



**Town Board Regular Meeting
Tuesday, February 7, 2017**

This regular meeting was held at the Rondout Municipal Center and began at 7:00pm

Present: Supervisor Michael Warren and Town Board members Douglas Adams, and Tim Sweeney

Absent: Joe Borzumato

Also, Present: Heather Moody; Town Clerk/Tax Collector, Tom Konrad; ECC, Marian McCorkle-Beckerman, Vice Chair Historic Preservation Commission, and Jodi LaMarco; Blue Stone Press.

Supervisor Warren called the meeting to order at 7:00 pm with the Pledge of Allegiance and a welcome to all those in attendance.

ADOPTION OF LOCAL LAW #2-2017; EXTENSION OF SENIOR EXEMPTIONS:

- Motion was made by Supervisor Warren and seconded by Councilman Adams to open the public hearing on Local Law #2-2017 “Amending Chapter 172 of the Town of Marbletown Code Taxation to Extend Time to File Renewal Application for Senior Citizen Exemption for Good Cause” 3-0 Aye, Councilmen Sweeney & Borzumato absent, motion carried.
- No comments made by the public.
- Motion was made by Supervisor Warren and seconded by Councilman Adams to close the public hearing on Local Law #2-2017 “Amending Chapter 172 of the Town of Marbletown Code Taxation to Extend Time to File Renewal Application for Senior Citizen Exemption for Good Cause” 3-0 Aye, Councilmen Sweeney & Borzumato absent, motion carried.
- The following resolution was offered by Supervisor Warren, seconded by Councilman Adams to wit:

RESOLUTION #15-2017: RESOLUTION AUTHORIZING ADOPTION BY THE TOWN BOARD

OF THE TOWN OF MARBLETOWN OF LOCAL LAW NO. #2 OF 2017

A LOCAL LAW AMENDING CHAPTER 172 OF THE TOWN OF MARBLETOWN CODE “TAXATION” TO EXTEND TIME TO FILE RENEWAL APPLICATION FOR SENIOR CITIZEN TAX EXEMPTION FOR GOOD CAUSE

Section 1

This Local Law is adopted pursuant to the authority contained New York State Real Property Tax Law § 467(8-a).

Section 2.

A new section 172-2.1 shall be added to the Code of the Town of Marbletown to read as follows:

Application for such exemption must be made by the owner or all owners of the property on forms prescribed by the State Board, to be furnished by the appropriate assessing authority, and shall furnish the information and be executed in the manner required or prescribed in such forms and shall be filed in such assessor’s office on or before the appropriate taxable status date.

Where a renewal application for the exemption authorized by this section has not been

filed on or before the taxable status date, and the owner believes that good cause existed for the failure to file the renewal application by that date, the owner may, no later than the last day for paying taxes without incurring interest or penalty, submit a written request to the assessor asking him or her to extend the filing deadline and grant the exemption. Such request shall contain an explanation of why the deadline was missed, and shall be accompanied by a renewal application, reflecting the facts and circumstances as they existed on the taxable status date. The assessor may extend the filing deadline and grant the exemption if he or she is satisfied that (I) good cause existed for the failure to file the renewal application by the taxable status date, and that (ii) the applicant is otherwise entitled to the exemption. The assessor shall mail notice of his or her determination to the owner. If the determination states that the assessor has granted the exemption, he or she shall thereupon be authorized and directed to correct the assessment roll accordingly, or, if another person has custody or control of the assessment roll, to direct that person to make the appropriate corrections. If the correction is not made before taxes are levied, the failure to take the exemption into account in the computation of the tax shall be deemed a "clerical error" for purposes of title three of article five of the New York State Real Property Tax Law, and shall be corrected

accordingly,

Section 3.

This law shall become effective upon filing with the New York State Secretary of State pursuant to the Municipal Home Rule Law.

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

Michael Warren	Voting: <u>Aye</u>
Patricia Clarke	Voting: <u>Absent</u>
Joe Borzumato	Voting: <u>Aye</u>
Tim Sweeney	Voting: <u>Absent</u>
Doug Adams	Voting: <u>Aye</u>

ADOPTION OF LOCAL LAW #3-2017; AMENDING APPENDIX "A" OF CHAPTER 128 "HERITAGE PRESERVATION" OF THE TOWN OF MARBLETOWN CODE BY ADDING THE HENRY BRODHEAD HOUSE AS A DESIGNATED LANDMARK:

- Motion was made by Supervisor Warren and seconded by Councilman Adams to open the public hearing on Local Law #3-2017 "Amending Appendix "A" of Chapter 128 "Heritage Preservation" of the Town of Marbletown Code by adding the Henry Brodhead House as a designated landmark." 3-0 Aye, Councilmen Sweeney & Borzumato absent, motion carried.
- Councilman Sweeney arrived, 7:10pm, after motion to open the public hearing.
- Ken Krabbenhoft, owner of the Henry Brodhead House at 555 North Marbletown Road, presented information about the house. Mr. Krabbenhoft discussed the architecture history, the social history and the economic history of the Henry Brodhead House.
- Marian McCorkle-Beckerman, Vice Chair Historic Preservation Commission, stated the Henry Brodhead House was built in 1784 and the designation would be for the exterior of the home.
- Motion was made by Supervisor Warren and seconded by Councilman Adams to close the public hearing on Local Law #3-2017 "Amending Appendix "A" of Chapter 128 "Heritage Preservation" of the Town of Marbletown Code by adding the Henry Brodhead House as a designated landmark." 4-0 Aye, Councilman Borzumato absent, motion carried.

RESOLUTION #16-2017; AUTHORIZING ADOPTION BY THE TOWN BOARD OF THE TOWN OF MARBLETOWN OF LOCAL LAW NO. 3 OF 2017

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Marbletown for a public hearing to be held by said Town Board on February 7, 2017 at 7:00 o'clock P.M. local time, at the Marbletown

Town Hall, 1925 Lucas Ave Cottekill, New York to hear all interested parties on a proposed local law entitled “A LOCAL LAW AMENDING APENDIX “A” OF CHAPTER 128 “HERITAGE PRESERVATION” OF THE TOWN OF MARBLETOWN CODE BY ADDING THE STONE HOUSE AS A DESIGNATED LAND-MARK”; and

WHEREAS, notice of said public hearing was duly advertised in the Daily Freeman, the official newspaper of said Town, on January 22, 2017; and

WHEREAS, said public hearing was duly held on February 7, 2017 at 7:00 o’clock P.M. local time, at the Mar-bletown Town Hall, 1925 Lucas Ave Cottekill, New York and all parties in attendance were permitted an op-portunity to speak on behalf of or in opposition to said proposed local law, or any part thereof; and

WHEREAS, the Town Board has circulated said local law to the Ulster County Planning Board; and

WHEREAS, the Town Historic Preservation Commission pursuant to the Marbletown Code Chapter 128 may recommend the designation of property as a landmark and the Town Board may make such designation if such property

- (1) Possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region, state or nation; or
- (2) Is identified with historic personages; or
- (3) Embodies the distinguishing characteristics of an architectural style; or
- (4) Is the work of a designer whose work has significantly influenced an age; or
- (5) Embodies a unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood; or
- (6) Is listed on the State and/or National Registers of Historic Places, or which is the subject of a pending application for listing, where such property meets one or more of the criteria of this section; and

WHEREAS, the Marbletown Historic Preservation Commission recommended the designation of **Henry Brodhead House**, 550 North Marbletown Rd. Kingston, New York as a landmark based upon the following findings of fact:

The Henry Brodhead House (ca 1784) embodies distinguishing characteristics of the evolution of Colonial Dutch and Federal architecture in Marbletown and the United States, as well as, possesses special historic inter-est as part of the cultural, political, economic or social history. The Henry Brodhead House and surviving struc-tures (smokehouse, well) on Nottingham’s Burnt Orchard is of landmark caliber commissioned and built by de-scendants of the first English settlers in Ulster County, updated and expanded by descendants of the original Dutch immigrants to the area, and conscientiously restored to its eighteenth- and nineteenth-century form by the current owners. It is an unusually complete survivor from the formative period of American society.

WHEREAS, the Town Board has considered the Historic Preservation Commission’s recommendation and findings and the criteria concerning such designation as set forth in the Heritage Preservation Law and agrees that the Henry Brodhead House should be designated as a landmark as outlined in their Resolution of approval annexed to this Resolution; and

WHEREAS, the Town Board, after due deliberation, finds it in the best interest of the Town of Marbletown to adopt said Local Law;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Marbletown hereby amends Chapter 128 “Heritage Preserva-tion” of the Marbletown Code by adopting said Local Law No. 3 of 2017 entitled “A LOCAL LAW AMENDING APPENDIX “A” OF CHAPTER 128 “HERITAGE PRESERVATION” OF

THE TOWN OF MARBLETOWN CODE BY ADDING THE HENRY BRODHEAD HOUSE AS A DESIGNATED LANDMARK.”

2. The Town Clerk is hereby directed to enter said Local Law in the minutes of this meeting and in the Local Law book of the Town of Marbletown, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

The following Resolution was offered by Supervisor Warren, seconded by Councilman Adams to wit:

- The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows, 4-0 Aye, Councilman Borzumato absent, motion carried.

Michael Warren	Voting: <u>Aye</u>
Patricia Clarke	Voting: <u>Absent</u>
Joe Borzumato	Voting: <u>Aye</u>
Tim Sweeney	Voting: <u>Aye</u>
Doug Adams	Voting: <u>Aye</u>

RESOLUTION #17-2017; Update Civil Service list for Marbletown

WHEREAS, The Ulster County Civil Service has done a review of all the positions, both appointed, non-competitive and competitive for the Town of Marbletown and has found that they are not in possession of the Town Board approvals for the following positions, and;

Whereas, the Positions of Deputy Supervisor, Budget Officer, Code Enforcement Officer, Building Inspector, Fire Inspector and Storm Water Officer, do not have updated Town Board approvals or were approved so long ago that records are not available, and;

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown approves these positions and requests that Ulster County Civil Service update their records to reflect these updates.

The following Resolution was offered by Supervisor Warren, seconded by Councilman Adams to wit:

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows, 4-0 Aye, Councilman Borzumato absent, motion carried.

Tim Sweeney	Voting <u>Aye</u>
Michael Warren	Voting <u>Aye</u>
Doug Adams	Voting <u>Aye</u>
Joe Borzumato	Voting <u>Absent</u>
Pat Clarke	Voting <u>Aye</u>

RESOLUTION #18-2017: Interim appointment of Building Inspector- Dave Allen

WHEREAS, the Town of Marbletown has the need for a Building Inspector; and

WHEREAS, the Interim Building Inspector will be paid on a per diem basis of per week at a rate of \$27.27/hour; and

WHEREAS, the Town of Marbletown will reimburse the Interim Building Inspector at \$.54 per mile.

NOW, THEREFORE, BE IT RESOLVED that this resolution shall become effective upon its approval by the Town Board of Marbletown.

Motion made at a regular meeting of the Town Board of the Town of Marbletown, February 7, 2017 by Supervisor Warren and seconded by Councilman Sweeney.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows, 4-0 Aye, Councilman Borzumato absent, motion carried.

Tim Sweeney	Voting <u>Aye</u>
Michael Warren	Voting <u>Aye</u>
Doug Adams	Voting <u>Aye</u>
Joe Borzumato	Voting <u>Absent</u>

RESOLUTION #19-2017: Interim appointment of Fire Inspector- Steven Christiana

WHEREAS, the Town of Marbletown has the need for a Fire Inspector; and

WHEREAS, the Interim Fire Inspector will be paid on a per diem basis of per week at a rate of \$18.54/hour; and

WHEREAS, the Town of Marbletown will reimburse the Interim Fire Inspector at \$.54 per mile.

NOW, THEREFORE, BE IT RESOLVED that this resolution shall become effective upon its approval by the Town Board of Marbletown.

Motion made at a regular meeting of the Town Board of the Town of Marbletown, February 7, 2017 by Supervisor Warren and seconded by Councilman Adams.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows, 4-0 Aye, Councilman Borzumato absent, motion carried.

Tim Sweeney

Voting Aye

Michael Warren

Voting Aye

Doug Adams

Voting Aye

Joe Borzumato

Voting Absent

Pat Clarke

Voting Aye

PROPOSED LOCAL LAW #4-2017:

- Discussion of proposed Local Law #4 – 2017, which would review and remove local fees from the town code. Once the fees are removed from the town code these fees can be changed with a resolution instead of a public hearing which would make it a local law. These would be all fees and food manufacturing descriptions. This will be sent around to board members for further review and discussion at the next board meeting.

TRANSFER STATION FEES:

- Councilman Adams will start reviewing the transfer station fees from 2016 to assist setting the fees for 2017.
- The Town Clerk's office would like to start selling the new permits in the middle of March.
- Motion was made by Supervisor Warren and seconded by Councilman Adams to reduce the price of the yearly transfer station permit from \$35.00 to \$15.00 and from \$15.00 to \$5.00 for seniors from now until the new permits become available in March. 4-0 Aye, Councilman Borzumato absent, motion carried.

RESOLUTION #20-2017: A resolution adopting Energy Benchmarking Policy Requirements for Certain Municipal Buildings in the Town of Marbletown.

Introduced by Supervisor Warren who moved its adoption, seconded by Councilman Adams.

WHEREAS, buildings are the single largest user of energy in the State of New York, and the poorest performing buildings typically use several times the energy of the highest performing buildings, for the exact same building use; and

WHEREAS, this Local Policy will use Building Energy Benchmarking to promote the public health, safety, and welfare by making available good, actionable information on municipal building energy use to help identify opportunities to cut costs and reduce pollution in the Town of Marbletown; and

WHEREAS, collecting, reporting, and sharing Building Energy Benchmarking data on a regular basis allows

municipal officials and the public to understand the energy performance of municipal buildings relative to similar buildings nationwide; and

WHEREAS, equipped with this information, the Town of Marbletown will be able to make smarter, more cost-effective operational and capital investment decisions, reward efficiency, and drive widespread, continuous improvement.

WHEREAS, the following definitions will apply:

(A) “Benchmarking Information” shall mean information generated by Portfolio Manager, as herein defined including descriptive information about the physical building and its operational characteristics.

(B) “Building Energy Benchmarking” shall mean the process of measuring a building’s Energy use, tracking that use over time, and comparing performance to similar buildings.

(C) Supervisor shall mean the head of the Department.

(4) “Covered Municipal Building” shall mean a building or facility that is owned or occupied by the Town of Marbletown that is 1,000 square feet or larger in size.

(5) “Department” shall mean the Bookkeeping assigned the responsibility of administering the Energy benchmarking program.

(6) “Energy” shall mean electricity, natural gas, steam, hot or chilled water, fuel oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities, as reflected in Utility bills or other documentation of actual Energy use.

(7) “Energy Performance Score” shall mean the numeric rating generated by Portfolio Manager that compares the Energy usage of the building to that of similar buildings.

(8) “Energy Use Intensity (EUI)” shall mean the kBtUs (1,000 British Thermal Units) used per square foot of gross floor area.

(9) “Gross Floor Area” shall mean the total number of enclosed square feet measured between the exterior surfaces of the fixed walls within any structure used or intended for supporting or sheltering any use or occupancy.

(11) “Portfolio Manager” shall mean ENERGY STAR Portfolio Manager, the internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative Energy performance of buildings nationwide, or successor.

(12) “Utility” shall mean an entity that distributes and sells Energy to Covered Municipal Buildings.

(13) “Weather Normalized Site EUI” shall mean the amount of Energy that would have been used by a property under 30-year average temperatures, accounting for the difference between average temperatures and yearly fluctuations; and

WHEREAS, this Local Policy is applicable to all Covered Municipal Buildings as defined in above of this Local

Policy; and

WHEREAS, the Supervisor may exempt a particular Covered Municipal Building from the benchmarking requirement if the Supervisor determines that it has characteristics that make benchmarking impractical; and

WHEREAS, no later than December 31, 2017, and no later than May 1 every year thereafter, the Supervisor or his or her designee shall enter into Portfolio Manager the total Energy consumed by each Covered Municipal Building, along with all other descriptive information required by Portfolio Manager for the previous calendar year; and

WHEREAS, for new Covered Municipal Buildings that have not accumulated 12 months of Energy use data by the first applicable date following occupancy for inputting Energy use into Portfolio Manager, the Supervisor or his or her designee shall begin inputting data in the following year; and

WHEREAS, the Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:

- (a) no later than December 31, 2016 and by September 1 of each year thereafter for Covered Municipal Buildings; and

WHEREAS, the Department shall make available to the public on the internet and update at least annually, the following Benchmarking Information:

- (a) Summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information; and
- (b) For each Covered Municipal Building, individually:
 - (i) The status of compliance with the requirements of this Local Policy; and
 - (ii) The building address, primary use type, and gross floor area; and
 - (iii) Annual summary statistics, including site EUI, Weather Normalized Source EUI, annual GHG emissions, and an Energy Performance Score where available; and
 - (iv) A comparison of the annual summary statistics (as required by this Local Policy) across calendar years for all years since annual reporting under this Local Policy has been required for said building; and

WHEREAS, the Department shall maintain records as necessary for carrying out the purposes of this Local Policy, including but not limited to Energy bills and other documents received from tenants and/or Utilities. Such records shall be preserved by the Department for a period of three (3) years; and

WHEREAS, the Supervisor or his or her designee shall be the Administrator of this Local Policy; and

WHEREAS, the Administrator of this Local Policy may promulgate procedures necessary for the administration of the requirements of this Local Policy; and

THEREFORE BE IT RESOLVED THAT within thirty days after each anniversary date of the effective date

of this Local Policy, the Administrator of the Benchmarking Policy shall submit a report to the Town Board including but not limited to summary statistics on Energy consumption for Covered Municipal Buildings derived from aggregation of Benchmarking Information, a list of all Covered Municipal Buildings identifying each Covered Municipal Building that the Supervisor determined to be exempt from the benchmarking requirement and the reason for the exemption, and the status of compliance with the requirements of this Local Policy; and

BE IT ALSO RESOLVED THAT this Local Policy shall be effective immediately upon adoption by the Town Board of Marbletown, and a copy of this resolution shall be provided to the Clean Energy Communities Coordinator.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows, 4-0 Aye, Councilman Borzumato absent, motion carried.

Tim Sweeney	Voting <u>Aye</u>
Michael Warren	Voting <u>Aye</u>
Doug Adams	Voting <u>Aye</u>
Joe Borzumato	Voting <u>Absent</u>
Pat Clarke	Voting <u>Aye</u>

- Councilman Sweeney asked to be excused at 8:05pm to attend prescheduled conference out of town.

ECC

- The Town of Marbletown was awarded a grant to install electric vehicle chargers. Discussion of having the charger installed at the Community Center as the chargers need to be installed on land owned or leased to the town. Installing the chargers would assist in winning a \$50,000 to \$100,000 Clean Energy Community grant.

OTHER TOWN BUSINESS:

- Supervisor Warren discussed a letter he and Jeanne Walsh, Rosendale Supervisor, have written to the NYCDEP Deputy Commissioner regarding proposed water shutdown in High Falls. Both supervisors would like to meet with the DEP for further discussion.
- The High Falls Conservancy will present a multi-media art story event at the High Falls Emporium Gallery Space. Opening reception is 2/11/17 from 5:00-7:00pm.
- Letter from Brian Pickard, town accountant, was read by Supervisor Warren. Mr. Pickard has conducted his yearly audit of all cash accounts and all records appear correct and no adjustments necessary.
- The Rosendale Police Department has had their 'speed tracker' machine out in front of the Rondout Municipal Center and the data was provided to the town in report form.
- Town Clerk/Tax Collector Moody stated her office has collected, to date, 6.7 million of the total tax warrant of 8.4 million.

Motion to adjourn: There being no further discussion Councilwoman Clarke made the motion to adjourn the meeting, seconded by Councilman Adams; 3-0 Aye, Councilmen Borzumato and Sweeney absent, motion carried. The meeting adjourned at 8:30pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector

