



Town Board Regular Meeting

Tuesday, November 20, 2018

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

Present: Supervisor Rich Parete and Town Board members Eric Stewart, Don LaFera and Joe Borzumato

Absent: Tim Sweeney

Also, Present: Heather Moody; Town Clerk/Tax Collector, George Dimler; Highway Superintendent, Tracy Kellogg; Town Attorney, Rod Bicknell; Shawnagunk Journal, Ali Stewart; Blue Stone Press and students from RVHS Government Class.

Supervisor Parete called the meeting to order at 7:02 pm and lead the Pledge of Allegiance.

PUBLIC COMMENTS:

Richard and Carol Epply – High Falls Conservancy representatives who have been working with Central Hudson to improve the patio area in the High Falls parking area. They have put in two new benches, a chess table and new fencing. Garbage containers will be put down in the falls area also, which will be paid for by Central Hudson. Pick up will be once a month during the winter and once a week during the summer month. Thanks to Ron Sharkey for helping with the project.

Carl Pezzino – Resident and Rail Trail Chairman who thanked the Highway Department for helping out and all the hard work on the rail trail at Leggett Rd. south towards Rt. 213. So much appreciated. Also, thanks to Michelle Solcberg, Assistant to the Supervisor, for all her work on the new town website and for helping out by creating a new website for the entire O&W Rail Trail.

Susan Sprachman – Resident who pointed out that it has been 6 months since the big event space meeting and it is clear no one is in favor, everyone is against it, so where is it going? What is the time line and process? What direction is it going in? Residents want more information. *Supervisor Parete responded by pointing out that the PZC has been focused on the local for accessory apartments.*

Barbara Esmark – Resident who has been attending the PZC meetings where the accessory apartments has been discussed and she feels this law could allow all of our homes to be made into two dwellings.

Nancy (last name not given) – Resident who would like to know what the time line and process of the event space law. *Supervisor Parete responded that the hope to have a draft of the law, maybe in December? Set the hearing in January? How can the residents review the draft? Supervisor Parete responded that all information that the town has is on the PZC page on the website. The PZC page is a sub category on the Planning/Zoning page.*

Denise Santoro – Concerned about the dog kennel and where is the dog Muffin, that has been in the Dutchess Farms Kennel for months. *Supervisor Parete will follow up with Ed Hintz about Muffin.* Denise volunteered to go get Muffin.

Eric Krieger – Resident who would like to know the definition of ‘celebratory events’, which is on page 2 of proposed Local Law 2.

APPROVAL OF VOUCHERS:

Town Clerk Moody submitted the following vouchers for approval:

<u>Oct. 2018 Amendments</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	V#608 (Amount)	\$571.53
	V#670	\$4,059.62
	V#671	\$ 277.35

Total amount of October vouchers	\$66,953.25
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Highway Fund	V#363	\$20,070.00
	V#364	\$ 70.95

Total amount of October vouchers	\$62,792.45
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A motion was made by Councilman Stewart and seconded by Councilman Borzumato to approve this voucher.
4-0 Aye, 1 absent, motion carried.

<u>November 2018</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#672-758	\$97,980.25

Highway Fund	#365-406	\$37,310.45
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A motion was made by Supervisor Parete and seconded by Councilman Borzumato to approve this voucher.
4-0 Aye, 1 absent, motion carried.

High Falls Water District	#111-130	\$71,578.99
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A motion was made by Supervisor Parete and seconded by Councilman Borzumato to approve this voucher.
4-0 Aye, 1 absent, motion carried.

RMC November	#151-162	\$12,146.35
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A motion was made by Councilman Stewart and seconded by Councilman Borzumato to approve this voucher.
4-0 Aye, 1 absent, motion carried.

ESCROWS	
Planning (3)	\$1,147.50

A motion was made by Supervisor Parete and seconded by Councilman Borzumato to approve this voucher.
4-0 Aye, 1 absent, motion carried.

MEETING MINUTES:

Councilman Stewart made a motion, seconded by Councilman Borzumato to approve the meeting minutes from 10/30.18. 4-0 Aye, 1 absent; motion carried.

RESOLUTION # 85-2018; RESOLUTION APPOINTMENTS TO HISTORIC PRESERVATION BOARD

The following Resolution was offered by Councilman Borzumato, seconded by Councilman Sweeney:
WHEREAS, Laura Shane Cunningham has indicated a desire to be appointed to the Marbletown Historic Preservation Board, and

WHEREAS, the Historic Preservation Commission voted to recommend her as an Associate Member for one year, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown appoints Laura Shane Cunningham to the Historic Preservation Board to a term expiring on 12/31/2019

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

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #85-2018 was thereupon adopted.

RESOLUTION # 86-2018; DELINQUENT WATER AND SEWER LEVIES

The following Resolution was offered by Supervisor Parete, seconded by Councilman Borzumato:

WHEREAS, that the Town Board of the Town of Marbletown hereby authorize that the 2017 delinquent payment list for the High Falls Water District Residents in the Town of Marbletown shall be submitted to the County of Ulster for inclusion on the 2019 Tax Levy; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Marbletown authorizes the Water Clerk to accept any payments postmarked received by November 9, 2018 and those accounts will be removed from the attached list.

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

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #86-2018 was thereupon adopted.

RESOLUTION #87- 2018: SET PUBLIC HEARING FOR PROPOSED LOCAL LAW NUMBER 3 OF 2018, TO AMEND THE DOG CONTROL LAW

The following Resolution was offered by Councilman LaFera, seconded by Councilman Stewart:

WHEREAS, the Town Board of the Town of Marbletown voted October 30, 2018 to enter into a contract with the Ulster County SPCA for the care and boarding of canines effective November 1, 2018; and,

WHEREAS, the Town Board desires to have seized dogs held for a redemption period of 7 days, and

WHEREAS, an amendment to Chapter 103-6 of the Town of Marbletown Code is necessary,

(1) Not amended

(2) Every dog so seized shall be held for a redemption period of ~~10-7~~ 7 days from the date of seizure, or in the event that the owner of such dog can be identified and notified of such seizure within such period as required by §117(6) of the Agriculture and Markets Law, ~~10-7~~ 7 days from the date of such notification, whichever occurs last. This provision is meant to supersede and supplant the ~~shorter~~ redemption periods set forth in §117(6) of the Agriculture and Markets Law

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS: a public hearing will be held by the Marbletown Town Board on December 18, 2018 at 7:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill NY 12412 to hear all interested parties on Proposed Local Law #3 of 2018 entitled "A local law for 2018 revisions to the Town of Marbletown Dog Control Law, and

FURTHER RESOLVED, The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the web site of such Town.

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

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #**87-2018** was thereupon adopted.

RESOLUTION #88- 2018: RESOLUTION SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW #2 OF 2018, CLASSIFYING THE ACTION PURSUANT TO SEQRA REFERRING TO UCPB AND REQUESTING PROPER PUBLICATION

The following Resolution was offered by Councilman Stewart, seconded by Councilman Borzumato:

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt **A local law for 2018 Revisions to the Town of Marbletown Zoning Law** in order to achieve the purposes and objectives set forth in the Local Law.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. Proposed Local Law#2 of 2018 is hereby classified as an Unlisted Action under the State Environmental Quality Review Act
2. Having reviewed Parts 1, 2 and 3 of a Short Environmental Assessment Form, upon adoption of this resolution declares a 'Negative Declaration' in order and requires no further action under SEQRA.
3. A public hearing will be held by the Town Board on December 18, 2018 at 7:00PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill, NY to hear all interested parties on the proposed Local Law #2 of 2018 entitled "**A local law for 2018 Revisions to the Town of Marbletown Zoning Law**"
4. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

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

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #**88-2018** was thereupon adopted.

RESOLUTION #89- 2018: PAPER STREET; TRANSFER DOCUMENTS REQUIRED TO FACILITATE THE TRANSFER OF ANY TOWN INTEREST IN SBL 70.46-3-36 TO THE ROCK CLIFF HOUSE, LLC.

WHEREAS, Sale of land is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, the Board has determined that the transfer of this land will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

WHEREAS, the Town of Marbletown has no desire to construct, now or in the future, a street on any portion of SBL#70.46-3-36; and

WHEREAS, the Town of Marbletown transferred its interest in SBL# 70.46-3-36 to the D&H Canal Society; and

WHEREAS, The D&H Canal Society has transferred its interest in the parcel known as SBL #70.46-3-36 to the Rock Cliff House LLC; and

WHEREAS, the Town of Marbletown Zoning Board of Appeals has recommended that the Rock Cliff House LLC merge all of the adjoining lots currently held under common ownership; and

WHEREAS, the transfer of interest held by the Town of Marbletown may not have extinguished all rights held by the Town, at the time; and

WHEREAS, Pursuant to Town Law § 64-2, in relevant part, “a town may acquire by lease, purchase or eminent domain procedures and when real property is no longer needed for town purposes, a town board, upon adoption of a resolution subject permissive referendum, may convey real property”; and

WHEREAS, the town board wishes to extinguish all of its interests and rights in SBL#70.46-3-36;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown hereby authorizes the Supervisor to sign a Quick Claim Deed and any transfer documents required to facilitate the transfer of any town interest in SBL 70.46-3-36 to the Rock Cliff House LLC.

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

Councilman Borzumato	Voting <u>Aye</u>
Councilman Sweeney	Voting <u>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0; 1 Absent; Resolution #89-2018 was thereupon adopted.

OTHER TOWN BUSINESS:

Supervisor Parete

- New computers have been put in all the offices along with a software update to the towns e-mails, so we are now compliant.
- A thought for 2019 is to start a capital reserve fund for IT equipment, so years down the road we are prepared for an upgrade.

HIGHWAY (Superintendent Dimler):

- The Highway department has purchased two new truck.
- Superintendent Dimler reminded everyone that it is illegal to push/plow snow from your driveway across the road and you can get a ticket for doing so.

Motion to adjourn: There being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Stewart; 4-0 Aye, 1 absent, motion carried. The meeting adjourned at 8:10pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-14-2013 BY 60322
UCBAW