Seal Coaters for sealcoating and striping of the pickleball court at the Rondout Municipal Center, and

BE IT FURTHER RESOLVED, that this resolution shall become effective upon its passage by both the Town Board of the Town of Rosendale and the Town Board of 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 Davenport Voting Aye

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; 1 absent; Resolution #63-2022 was thereupon adopted.

- Supervisor Parete said the fence is up and the court lines will be finished in the next couple of weeks. Parete included that the Town of Rosendale will be paying half of the pickleball court expenses.

OTHER TOWN BUSINESS:

- Supervisor Parete said the Memorial Day Parade was great and happy with the turn out. It was nice to see so many people out.
- Supervisor Parete stated that there had been a meeting on 5/22/2022 to discuss the dissolution of the Vly Atwood Fire district. He said there about 20 people at the meeting. There will be a public hearing on 6/26 at the Fire House also.
- Councilman Davenport mentioned he had attended the most recent Rail Trail meeting. He said the Rail trail committee is doing a great job but in need of some more volunteers. He also mentioned the Highway department is doing a great job with helping with the upkeep on the rail trail. Davenport suggested putting something up on social media asking for more trail stewards.
- Councilman Hunt stated the Ethics Committee had recently met and they are in need of one more committee member. The terms are 5 years. Hunt also mentioned the committee had been working on some revisions for the Ethics Law and hoped they would have something to present to the board soon.

EXECUTIVE SESSION:

- At 7:40pm Councilman Hunt made a motion to open an executive session, seconded by Councilman Davenport. 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 7:55pm Councilman Davenport made a motion to close the executive session and reconvene the meeting with no action taken nor monies expended, seconded by Councilwoman Foote. 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 Councilwoman Foote; 4-0 Aye; 1 absent motion carried. The meeting adjourned at 7:56pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector

FINAL