



Town Board Regular Meeting

Tuesday, October 4, 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 Councilman Hunt lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present, via Zoom

Councilman LaFera – Present

Councilman Davenport – Present, via Zoom. Physical address: 203 2nd Ave., Melbourne Beach, Florida

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 to the vouchers from 9/20/2022.

Town Clerk Moody submitted the following vouchers for approval:

<u>October 4, 2022</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#635-666	\$15,962.56
Highway Fund	V#312-319	\$21,518.64
High Falls Water District	V#86-89	\$14,924.13
RMC	V#	\$
Vly Atwood Fire Protection District	V#14	\$1,889

A motion was made by Councilman LaFera and Seconded by Councilman Hunt 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; motion carried.

- Councilman Hunt inquired about the voucher for Jacobowitz and Gubits. Supervisor Parete explained that this is for legal fees. Parete added that there is a meeting coming up at the end of October pertaining to Duchess Farms and he would keep everyone updated.

MEETING MINUTES:

Councilwoman Foote made a motion, seconded by Councilman Hunt to approve the meeting minutes from 9/20/2022. **5-0; motion carried.**

2023 TENTATIVE BUDGET

- Supervisor Parete stated that the 2023 tentative budget had been presented to Town Clerk Moody on 9/30/22. Copies of the budget were handed out to all town board members.
- Supervisor Parete explained that the board members will have a couple of weeks to review the budget and make any inquiries they may have. Any changes that are made will be available for the public hearing. Changes can still be made after the public hearing. Parete pointed out that we were still waiting for a couple of the fire district 2023 budgets.
- Supervisor Parete pointed out a few highlights from the 2023 tentative budget:
 - Total tax levy is up 5.87% overall. The General budget is up 2.37%, mainly due to health insurance, payroll and the addition of a maintenance person for the park. The Highway budget is up 3.85% due to fuel cost, health insurance and salaries.
 - The ambulance district will be more this year than last year as \$150,000 was taken out of the surplus last year. Supervisor Parete is hoping both Rochester and Rosendale will contribute towards the ambulance district.
 - Expenses for 2022 did go up as typically insurance is due in November and for years we paid in January but last year we paid early, so that expense was paid in January and then paid in November for the next year.
 - The Highway received more CHIPS money then they had the previous year. Highway Superintendent Dimler does not know what the anticipated CHIPS money will be for next year.
 - Supervisor Parete pointed out that the Supervisor's salary will go up by \$2,500. Along with that increase all elected officials will receive raises. Due to the union contracts all employees will be getting raises.

RESOLUTION #94-2022 SELL SURPLUS FIRE TRUCK

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

WHEREAS, the Town of Marbletown owns fire apparatus because of Vly-Atwood Fire District's dissolution, and

WHEREAS, the Town would like to repurpose apparatus and equipment to other fire districts in the Town of Marbletown, and

WHEREAS, Mohonk Mountain has expressed an interest in purchasing the 1999 F-450 Super Duty 4WD rescue truck, and

NOW THEREFORE RESOLVED, that the Town Board of the Town of Marbletown agrees to sell Mohonk Mountain said truck for \$6,000.

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 Aye; Resolution #94-2022 was thereupon adopted.

- Supervisor Parete stated that the Smiley Brothers have shown interest in the truck, and it would be nice to repurpose the truck within the town. Parete also added that a FOIL request had been submitted to the town, by a former town supervisor, requesting all information related to the sale of surplus property to Mohonk.

Town Attorney Kellogg answered if it is under \$25,000 it is not subject to a permissive referendum. Councilwoman Foote thought it was a good idea as Mohonk is our neighbor and the truck could be used as mutual aid for High Falls.

RESOLUTION #95-2022 ACCEPTING A PROPOSED LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT FOR FISCAL YEAR 2023 PURSUANT TO GENERAL MUNICIPAL LAW §3-c FOR COMMENCEMENT OF THE LOCAL LAW ADOPTION PROCESS

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

WHEREAS, the Town Board has determined that it may be necessary for the Town of Marbletown to exceed the limit on the amount of real property taxes that may be levied by the Town of Marbletown pursuant to General Municipal Law §3-c for fiscal year 2023; and

BE IT FURTHER RESOLVED, the Town Supervisor has prepared a proposed local law to override the tax levy limit for fiscal year 2023 pursuant to General Municipal Law §3-c, and the same has been reviewed and approved by the Town Board members.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby accepts the proposed local law for the year 2022 entitled “Local Law to Override the Tax Levy Limit for Fiscal Year 2023 pursuant to General Municipal Law §3-c” for commencement of the local law adoption process; and

BE IT FURTHER RESOLVED, that the Town Board hereby schedules a public hearing on said local law to be held on October 18, 2022 at the Rondout Municipal Center, 1925 Lucas Ave Cottekill NY 12419 at 6:00 p.m. and that the public hearing be duly noticed by the Town Clerk as required by law.

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 Aye; Resolution #95-2022 was thereupon adopted.

- Supervisor Parete reported that this public hearing and law are required every year if the budget is going to go over the tax cap.

RESOLUTION #96-2022; APPOINTMENT TO ENVIRONMENTAL CONSERVATION COMMISSION

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

WHEREAS, Laura Ankler has indicated a desire to be appointed to the Marbletown Environmental Conservation Commission, and

WHEREAS, the Environmental Conservation Commission (ECC) has met and recommends Laura Ankler be reappointed to the ECC, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown appoint Laura Ankler to the Environmental Conservation Commission for a term to expire on 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 Aye; Resolution #96-2022 was thereupon adopted.

- Councilwoman Foote said that Laura Ankler has a great resume, and the town is very lucky she wants to get involved with the ECC.

RESOLUTION #97-2022 TOWN OF MARBLETOWN TOWN BOARD
PURSUANT TO TOWN LAW § 170 TO FORM A FIRE PROTECTION DISTRICT

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

WHEREAS, the Marbletown Fire District presently provides fire protection to a portion of the town of Marbletown;

WHEREAS, the Marbletown Fire District is to be dissolved, proposed to be effective at the latest, on December 31, 2022;

WHEREAS, the town of Marbletown has reviewed the proposal to dissolve the Marbletown Fire District and proposes to form a fire protection district over the same boundaries as the Marbletown Fire District, upon such dissolution;

WHEREAS, it appears to the town of Marbletown to be in the public interest of this town to form a fire protection district over the same borders as the Marbletown Fire District up to the Fire District's dissolution, in a territory described in the attached schedule;

NOW THEREFORE, RESOLVED that the town of Marbletown shall provide notice of and host a public hearing on whether to form a fire protection district over the present borders of the Marbletown Fire District, effective upon the dissolution of the Marbletown Fire District, being the territory shown on the attached map and as more particularly described on **Schedule A** attached hereto. The public hearing shall be held on November 15, 2022, at the Marbletown Town Hall, upon the conclusion of a prior public hearing upon the dissolution of the Marbletown Fire District, but in no event earlier than 6 pm.

The estimated rate per thousand dollars of assessed valuation, based on the aggregate assessed valuation of taxable real property of the proposed fire protection district shown in the latest completed final assessment roll, projected to be assessed, levied and collected for purposes of the proposed fire protection district for the fiscal year of its operation, of the property located in the territory listed in Schedule A is \$1.267339 based upon a taxable value of the proposed fire protection district of \$46,061,077.00. This rate was determined by utilizing the same rate as the Marbletown Fire District and was derived from the County clerk's assessment records for the Marbletown Fire District, as the rate will be identical.

IT IS FURTHER RESOLVED that notice of such hearing be provided in accordance with Town Law §§ 170(2) and 171(2) and the clerk of this municipality is directed to cause such notice to be given by publishing notice of the hearing in a newspaper having general circulation in the proposed Marbletown Fire Protection District at least once and posting such notice in five (5) public, conspicuous places in the existing Marbletown Fire District (being the same as the proposed Fire Protection District) in the town of Marbletown, the first publication and post of which is not less than ten (10) days nor more than twenty (20) days before the date of the hearing. The clerk also shall post the notice on the signboard of the town maintained pursuant to subdivision six of section thirty of Article 11 of the Town Law, not less than ten (10) nor more than twenty (20) days prior to the hearing. The clerk also shall serve each member of this board with such notice by mailing such notice to the address of each member at their last known post office address, at least ten (10) days before the date of the hearing.

The notice shall read as follows:

PUBLIC NOTICE

A PUBLIC HEARING SHALL BE HELD ON THE 15TH DAY OF NOVEMBER 2022 AT 6 PM AT THE TOWN OF MARBLETOWN TOWN HALL AT 1925 LUCAS TURNPIKE, COTTEKILL, NY 12419. THE TOWN BOARD OF THE TOWN OF MARBLETOWN SHALL BE PRESENT. THE HEARING SHALL HEAR ALL PERSONS INTERESTED IN THE ESTABLISHMENT OF THE MARBLETOWN FIRE PROTECTION DISTRICT NO. 2 OVER THE SAME BOUNDARIES AS THE MARBLETOWN FIRE DISTRICT UPON THE DISSOLUTION OF THE MARBLETOWN FIRE DISTRICT AND ENTERTAIN PUBLIC COMMENT AND DISCUSSION ON WHETHER TO FORM A NEW FIRE PROTECTION DISTRICT

OVER THE SAME TERRITORIES OVER THE DISSOLVING MARBLETOWN FIRE DISTRICT. THE OBJECT AND PURPOSES FOR WHICH THE ESTABLISHMENT OF THE MARBLETOWN FIRE PROTECTION DISTRICT NO. 2 (IE: THE EFFECT) IS PROPOSED IS TO PERMIT THE TOWN OF MARBLETOWN TO CONTRACT FOR FIRE PROTECTION UPON THE DISSOLUTION OF THE MARBLETOWN FIRE DISTRICT. ALL PERSONS INTERESTED MAY BE HEARD.

THE TERRITORY IN THE TOWN OF MARBLETOWN IN WHICH THE MARBLETOWN FIRE PROTECTION DISTRICT NO. 2 WILL BE ESTABLISHED MAY BE EXAMINED ON THE TOWN'S WEBSITE AND IN THE OFFICE OF THE TOWN CLERK IN THE TOWN OF MARBLETOWN.

A MEETING OF THE TOWN BOARD OF THE TOWN OF MARBLETOWN WILL BE HELD IMMEDIATELY FOLLOWING THE CLOSE OF THE PUBLIC HEARING(S) FOR THE PURPOSE OF CONSIDERING THE QUESTION OF THE FORMATION OF THE FIRE PROTECTION DISTRICT.

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 Aye; Resolution #97-2022 was thereupon adopted.

RESOLUTION #98-2022 BAD'S BARN'S SHED PURCHASE

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

WHEREAS, the shed at Town Park has outlived its useful life and needs to be replaced, and

WHEREAS, the Town received four quotes. \$10,434, \$12,500, \$11,063, and \$11,018, and

NOW THEREFORE RESOLVED, the Town Board of the Town of Marbletown authorize the Supervisor to sign the attached contract with Brad's Barn for \$10,434.

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 Aye; Resolution #98-2022 was thereupon adopted

- Supervisor Parete reported the shed that is down at the park is old, the floor is giving out and roof is leaking. It would be approximately \$10,000 to have it all fixed. The Highway department will take out the old shed to get ready for delivery of the new shed.

RESOLUTION #99-2022; NYCLASS MUNICIPAL CORPORATION

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

WHEREAS, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate

agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

WHEREAS the Town of Marbletown wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Town of Marbletown wishes to satisfy the safety and liquidity needs of their funds;

NOW THEREFOR, it is hereby resolved as follows: That Richard Parete, Supervisor of the Town of Mar-bletown is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Mu-nicipal Cooperation Agreement Amended and Restated as of March 28, 2019.

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>Abstain</u>
Supervisor Parete	Voting <u>Aye</u>

4 Aye-1 Abstain; Resolution #99-2022 was thereupon adopted

- Supervisor Parete explained this resolution allows municipalities to invest in short term, safe investments.
- Councilman Hunt asked if the town could do a little more research.

- **7:00pm – Councilman left the meeting.**

RESOLUTION #100-2022: TOWN OF MARBLETOWN BACKHOE PURCHASE

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

WHEREAS, the Marbletown Highway Department is responsible for treating town road surfaces, clearing roads after storms and cleaning culverts and ditches, and

WHEREAS, an effective equipment replacement program is essential for controlling equipment suitability, availability, reliability, safety, and environmental impacts and total cost of ownership; and

WHEREAS, the Highway Superintendent requests to purchase a 2022/23 B95D Tractor Loader Backhoe from Westchester Tractor, Inc. 60 International Blvd. Brewster NY 10509 for a cost of \$123,104.35, and

WHEREAS, the highway department will fund the purchase with \$30,000 from Equipment line and finance the remaining \$93,104.35 over five (5) years, and

THEREFORE, BE IT RESOLVED, that the Marbletown Town Board authorizes the purchase of 2022/23 B95D Tractor Loader Backhoe from Westchester Tractor, Inc.

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>Absent</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 Aye-1 Absent; Resolution #100-2022 was thereupon adopted

- Highway Superintendent Dimler explained that the backhoe is used 3 – 4 times a week, moving trees, etc. After the tornado up in the Vly and Lomontville area they used their backhoe everyday for six weeks straight. They use it for ditching and moving trees on the rail trail. The current one in the highway fleet is a 2006 and has approximately 9,000 hours of use on it. Small issues are starting to come up with it.

- Councilman LaFera asked if this backhoe could be used as a shared piece of equipment. Dimler responded that it might not work that way due timing issue.
- Councilman LaFera also asked what might need replacing? Dimler said they could possibly use a new large plow truck. If they ordered one it would probably be 24 – 36 months out and they might not be able to get it until 2025.
- Dimler also added they had met with town accountant Brian Pickard, and he says everything looks in line with the budget.

OTHER TOWN BUSINESS:

- Supervisor Parete announced that the town offices would be closed on Monday October 10th for Columbus Day.
- Town Clerk Moody reminded everyone that Trunk or Treat will be Saturday October 29th at the town park from 3:30-5:00pm.
- Councilwoman Foote took a moment to thank the Marbletown First Aid and the Stone Ridge Fire Department for all they did when a contractor at her home had an accident. Foote stated we have great volunteers, and it was a real comfort.
- Councilman Hunt stated they were still working on the final revisions to the Ethics Law and hoped to have them by the next meeting.

Motion to adjourn: There being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Hunt; 4-0 Aye; 1 absent; motion carried. The meeting adjourned at 7:20pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector