



Town Board Regular Meeting

Tuesday, June 20, 2023

This regular meeting was held in person and began at 6:01pm

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:01pm 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 – Present

Councilman Tim Hunt – Present

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

PUBLIC HEARING ON PROPOSED PURCHASE OF REAL PROPERTY KNOWN AS THE OSTERHOUDT FLATS

- At 6:05pm a motion was made by Councilwoman Foote, seconded by Councilman LaFera to open the public hearing on the proposed acquisition by the Town of Marbletown of Osterhoudt Flats consisting of 97.1 +/- acres of real property on Cooper Street in the Town of Marbletown being Section, Block and Lot #61.20-3-9.400 and to receive public comments on the environmental significance of said proposed purchase, 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on Sunday, June 11th. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- Nathan Plank, resident stated that this is a beautiful piece of property, thank you for preserving it.
- Tom Konrad, resident and ECC Chairman, supports this purchase.
- Janet Krieger, resident, supports this purchase too.
- Laura Cunningham, resident and HPC member, applauds this move.
- At 6:12pm there being no more comments or questions on the proposed acquisition by the Town of Marbletown of Osterhoudt Flats consisting of 97.1 +/- acres of real property on Cooper Street in the Town of Marbletown being Section, Block and Lot #61.20-3-9.400 Councilwoman Foote seconded by Councilman Hunt to close the public hearing on the proposed acquisition, 5-0 Aye, motion carried.

MEETING MINUTES:

- Councilwoman Foote made a motion, seconded by Councilman Lafera to approve the meeting minutes from 6/6/2023 5-0 Aye; motion carried.

APPROVAL OF VOUCHERS & AMENDMENTS

Town Clerk Moody stated there were no amendments from the 6/6/2023 vouchers for approval:

Town Clerk Moody submitted the following vouchers for approval:

<u>June 20, 2023</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#403-449	\$65,608.34
Highway Fund	V#162-186	\$90,980.72
High Falls Water District	V#59-61	\$139.38
RMC	V#77-86	\$55,670.00
Marbletown Fire Protection District #1	V#15	\$650.00

A motion was made by Councilman LaFera 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>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; motion carried.

- Councilman LaFera questioned the Marbletown Fire Protection District #1 voucher. Supervisor Parete responded that was for a roll off dumpster when the Marbletown Fire House was cleaned out.
- Councilman Hunt asked about the voucher for Mark Smith. Supervisor Parete responded Mark Smith provided the emergency roof repair at the Community Center.

PUBLIC COMMENT:

- Wendy Saul, resident, asked is there a slave burial ground on the Osterhoudt property? Supervisor Parete responded there was not a cemetery on the property, it is adjacent to the property.

ENVIRONMENTAL ASSESSMENT FORM (EAF) OSTERHOUDT PROPERTY:

- Supervisor Parete reviewed the Short Environmental Assessment Form, Part 1 and Part 2 for the Purchase of Property known as Osterhoudt Flats, Atwood Road, 61.20-3-9.400. A copy of the form is on file with the minutes in the Town Clerk's Office. Supervisor Parete asked the town board to accept as is, and put it to a vote:

Councilman Davenport	Voting <u>No</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>

4-1; motion carried.

RESOLUTION #62-2023, PURCHASE AND SALE AGREEMENT WITH OPEN SPACE INSTITUTE LAND TRUST INC.

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

WHEREAS, The Town of Marbletown Code Chapter 3 addresses preservation and acquisition of lands for agricultural purposes, clean water and open space; and

WHEREAS, the Town of Marbletown more recently adopted a Local Law establishing a Community Preservation Fund, as more particularly set forth in Chapter 127 of the Marbletown Town Code; and

WHEREAS, certain real property owned by Claude Osterhoudt situated on Cooper Street in the Town of Marbletown bearing tax map number 61.20-3-9.40 and consisting of approximately 97.2 acres is presently for sale; and

WHEREAS, the Open Space Institute Land Trust Inc. intends to purchase said lands for the purpose of selling

same to the Town of Marbletown; and

WHEREAS, said premises possess significant scenic, natural, recreational, wildlife and other open space features and would be an important property to acquire and protect consistent with the Code of the Town of Marbletown; and

WHEREAS, the Town Board has completed an Environmental Assessment Form and has determined that the purchase of said real property from the Open Space Institute Land Trust Inc. would not have a significant impact on the environment; and

WHEREAS, the purchase price of said property is \$1,100,000.00; and

WHEREAS, the Town of Marbletown is able to secure the necessary funds to acquire said lands; and

WHEREAS, under the terms of a Contract of Sale to be entered into between the Open Space Institute Land Trust Inc. and the Town of Marbletown, the Town will have a period of three years after the effective date of the Contract to close title; and

WHEREAS, the Town Board of the Town of Marbletown has determined that the acquisition and preservation of this important parcel of land would be of significant benefit to present and future residents of the Town of Marbletown.

NOW THEREFORE, be it Resolved that the Supervisor of the Town of Marbletown is hereby authorized and directed to execute the Purchase and Sale Agreement between the Town of Marbletown and the Open Space Institute Land Trust Inc. for the acquisition of the 97.2+/- acres Osterhoudt property.

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>No</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>

4-1; Resolution #62-2023 was thereupon adopted.

- Councilman Davenport said he would be voting ‘no’ on this resolution, and why is he voting ‘no’ on this resolution, he responded you can call him to discuss.
- Councilwoman Foote thanked the Committee and Dale Robbins for all the countless hours they put into this project. Foote also thanked OSI for this opportunity.
- Councilman Hunt stated this was pretty monumental out of the gate. Hunt hopes it’s the first of developing other partnerships with OSI. Adding that New Paltz is going through this process. Hunt thanked everyone for all of their hard work.
- Supervisor Parete took a moment to thank Daisy, Dale, and the Committee for all of their hard work. Adding government goes slow and it’s been a year of learning experiences.

RESOLUTION #63-2023, AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$1,500,000 BONDS OF THE TOWN OF MARBLETOWN, ULSTER COUNTY, NEW YORK, TO PAY THE COST OF THE purchase of a parcel of +/- 97.2 acres of land located on ATWOOD ROAD in Stone Ridge, New York FOR OPEN SPACE PRESERVATION AND PASSIVE RECREATIONAL PURPOSES AND THE IMPROVEMENT THEREOF WITH TRAILS, PAVILION, RESTROOM FACILITIES AND OTHER INCIDENTAL IMPROVEMENTS AND EXPENSES, IN AND FOR SAID TOWN.

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

WHEREAS, the capital project hereinafter described, as proposed, has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which it has been determined will not have any significant adverse impact on the environment; and

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW, THEREFORE, BE IT RESOLVED, by the affirmative vote of **not less than two-thirds of the total voting strength** of the Town Board of the Town of Marbletown, Ulster County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the purchase of a parcel of +/- 97.2 acres of land located on Atwood Road in Stone Ridge, New York for open space preservation and passive recreational purposes and the improvement thereof with trails, pavilion, restroom facilities and other incidental improvements and expenses in connection therewith, there are hereby authorized to be issued not to exceed \$1,500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$1,500,000, which specific object or purpose is hereby authorized at said maximum estimated cost and that the plan of financing thereof is by the issuance of \$1,500,000 bonds of said Town authorized to be issued pursuant to this bond resolution; **PROVIDED, HOWEVER**, that to the extent that any Federal or State grants-in-aid are received for such specific object or purpose, the amount of bonds to be issued pursuant to this resolution shall be reduced dollar for dollar.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 91 of paragraph a of Section 11.00 of the Local Finance Law based upon subdivisions 19(a) and 21(a) thereof. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Marbletown, Ulster County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE 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>No</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>

4-1; Resolution #63-2023 was thereupon adopted.

- Supervisor Parete said right now the transfer tax fund does not have enough money in it so this resolution will give the town the ability to borrow the rest of the money. Parete added that there is \$119,000 in the fund now.
- Supervisor Parete stated that this resolution is subject to a permissive referendum, which Town Clerk Moody will legally notice. This means that at least 150 signatures would have to be submitted to Town Clerk Moody within 30 days.

RESOLUTION#64-2023; MOHONK FIREWORKS

The following Resolution was offered by Councilman Davenport and seconded by Councilwoman Foote
Whereas, Mohonk Mountain House is desiring the permit for Private Display of Fireworks, to be held on July 4, 2023 and

Whereas, the Town Board has received the application for Fireworks from Mohonk along with the required insurance and workers comp certificates. Legion Fireworks is the operator of the display, and

NOW THEREFORE BE RESOLVED, that the Town Board of the Town of Marbletown approves the application for Fireworks for the Mohonk Mountain House.

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 #64-2023 was thereupon adopted.

- Supervisor Parete stated Mohonk does the fireworks every year. Town Clerk Moody will provide the permit and insurance paperwork to Dave Allen, Code Enforcement Officer and to the High Falls Fire Department.

RESOLUTION#65 -2023; MOHONK FIREWORKS

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport
Whereas, Mohonk Mountain House is desiring the permit for Private Display of Fireworks, to be held on July 19, 2023, with a rain back update of July 18, 2023, and

Whereas, the Town Board has received the application for Fireworks from Mohonk along with the required insurance and workers comp certificates. Legion Fireworks is the operator of the display, and **NOW THEREFORE BE RESOLVED**, that the Town Board of the Town of Marbletown approves the application for Fireworks for the Mohonk Mountain House.

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 #65-2023 was thereupon adopted.

RESOLUTION #66-2023, CANCELING JULY 4, 2023, TOWN BOARD MEETING

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

WHEREAS, Town of Marbletown Board meetings are held on the first and third Tuesday of each month, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown cancels the Town Board meeting on Tuesday July 4, 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 <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 #66-2023 was thereupon adopted.

- Supervisor Parete said that the Supervisor can call a meeting, but the town board can cancel a meeting. The town offices are closed on July 4th.

OTHER BUSINESS :

- Bruce Fallon, resident and member of the Veteran's Committee, brought up the discussion of possibly moving the monuments from the Community Center to the Stone Ridge Fire House. Fallon has spoken with the Stone Ridge Fire House, and they say 'yes'. Mr. Fallon would like the town board to make a motion to move the monuments. Supervisor Parete responded that the town board will discuss further. Councilman Davenport asked who would do that type of work? George Dimler has offered the personal use of his equipment and other town resources if the move happens.

PUBLIC COMMENT:

- Christian, new resident on Hendricks Lane, asked if \$1.5 million is approved and the Osterhoudt property purchase is \$1.1 million, what about the other \$400,000? Supervisor Parete stated the Town Board will decide how much to borrow. Parete reminded everyone that any resident can go out and get 5% of the Marbletown voters which would be about 150-170 signatures on a petition within 30 days of the resolution being passed and submitted to the Town Clerk's office.
- Alan Newman, asked if the purchase of the property would affect getting a water district in Stone Ridge? Councilman Davenport said the goal is not to use all the line of credit money. Supervisor Parete added that if the town does a water district in Stone Ridge, anyone in that district would be paying.

- Nina Shengold, resident, thanked everyone who participated in the Community Center FunRaiser. Shengold added that there were about 150 people there and thinks that maybe \$4,000 was raised. People told stories about their connection to the community center. Shengold asked what the process is for getting and submitting bids. Supervisor Parete responded that the town has an engineer, and he would put together the bid packet and then it would be shared with anyone interested. The engineer would then go through the bids and go with the lowest bidder. Shengold added that having the monuments at the community center is an honor.
- Laura Cunningham, resident, asked about the roof repair at the community center. Supervisor Parete responded that it was an emergency fix.
- Bill Terpening, resident, read and submitted a prepared statement, which is on file in the Town Clerk's office. Terpening is questioning what the hurry was by the Supervisor and two town board members to provide the Local Law of extending the terms of the Supervisor to become operative on 1/1/2024 rather than as of 1/1/2025? Terpening believes that this operative, which the Supervisor voted for, will end up being a gift and favoritism granted to the Supervisor. Due to this Terpening believes this is a reason why the question of conflict of interest arises in relation to the Supervisor's involvement and vote to approve this law. Adding that the Town's Code of Ethics goes beyond State and County ethics law which deals with contracts. Tim and Daisy did demonstrate concern about possible conflict of interest and concern about the operative date of the law. Even if there is not an actual conflict of interest Terpening believes if there is any appearance or doubt involved that one should recuse oneself or at least not vote on a matter which is so closely tied to their benefit. Doing so would uphold good governance and best practice and avoid what may be politically convenient and expedient. Also, regarding a proposition on a ballot, many voters are not aware of pertinent and unusual circumstances and details such as I have pointed out in this instance. The main part of the proposition that increases the term of office may seem on its face to be reasonable to many voters.

Motion to adjourn: There being no further discussion Councilman Hunt made the motion to adjourn the meeting, seconded by Councilman Davenport 5-0 Aye, motion carried. The meeting adjourned at 6:58pm.

Respectfully submitted,
Heather Moody
Town Clerk/Tax Collector