



## **Town Board Regular Meeting**

**Tuesday, February 7, 2023**

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

### **CALL TO ORDER**

Supervisor Parete called the meeting to order at 6:03pm 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

Councilman Davenport – Present

Councilman Tim Hunt – Absent

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

### **PRESENTAION; ASSESSOR JEREMY BARACCA**

- Jeremy Baracca, Marbletown Assessor, gave an overview of the senior citizen exemptions in relation to the proposed local law. Baracca stated that currently the annual income maximum for the 50% exemption is \$29,000. From there the percentage drops to a minimum of 5% for incomes of approximately \$45,000. Seniors generally must by 65 years of age or older and meet certain income limits and other requirements.

### **PUBLIC HEARING ON A PROPOSED LOCAL LAW TO INCREASE INCOME LIMITS RELATIVE TO THE SENIOR CITIZENS TAX EXEMPTION**

- At 6:07pm a motion was made by Councilman LaFera, seconded by Councilman Davenport to open the public hearing on the proposed Local Law # of 2023 ‘To Increase Income Limits Relative to the Senior Citizens Tax Exemption’, 4-0 Aye, 1 absent, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on January 29th. The legal notice as also posted on the town website and the Town Clerk’s Community Board.
- Laura Cunningham, resident of 41 years, and she belongs to the Marbletown Seniors group, and she pointed out people want to live here. Cunningham said if we were allowed to go to \$50,000, then the higher the better.
- Vivi Hlavsa, resident, is puzzled why the town board would not be in favor of going up to the limit?
- Bill Terpening, resident, submitted and read a prepared statement in increase the income limits for the senior citizen exemptions. Terpening pointed out that eCode for Marbletown does not show the current schedule. Terpening is in favor of the Town Board matching NYS’s allowed maximum income levels, as the Town has done in the past. A copy of Mr. Terpening’s statement is on file in the Town Clerk’s office.
- Barbara Goodwin, resident, said she looked at the numbers and how the cost of living increases annually affect senior citizen exemptions. Goodwin presented a chart she had created for the record. In 2010 an

income that received a 25% exemption would get nothing today. Goodwin added we should be doing what we can for seniors, not less and less help for them.

- Tom Konrad, resident and ECC member, suggested passing a resolution to go to the level we want and then it would be automatic.
- Laura Anker, resident, who is in support of what the others are all saying by going to the maximum exemption allowed.
- At 6:18pm there being no more comments or questions on the proposed local law To Increase Income Limits Relative to the Senior Citizens Tax Exemption Councilman Davenport, seconded by Councilman LaFera to close the public hearing on the proposed local law, 4-0 Aye, 1 absent, motion carried.

#### **PUBLIC HEARING ON A PROPOSED LOCAL LAW TO INCREASE INCOME LIMITS FOR DISABLED PERSONS WITH LIMITED INCOME**

- At 6:19pm a motion was made by Councilman Davenport, seconded by Councilman LaFera to open the public hearing on the proposed Local Law # of 2023 'To Increase Income Limits For Disabled Persons with Limited Income', 4-0 Aye, 1 absent, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on January 29th. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- Bill Terpening, resident, submitted and read statement.
- Viva Hlavsa, resident, same question as before still applies.
- Laura Cunningham, resident, same comment from before, in support of higher the better.
- At 6:24pm there being no more comments or questions on the proposed local law To Increase Income Limits Disabled Persons with Limited Income, Councilman LaFera, seconded by Councilman Davenport to close the public hearing on the proposed local law, 4-0 Aye, 1 absent, motion carried.

#### **MEETING MINUTES:**

- Councilman LaFera made a motion, seconded by Councilwoman Foote to approve the meeting minutes from 1/17/2023. 4-0 Aye 1 absent; motion carried.
- Town Clerk Moody stated that Councilman Hunt had asked to have a change made on page 6, in other business, to read "Community Preservation Fund Advisory Board", the change was made.

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

Town Clerk Moody submitted the following amendments to previous vouchers:

<b><u>December 2022 Supplement</u></b>	<b><u>Vouchers</u></b>	<b><u>Total Payment</u></b>
<b>General Fund</b>	<b>V#907 added</b>	<b>\$40,457.72</b>
<b><u>January 17, 2023</u></b>	<b><u>Vouchers</u></b>	<b><u>Total Payment</u></b>
<b>General Fund</b>	<b>V#23 added</b>	<b>\$126,603.08</b>
<b>Highway Fund</b>	<b>V#10 added</b>	<b>\$74,612.38</b>

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

**4-0; 1 absent, motion carried.**

Town Clerk Moody submitted the following vouchers for approval:

<u>February 7, 2023</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#24-71	\$26,462.11
Highway Fund	V#11-32	\$31,637.17
High Falls Water District	V#5-9	\$3,514.38
RMC	V#	\$0.00
Marbletown Fire Protection District #1	V#7-8	\$21,253.73

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

Councilman Davenport      Voting Aye  
Councilman LaFera          Voting Aye  
Councilwoman Foote        Voting Aye  
Councilman Hunt            Voting Absent  
Supervisor Parete          Voting Aye

**4-0; 1 absent, motion carried.**

#### **RESOLUTION #22-2023; APPOINTING LAWRENCE MENKES TOWN JUSTICE**

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

**WHEREAS**, the Town Marbletown has a vacancy for Town Justice, and

**WHEREAS**, two board members met with four qualified electors, who notified the Town Clerk in writing of their interest in serving as Town Justice, and

**WHEREAS**, pursuant to Town Law 64 (5), the Town Board of the Town of Marbletown, by a majority vote thereof, has the authority to appoint a qualified person to fill the vacancy until December 31, 2023; and

**WHEREAS**, Lawrence Menkes has expressed an interest in serving on the Town Board, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Marbletown appoint Lawrence Menkes to fill the position of Town Justice for a term to expire December 31, 2023.

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 Absent  
Supervisor Parete          Voting Aye

**4-0; 1 absent; Resolution #22-2023 was thereupon adopted.**

- Supervisor Parete invited Mr. Lawrence Menkes to come up and he was sworn in as the new Judge. Parete stated the Town had received 4 letters of interests and interviews were done by two town board members and Mr. Menkes was the choice.
- Parete added that Judge Glick retired after 17 years, and everyone wished him well.
- Councilwoman Foote added a big thank you to Mr. Menkes for stepping up.

#### **RESOLUTION #23-2023 and #24-2023**

- A motion was made by Councilman LaFera and seconded by Supervisor Parete to table Resolution #23-2023; Local Law to Amend Chapter 172 "Taxation" Amend Income Limits for Exemptions for Senior Citizens and #24-2023; Local Law to Amend Chapter 172 "Taxation" Amend Income Limits for Exemptions for Disabled Persons with Limited Incomes until the next meeting.

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

**4-0; 1 absent, motion carried.**

#### **RESOLUTION #25-2023 TOWN OF MARBLETOWN AUDIT CASH ACCCOUNTS**

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

**WHEREAS**, Brian Pickard, CPA has conducted audits of the cash accounts of the following town offices for the year ending in December 2022, Town Clerk, Tax Collector, Transfer Station, Planning and Zoning, Justice Court, Safety, and Building. This audit was conducted to render assurance that all cash receipts and disbursements were properly recorded by the individuals in these departments; and

**WHEREAS** the audit also verified that the Town Justices are current in their reporting to the Department of Motor Vehicles for the TSLE&D program and their handling of their cases; and

**THEREFORE, BE IT RESOLVED** that all records of all departments in the Town of Marbletown for 2022 appear correct and there are no adjustments necessary.

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

**4-0; 1 absent; Resolution #25-2023 was thereupon adopted.**

- Supervisor Parete said the Town goes through an audit every year with the Town Accountant, Brian Pickard, and our books are fine, we balanced out great.

#### **RESOLUTION #26-2023 TOWN OF MARBLETOWN JUSTICE COURT AUDIT**

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

**WHEREAS**, the Town of Marbletown Court submitted its 2022 Cash Books, Bank Statements, Year End Report of closed cases and balanced check books from Town Justice Mark Glick and Town Justice Claudia Davenport for Audit to Marbletown Town Board on January 26, 2023.

**THEREFORE LET IT BE RESOLVED**, to accept records as presented.

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

**4-0; 1 absent; Resolution #26-2023 was thereupon adopted.**

**RESOLUTION#27-2023; ESTABLISHING A CAPITAL RESERVE FUND TO FINANCE NYS RETIREMENT COSTS**

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

**RESOLVED**, that pursuant to section 6-c of the General Municipal Law, as amended, there is hereby established a capital reserve fund to be known as the

**“Finance NYS Retirement Fund”** (hereinafter: Reserve Fund). The purpose of this Reserve Fund is to accumulate money to finance the cost of New York State Retirement Costs.

The chief fiscal officer is hereby directed to deposit and secure the moneys of this Reserve Fund in the manner provided by section 10 of the General Municipal Law. The chief fiscal officer may invest the money in the Reserve Fund in the manner provided by section 11 of the General Municipal Law, and consistent with the investment policy of the Town of Marbletown. Any interest earned or capital gains realized on the money deposited or invested shall accrue to and become part of the Reserve Fund. The chief fiscal officer shall account for the Reserve Fund in a manner, which maintains the separate identity of the cash and investments of the Reserve Fund. Except as otherwise provided by section 6-c of the General Municipal Law, expenditures from this Reserve Fund shall be made only for the purpose for which the Reserve Fund is established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and without such additional actions or proceedings as may be required by section 6-c of the General Municipal Law, including a permissive referendum if required by subdivision 4 of section 6-c.

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

**4-0; 1 absent; Resolution #27-2023 was thereupon adopted.**

- Supervisor Parete said that Brian Pickard, town accountant, recommended creating a fund for retirement costs.

**RESOLUTION#28-2023; A RESOLUTION TO MOVE MONEY FROM THE TOWN OF MARBLETOWN GENERAL UNAPPROPRIATED FUND BALANCE TO THE FINANCE NEW YORK STATE RETIREMENT RESERVE FUND**

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

**WHEREAS**, the “Finance New York State Retirement Reserve Fund” was established for the purpose of financing the cost of retirement ; and

**WHEREAS**, at the end of fiscal 2022 the Town of Marbletown had unspent money in its general fund; and

**NOW THEREFORE BE IT RESOLVED**, that \$50,000.00 will be transferred from the General unappropriated fund balance to the above-named Reserve Fund for the purposed for which this Reserve Fund was established, and

**FURTHER RESOLVED**, that any expenditure from these reserve funds be and hereby are subject to permissive referendum under the terms of the establishment of said reserve funds.

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>Absent</u>

Supervisor Parete                      Voting Aye  
**4-0; 1 absent; Resolution #28-2023 was thereupon adopted.**

**RESOLUTION #29-2023; AUTHORIZE THE SUPERVISOR TO ACCEPT BOND FROM STORM KING BUILDING CO. INC.**

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport  
**WHEREAS**, the owner of 4321 Route 209, LLC has received conditional approval from the Town of Marbletown Planning Board: and

**WHEREAS**, the proposed project includes stormwater work and

**WHEREAS**, the applicant is complying with the Town of Marbletown Regulations; and

**NOW THEREFORE BE IT RESOLVED**, by the Town Board of the Town of Marbletown authorizes the Town Supervisor to accept the attached Bond in the amount of \$300,000, and

**BE IT FURTHER RESOLVED**, by the Town Board of the Town of Marbletown authorizes the Town Supervisor to take necessary steps to formally accept the attached bond from Storm King Building CO. 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>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

**4-0; 1 absent; Resolution #29-2023 was thereupon adopted.**

- Supervisor Parete stated this is the development across from Lydia's.
- Councilwoman Foote said she follows the project, and it is a wonderful project, beautiful buildings.

**RESOLUTION#30-2023; TO SET PUBLIC HEARING FOR LOCAL LAW NO. 2023 TO PROVIDE TAX EXEMPTION FOR VOLUNTEER FIREFIGHTER AND AMBULANCE PERSONEL**

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

**WHEREAS**, New York State has implemented Real Property Tax Law §466 -a granting participating municipalities the authority to grant real property tax exemptions of up to 10% of property value for qualifying for volunteer fire and ambulance personnel, and

**WHEREAS**, the Town values its Volunteer Fire Fighters and Volunteer Emergency Medical Service workers and wishes to provide the opportunity to receive said partial exemption on their real property taxes, and

**WHEREAS**, the Town Board now has before it a proposed Local Law to implement such tax exemption, said draft local law is attached and on file with the Town Clerk; now, therefore, be it

**RESOLVED** that a public hearing be duly advertised for and held on February 21, 2023 at 6:00PM at the Rondout Municipal Center 1925 Lucas Avenue, Cottekill NY 12419 for the purpose of permitting the public to speak relative to said Local Law; and be it

**FURTHER RESOLVED** that the Town Clerk advertise for said Public Hearing in a manner consistent with

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>Absent</u>

Supervisor Parete                      Voting Aye

**4-0; 1 absent; Resolution #30-2023 was thereupon adopted.**

- Supervisor Parete said that in order for this to become effective for this year's taxes it must be voted on by March 1<sup>st</sup> and then the fire districts would provide active lists.
- Councilman LaFera added that this exemption would only help those volunteers who own homes.

**RESOLUTION #31-2023 BROADBAND FUNDING AND DEVELOPMENT AGREEMENT**

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

**WHEREAS**, the Town of Marbletown seeks to provide broadband internet service to the Town and all the unserved/ underserved residents and businesses in the Town ("Project"); and,

**WHEREAS**, Archtop and the Town agree on the objectives of the Project and desire to further make available broadband service ("Service") to the unserved/underserved areas within the Town via the System (defined below); and,

**WHEREAS**, there are multiple, overlapping programs at the federal and State level that support broadband access as their main purpose, including Federal Communications Commission, Rural Utility Services, US Department of Commerce and National Telecommunications and Information Administration programs, creating difficulty in determining the most effective approach to securing public funding for the Project; and

**WHEREAS**, Archtop is willing to assist the Town's efforts to secure public funding from all available sources for the Project if all funding which the Town derives from this joint effort is dedicated to the maximum extent legally permissible to support infrastructure within portions of the Town for Archtop to provide broadband internet service ("System"), and if applicable permit and inspection fees on Town property and rights-of-ways required for the construction of the System are waived; and

**WHEREAS**, the Town of Marbletown is willing to assist in such efforts as part of the Project, under the terms of this Broadband Agreement.

**NOW THEREFORE RESOLVED**, for value received and in consideration of the covenants and conditions set forth below, the Parties agree to the attached agreement:

- A motion was made by Councilman Davenport and seconded by Councilman LaFera to table the resolution in order to obtain more information. 4-0; 1 absent; motion passed. Attorney Tracy Kellogg brought up her concern about "Town Obligations" on page 2 and will reach out to Archtop Fiber to have changed.

**RESOLUTION #32-2023 TRANSFERING FIRE EQUIPMENT TO HIGH FALLS FIRE DISTRICT**

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

**WHEREAS**, the Marbletown Fire District dissolved on December 31, 2022, and all the assets were turned over to the Town of Marbletown, and

**WHEREAS**, the former District had fire equipment still operational, and

**WHEREAS**, the Town of Marbletown wants to repurpose equipment to the remaining fire districts in Town, and

**NOW, THEREFORE RESOLVED**, the Town of Marbletown donate to the High Falls Fire District, four (4) MSA SCBA 4500 Air packs and masks. \* Amended by Councilman LaFera to include masks.

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

**4-0; 1 absent; Resolution #32-2023 was thereupon adopted.**

- Supervisor Parete said the goal was to repurpose as much of the equipment as possible.

### **RESOLUTION #33-2023; TOWN OF MARBLETOWN TRUCK 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, and

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

**WHEREAS**, the Highway Superintendent requests to purchase a 2024 Western Star 47X SF single axle truck with Everest Plow; Wing and Sander with Dump Body Equipment for a price not to exceed \$275,000,

**WHEREAS**, the highway department will fund the purchase with money from surplus, and

**THEREFORE, BE IT RESOLVED**, that the Marbletown town board authorizes the purchase of purchase a 2024 Western Star 47X SF single axle truck with Everest Plow; Wing and Sander with Dump Body Equipment from Tracey Road Equipment Inc. 115 Railroad Ave. Albany NY 12205, for a price not to exceed \$275,000, 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>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

**4-0; 1 absent; Resolution #33-2023 was thereupon adopted.**

- Supervisor Parete said this would be a new plow truck for the Highway and it would not be about 2 – 2 ½ years until it comes in and we do not pay for the truck until it comes in, possible June 2024 or spring 2025. Parete said that Superintendent Dimler is very good with replacing trucks.

### **RESOLUTION #34-2023 WAIVE 30 DAY WAITING PERIOD FOR J.E.F. RESTAURANT CORP.**

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

**WHEREAS**, J.E.F. Restaurant Corp. 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, beer and cider to the Town of Marbletown Town Board to be sold at 12 Stone Dock Road, High Falls NY 12440 for an on-premises liquor license; 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 period 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:

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>



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

**4-0; 1 absent; Resolution #34-2023 was thereupon adopted.**

**RESOLUTION #35-2023; SUPPORT OF ACTIONS BY THE NEW YORK STATE PUBLIC SERVICE COMMISSION AND NEW YORK STATE SENATE ON INVESTIGATIONS AND GOVERNMENT OPERATIONS TO ADDRESS HARMS CAUSED TO THE TOWN OF MARBLETOWN CENTRAL HUDSON UTILITY CUSTOMERS AS A RESULT OF SYSTEMATIC BILLING ERRORS**

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

**WHEREAS**, the Town of Marbletown is in the service territory of the Central Hudson Gas & Electric Corporation (Central Hudson) which is the only regulated transmission and distribution utility serving our community by providing electric, and

**WHEREAS**, the Town of Marbletown values the work of Central Hudson in maintaining transmission lines and restoring electricity to residents from downed lines as quickly as possible, and

**WHEREAS**, Town of Marbletown residents have been experiencing Central Hudson billing problems including receiving no bills for several months at a time, receiving multiple bills per month with different amounts due, as well as issues with estimated billing, inaccurate billing, budget billing, and uncharacteristically high bills, and

**WHEREAS**, these billing errors have caused confusion, frustration, and financial hardship, particularly for residents on fixed incomes or those having troubles making ends meeting, and

**WHEREAS**, these billing errors have often not been satisfactorily addressed through Central Hudson's customer service, and

**WHEREAS**, these errors in billings have been experienced by customers throughout the Hudson Valley within Central Hudson's service territory resulting in more than 4,300 people filing complaints of billing errors through public comments to the New York State Public Service Commission (PSC) as of December 2022, and

**WHEREAS**, the PSC launched three investigations into Central Hudson in March 2022, with one investigation focused on customer service and billing issues, and

**WHEREAS**, the PSC released an investigative report on December 2022 that determined that the billing errors are a direct result of Central Hudson's upgrade to its customer information and billing system on September 1, 2021, and

**WHEREAS**, the PSC report found that Central Hudson pushed employees to meet the transition deadline, that Central Hudson employees warned decision-makers of deficiencies in training, testing, and overall readiness, and that when the system went live not only was it incapable of handling complex billing scenarios, but it also contained hundreds of programming errors and defects that resulted in billing overcharges and delays for thousands of customers, and

**WHEREAS**, a December 31, 2022, report issued by the New York State Senate Committee on Investigations and Government Operations on utility pricing practice and failures determined

that Central Hudson customers with rooftop solar installations or who are part of community solar, or community aggregation programs (CCA) have gone months – or sometimes upwards of a year – without receiving a bill or proper application of credits to their accounts leaving them unsure about what they owe;

**WHEREAS**, the PSC report found that Central Hudson affirmatively represents that it has spent over \$88 million dollars on this failed upgrade to its customer information and billing system and it is estimated that Central Hudson's ratepayers will have paid \$21 million dollars toward the project through increased billing fees through June 30, 2023, and

**WHEREAS**, as the PSC conducts ongoing enforcement proceedings against Central Hudson in this case, it has the authority to ensure that no further money be collected from ratepayers for the failed upgrade to its customer information and billing system and to impose substantial financial penalties against the utility which would be remitted to customers harmed by systematic billing failures, and

**WHEREAS**, the New York State Senate Committee on Investigations and Government Operations report states that the committee will monitor the enforcement proceedings and assess if clarifying legislation is needed to ensure proper penalties are levied and funds are redirected back to customers harmed by systematic billing failures, and

**NOW, THEREFORE, BE IT RESOLVED**, that the governing board of the Town of Marbletown does hereby adopt this local resolution in order to:

1. Encourage any residents that have experienced billing errors, who have tried to resolve their situation with Central Hudson first but have been unable to either reach customer service staff or have been unable to resolve their matter with the Company, to file a complaint with the New York State Department of Public Service as the investigation and consideration of related penalties to compensate Central Hudson customers continues.
2. Demonstrate support for the PSC taking action to ensure that no further money is collected from Central Hudson ratepayers for the failed upgrade to its customer information and billing system.
3. Demonstrate support for the PSC imposing substantial financial penalties against Central Hudson which would be remitted to customers harmed by systematic billing failures if the PSC determines it is justified; and
4. Demonstrate support for the New York State Senate Committee on Investigations and Government Operations adopting legislation if necessary to ensure proper penalties are levied against Central Hudson and funds are redirected back to customers harmed by systematic billing failures.

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

**4-0; 1 absent; Resolution #35-2023 was thereupon adopted.**

- Supervisor Parete said that there is a formal complaint process through the State Department of Public Service.
- Supervisor Parete added that at the next meeting there might be a presentation from Central Hudson.

#### **PUBLIC COMMENT:**

- Vivi Hlavsa, resident, stated that she was impressed by the way everyone handled town business tonight but was not impressed with the tax exemption discussion. Councilman Davenport pointed out that it looked like we did not have the correct data, so once we get that we can discuss further. Supervisor Parete explained that as of now 101 seniors are getting the senior citizen exemption and 5 people are getting the exemption for disabled persons with limited income.
- Laura Cunningham, resident, stated that it was difficult for some residents to come out tonight and it is not great that a vote was not taken tonight. Councilwoman Foote responded that we have to take into consideration everyone in town and as an elected official we represent the whole town and we don't want to be accused as being insensitive.
- Bill Terpening, resident, suggested doing more to let residents know about all exemptions, maybe send something out with the bills?

### **OTHER TOWN BUSINESS:**

- Town Clerk/Tax Collector Heather Moody announced that the office has processed approximately 6 million dollars of taxes to date, out of the 9 million we are tasked with collecting.
- Councilman Davenport reported that Peak Engineering has found a spot on the RMC property to possibly have a new highway garage built.
- Supervisor Parete reported that he and Councilman Davenport were going to a meeting the next day to discuss grants for new water lines in town. The goal would be to have minimal costs to residents.
- Supervisor Parete said there would be a meeting on Thursday with the U.S. Geological group to identify the properties that were effected by pressure leaks.
- Councilwoman Foote reported that there would be a Housing Commission meeting coming up and they will be setting up a presentation for the board, at one of the next meetings, along with a big presentation in June.
- Del Umbers, Olive resident, stated that he would be putting new bins at the Transfer Station where residents can dump more plastics with recycling numbers 1 – 7, including clamshell plastics. The containers have to be ordered. Supervisor Parete said it would not cost the town any money.

**Motion to adjourn:** There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilman Davenport; 4-0 Aye, 1 absent, motion carried. The meeting adjourned at 7:50pm.

Respectfully submitted,  
Heather Moody  
Town Clerk/Tax Collector