



## **Town Board Regular Meeting**

**Tuesday, November 21, 2023**

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

### **CALL TO ORDER**

Supervisor Parete called the meeting to order at 6:00pm and Councilman Davenport 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

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

Town Clerk Moody stated there was an amendment to the vouchers submitted on November 6, 2023

<b>General Fund</b>	<b>V#756</b>	<b>\$255.00</b>
---------------------	--------------	-----------------

Town Clerk Moody submitted the following vouchers for approval:

<b><u>November 21, 2023,</u></b>	<b><u>Vouchers</u></b>	<b><u>Total Payment</u></b>
<b>General Fund</b>	<b>V#757-800</b>	<b>\$82,821.77</b>
<b>Highway Fund</b>	<b>V#329-348</b>	<b>\$48,451.89</b>
<b>High Falls Water District</b>	<b>V#120-133</b>	<b>\$23,247.30</b>
<b>RMC</b>	<b>V#168-184</b>	<b>\$15,211.67</b>
<b>Marbletown Fire Protection District #1</b>	<b>V#</b>	<b>\$</b>

A motion was made by Councilman Davenport and Seconded by Councilwoman Foote 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 Hunt asked if the contract for Cyber Guardian was yearly? Supervisor Parete responded that it was a yearly contract and we do get a monthly bill for the cloud. Parete added that if we pay the yearly contract bill before 1/1/24 we get a 10% discount.

### **MEETING MINUTES:**

- Councilwoman Foote made a motion, seconded by Councilman LaFera to approve the meeting minutes from 11/6/2023 5-0 Aye, motion carried.

### **PUBLIC HEARING TO AUTHORIZE ISSUANCE OF BONDS FOR HIGH FALLS WATER DISTRICT**

- At 6:06pm a motion was made by Councilman Davenport, seconded by Councilwoman Foote to open the public hearing to authorize issuance of bonds for High Falls Water District 5-0 Aye, motion carried.
- Supervisor Parete stated Town Clerk Moody had legally noticed the public hearing in the Daily Freeman on Saturday November 12, 2023. The legal notice as also posted on the town website and the Town Clerk's Community Board.
- At 6:07pm there being no comments or questions to authorize issuance of bonds for High Falls Water District, Councilman Hunt made a motion seconded by Councilman Davenport to close the public hearing to authorize issuance of bonds for High Falls Water District 5-0 Aye, motion carried.

### **PUBLIC COMMENT:**

- Bill Terpening, resident, read and submitted a prepared public comment. Mr. Terpening stated The Resolution, Set Public Hearing Senior Exemptions, is unneeded and is a waste of both the public's and your time. The recent option the State established to allow towns to include IRA distributions as income in determining Senior Exemptions is misguided and egregiously unfair to seniors who have traditional IRAs. Contrary to what the Supervisor has stated, this option is in no manner an imposition on the towns. The Board is not required to take any action. At the Board's previous meeting it was disturbing to hear the insensitive, judgmental reactions of Board members regarding seniors who have IRAs. I don't know if the Assessor's subjective mistrust of the financial status of seniors with IRAs unduly biased your reactions. Just nine months ago the Board increased the income limits for the Senior Exemption. This increase applies to our seniors whom the Board decided are rightly eligible for an exemption. But it now sounds as though the Board members want to claw back the eligibility of our seniors who happened to have their retirement savings in an IRA instead of in a bank savings or checking account or in a cash stash. The previous reactions by the Board members are based on speculation about seniors' finances and feel mean-spirited and punitive. How do you presume to know the financial status of a senior who has an IRA and how difficult it may be for them to hold onto their home without some property tax relief? And this relief ranges from only five to fifty percent. A senior's total resources are not means-tested under the Senior Exemption. For a senior who placed their retirement savings into their bank accounts, only the interest on their savings is included as income under the Senior Exemption. If they withdraw, say \$200,000, this amount **is not** included as income. The point is: a senior whose retirement savings were **not** put into an IRA may have more or even way more money available for their retirement, and withdrawals of such moneys are not included in Senior Exemption determinations. This comparison shows how misguided and egregiously inequitable it is to punish a senior who has an IRA by treating withdrawals as income under the Senior Exemption. Excluding IRA distributions has been the appropriate, just and long-term practice by the State and by Marbletown.

### **RESOLUTION #98-2023; AUTHORIZE SALE OF UNNEEDED TOWN PROPERTY**

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

**WHEREAS**, the Town of Marbletown is the owner of a parcel of land at 535 N Marbletown Road Kingston, New York, consisting of .65 acres (the "Property"), and bearing Tax Assessment Map designation SBL 62.1-3-6; and

**WHEREAS**, Daniel C. Lewis, Jr. at 291 Hasbrouck Avenue, Kingston NY 12401 wishes to purchase the Property; and

**WHEREAS**, pursuant to Town Law 64 (2), the Town Board is authorized to sell real property at private sale pursuant to a resolution which is subject to a permissive referendum, and provided the property is unneeded for town purposes and an adequate consideration is received; and

**WHEREAS**, the .65 acres former fire house property is currently not being used for any public purpose, and there is no future use contemplated for that Property, and it is therefore unnecessary for Town purposes and the sale price is at or above appraised value; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board finds that the .65-acre former Marbletown Fire House is currently not being used for any public purpose, and there is no future use contemplated for that portion of the Property, and it is therefore unnecessary for Town purposes; and

**FURTHER RESOLVED**, that the Town Board agrees to sell the former Marbletown Fire House at 535 N Marbletown Road, Kingston NY for the sum of \$330,000, subject to permissive referendum; and

**BE IT FURTHER RESOLVED**, that the Town Board of the Town of Marbletown authorizes the Supervisor to sign the attached Contract of Sale Agreement.

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, motion carried.**

- Supervisor Parete there had been considerable interest in the Marbletown Fire House, but they only received one offer. Mr. Ed Croswell asked if the zoning would be changed for the Marbletown Fire House? Supervisor Parete told Mr. Croswell that he would need to go to the Planning Board for any changes.

#### **RESOLUTION #99-2023; SETTING PUBLIC HEARING TO PAY COSTS FOR HIGH FALLS WATER DISTRICT**

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

**WHEREAS**, the Town of Marbletown established a High Falls Water District Repair 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 High Falls Water District owned by the Towns of Rosendale and Marbletown, and **WHEREAS**, the Water District spent \$6,041.86 for Brass Meter Coupling Kit and a Communication Device Kit, 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 Tuesday December 5, 2023, 6:00PM to transfer \$6,041.86 from the High Falls Water District Reserve Fund to Transmission & Distribution line SW 8340.4, 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, and be it

**FURTHER RESOLVED**, that this resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown.

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 Aye

**5-0, motion carried.**

- Supervisor Parete stated this would be for bills for the High Falls Water Meters. Councilman Davenport asked if we should transfer more money? Parete responded we only transfer money when we use it.

**RESOLUTION #100-2023; APPROVING REPLACEMENT OF WATER METERS**

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport **WHEREAS**, the Town Board of the Town of Marbletown, Ulster County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of High Falls Water District, in the Town of Marbletown, Ulster County, New York, consisting of replacement of water meters, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$200,000; and

**WHEREAS**, at a meeting of said Town Board duly called and held on November 6, 2023, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of High Falls Water District in said Town at a maximum estimated cost of \$200,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Cottekill, New York, in said Town, on November 21, 2023, at 6:00 o'clock P.M., Prevailing Time; and

**WHEREAS**, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

**WHEREAS**, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard;

**NOW, THEREFORE, BE IT ORDERED**, by the Town Board of the Town of Marbletown, Ulster County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of High Falls Water District, in the Town of Marbletown, Ulster County, New York, consisting of the replacement of water meters, including incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$200,000.

Section 2. This Order shall take effect immediately.

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 Aye

Supervisor Parete                      Voting Aye

**5-0, motion carried.**

- Supervisor Parete announced that a letter will go out to the 200 or so users that will be getting new meters put in their homes. The letter will contain all the information that will explain what will be happening and how to schedule a time for the meters to be installed. They hope to start the installation in December.

**RESOLUTION #101-2023; AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE TOWN OF MARBLETOWN, ULSTER COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE HIGH FALLS WATER DISTRICT, IN THE TOWN OF MARBLETOWN, ULSTER COUNTY, NEW YORK**

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

**WHEREAS**, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has

determined it to be in the public interest to improve the facilities of High Falls Water District, in the Town of Marbletown, Ulster County, New York, at a maximum estimated cost of \$200,000; and

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

**RESOLVED**, by the Town Board of the Town of Marbletown, Ulster County, New York, as follows:

Section 1. For the specific object of purpose of paying the cost of the increase and improvement of the facilities of the High Falls Water District, in the Town of Marbletown, Ulster County, New York, consisting of the replacement of water meters, including incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$200,000 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 of purpose is \$200,000, which specific object of purpose is hereby authorized at said maximum estimated cost, and that the plan for the financing thereof is by the issuance of the \$200,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object of purpose is forty years pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. 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. To the extent not paid from monies raised from said High Falls Water District as applicable in the manner provided by law, 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 5. 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 serial 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 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to

issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at the Supervisor's sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object of purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. 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 11. 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 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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, motion carried.**

- Supervisor Parete said the town would be going to the Bank of Greene County for the \$200,000 bond and the town would hope to pay the bank back over 5 years with 5.2% interest.

## **RESOLUTION #102-2023; HIGH FALLS WATER DISTRICT WATER METER AND VALVE REPLACEMENT CONTRACT**

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

**WHEREAS**, the High Falls Water District has the need to replace water meters and defective valve boxes; and

**WHEREAS**, the High Falls Water District received the attached proposal to replace approximately two hundred and ten (210) water meters with shut off valves, for a cost of \$147,000. The attached proposal also requires the contractor to replace approximately forty (40) defective valve boxes for a cost of \$60,000; and **WHEREAS**, after review of the proposal a decision was made to sign an agreement with EZ Does IT Plumbing and Heating, INC. 130 Rose Street Kingston NY 12401 in the amount of \$147,000 for water meter with shut off valve replacement and \$60,000 to replace valve boxes that are defective for a total of \$207,000, and **NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Marbletown hereby authorizes the Supervisor to sign the Agreement with EZ Does IT Plumbing and Heating, LLC. For \$207,000.00 which has been attached and made a part hereof; and

**BE IT FURTHER RESOLVED**, that this resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown.

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, motion carried.**

**RESOLUTION #103-2023; CONTRACT WITH HUDSON & PACIFIC DESIGNS LANDSCAPE ARCHITECTURE, PC.**

The following Resolution was offered by Councilwoman Foote and seconded by Supervisor Parete

**WHEREAS**, the Town of Marbletown 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**, the town entered a purchase and sale agreement with the owner, Open Space Institute, the property is 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; and

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

**WHEREAS**, the town board would like to consider developing trails, signage, parking, pavilion, observation area, and other features that are deemed appropriate to achieve the objectives of the Community Preservation Plan, and

**WHEREAS**, the town received a proposal from Hudson & Pacific Designs Landscape Architecture, PC for \$13,000, and

**THEREFORE, BE IT RESOLVED** that the Marbletown Town Board authorizes the Supervisor to enter into the attached agreement with Hudson and Pacific Designs Landscape Architecture, PC for a cost of \$13,000, which will include an in-kind contribution for a total net cost of \$9,500.

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, motion carried.**

- Supervisor Parete said that Hudson & Pacific Designs will be creating the plans to create a park at the Osterhoudt Flats.
- Councilman Davenport made a motion, seconded by Councilman LaFera to change the \$9,500 (original Resolution) to \$13,000. 5-0, motion carried.

**RESOLUTION #104-2023; SET PUBLIC HEARING FOR CONTRACT WITH STONE RIDGE FIRE DISTRICT AND COMPANY FOR PORTIONS OF MARBLETOWN FIRE PROTECTION DISTRICT NO. 1 (FORMER VLY-ATWOOD FIRE DISTRICT)**

The following Resolution was offered by Councilman Davenport and seconded by Councilman LaFera  
**WHEREAS**, there has been duly established in the Town of Marbletown a Fire Protection District named “Marbletown Fire Protection District No. 1” as such territory is more fully described in the Resolution establishing such District as duly adopted by the Town Board of the Town of Marbletown on September 6, 2022, and  
**WHEREAS**, it is necessary that fire protection contracts between the Town of Marbletown and various fire companies within the Town be executed in order that fire protection may be continued in various areas of the Town; and

**WHEREAS**, it is a requirement of law that a public hearing be held by this Board to consider the proposed contracts.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held by this Board on December 5, 2023, at Rondout Municipal Center 1925 Lucas Ave. Cottekill NY 12419 at 6:00PM, for the purpose of considering fire protection contract with the Stone Ridge Fire District and Company for the attached area of the Marbletown Fire Protection District No. 1; and

**BE IT FURTHER RESOLVED** that the Town Clerk be and is hereby authorized and directed to publish a Notice of Hearing.

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, motion carried.**

**RESOLUTION #105-2023; SET PUBLIC HEARING FOR CONTRACT WITH STONE RIDGE FIRE DISTRICT AND COMPANY FOR NORTH MARBLETOWN FIRE PROTECTION DISTRICT NO. 2**

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport  
**WHEREAS**, there has been duly established in the Town of Marbletown a Fire Protection District named “North Marbletown Fire Protection District No. 2” as such territory is more fully described in the Resolution establishing such District as duly adopted by the Town Board of the Town of Marbletown on November 15, 2022, and

**WHEREAS**, it is necessary that fire protection contracts between the Town of Marbletown and various fire companies within the Town be executed in order that fire protection may be continued in various areas of the Town; and

**WHEREAS**, it is a requirement of law that a public hearing be held by this Board to consider the proposed contracts.

**NOW, THEREFORE, BE IT RESOLVED** that a public hearing be held by this Board on December 5, 2023, at Rondout Municipal Center 1925 Lucas Ave. Cottekill NY 12419 at 6:00PM, for the purpose of considering



fire protection contract with the Stone Ridge Fire District and Company for the North Marbletown Fire Protection District No. 2; and

**BE IT FURTHER RESOLVED** that the Town Clerk be and is hereby authorized and directed to publish a Notice of Hearing.

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, motion carried.**

#### **RESOLUTION #106-2023; MOHONK FIREWORKS**

The following Resolution was offered by Councilman Davenport and seconded by Councilman Hunt  
**WHEREAS**, Mohonk Mountain House is desiring the permit for Public Display of Fireworks, to be held on December 31, 2023-January 1, 2024.

**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 IT 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, motion carried.**

- Supervisor Parete said Mohonk has been doing fire works on new years eve for a few years and they provide all the necessary paperwork & insurance to the town.

#### **RESOLUTION #107-2023; SCHEDULING PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW NO. 2023 AMENDING THE CODE OF THE TOWN OF MARBLETOWN, CHAPTER 172 (TAXATION), ARTICLE I (SENIOR CITIZENS TAX EXEMPTION)**

The following Resolution was offered by Councilman Davenport and seconded by Councilman LaFera  
**WHEREAS**, pursuant to § 459-c of the Real Property Tax Law, the Town Board of the Town of Marbletown provides for a partial real property tax exemption for qualified persons over sixty-five (65) years of age whose annual income does not exceed the amounts enumerated in Chapter 172; and

**WHEREAS**, the New York State Legislature recently amended § 459 of the Real Property Tax Law affecting disabled persons with limited incomes. The amendments, contained in Chapter 59, Part K, Sections 1-6 of the Laws of 2023, redefine income for purposes of this exemption, replaced gender specific language with gender neutral language and clarified the income tax year to be used when determining income eligibility. Further, pursuant to Chapter 488 of the laws of the State of New York, the amendment increased the exemption levels for Senior Citizen (RPTL§459-c) property owners from the current minimal level of \$29,000.00 to \$50,000.00; and  
**WHEREAS**, the Town of Marbletown wishes to replace gender specific language, redefine income definitions for this exemption and redefine applicable income year for this exemption; and

**WHEREAS**, pursuant to §617(c)(26) & (33) of SEQRA, a Type II action includes “routine or continuing agency administration and management, not including new programs or major reorder of priorities” and the “promulgation of regulations, policies, procedures, and legislative decisions in connection with any Type II action” and,

**WHEREAS**, the Town Board has determined that amending Chapter 172 of the Code of the Town of Marbletown is a Type II action, which requires no further action pursuant to SEQRA.

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby schedules a public hearing for the 5<sup>th</sup> day of December 2023 at 6:00 p.m. at the Rondout Municipal Center, 1925 Lucas Ave Cottekill NY 12419 to consider adopting Local law No. 2023, amending the Code of the Town of Marbletown, Chapter 172 (Taxation), Article I (Senior Citizens tax Exemption).

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, motion carried.**

**RESOLUTION #108-2023; SCHEDULING PUBLIC HEARING TO CONSIDER ADOPTING LOCAL LAW NO. 2023 AMENDING (REPLACING) THE CODE OF THE TOWN OF MARBLETOWN, CHAPTER 172 (TAXATION), ARTICLE II (EXEMPTIONS FOR PERSONS WITH DISABILITIES AND LIMITED INCOMES)**

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

**WHEREAS**, pursuant to § 459-c of the Real Property Tax Law, the Town Board of the Town of Marbletown provides for a partial real property tax exemption for qualified disabled persons whose annual income does not exceed the amounts enumerated in Chapter 172; and

**WHEREAS**, the New York State Legislature recently amended § 459 of the Real Property Tax Law affecting disabled persons with limited incomes. The amendments, contained in Chapter 59, Part K, Sections 1-6 of the Laws of 2023, redefine income for purposes of this exemption, replaced gender specific language with gender neutral language and clarified the income tax year used when determining income eligibility. Further, pursuant to Chapter 488 of the laws of the State of New York, the amendment increased the exemption levels for Disability Low Income (RPTL§459-c) property owners from the current minimal level of \$29,000.00 to \$50,000.00; and

**WHEREAS**, pursuant to §617(c)(26) & (33) of SEQRA, a Type II action includes “routine or continuing agency administration and management, not including new programs or major reorder of priorities” and the “promulgation of regulations, policies, procedures, and legislative decisions in connection with any Type II action” and,

**WHEREAS**, the Town Board has determined that amending Chapter 172 of the Code of the Town of Marbletown is a Type II action, which requires no further action pursuant to SEQRA.

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby schedules a public hearing for the 5<sup>th</sup> day of December 2023 at 6:00 p.m. at the Rondout Municipal Center, 1925 Lucas Ave Cottekill NY 12419 to consider adopting Local law No. 2023, amending the Code of the Town of Marbletown, Chapter 172 (Taxation), Article II (Exemption for Persons with Disabilities and Limited Incomes).

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, motion carried.**

**RESOLUTION #109-2023; SCHEDULING PUBLIC HEARING TO CONSIDER AMENDING CHAPTER A207 YOUTH AND RECREATION COMMISSION BYLAWS of the TOWN OF MARBLETOWN CODE**

The following Resolution was offered by Councilman Hunt and seconded by Councilman LaFera  
**WHEREAS**, The Town Board of the Town of Marbletown wishes to amend the current Code Chapter A207 YOUTH AND RECREATION COMMISSION BYLAWS of the TOWN OF MARBLETOWN CODE; and  
**WHEREAS**, The current Law does not address recreation facilities and programs outside of Youth programs; and

**WHEREAS**, pursuant to §617(c)(26) & (33) of SEQRA, a Type II action includes “routine or continuing agency administration and management, not including new programs or major reorder of priorities” and the “promulgation of regulations, policies, procedures, and legislative decisions in connection with any Type II action” and,

**WHEREAS**, the Town Board has determined that amending Chapter A207 of the Code of the Town of Marbletown is a Type II action, which requires no further action pursuant to SEQRA.

**NOW THEREFORE BE IT RESOLVED** that the Town Board hereby schedules a public hearing for the 5<sup>th</sup> day of December 2023 at 6:00 p.m. at the Rondout Municipal Center, 1925 Lucas Ave Cottekill NY 12419 to consider adopting Local law No. 2023, amending the Code of the Town of Marbletown, Chapter A207 Youth and Recreation Commission Bylaws.

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, motion carried.**

- Supervisor Parete thanked Councilman Hunt for his help with the proposed new Bylaws. Parete added that since 2001 when the original bylaws were put into place there have been more added to the Youth and Rec responsibilities; the Rail Trail, the Creek Walk, etc.

**OTHER BUSINESS :**

- Wendy Saul, resident, stated that the grant she had been working on for the town was submitted. Saul said we should hear by February if the grant will be awarded to the town. Saul also submitted a copy of the Marbletown Community Center Decarbonization Budget for the grant. This grant was worked on by Councilman LaFera, ECC Chair Tom Konrad and Supervisor Parete. The board took a moment to thank Wendy for all of her hard work on the grant.
- Councilwoman Foote announced that the grant she and Dale Robbins had been working on once the town had purchased the Osterhoudt property was awarded to the town. The award is up to \$500,000.
- Supervisor Parete stated that the town offices will be closed Thursday and Friday for the Thanksgiving holiday. Parete added the transfer station will be closed on Friday but open all weekend.

- Supervisor Parete said the town is still waiting for the contracts from the DEP and once that is received they will be reaching out to the owners of the properties that have the leaks. Parete added that the DEP will be setting up a space at the RMC so residents can come in and talk with them and have questions answered.

**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 7:00pm.

Respectfully Transcribed and Submitted,  
Heather Moody  
Town Clerk/Tax Collector

DRAFT