



Town Board Regular Meeting

Tuesday, November 15, 2022

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

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:07pm and Councilman LaFera lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present

Councilman LaFera – Present

Councilman Davenport – Absent

Councilman Tim Hunt – Present

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

PUBLIC HEARING CREATING FIRE PROTECTION DISTRICT NO. 2:

- At 6:08pm a motion was made by Councilman LaFera seconded by Councilman Hunt to open the public hearing on Creating Fire Protection District No. 2. 4-0 Aye, 1 absent, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on November 6th. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- At 6:09pm there being no comments or questions on Creating Fire Protection District No. 2 Councilman Hunt made a motion, seconded by Councilman LaFera to close the public hearing on Creating Fire Protection District No. 2, 4-0 Aye, 1 absent, motion carried.

PRESENTATION; NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP); CATSKILL

AQUEDUCT: RONDOUT PRESSURE TUNNEL

- Members of the NYC Department of Environmental Protection attended the town board meeting and provided an update on the Catskill Aqueduct Repair and Rehabilitation (CAT-RR) Project. The history of Rondout pressure tunnel which was a 54-month construction contract awarded back in June of 1908 and completed and testing commenced in 1912.
- DEP has proposed a Neighborhood Support Program that will be managed by Town of Marbletown: Private drinking water well needs Relocation, replacement or improvement of wells and Engineering or water treatment services. Other potential issues confirmed to be caused by elevated groundwater connected to leaks from the Rondout Pressure Tunnel, such as: Damage to surficial grading/pavement, utilities, drainage systems and settlement/movement of existing structures. Funded by DEP and Eligibility contingent upon USGS study findings.
- A copy of the presentation is on file in the Town Clerk's Office.

PUBLIC COMMENT

- Bill Terpening, resident, read and submitted a statement that stated he would like to amend the complaint he submitted to the board on 11/1/22 regarding the posting of the 2023 budget. Terpening stated that neither the tentative nor preliminary 2023 budgets were posted on the town website when he looked. He corrected himself and said the temporary budget was posted on the town website on 10/11, a week after the 10/4 meeting. Mr. Terpening's statement is on file in the Town Clerk's office.

APPROVAL OF VOUCHERS & AMENDMENTS

Town Clerk Moody stated there were no amendments to the vouchers from 11/1/2022.

Town Clerk Moody submitted the following vouchers for approval:

| <u>November 15, 2022</u> | <u>Vouchers</u> | <u>Total Payment</u> |
|---|------------------------|-----------------------------|
| General Fund | V#724-784 | \$93,131.65 |
| Highway Fund | V#351-378 | \$24,262.45 |
| High Falls Water District | V#93-98 | \$6,396.12 |
| RMC | V#135-148 | \$29,454.42 |
| Marbletown Fire Protection District #1 | V#19-21 | \$457.96 |

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

Councilman Davenport Voting Absent

Councilman LaFera Voting Aye

Councilwoman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

4-0; 1 absent; motion carried.

MEETING MINUTES:

Councilwoman Foote made a motion, seconded by Councilman Hunt to approve the meeting minutes from 11/1/2022 with two small amendments on page 3, which are in italics. **4-0; 1 absent, motion carried.**

RESOLUTION #117-2022; ESTABLISHING THE COMMUNITY PRESERVATION FUND ADVISORY BOARD

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

WHEREAS, the Town Board has approved resolutions for the Community Preservation Plan (CPP) and a Community Preservation Fund (CPF) to support conservation of our Working Farms, Natural Areas, and Historic Properties, and

WHEREAS, the Real Estate Transfer Tax (RETT), was approved by the community as a ballot referendum in November 2022,

THEREFORE BE IT HEREBY RESOLVED that, in accordance with Town Law § 127-4, an Advisory Board is hereby established to review and make recommendations on proposed acquisitions of interests in real property using monies from the Fund., and

BE IT FURTHER RESOLVED that such Board shall consist of seven members who shall be legal residents of the Town and who shall serve without compensation. No member of the Town Board shall serve on the Advisory Board. Members initially appointed to the Board shall serve staggered terms as follows: one member shall be appointed for a term expiring at the end of the municipal official year in which initially appointed, and the terms of the remaining members shall expire at the end of each official year thereafter. At the expiration of the term of each member first appointed, their successor shall be appointed for a term of seven years., and

BE IT FURTHER RESOLVED THAT a majority of the members appointed shall have demonstrated experience of conservation or land-preservation activities. The Town Board shall make a reasonable effort to appoint at least one active farmer and at least one or more members of the existing volunteer Town Committees, Boards or Commissions.

BE IT FURTHER RESOLVED THAT the Board shall act in an advisory capacity to the Town Board.

BE IT FURTHER RESOLVED, the Town Board appoints the following as members of the Community Preservation Fund Advisory Board and their terms.

| | | |
|------------------|-------------|------------|
| Bill Merchant | Term Ending | 12/31/2028 |
| Jonathan Bergman | Term Ending | 12/31/2027 |
| Dan Shuster | Term Ending | 12/31/2026 |
| Bryn Roshong | Term Ending | 12/31/2025 |
| Celia Lewis | Term Ending | 12/31/2024 |
| Adam Liebowitz | Term Ending | 12/31/2023 |
| Dale Robbins | Term Ending | 12/31/2022 |

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> |

4-0 Aye; 1 absent; Resolution #117-2022 was thereupon adopted.

- Councilwoman Foote stated that she and Dale Robbins had met with everyone, and they all seem great. Councilman Hunt asked what the process for picking them was? Councilwoman Foote explained that they had put up announcements on Facebook, the website and word of mouth. One of the requirements is to have a ‘farmer’ on the board and Bryn Roshong is out in Lomontville with a young family and they do a CSA and part of the farming community of the Hudson Valley.

RESOLUTION#118-2022; ESTABLISHING NORTH MARBLETOWN FIRE PROTECTION DISTRICT NO. 2

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

WHEREAS, the Board of Fire Commissioners of the Marbletown Fire District within the Town of Marbletown has resolved to dissolve the Marbletown Fire District, to be effective on December 31, 2022; and

WHEREAS, the Town of Marbletown, upon its own motion, wishes to establish the North Marbletown Fire Protection District No. 2 in the Town of Marbletown pursuant to the provisions of Town Law § 170, for the purpose of providing fire protection to the residents of the Town; and

WHEREAS, the Town of Marbletown proposes to utilize the same borders for the new fire protection district as the North Marbletown Fire District upon the Fire District’s dissolution, described and attached hereto as Schedule A; and

WHEREAS, the majority of the members of the Town Board endorse the proposed establishment of the North Marbletown Fire Protection District No. 2; and

WHEREAS, the Town Board of the Town of Marbletown having duly convened this date for the purpose of holding a public hearing to take public comment on the proposed establishment of the North Marbletown Fire Protection District No. 2; and

WHEREAS, the Town Board has held the public hearing on the establishment of the North Marbletown Fire Protection District No. 2, and has considered any comments made by members of the public and evidence given thereat;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Town Board of the Town of Marbletown determines that it is in the public interest to establish the North Marbletown Fire Protection District No. 2, and

BE IT FURTHER RESOLVED that the Town Board of the Town of Marbletown determines that the property, property owners and interested persons within the proposed fire protection district are benefited by the establishment of the North Marbletown Fire Protection District No. 2; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Marbletown determines that the property and property owners are included in such proposed fire protection district;

BE IT FURTHER RESOLVED that only such property and property owners as are benefited will be included within the limits of the proposed fire protection district;

BE IT FURTHER RESOLVED that the borders of the North Marbletown Fire Protection District No. 2 are attached hereto as finally determined, as Schedule A;

BE IT FURTHER RESOLVED that the North Marbletown Fire Protection District No. 2 shall be established immediately upon the dissolution of the Marbletown Fire District; and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk is hereby directed to cause a certified copy of this resolution to be duly recorded in the office of the clerk of Ulster County and shall, within ten days, cause a certified copy of this resolution to be filed in the New York State Department of Audit and Control at Albany, New York.

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> |

4-0 Aye; 1 absent; Resolution #118-2022 was thereupon adopted.

- The original resolution named the fire protection district “Marbletown”. A motion was made by Councilman LaFera and seconded by Councilman Hunt to amend the resolution to name the new fire district “North Marbletown Fire Protection District No. 2”. 4-0 Aye; 1 absent; motion carried.
- Supervisor Parete stated that Attorney Terry Hannigan will put together the contracts that will go out to the other fire companies that will be covering the areas. Public hearings will be set at the next meeting.

RESOLUTION #119-2022 ULSTER COUNTY HOUSING SMART COMMUNITIES INITIATIVE

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

WHEREAS, the Town of Marbletown (hereinafter “local government”) believes that rising housing and rental costs and a lack of diverse housing opportunities for all community members pose a significant challenge to the members of our community; and

WHEREAS, affordable housing is defined as housing in which the occupant is paying no more than 30% of monthly or annual income for housing costs, including utilities; and

WHEREAS, ensuring there are affordable housing options for all community members is a key responsibility of the elected officials of the Town and a critical component of creating a healthy, sustainable, and prosperous community; and

WHEREAS, rising housing and rental costs and a lack of diverse housing opportunities for all community members is in part due to the demand for housing far exceeding the supply of new affordable and workforce housing being developed in the community; and

WHEREAS, a long-term commitment by the Town to review and approve new affordable and workforce housing projects is a critical strategy for ensuring there are affordable housing options for all community members; and

WHEREAS, working toward housing solutions is a priority for the well-being of the local residents, the economy, and community sustainability; and

WHEREAS, we believe that our response to housing challenges provides us with an opportunity to improve housing opportunities and community wellbeing for all community members, and to build livable, affordable, and housing-smart communities,

IT IS HEREBY RESOLVED that Town of Marbletown, in order to meet local housing needs, adopts the following commitments as part of joining the Ulster County Housing Smart Communities Initiative. These include the following six elements:

- 1) Join the program and engage the community
- 2) Designate a Housing Smart Community coordinator to
- 3) Form a housing task force or designate an existing official housing-related body of the Town to serve as the group committed to the program
- 4) Register for the program on the program website
- 5) Establish a community outreach and educational campaign on the importance of developing a range of housing options
- 6) Commit to implementing a set of prioritized Housing Smart Actions

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> |

4-0 Aye; 1 absent; Resolution **#119-2022** was thereupon adopted.

- Councilman Hunt asked if there would be someone in a coordinator roll? Councilwoman Foote responded that it would probably be Vin Martello but she will reach out and clarify with Martello.

RESOLUTION #120-2022 WAIVE 30 DAY WAITING PERIOD FOR HIGH FALLS CAFE

The following Resolution was offered by Councilman LaFera and seconded by Supervisor Parete:

WHEREAS, B and B Gribbon Inc. has completed the Standardized Notice Form for Providing 30-Day Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine, cider and beer to the Town of Marbletown Town Board to be sold at 2842 State Route 209, Kingston, NY 12401; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 2(a), the Town of Marbletown has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, unless, this time is waived by the municipality, and

WHEREAS, the Town of Marbletown Town Board wishes to assist the applicant in expediting the application process and sees no objection to the issuance of a Liquor License; now,

THEREFORE, BE IT RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Marbletown Town Board hereby waives the requirement that written notice of the application be given to the Town at least thirty (30) days prior to submitting this application; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

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

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|----------------------|----------------------|
| 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> |

4-0 Aye; 1 absent; Resolution #120-2022 was thereupon adopted.

- Bill Terpening, resident pointed out that the address on the resolution was for the Marbletown Inn. Supervisor Parete answered that the Marbletown Inn was closing, and the High Falls Café will be buying the building and moving in there from the golf course.

RESOLUTION #121-2022 SELL FIRE APPARATUS

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

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

WHEREAS, the Town of Marbletown has determined it is in the best interest to sell the fire apparatus, and

WHEREAS, the Town Board agrees to transfer or sell the 1995 Ford/E-One pumper and 2015 Kenworth Tanker pumper, and

NOW THEREFORE RESOLVED, that the Town Board of the Town of Marbletown authorizes the Supervisor to transfer or sell said equipment as deemed to be in the best interest of the town.

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> |

4-0 Aye; 1 absent; Resolution #121-2022 was thereupon adopted.

- The original resolution authorized the Supervisor to sign the attached agreement with Command Fire Apparatus. Councilman LaFera made a motion, seconded by Supervisor Parete to amend the resolution (last paragraph) to state “to transfer or sell said equipment as deemed to be in the best interest of the town”. 4-0 Aye, 1 absent, motion carried.
- Supervisor Parete said they would like to repurpose some of the equipment and sell some of it. The Lomontville fire district may be interested in the Tanker Pump truck.

RESOLUTION #122-2022; DELINQUENT WATER LEVIES

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

WHEREAS, that the Town Board of the Town of Marbletown hereby authorizes that the 2022 delinquent payment list for the High Falls Water District Residents in the Town of Marbletown shall be submitted to the County of Ulster for inclusion on the 2023 Tax Levy; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Marbletown authorizes the Water Clerk to accept any payments postmarked received by October 31, 2022, and those accounts will be removed from the attached list.

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 Aye

Supervisor Parete Voting Aye

4-0 Aye; 1 absent; Resolution #122-2022 was thereupon adopted.

- Supervisor Parete explained this resolution is passed every year, except last year when municipalities were not allowed to relevy utility bills on to taxes, due to Covid. Residents that have not paid their water bills by 10/31/2022 will be considered delinquent and turned over to the County to be added to their property tax bills which come out in January.

OTHER TOWN BUSINESS:

- Supervisor Parete announced the town will receive a \$250,000 grant from Kevin Cahill's office which could go towards the water district. *Free up money from Covid funds.* There are also a few roads in town that don't have internet and the money could be used towards that upgrade.
- Councilman Hunt asked about the cell phone tower study. Supervisor Parete responded that he has not heard back from anyone yet.
- Supervisor Parete said that the generator at the Marbletown Sportsman Club is up and running and the sportsman club hopes to have an open house in the future.
- Town Clerk Moody reminded everyone that the town offices will be closed for Thanksgiving and the following day.

PUBLIC COMMENT

- Bill Terpening, resident, read a prepared comment/statement and also submitted the comment to Town Clerk Moody to file with the minutes. Mr. Terpening asked is lawful procedure was followed regarding timely posting of the 2023 tentative and preliminary budgets on the website? Terpening questioned the town board response to his claim that the final form of the Code of Ethics contained substantive changes ("Conflict Management Plan") and that a public hearing on the final form was consequently required? Terpening questioned the resolution to approve the hiring of Joseph LaFera as RMC Building Manager, when Councilman LaFera disclosed that Joseph LaFera was his first cousin and asked if he should abstain from voting. Supervisor Parete had responded that LaFera could abstain as he does not have a benefit from it. Terpening quoted Employment of Relatives from the Code of Ethics law and asked how the other board members feel about whether Councilman LaFera had a duty to recuse himself? Terpening's last comment/question was on the 2023 town budget and what "Safety Inspection, Duchess Farm Case" specifically consists of? The total spent on this for 2021 and for 2022 through 7/31/2022 comes to \$132,609, and what was this item?

Motion to adjourn: There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilman LaFera; 4-0 Aye, 1 absent; motion carried. The meeting adjourned at 7:35pm.

Respectfully submitted,
Heather Moody, Town Clerk/Tax Collector