



## **Town Board Regular Meeting**

**Tuesday May 17, 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 – Present

Councilman Davenport – Present

Councilman Tim Hunt – Present

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

### **HOUSING COMMITTEE PRESENTATION**

- Marbletown Housing Committee members Vincent Martello, Marian Martinez and Bob Capelletti presented, via Zoom, their findings and recommendations to the Town Board. (Copy of the presentation can be found on the town website).
- The goals of the committee are to identify need, community priorities and concerns; housing types; focused housing study; policy and programs to support this housing-funding, continued affordability, zoning and recommendations for implementation.
- The final plan will provide long-term recommendations that address the variety of current and future house needs which include a short and mix of income levels as well as rental and homeownership. These may include; zoning changes, varied funding mechanisms, hiring a planner to develop zoning plan, regulations for short term rentals and criteria for stand-alone projects.
- The next steps for the committee – continue to refine website and establish public engagement plan.
- The areas that need addressing in Marbletown – general affordability, aging population, aging housing stock, insufficient housing stock and limited housing diversity.
- The board and the committee will work together to build upon their findings and continue to provide recommendations that can be implemented easily, allowing the board to take action.
- Councilwoman Foote thanked the committee for the amazing presentation.
- Councilman Hunt thanked the committee for all of their work.
- Councilman LaFera stated that the board should start focusing on zoning law changes.
- Councilman Davenport added it was a great presentation and a great start to addressing the needs of the town.

### **PUBLIC COMMENT**

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

### **APPROVAL OF VOUCHERS & AMENDMENTS**

Town Clerk Moody submitted the following amendments to the 5/3/2022 vouchers:

Town Clerk Moody submitted the following amendments for approval:

| <b><u>May 3, 2022</u></b> | <b><u>Vouchers</u></b> | <b><u>Total Payment</u></b> |
|---------------------------|------------------------|-----------------------------|
| <b>Highway Fund</b>       | <b>V#156</b>           | <b>\$7,449.00</b>           |
| <b>Total</b>              |                        | <b>\$21,406.91</b>          |

A motion was made by Councilman Davenport and Seconded by Councilman Hunt 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.**

### **APPROVAL OF VOUCHERS & AMENDMENTS**

Town Clerk Moody submitted the following vouchers for approval:

| <b><u>May 17, 2022</u></b>       | <b><u>Vouchers</u></b> | <b><u>Total Payment</u></b> |
|----------------------------------|------------------------|-----------------------------|
| <b>General Fund</b>              | <b>V#294-338</b>       | <b>\$40,226.54</b>          |
| <b>Highway Fund</b>              | <b>V#157-176</b>       | <b>\$28,310.36</b>          |
| <b>High Falls Water District</b> | <b>V#44-48</b>         | <b>\$8,242.45</b>           |
| <b>RMC</b>                       | <b>V#52-63</b>         | <b>\$7,597.21</b>           |

A motion was made by Councilwoman Foote and Seconded by Councilman LaFera 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.**

- Councilman Hunt asked what the Peak Engineering voucher covered, and Supervisor Parete responded it was for Dutchess Farms.
- Councilman Davenport asked if the financials could be broken down more. Supervisor Parete stated he would follow up on the request.

### **MEETING MINUTES:**

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

### **RESOLUTION# 54-2022 SHARED SERVICE AGREEMENT BETWEEN THE TOWN OF WOODSTOCK AND TOWN OF MARBLETOWN**

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

**WHEREAS**, the Town of Marbletown and the Town of Woodstock 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 <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 #54-2022 was thereupon adopted.

- Supervisor Parete stated this would be a 5-year agreement and the last time one was signed was in 2017. Towns and counties do these agreements to share equipment. Due to an accident a few years in Marbletown there is a new policy that when you borrow town equipment an operator comes with the equipment.

#### **RESOLUTION#55-2022 DECLARING SUPPORT FOR THE NEW YORK STATE CLIMATE ACTION COUNCIL SCOPING PLAN**

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

**WHEREAS**, the Sixth Assessment of the International Panel on Climate Change (IPCC) finds that climate change is causing dangerous and widespread disruption in nature and affecting the lives of billions of people around the world; and

**WHEREAS**, the IPCC Assessment concludes that rapid, deep, and sustained reductions in global greenhouse gas emissions (GHG) are necessary, including accelerated action in this critical decade, to limit global warming to within 1.5°C and 2°C in this century; and

**WHEREAS**, New York State recognizes the urgent need to reduce and eliminate GHG emissions in the atmosphere, passing the 2019 Climate Leadership and Community Protection Act (“Climate Act”) committing the State to:

- reduce GHG emissions by 40 percent by 2030 below 1990 levels, and achieve net-zero emissions by 2050;
- meet 70 percent of electricity needs from renewable resources by 2030, and 100 percent of electricity needs from zero-emissions resources by 2040;
- ensure a just and equitable transition that leaves no one behind, and dedicate up to 40 percent of the benefits of clean energy investments to Disadvantaged Communities; and

**WHEREAS**, the New York State Climate Action Council has approved for public comment a Draft Scoping Plan to meet New York’s climate and equity goals, and

**WHEREAS**, the Scoping Plan calls for shifting to energy-efficient electrification in buildings and transportation as the primary solution to replace fossil-fuel combustion in these sectors, which together account for 60 percent of the state’s carbon emissions; and

**WHEREAS**, the Scoping Plan calls for a phase-down of emissions from fossil fuel-fired electricity generation, while ensuring support and protections for impacted workers as they transition to clean energy jobs; and

**WHEREAS** the 2021 Jobs Study by the Just Transition Working Group for the NYS Climate Action Council estimates that meeting New York’s climate goals will result in a net gain of 189,000 jobs across the state by 2030, alone, with

a ratio of jobs gained to jobs displaced of 10 to 1; and

**WHEREAS**, the Scoping Plan includes measures that would expand the development of renewable resources and battery storage, encourage “agrivoltaics,” or the co-location of agricultural activities with solar and wind, and provide resources to communities to assist with renewable siting and land-use planning; and

**WHEREAS**, the Scoping Plan recognizes the critical role that rural landscapes play, both natural and working lands, in sequestering carbon emissions and enabling the state to achieve net-zero emissions, and the importance of agricultural land preservation, open space protection, support for farmers to improve soil health, and policies that expand afforestation and reforestation and incentivize and assist private landowners in implementing sustainable forest management practices; and

**WHEREAS**, the Integration Analysis for the Scoping Plan finds that meeting emissions reduction goals of the Climate Act are technically feasible and will have the additional and significant benefit of improving public health by eliminating co-pollutants from fossil fuel combustion, resulting in an estimated \$50 to \$120 billion in health-related savings by 2050; and

**WHEREAS**, according to NYSEERDA, over half of what New Yorkers currently spend on energy leaves New York, mostly for fossil fuels; and

**WHEREAS**, our communities would be better served by keeping energy spending primarily within the local economy; now, therefore be it

**RESOLVED**, the Town of Marbletown affirms the critical importance of meeting the emissions and equity goals of the Climate Act, which will help mitigate dangerous warming while delivering the additional benefits of improving public health, economic opportunities, agricultural land open space protection, and quality of life for the people of Ulster County.

and be it further

**RESOLVED**, Marbletown declares its support for prohibiting an expansion of fossil fuel infrastructure, which contradicts the goals of the Climate Act, and for transitioning to efficient electricity-based solutions for buildings and transportation; and be it further

**RESOLVED**, Marbletown supports a planning process for a managed transition of the utility gas system that maintains affordable, safe, and reliable utility service and protects low- and moderate-income households from an undue burden in the transition; and be it further

**RESOLVED**, Marbletown supports the recommendations of the Scoping Plan for advanced building codes that will improve the energy efficiency of new buildings, creating healthier living and work environments while reducing monthly energy costs; and be it further

**RESOLVED**, Marbletown supports the recommendations of the Scoping Plan to phase in code requirements prohibiting on-site combustion of fossil fuels in new buildings over a 2024-2027 period; and be it further

**RESOLVED**, Marbletown calls on the Climate Action Council to include in the Scoping Plan the necessary policies and support to help owners of existing buildings improve energy efficiency and transition to zero-emissions equipment, ensuring cost parity with fossil fuel systems, with incentives and financing assistance as necessary; and be it further

**RESOLVED**, Marbletown supports Scoping Plan recommendations that make electric vehicles more affordable relative to gas-powered vehicles, and

expand fast-charging infrastructure; and be it further

**RESOLVED**, Marbletown urges the Climate Action Council to include in the Scoping Plan recommendations to expand assistance for all-electric municipal transit systems; and be it further

**RESOLVED**, Marbletown further urges the New York State Department of Environmental Conservation and NYSEERDA to immediately launch a sustained statewide public education and information campaign on the benefits of a clean energy economy and climate-friendly choices by consumers of heating and cooling systems, transportation, and products and appliances; and be it further

**RESOLVED**, Marbletown shall forward copies of this resolution to the Commissioner of the NYS Department of Environmental Conservation, President of NYSEERDA, Chair of the NYS Public Service Commission, the NYS Climate Action Council, and Members of the State Senate and Assembly representing 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>Abstain</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>     |

**4-0; 1 abstain**; Resolution #55-2022 was thereupon adopted.

- Tom Konrad, ECC Chairman, added he and the Environmental Conservation Commission support this resolution.

#### **RESOLUTION#56-2022 MEMORANDUM OF AGREEMENT BETWEEN TOWN OF MARBLETOWN AND UNITED PUBLIC SERVICE EMPLOYEES' UNION**

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

**WHEREAS**, the Town of Marbletown and United Public Service Employees Union (UPSEU) are signatories to a Collective Bargaining Agreement (CBA) that expires on December 31, 2024, and

**WHEREAS**, UPSEU represents the title of HMEO/Mechanic withing the CBA, and

**WHEREAS**, the parties have engaged in good faith negotiations in an effort to arrive on a stipend for the title of HMEO/Mechanic, and

**RESOLVED**, that the Town of Marbletown Town Board authorize the Supervisor and Deputy 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>Aye</u> |
| Councilman Hunt      | Voting <u>Aye</u> |
| Supervisor Parete    | Voting <u>Aye</u> |

**5-0**; Resolution #56-2022 was thereupon adopted.

- An employee with the title HMEO/Mechanic and brings his/her own tools/tool chest to work and works on town vehicles will receive a one-thousand-dollar (\$1,000) stipend every January 1<sup>st</sup> of each calendar year.

- If the employer supplies all the tools for the employee with the title HMEO/Mechanic to work on town vehicles the employee will not receive the stipend.

#### **RESOLUTION#57-2022: RESOLUTION AUTHORIZING THE COMMENCEMENT OF LITIGATION AGAINST COLUMBIA UTILITIES, LLC**

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

**WHEREAS**, Columbia Utilities, LLC, including any subsidiaries and affiliates, (herein collectively “Columbia”) is an independent retail energy supply company; and

**WHEREAS**, the Town of Marbletown entered into a Community Choice Aggregation Electricity Supply Agreement (“Supply Agreement”) with Columbia and Joule Assets Inc. (“Joule”), with Joule acting as Community Choice Aggregation Administrator, to provide energy benefits to residents and small non-residential customers within the Town of Marbletown and

**WHEREAS**, on April 19, 2022, Columbia notified the Public Service Commission that that it intends to transfer these Residents to the utility, this transfer would constitute a breach of the Supply Agreement by terminating service without cause or in accordance with the terms of the Contract; and

**WHEREAS**, the Town of Marbletown desires to retain Hodgson Russ LLP as counsel for the purpose of joining Joule in commencing litigation on behalf of the Town of Marbletown residents to enforce the Supply Agreement;

**NOW THEREFORE, BE IT RESOLVED** by the Town of Marbletown that:

Commencement and prosecution of a civil action against Columbia, and any other appropriate party, for the purpose of enforcing the Supply Agreement and protecting the interests of the Residents, including but not limited to preventing any breach, and/or recovery of damages from any responsible party on behalf of the Town and its residents and small non-residential customers, is hereby authorized and approved.

The Supervisor and staff are authorized to take all appropriate steps to support the successful prosecution of the proceeding.

The retention of Hodgson Russ LLP as outside counsel is hereby authorized for the purpose of commencing and prosecuting this action. Nothing in this Resolution authorizes the expenditure of funds for such purpose.

This Resolution shall be effective immediately upon its adoption.

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 #57-2022** was thereupon adopted.

- Supervisor Parete stated that Joule asked every municipality in the CCA to join the potential litigation against Columbia. There were 10 municipalities who are part of the CCA. If the case were to go to court Joule would fund the litigation.

#### **OTHER TOWN BUSINESS:**

- Tom Konrad, ECC Chairman, brought up the subject of air conditioners and heat pumps. Heat pumps cost ½ as much as heating with oil and are extremely efficient. Supervisor Parete stated he would rather incentive residents vs. penalizing residents. Councilman Davenport pointed out there has been a rise of Rycor in the area installing mini splits and residents taking advantage of incentives. Councilwoman Foote requested more data before putting together a formal resolution.
- Councilman Davenport stated he met with Jill McLean, Youth & Rec Director, and discussed collecting data on the use of the Town Park and Rail Trail. They also discussed what needs to be done for upgrades.

The storage shed at the town park is about 20 years old and falling apart. Councilman Davenport suggested getting 3 quotes for a new shed.

- Supervisor Parete reminded everyone that Saturday 5/21 is Community Day and the dedication of the Rail Trail Connector. Hudson Crossing will be providing the music.
- Supervisor Parete talked about the Memorial Day parade on Monday May 30<sup>th</sup> which starts at 10:00am and will go down Rt 209 and end at the Community Center with a ceremony. Supervisor Parete thanked the Hasbrouck House for donating the flags and Benny's for donating the hot dogs.
- Supervisor Parete announced that there will be a meeting at the Vly Atwood Firehouse on Sunday 5/22 at 3:00pm to discuss dissolving the fire house. There will be a public hearing on Sunday 6/27 at 6:00pm also.
- Supervisor Parete announced that this Sunday 5/22 there will be a breakfast at the Sportsman's Club from 8:00am – 1:00pm and the cost is \$10.00.
- Councilman Hunt reminded everyone to please go on the town website and fill out the survey and if you have photo's of Marbletown land please forward to the town.
- Councilwoman Foote mentioned she and Supervisor Parete met with Michelle Hinchey to discuss possible funding for the water line and affordable housing issues.

**Motion to adjourn:** There being no further discussion Councilwoman Foote made the motion to adjourn the meeting, seconded by Councilman Hunt; 5-0 Aye; motion carried. The meeting adjourned at 7:57pm.

Respectfully submitted,  
Heather Moody  
Town Clerk/Tax Collector