



Town Board Regular Meeting

Tuesday July 19, 2022

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

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:00pm and Councilwoman Foote lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present

Councilman LaFera – Present via Zoom

Councilman Davenport – Present

Councilman Tim Hunt – Present

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

GEOHERMAL STUDY:

Tom Konrad, ECC Chairman, discussed funding for a possible scoping study. Konrad wrote a letter of interest and forwarded to the Town Board for their review. He explained that there was approximately 13 million dollars in grants to be awarded. The deadline for the grant application is October 1st. He also explained there would be no cost to the Town for a scoping study. Supervisor Parete said if everyone is okay with the submitting the letter he would send it out. 5-0 Aye; motion carried.

PUBLIC HEARING ON PROPOSED LOCAL LAW ADOPTING AMENDMENTS TO THE NEW YORK STATE PUBLIC OFFICER'S LAW§103, EXPANDING THE USE OF VIDEOCONFERENCING AT PUBLIC MEETINGS

- At 6:02pm a motion was made by Councilwoman Foote, seconded by Councilman Davenport to open the public hearing on the proposed Local Law # of 2022 '**Local Law Adopting Amendments to the New York State Public Officer's Law§103, Expanding the use of Videoconferencing at Public Meetings**', 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on Sunday July 10th. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- At 6:04pm there being no comments or questions on the proposed Local Law adopting amendments to expanding the use of videoconferencing at public meetings Councilman Davenport made a motion, seconded by Councilman Hunt to close the public hearing on the proposed local law, 5-0 Aye, motion carried.

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 vouchers from 6/21/2022.

<u>June 21, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
Highway Fund	V#221	\$238,748
Total		\$280,159.07

A motion was made by Councilman Davenport and Seconded by Councilwoman Foote to approve this voucher.

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.

- Supervisor Parete explained this is for the truck that was bought during Covid and it was just delivered.
- Councilman Hunt asked about money raised from selling highway equipment. Parete responded that Highway Superintendent Dimler had raised approximately \$32,000 from selling equipment.
- Councilwoman Foote asked how long does the highway keep equipment. Parete thought it was about 10-12 years.
- Councilman LaFera stated Dimler is very good about budgeting.

Town Clerk Moody submitted the following vouchers for approval:

<u>July 19, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#428-497	\$139,822.97
Highway Fund	V#222-252	\$379,822.97
High Falls Water District	V#57-68	\$18,672.07
RMC	V#73-85	\$13,808.84
Vly Atwood Fire Protection District	V#1-3	\$2,136.61

A motion was made by Councilman Hunt 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>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; motion carried.

- Supervisor Parete explained that the Vly Atwood Fire House district had some bills come in for the legal notices that were placed in the Daily Freeman and those bills are being paid out of their yearly budget money for this year.
- Councilman Hunt asked about the fire district budgets? Supervisor Parete responded that each fire district submits their yearly budget to Town Clerk Moody and it is then added to the main budget. The money is collected through taxes and then the Town provides a check to the fire district in the amount requested.
- Councilman Davenport asked about seeing the assets of the fire district and Supervisor Parete explained that it is part of the dissolution plan.
- Councilman Davenport asked how the Marbletown Ambulance gets their money? Councilman LaFera responded they are paid on a quarterly basis, and he will forward the paperwork to Davenport.

MEETING MINUTES:

Councilman Hunt made a motion, seconded by Councilwoman Foote to approve the meeting minutes from 6/21/2022. **5-0 Aye; motion carried.**

RESOLUTION#72-2022; LOCAL LAW # 7, ADOPTING AMENDMENTS TO THE NEW YORK STATE PUBLIC OFFICER'S LAW §103, EXPANDING THE USE OF VIDEOCONFERENCING AT PUBLIC MEETINGS

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport **WHEREAS** on April 9, 2022, Governor Hochul signed Legislation into law which amended New York State's Public Officers Law ("Public Officers Law") to expand the permitted use of video conferencing at public meetings. (See Chapter 56 of the Laws of 2022 and Public Officer's Law §103, as amended.), and **WHEREAS**, a resolution was duly adopted by the Town Board of the Town of Marbletown on June 21, 2022, setting a public hearing to be held by said Town Board on July 19, 2022, at 6:00 p.m. at the Rondout Municipal Center, 1925 Lucas Ave. Cottekill NY 12419; and **WHEREAS**, said public hearing was duly held on July 19, 2022, at the Rondout Municipal Center, 1925 Lucas Ave. Cottekill NY 12419, at said time, and all parties were permitted an opportunity to comment on behalf of or in opposition to said proposed Local Law, or any part thereof as set forth in the Notice of Public Hearing; and **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 the members of the Board) as follows:

That the Town Board hereby adopts Local Law No. 7 of 2022, now referred to as Local Law No. 7 of 2022, entitled "**A LOCAL LAW ADOPTING AMENDMENTS TO THE NEW YORK STATE PUBLIC OFFICER'S LAW §103, EXPANDING THE USE OF VIDEOCONFERENCING AT PUBLIC MEETINGS**", a copy of which is attached hereto and made a part of this resolution.

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 #72-2022 was thereupon adopted.

RESOLUTION#73-2022; EXPANDING THE USE OF VIDEOCONFERENCING AT PUBLIC MEETINGS

The following Resolution was offered by Councilman Davenport and seconded by Councilman Hunt **WHEREAS** on April 9, 2022, Governor Hochul signed Legislation into law which amended New York State's Public Officers Law ("Public Officers Law") to expand the permitted use of video conferencing at public meetings. (See Chapter 56 of the Laws of 2022 and Public Officer's Law §103, as amended.), and **WHEREAS**, in accordance with Public Officers Law §103, as amended, the Town of Marbletown deems it necessary and appropriate to amend the Videoconferencing Policy as they relate to the use of Videoconferencing at meetings to comply with the recent amendments to the Public Officers Law; now, therefore be it **Videoconference**. Regular and special meetings may be attended via videoconference, when the following process and criteria are met and implemented:

1. Any Board, Committee or Commission member requesting to attend a meeting via videoconference pursuant to Section 103(c) of the Public Officers Law may file a written request with the Town Supervisor no less than 72

hours prior to start of the meeting and that he or she will not be able to personally attend the meeting in a Town of Marbletown facility.

2. The Supervisor shall make arrangements for the videoconferencing. Meeting must be held in room or building that is set up to videoconference.

3. The video conference shall be conducted in a manner compliant with State Law and shall ensure that all members can see and hear any member videoconferencing in the meeting and that such videoconferencing member(s) can see and hear the other members of the Board, Committee or Commission.

4. Any Member attending via videoconference shall ensure that public accessibility is permitted at the location of such member pursuant to Section 104 of the Public Officers Law.

5. Attendance via videoconference shall be limited to six (6) instances per calendar year for Town Board members and three (3) for all other boards, committees, and commissions.

6. Remote member(s) location at least 72 hours prior to meeting on the town website and social media.

7. A Quorum of any board, committee or commission must physically be at advertised location of meeting.

8. Costs, if any, associated with the securing or equipment at the remote location, the renting of the remote location, any connection or communication fee charged by the remote location shall be borne by that Member who is attending remotely, and shall not be the responsibility of the Town of Marbletown.

9. All Town Board, Planning Board, and Zoning Board meetings must be broadcast live and then archived on Town's website and social media accounts.

10. Conditions for extraordinary circumstance videoconferencing: Notwithstanding any other provision of these Rules, members shall be physically present at meetings, unless allowed remote attendance at locations that do not allow for in-person physical attendance by the public, under extraordinary circumstances.

(i). The list of extraordinary circumstances is non-exhaustive, but shall include disability, illness, caregiving responsibilities or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

(ii). Members shall provide notice of their inability to attend a meeting to the Town Supervisor at least 48 hours prior to the meeting, or as soon as practicable.

(iii). The determination of whether circumstances are "extraordinary" as set forth in this Section shall be made by the Town Supervisor.

RESOLVED, that the Town Board of the Town of Marbletown adopt the above Videoconferencing Policy.

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 #73-2022 was thereupon adopted.

RESOLUTION#74-2022, SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED AMENDMENT TO LOCAL LAW NUMBER 5 OF 2021, A LOCAL LAW KNOWN AS STRETCH ENERGY CODE

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

WHEREAS, the Town Board found it to be in the best interests of the residents of the Town of Marbletown to amend Local Law #5 of 2021, as it has been determined by NYS DOS and NYSERTA that the NYSTRETCH Energy Code required modification to be made to the Local Law as language that was provided, creating exemptions for certain sections of the NYS Energy Code and Building Code.

WHEREAS, Local Law #5 of 2021 was adopted following Local Law #4 of 2021 when it was determined by NYS DOS that the NYSTRETCH Energy Code needed modification.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall at 6:00 p.m. on Tuesday August 2, 2022, by interested persons, upon passage of this resolution, to hear all interested parties on the proposed amendment of Local Law #__, 2022 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 amend Local Law #5, 2021, Stretch Energy Code that will go into effect upon filing with the Secretary of State.

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 #74-2022 was thereupon adopted.

RESOLUTION# 75-2022; SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF ROSENDALE AND TOWN OF MARBLETOWN

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

WHEREAS, the Town of Marbletown and the Town of Rosendale agree that a cooperative arrangement such as is established hereby is in the best interests of the citizens of the respective municipalities, and

WHEREAS, each Party hereto has certain highway, non-highway, specialty equipment and/or skilled personnel (including equipment operators) that may be available from time to time, and

WHEREAS, such cooperative efforts may be for a scheduled short duration of time, or unanticipated event, and/or emergency, and

NOW THEREFORE, the Town of Marbletown Town Board authorizes the Highway Superintendent, Town Clerk and 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 Aye

Councilman Lafera Voting Aye

Councilwoman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0; Resolution #75-2022 was thereupon adopted.

- Supervisor Parete explained that this is a 5-year agreement, and it is the same as the last one that was signed 5 years ago. Parete added that if Rosendale borrows a piece of equipment from us we send an operator also.
- Councilman Davenport questioned if the terms should be staggered between towns so not all agreements expire the same year. Supervisor Parete or Councilman Davenport will discuss with Superintendent Dimler.

RESOLUTION#76-2022; LEASE RENEWAL WITH RVGA, INC. D/B/A RONDOUT VALLEY GROWERS ASSOCIATION

The following Resolution was offered by Councilwoman Foote and seconded by Councilman LaFera
WHEREAS, the Towns of Rosendale and Marbletown own the Rondout Municipal Center (RMC), and
WHEREAS, the Towns of Rosendale and Marbletown currently have a lease with RVGA, Inc. d/b/a Rondout Valley Growers Association which is due for renewal.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown authorizes the Supervisor to sign the lease agreement with RVGA, Inc. which has been attached and made a part hereof, 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 <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 #76-2022 was thereupon adopted.

RESOLUTION #77-2022; REQUESTING A SPEED STUDY ON MOHONK ROAD AND COUNTY ROUTE 6

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport
WHEREAS, the Town of Marbletown has received complaints about the speed limit on Mohonk Road and County Route 6, and

WHEREAS, Mohonk Road and County Route 6 is frequented by bicyclists and runners, and
WHEREAS, the Town of Marbletown recommends that the Ulster County Department of Public Works conduct a speed study on Mohonk Road from County Route 6 to the Gate House at Mohonk Mountain House, and
WHEREAS, the Town of Marbletown would also like the Ulster County Department of Public Works to conduct a speed study on County Route 6 from Clove Road to Mohonk Road

THEREFORE, BE IT RESOLVED, the Marbletown Town Board requests the Ulster County department of Public Works have the New York State Department of Transportation conduct such study on Mohonk Road and County Route 6, and

BE IT FURTHER RESOLVED, a copy of this resolution as well as form TE 9a, shall be sent to the New York State Department of Transportation and to the Commissioner of Ulster County Public Works.

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 #77-2022 was thereupon adopted.

RESOLUTION #78-2022; REQUESTING A SPEED STUDY ON STATE ROUTE 209

The following Resolution was offered by Councilman Hunt and seconded by Councilwoman Foote
WHEREAS, the Town Board does not have the authority to designate a speed zone for this area; and

WHEREAS, State Route 209 is a New York State highway, and has multiple public ingresses and egresses that access multiple houses and businesses along its entire length, and

WHEREAS, said section of road has multiple individual driveways on both sides, and

WHEREAS, said road is a two-lane highway with no divider separating opposing lanes, and

WHEREAS, the current speed limit of 55 mph on a large section of said road is too high and poses a traffic safety hazard and has resulted in multiple fatal accidents in the past five years, and

WHEREAS, the Town Board believes the passing zone just south of Schoonmaker Lane should be removed, and

WHEREAS, the Town Board of the Town of Marbletown agrees that the speed limit is too high and should be lowered to 45 mph, now

THEREFORE BE IT RESOLVED; the Town Board of the Town of Marbletown hereby requests that the New York State Department of Transportation conduct a speed study on State Route 209 in Stone Ridge from Ulster County Route 2, also known as Kripplebush Road to the stoplight at State Route 213 East.

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 #77-2022 was thereupon adopted.

- Supervisor Parete explained that the Town is requesting this study due to over the past 4 years there have been four fatalities on Rt. 209.
- Councilman Hunt expressed that when trucks hit their brakes, on Rt. 209, it is very loud. Supervisor Parete stated he would ask about getting “No Engine Braking” signs for Rt. 209.

OTHER TOWN BUSINESS:

- Supervisor Parete stated that the latest storm brought devastation to the Lapla Road area and sections of the woods are gone. The highway department worked non-stop to get assist in getting the roads cleared. Ulster County sent equipment and the Town of Rochester sent staff and equipment to assist in getting trees off of houses.
- Supervisor Parete reported that everyone that had signed up to get their electric from the CCA program have now all been turned back over to Central Hudson. The Town has joined the lawsuit and any updates will be reported.
- Supervisor Parete announced that the 2021 county sales tax went up and this year we could get approximately \$83,000 extra.
- Councilman Hunt reported that the community center needs a new roof and repairs are needed down at the park. A long-term plan would be beneficial for the community center and park.
- At 7:12pm the connection to Zoom was lost and Councilman LaFera left the meeting.
- Supervisor Parete reminded everyone that the grand opening of the Pickleball court will be Friday at 10:00am with refreshments.
- Supervisor Parete declared the primary is coming up in August and the board of elections are in desperate need of election inspectors. If you know anyone please suggest they contact the Board of Elections.

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 7:20pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector

DRAFT