



Town Board Regular Meeting

Tuesday, May 2, 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 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

Councilman Tim Hunt – Present

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

PRESENTATION – COMMUNITY PRESERVATION FUND ADVISORY BOARD:

- Dale Robbins, Chairman of the Marbletown Community Preservation Fund Advisory Board provided a presentation pertaining to the Recommendation for Acquisition of The Osterhoudt Flats, tax parcel (SBL) 61.20-3-9.400, owner Claude Osterhoudt, address Atwood/Cooper.
- The full presentation can be found on the town's website:
https://www.marbletown.net/sites/g/files/vyhlf4666/f/uploads/cpab_osterhoudt_flats.pdf or a copy be obtained in the Town Clerk's office and a copy will be filed with the minutes.
- The Town Board thanked the Community Preservation Fund Advisory Board which consists of:
 - Dale Robbins, Chairman
 - Dan Shuster, Vice Chairman
 - Bill Merchant, Secretary
 - Jonathan Bergman
 - Bryn Roshong
 - Adam Liebowitz
 - Celia Lewis

PUBLIC HEARING ON A PROPOSED LOCAL LAW “EXTENDING SUPERVISOR TERM OF OFFICE”

- At 6:30pm a motion was made by Councilman Davenport, seconded by Councilwoman Foote to open the public hearing on the proposed Local Law # of 2023 ‘Extending Supervisor Term of Office’, 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on Sunday, April 23rd. The legal notice as also posted on the town website and the Town Clerk's Community Board.

- Vin Martello, former Town of Marbletown Supervisor, stated that Councilman Hunt had reached out to him to ask him what he thought of the extension and Martello responded that it was an excellent idea. Martello added that having a Supervisor with the shortest term of the board does not allow for continuity with projects as it takes awhile to develop. 2-year terms are a brutal cycle, your first 6 months you are learning, the second 6 months you are getting comfortable and then it's time for another election cycle. Martello also said the salary of the Supervisor should be raised.
- Laura Cunningham, resident of 41 years stated she is not in favor of the 4-year term.
- Bill Terpening, resident, read and submitted a prepared statement which will be on file in the Town Clerk's office with the minutes. Terpening assumes that both the Supervisor and the Deputy Supervisor properly recuse themselves and have not and are not voting on this matter. Otherwise, their involvement would be a blatant and unseemly conflict of interest and an apparent violation of the Town's Code of Ethics. He pointed out that under NY Town Law, Chapter 62, Article 3, § 42, the Deputy Supervisor is appointed "to serve at the pleasure of the supervisor." Terpening believes this resolution is an egregious power-grab by the Supervisor. If the Supervisor was not running for office this November 7th, only then would this proposal be neutral and thus conscionable. Adding this resolution is especially convenient for this Supervisor to entrench his rule, since, apparently, no other candidate is running in opposition to counter this attempt to extend the Supervisor's hold on power. If the town board passes this resolution hopefully the voters will not approve the pertinent referendum in the Town election on November 7th. And, most unfortunately, the Democratic Party has no endorsed candidate to oppose the present Supervisor's re-election. Terpening maintains this proposed Law is defective, namely that it does not conform with the provision in the last sentence of NY Town Law § 24-A(1), which states "thereafter elected", which in this case means that a 4-year term for the office of supervisor could only become effective upon a supervisor's election in November of 2025.
- Natasha Williams, resident, pointed out that it was not clear whether this law is for 2 years or 4 years.
- Tracey Dewart, resident, asked about term limits.
- Joe LaFera, RMC Building Manager, stated he was definitely in favor for the 4 years for the Supervisor term. The 4 years would assist in carrying through with projects that are being worked on. LaFera does not believe in the previous comments of entrenchment of power.
- Tom Konrad, ECC Chairman and resident, stated he had served under the past 2 supervisors, and it was tough when election time came because it became a distraction. Konrad added that he has sympathy for the arguments and says it makes sense to start in 2 years.
- Tim Guinee, resident and husband of Councilwoman Foote, added he is familiar with what it takes to be on the board and thinks they are all out of their minds!
- At 6:45pm there being no more comments or questions on the proposed local law "Extending Supervisor Term of Office" Councilman LaFera, seconded by Councilman Davenport to close the public hearing on the proposed local law, 5-0 Aye, motion carried.

MEETING MINUTES:

- Councilman Hunt made a motion, seconded by Councilman LaFera to approve the meeting minutes from 4/18/2023 5-0 Aye; motion carried.

APPROVAL OF VOUCHERS & AMENDMENTS

Town Clerk Moody submitted the following amendments from the 4/18/2023 vouchers for approval:

April 18, 2023

General Fund

Vouchers

Total Payment

#263

\$40.00

#264

\$175.00

#265

\$2,493.00

Total amount of 4/18/23 vouchers

\$41,623.32

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

Town Clerk Moody submitted the following vouchers for approval:

May 2, 2023

General Fund

Vouchers

Total Payment

V#266-302

\$28,018.99

Highway Fund

V#123-130

\$5,988.65

High Falls Water District

V#40-45

\$14,470.67

RMC

V#

\$

Marbletown Fire Protection District #1

V#

\$

A motion was made by Councilman Davenport 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 asked about the \$1,400 for the seniors. Supervisor Parete explained that pays for the bus for the senior trips that happen 2 or 3 a times a year.

PUBLIC COMMENT:

- Vin Martello, resident & former Supervisor, stated that the local town government is very accountable, and we know what they are doing, we see them, and we don't have to worry about what they are doing.
- Vivi Hlavsa, resident, said she only recently decided to come to the meetings and learn about the projects going on. She does not believe in extending the supervisor's term of office.
- Natasha Williams, resident, questioned what the best way for the school and town board to get out their message. What happened to receiving a newsletter from the Town? Supervisor Parete responded that the previous administration took public comments off the town board meeting agenda's, they had a website that just had minutes and agenda and no social media. Since he has been in office the website has grown, the town has Facebook and Instagram and posts regularly everything that is going on in

town, plus neighboring towns. News blasts are sent out via email to those that have signed up. Parete said we cannot force people to come to the meetings, but this board goes over and above to involve residents. Parete reminded Ms. Williams that the town is not required by law to video the meetings, but we continue to do so. Parete also pointed out that if she had any questions she should come in and see him anytime.

- Mike Gordon, representative from Joule Community Power, described an award that the town is being awarded. Mr. Gordon stated that the Eco Action Award presentation/press event is scheduled for May 18th at 11:00am. The award is not only for CCA with renewable energy but also to recognize Marbletown's other climate actions which include; designated clean energy community and bronze certified climate smart community, completed 100% renewable energy action plan, free energy coaching, makes available Group Purchase program through Sustainable Hudson Valley – discounts on energy audits, air source heat pumps, ongoing meetings to educate public on environmental issues and working on creating a utility geothermal network.

RESOLUTION #48-2023; EXTEND TERM OF OFFICE FOR TOWN SUPERVISOR

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

WHEREAS, proposed Local Law No. of the year 2023 entitled, “**A local law for extension of terms for elected officers**” was introduced to the Town Board at a meeting held May 2, 2023, at the Town Hall, 1915-1925 Cortekill, New York 12419, to consider said proposed local law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard; and,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown, New York, does hereby enact and adopt proposed Local Law No. for the year 2023, Town of Marbletown, State of New York, which local law is annexed hereto and made a part hereof; and,

THEREFORE, BE IT FURTHER RESOLVED, that the term of office of the Town Supervisor shall be four (4) years commencing with and continuing after the term to begin on January 1st, 2024, and thus, this local law shall cover the outcome of the General Election of November 7th, 2023; and,

BE IT FURTHER RESOLVED, that this local law shall be subject to Mandatory Referendum pursuant to Section 23 of the Municipal Home Rule Law of the State of New York; and,

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with the New York State Secretary of State, which filing shall await and be conditioned upon, the outcome of the aforesaid Mandatory Referendum.

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>No</u> |
| Councilman Hunt | Voting <u>No</u> |
| Supervisor Parete | Voting <u>Aye</u> |

3-2; Resolution #48-2023 was thereupon adopted.

- Councilman LaFera pointed out that the town passed the Town Clerk and Highway Superintendent term extensions with no issues and feels this is personal. If we put it on the ballot the voters make the decision.
- Councilman Davenport thanked Councilman LaFera and Vin Martello for their statements. Davenport added that it is hard to find qualified people especially for a 2-year term. Davenport has spoken with residents who have said “It’s about time it was a 4-year term”.
- Councilman Hunt is in favor of the 4-year term but feels it should wait. Hunt explained he reached out to Vin Martello for his thoughts, and he reached out to Brooke Pickering-Cole but had no response. Hunt has concerns and would like to hear more from other towns. Hunt would have liked to add an

amendment to delay the start of the 4-year term. Supervisor Parete responded we are asking the voters and that is democracy.

- Councilman Davenport made clear that he and Councilman LaFera brought up the subject of extending the term and not Parete.
- Councilman Hunt added that he reached out to the Board of Ethics and does not think Parete needs to recuse himself, not a conflict of interest.
- Councilwoman Foote said she was very much in favor of this change but would like to wait until the 2024 ballot.

RESOLUTION#49-2023; SETTING PUBLIC HEARING TO PAY ENGINEERING SERVICES FOR NEW HIGHWAY GARAGE

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

WHEREAS, the Town of Marbletown established a New Highway Garage Reserve Fund pursuant to Section 6-c of the General Municipal Law to provide funding for the purpose of financing Replace/Repairs and capital improvements to the seven buildings owned by the Town of Marbletown, and

WHEREAS, the town has spent \$1,250 for Engineering services related to the feasibility of building a new highway garage, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Marbletown Town Board shall hold a public hearing at 1925 Lucas Avenue, Cottekill, New York 12419 on May 16, 2023, 6:00PM to transfer \$1,250.00 from the New Highway Garage Reserve Fund to Buildings Expense line 1620.4, and be it

FURTHER RESOLVED, that the Town of Marbletown Town Clerk publish a public notice in the official newspaper of the Town of Marbletown at least five (5) days prior thereto.

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

| | |
|----------------------|-------------------|
| Councilman Davenport | Voting <u>Aye</u> |
| Councilman Lafera | Voting <u>Aye</u> |
| Councilwoman Foote | Voting <u>Aye</u> |
| Councilman Hunt | Voting <u>Aye</u> |
| Supervisor Parete | Voting <u>Aye</u> |

5-0; Resolution #49-2023 was thereupon adopted.

- Supervisor Parete stated 4 or 5 years ago the town put \$100,000 in an account for a new highway garage, and it looks like it might be on this property here at the RMC.

RESOLUTION#50-2023; 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 2003 International Eagle, 565 Cummins motor with 18-speed transmission, and

WHEREAS, the highway department will fund the purchase with budgeted money, and

THEREFORE, BE IT RESOLVED, that the Marbletown town board authorizes the purchase of 2003 International Eagle with Cummins motor and 18-speed transmission for a cost of \$54,000.00.

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

| | |
|----------------------|-------------------|
| Councilman Davenport | Voting <u>Aye</u> |
|----------------------|-------------------|

| | |
|--------------------|-------------------|
| Councilman Lafera | Voting <u>Aye</u> |
| Councilwoman Foote | Voting <u>Aye</u> |
| Councilman Hunt | Voting <u>Aye</u> |
| Supervisor Parete | Voting <u>Aye</u> |

5-0; Resolution #50-2023 was thereupon adopted.

- Highway Superintendent Dimler stated this will pull the lowboy and meet the needs of the highway. It will be used to move our equipment to other towns with the sharing program.

RESOLUTION 51-2023; AUTHORIZING THE SALE OF SURPLUS HIGHWAY EQUIPMENT

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

WHEREAS, the Town of Marbletown Highway Department sells surplus vehicles and equipment, and

WHEREAS, the Town Board of the Town of Marbletown supports a vehicle replacement program, and

NOW, THEREFORE BE IT RESOLVED, the Town Board of the Town of Marbletown authorizes the Highway Superintendent to sell 1994 Peterbilt Truck.

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

| | |
|----------------------|-------------------|
| Councilman Davenport | Voting <u>Aye</u> |
| Councilman Lafera | Voting <u>Aye</u> |
| Councilwoman Foote | Voting <u>Aye</u> |
| Councilman Hunt | Voting <u>Aye</u> |
| Supervisor Parete | Voting <u>Aye</u> |

5-0; Resolution #51-2023 was thereupon adopted.

- Councilman Hunt made a motion seconded by Councilman Davenport to make a friendly amendment to change 1992 to 1994 (original resolution said 1992), 5-0 motion approved.

ENERGIZING RURAL COMMUNITIES PRIZE:

- Tom Konrad, ECC Chairman, is looking for the town board to support clean energy in the town. Konrad has asked the town board to sign a letter to the US Department of Energy stating their interest in applying to compete for the Department of Energy's Energizing Rural Communities Prize. Receipt of the ERC Prize will allow us to further develop the plan, put the necessary partnerships in place and realize our vision to achieve 100% renewable energy for our citizens and businesses. In the letter it was pointed out that due to the mountainous area we live in we struggle with regular power outages. 5-0 to sign and send the letter, motion passed.

OTHER BUSINESS :

- Supervisor Parete said there would be the chance to opt into a new CCA program in July. A letter will be distributed to residents.
- Highway Superintendent Dimler is requesting a 3 way stop sign where Berme Road and Canal Road meet. The traffic to the transfer station has become heavy and right now there is only 1 stop sign. Dimler spoke to DOT and will follow up.
- Councilman Davenport brought up that he and Supervisor Parete would be meeting with Dennis Larious later in the week to outline the water projects coming up.
- Supervisor Parete said they are still in discussions with the DEP about the pressure tunnels that are leaking which is causing wells to go dry. It has gone from 50 properties being effected to about 600 properties. Parete stated there would be public meetings with the residents that have been affected to discuss what would happen going forward.

- Supervisor Parete announced that Verizon is looking to put up a tower or 2 in town which would make cell service better for the community. The challenge right now is finding property to put the towers on.
- Councilman Hunt mentioned there would be a meeting with the Youth & Rec board the following week. He added that they may want to put a float in the Memorial Day Parade.
- Supervisor Parete took a moment to thank Bill Merchant, Chairman of the Historic Preservation Board for the work he did to get the audit and all back reports submitted to the State in a timely manner.

PUBLIC COMMENT:

- Nancy Plummer, resident, stated she was here about a month ago to ask the board to consider not closing the community center. Plummer added that the community center is precious. Plummer asked the board if they support keeping the community center open. Councilman LaFera reminded Plummer that the town has a fiscal responsibility to the town and there are some big bills coming up. Supervisor Parete added that if they are able to raise money the town won't take the money and then sell it, stating there would have to go to a referendum. Plummer said there would be a fund raiser at the community center on June 17th.
- Bill Terpening, resident, suggested that the board review the law carefully about extending the supervisor term from 2 to 4 years. Terpening feels it should not start until 2025.

Motion to adjourn: There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilman Davenport 5-0 Aye, motion carried. The meeting adjourned at 8:10pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector