



Town Board Regular Meeting

Tuesday, December 19, 2023

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

CALL TO ORDER

Supervisor Parete called the meeting to order at 6:01pm and Supervisor Parete lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present

Councilman LaFera – Present

Councilman Davenport – Absent

Councilman Tim Hunt – Present

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

APPROVAL OF VOUCHERS & AMENDMENTS

Town Clerk Moody stated there were no voucher amendments submitted from the December 5, 2023 town board meeting.

Town Clerk Moody submitted the following vouchers for approval:

<u>December 19, 2023,</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#824-881	\$135,789.56
Highway Fund	V#359-393	\$91,224.17
High Falls Water District	V#138-149	\$14,465.75
RMC	V#185-206	\$33,906.40
Marbletown Fire Protection District #1	V#24-25	\$392.36

A motion was made by Councilman Davenport and Seconded by Councilman LaFera 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 about the voucher for Supervisor Parete and Parete responded it was for his cell phone, mileage and the holiday party for all the committee volunteers.

MEETING MINUTES:

- Councilman LaFera made a motion, seconded by Councilman Hunt to approve the meeting minutes from 12/5/2023 5-0 Aye; motion carried.

PUBLIC COMMENT:

- Vivi Hlvasa, resident, read and submitted a prepared statement. Hlvasa states adding this tax is deeply unpopular, worse it's deeply confusing. Hlvasa proposes the Board spend the next year studying the issue. If other governments rush to increase their constituents' taxes, great. Let them be the test case. We can explore how those people manage their expensive groceries. Although some may have just moved away from more New York taxes.
- Bill Terpening, read and submitted a prepared statement.
Unfortunately, I believe the Board will be making its decision based on flimsy and poor judgement. Some basic essential data has not been presented to the Board by the Assessor, namely, of the 230 parcels that fall under the AGED Exemption in the 2023 Assessment Roll:
 - How many seniors took IRA withdrawals?
 - How many of those withdrawals were traditional IRAs and how many were Roth IRAs?
 - What were the amounts withdrawn: number of seniors that withdrew between 0 to 10,000, 10,000 to 20,000, 20,000 to 30,000 and so on? And from what type of IRA?Also, when is an IRA withdrawal considered to be a large withdrawal: what range?
What is the rush to judgement when such data is unknown? Ask the Assessor to review the 230 parcels and then provide basic data.
This matter does not have to be decided this year. It can be decided in the future after the Assessor has provided needed data for the Board to make an adequately informed decision.
The Board has no knowledge of how many low-income seniors have limited IRA funds and will be harmed by this proposed Law. And, amazingly, no one on the Board has expressed concern about such possible harm, other than to state their intent is not to hurt anyone. If it is not your intent to hurt anyone, then simply do not pass this Law until you get pertinent data.
Also, there are two options the Board can adopt that will truly help our low-income seniors:
 - Excluding unreimbursed medical and prescription drug expenses from income.
 - Excluding Social Security benefits not included in FAGI from income.
- Laura Cunningham, resident, stated she speaks the same thoughts as the first two speakers and asks the board to show some compassion.
- Christine Herbes Somers, resident, questioned on the second page what is eligible income? How is it going to be administered, it's a complicated issue.

RESOLUTION #120 -2023; AGREEMENT BETWEEN WALDEN ENVIRONMENTAL ENGINEERING, PLLC AND THE TOWN OF MARBLETOWN

The following Resolution was offered by Councilman Davenport and seconded by Councilman LaFera
WHEREAS, the New York City Department of Environmental Protection (DEP) operates and maintains the Catskill Aqueduct, which runs through the town of Marbletown, and
WHEREAS, DEP has identified leaks in the Rondout Pressure Tunnel portion of the Catskill Aqueduct located in the Town of Marbletown and has committed capital funds to address such leaks to ensure the long-term sustainability to supply water to the City and other communities through the Catskill Aqueduct, and
WHEREAS, some properties in the High Falls and Stone Ridge area are experiencing impacts suspected to be linked to leaks from the Catskill Aqueduct, and
WHEREAS, the Town deems it in the public interest to assist its landowners and businesses affected by the leaks, and

WHEREAS, the agreement between NYC DEP and the town of Marbletown requires the town to hire a Contractor to assist with the administration and completion of the Neighborhood Support Projects, and
WHEREAS, Walden Environmental Engineering, PLLC has agreed to assist the town with meeting the requirements of the DEP/Marbletown Agreement and ensuring the success of Neighborhood Support Projects, and

NOW THEREFORE BE IT RESOLVED that the Marbletown Town Board approve the Supervisor to sign the attached agreement with Walden Environmental Engineering, PLLC.

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 stated there is a pressure tunnel on Pine Bush Road that goes down 600 feet, then 4 ½ miles through town and then over Mohonk. There are leaks in the pressure tunnel and Walden Environmental will assist the town in meeting the requirements of the DEP/Marbletown Agreement. Parete mentioned that Walden Environmental Engineering will have an office at the RMC and residents can come in and meet with them. Parete also pointed out that three years' worth of studies went into this and we're all still learning. The DEP wants to be good partners and they are not looking to hurt the community, they are trying to make it right.
- Councilman Hunt questioned the town's liabilities and making sure we will be protected.
- Councilwoman Foote had some questions about the language in the agreement. Supervisor Parete stated that the DEP will have the final word.
- Councilman Davenport said the more input we get the better off we are.

RESOLUTION #113-2023; LOCAL LAW TO AMEND CHAPTER 172 "TAXATION" AMEND THE CODE OF THE TOWN OF MARBLETOWN, CHAPTER 172 (TAXATION), ARTICLE I (SENIOR CITIZENS TAX EXEMPTION)

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport
WHEREAS, pursuant to § 467-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 § 467 of the Real Property Tax Law affecting Senior Citizens. 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§467-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 of the Town of Marbletown adopt Local Law # a Local Law to Amend Chapter 172 “Taxation” Amend Income Limits for Senior Citizens.

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 #114-2023; ADOPTING LOCAL LAW NO. 2023 AMENDING 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 Hunt 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 income tax year 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, amending the Code of the Town of Marbletown is a “routine or continuing agency administration and management, not including new programs or major reorder of priorities” and “promulgation of regulations, policies, procedures, and legislative decisions in connection with any Type II action” and, therefore, this proposed action is a Type II action, which requires no further action pursuant to SEQRA.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby adopt 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), §172- (Exemption Provided; statutory authority-renamed), §172- (Qualifications, maximum income, regulations), §172- (Severability), §178- (When effective) as follows:

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 #121-2023; IN SUPPORT OF 2023 NYSDOT TAP-CMAQ-CRP FUNDING APPLICATION

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

WHEREAS, a Notice of Funding Availability for the Transportation Alternatives Program (TAP), Congestion Mitigation and Air Quality Improvement Program (CMAQ), Carbon Reduction Program (CRP) been made available by the NYS Department of Transportation; and

WHEREAS, the Town of Marbletown seeks to advance its Comprehensive Plan by constructing safe and accessible pedestrian and bicycle access from the Marbletown Elementary School to the Marbletown Community Center in Stone Ridge; and

WHEREAS, the recent announcement of the NYSDOT TAP-CMAQ-CRP Grant Program provides \$165 million in funding to support bicycle, pedestrian, multi-use path and transportation-related projects and programs that support the goals of New York's nation-leading Climate Leadership and Community Protection Act (CLCPA); and

WHEREAS, the NYSDOT TAP Grant Program provides funds a variety of transportation related projects which increase options for non-vehicular transportation including: planning, design and construction of on-road and off-road facilities for pedestrians, bicyclists, and non-motorized transportation users; and

WHEREAS, NYSDOT will provide up to 80% of the total eligible project costs with a 20% match provided by the Town; and

WHEREAS, the proposed project is supported by the Town and the local community, volunteer groups, and the Rondout Valley Central School District; and

WHEREAS, the Town of Marbletown Town Board fully supports the proposed projects included in the funding application;

NOW THEREFORE BE IT RESOLVED:

Supervisor Rich Parete is hereby authorized and directed to file an application for funds to the New York State Transportation Alternatives Program (TAP) with a Town cash matching share of \$466,520; and

BE IT FURTHER RESOLVED that the Supervisor is hereby authorized to act on behalf of the Town Board in all matters related to this financial assistance, and upon approval of the said request, to enter into and execute a state assistance contract for such financial assistance. The attached Resolution 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 <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 this will allow the Marbletown school kids to walk on a sidewalk during emergencies versus walking down the middle of Rt. 213 down to Rt. 209. Parete added that the school sent letters of support for this. The deadline is January 9th.

RESOLUTION #122-2023; AGREEMENT BETWEEN THE CITY OF NEW YORK BY AND THROUGH THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE TOWN OF MARBLETOWN

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

WHEREAS, the City owns, and DEP operates and maintains the Catskill Aqueduct, which runs through the Town; and

WHEREAS, DEP has identified leaks in the Rondout Pressure Tunnel portion of the Catskill Aqueduct located within the High Falls area and has committed capital funds to address such leaks to ensure the long-term sustainability of its ability to supply water to the City and other communities through the Catskill Aqueduct; and **WHEREAS**, some properties in the High Falls area are experiencing impacts suspected to be linked to leaks from the Catskill Aqueduct; and

WHEREAS, the Town deems it to be in the public interest to assist its landowners and businesses affected by leaks; and

WHEREAS, the Town is willing to accept funds from DEP to administer and implement Neighborhood Support Projects, as defined in Section 4 (b) of this Agreement, for the purposes of, and pursuant to, the terms set forth herein; and

NOW, THEREFORE, in consideration of mutual promises contained herein, the Town Supervisor is authorized to sign the attached 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.

RESOLUTION #123-2023; AUTHORIZING AN AGREEMENT WITH NEARMAP U.S., INC. FOR DIGITAL AERIAL IMAGERY SERVICES

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

WHEREAS, the use of digital aerial imagery supports municipal uses such as asset management, property change detection, land use management, facilities monitoring, emergency management, and location-based services; and

WHEREAS, the town board finds it in the best interest of the Town of Marbletown to enter into an agreement with Nearmap U.S., Inc. for digital aerial imagery services at a cost of \$6,000.00; and

NOW, THEREFORE, BE IT RESOLVED, by the town Board of Marbletown, that the Supervisor is hereby authorized to enter into an agreement with Nearmap U.S., Inc. for a one-year term at a total cost of \$6,000.00 for digital aerial imagery services to the Town 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.

- Supervisor Parete explained that Nearmap has airplanes that take pictures of towns and then the software will be used by the Assessor and the Building Department. The pictures are up close and very clear. Parete went on to explain that some residents do not allow the Assessor onto their properties, and this will allow the Assessor to look at the properties and assess accurately. Councilman Davenport added this will be great for the assessments of the town and will have a positive effect. Councilman Hunt and LaFera are both in favor of this.

OTHER BUSINESS :

- Tom Konrad, ECC Chairman, gave an update on the NYSERTA grants and reviewed the point system they use for awarding the grants.
- Supervisor Parete announced that the town offices would be closed for the holidays on Monday Dec. 25th, Tuesday Dec. 26th and Monday January 1st. The Transfer Station would be closed Sunday Dec. 24th, Tuesday Dec. 26th and Sunday Dec. 31st.
- Councilman Hunt stated the Ethics Board met and eight people did not fill out the Financial Disclosure Forms.
- Councilwoman Foote stated that there had been a meeting with the designer of the Osterhoudt property.
- Councilwoman Foote mentioned a note of caution when using the Rest Plaus Parking Lot, it is really washed out due to all of the rain. The Rail Trail Committee is aware of and will be working on it.

Motion to adjourn: Supervisor Parete ended the meeting with a Happy Holidays to everyone and there being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Davenport 5-0 Aye; motion carried. The meeting adjourned at 7:20pm.

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