



Town Board Regular Meeting

Tuesday, March 5, 2019

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

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

Absent:

Also, Present: Heather Moody; Town Clerk/Tax Collector, Tracy Kellogg; Town Attorney; Rod Bicknell; Shownagunk Journal and Alison Stewart; Blue Stone Press

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

PRESENTATION BY THE MARBLETOWN ECC TO 'THE LAST BITE CAFE':

- Councilman Stewart and ECC member Iris Marie Bloom, presented Scott Albright, owner of the The Last Bite Café, with the Marbletown Environmental Conservation Commission's first "Marbletown Green Award". The award was created by the ECC to recognize local businesses for adopting and implementing green business practices. The Last Bite Café was the first restaurant in Marbletown known to have banned not only plastic straws but also single-use plastic cups.

PUBLIC COMMENTS:

Tim Guinee – Resident who feels that the town board should consider allowing Ridgewell Fitness to install solar panels on their property on Rt. 209.

Bill Terpening – Resident who read a statement regarding the proposed Accessory Apartment law. His concerns are with density control and the 'amnesty' provision of the proposed Local Law #1 – 2019.

APPROVAL OF VOUCHERS:

Town Clerk Moody submitted the following vouchers for approval:

RMC February

#5 - 24

A motion was made by Councilman Sweeney and seconded by Councilman Borzumato to approve this voucher. 5-0 Aye, motion carried.

MEETING MINUTES:

Councilman Sweeney made a motion, seconded by Councilman Borzumato to approve the meeting minutes from 1/15/2019. 5-0 Aye, motion carried.

RESOLUTION #20-2019; INTERMUNICIPAL AGREEMENT FOR OPERATION OF THE HIGH FALLS WATER DISTRICT

The following Resolution was offered by Councilman Sweeney, seconded by Councilman Borzumato to wit:

WHEREAS, the Town of Rosendale and the Town of Marbletown have formed the High Falls Water District (HFWD) to provide water to residents of that district in the Towns of Rosendale and Marbletown; and

WHEREAS the City of New York through the New York City Department of Environmental Protection (DEP) provides water to the High Falls Water District from the New York City water supply; and

WHEREAS, in order to assist the HFWD, which relies on the New York City water supply as a primary source of water supply, and to facilitate its ability to sustain an extended shutdown of the Delaware Aqueduct or Catskill Aqueduct for any reason, including reasons related to DEP's operational needs, DEP has agreed to provide up to four hundred and ten thousand dollars (\$410,000.00) in funding to be used towards the purchase of a tank trailer and truck or a tri-axle tanker truck and the design and construction of certain improvements to the HFWD water plant, as well as for the purchase of water from the Rosendale Water District (the "RWD") and the labor and fuel costs associated with the transport and conveyance of such water for the duration of DEP's upcoming shutdowns of the Catskill Aqueduct; and

WHEREAS, the Town of Rosendale, the Town of Marbletown, the High Falls Water District and the New York City DEP have entered into an "Agreement for the Creation of a Backup Water Supply System for the High Falls Water District"; and

WHEREAS, the Intermunicipal agreement between the Town of Rosendale and the Town of Marbletown for the operation of the High Falls Water District has expired; and

WHEREAS the Towns of Rosendale and Marbletown are desirous of entering a new agreement for the operation of the High Falls Water District which agreement shall incorporate requirements of the "Agreement for the Creation of a Backup Water Supply System for the High Falls Water District"; and

WHEREAS it has been determined that this action is a Type 2 action pursuant to 6 NYCRR 617.5 (26).

NOW THEREFORE BE IT RESOLVED that the Town Board approves the annexed "Intermunicipal Agreement to Operate the High Falls Water District in the Towns of Marbletown and Rosendale", and authorizes the Supervisor to execute said agreement.

BE IT FURTHER RESOLVED that this resolution is contingent upon the passage of a like resolution by the Town Board of the Town of Rosendale.

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>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #20-2019 was thereupon adopted.

RESOLUTION #21-2019; HIRING OF ENGINEERING FIRM AND ATTORNEY FOR HIGH FALLS WATER DISTRICT

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

WHEREAS, the Town of Rosendale and the Town of Marbletown have formed the High Falls Water District (HFWD) to provide water to residents of that District in the Towns of Rosendale and Marbletown; and

WHEREAS the City of New York through the New York City Department of Environmental Protection (DEP) provides water to the High Falls Water District from the New York City water supply; and

WHEREAS, DEP operates and maintains the City's water supply system and is responsible for providing drinking water to more than eight million residents in New York City, as well as approximately one million up-state residents, including users who rely on a water supply from connections between the City's Delaware Aqueduct and the City's Catskill Aqueduct, including the HFWD; and

WHEREAS, DEP has identified leaks in sections of the Delaware Aqueduct and has committed capital funds to address such leaks to ensure the long-term sustainability of its ability to supply water through the Delaware Aqueduct as part of a project known as “Water for the Future” (“WFF”); and

WHEREAS, in connection with WFF, DEP plans to construct a new tunnel segment to bypass a leaking section of the existing Delaware Aqueduct tunnel, which will require DEP shutting down the Delaware Aqueduct for extended periods of time; and

WHEREAS, in connection with WFF, DEP will conduct repairs to the Catskill Aqueduct and perform certain rehabilitation work, which will also require extended shutdowns; and

WHEREAS, each of the communities that take water from the New York City water supply are required to maintain a back-up water supply system; and

WHEREAS, in order to assist the HFWD, which relies on the New York City water supply as a primary source of water supply, and to facilitate its ability to sustain an extended shutdown of the Delaware Aqueduct or Catskill Aqueduct for any reason, including reasons related to DEP’s operational needs, DEP has agreed to provide up to four hundred and ten thousand dollars (\$410,000.00) in funding to be used towards the purchase of a tank trailer and truck or a tri-axle tanker truck and the design and construction of certain improvements to the HFWD water plant, as well as for the purchase of water from the Rosendale Water District (the “RWD”) and the labor and fuel costs associated with the transport and conveyance of such water for the duration of DEP’s upcoming shutdowns of the Catskill Aqueduct; and

WHEREAS, the Town of Rosendale, the Town of Marbletown, the High Falls Water District and the City of New York, through the DEP have entered into an “Agreement for the Creation of a Backup Water Supply System for the High Falls Water District”; and

WHEREAS, as part of that agreement the High Falls Water District is authorized to hire engineers and attorneys to assist the High Falls Water District in implementation of the backup water system; and

WHEREAS, the High Falls Water District is desirous of hiring professionals for engineering and legal services related to the “Agreement for the Creation of a Backup Water System for the High Falls Water District”; and

WHEREAS it has been determined that this action is a Type 2 action pursuant to 6 NYCRR 617.5 (26); and

WHEREAS the engagement of Professional Services is not subject to Procurement Policy.

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown, on behalf of the High Falls Water District, shall hire Mary Lou P. Christiana, to provide legal services in connection with “Agreement for the Creation of a Backup Water System for the High Falls Water District”, at the rate of One Hundred Fifty Dollars per hour; and

BE IT FURTHER RESOLVED that the Town Board of the Town of Marbletown, on behalf of the High Falls Water District, shall hire the firm of Brinnier & Larios, to provide engineering services in connection with “Agreement for the Creation of a Backup Water System for the High Falls Water District”, upon the terms and conditions set forth in the annexed agreement, and shall authorize the Supervisor to execute that agreement; and

BE IT FURTHER RESOLVED that this resolution is contingent upon the passage of a like resolution by the Town Board of the Town of Rosendale, on behalf of the High Falls Water District.

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>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #21-2019 was thereupon adopted.

RESOLUTION #22-2019; PURCHASE OF A TANKER TRUCK FOR HIGH FALLS WATER DISTRICT

The following Resolution was offered by Councilman Sweeney, seconded by Councilman Borzumato to wit:
WHEREAS, the Town Board has previously entered into an agreement (IGA) with the New York City Department of Environmental Protection, the Town of Rosendale and the High Falls Water District, and
WHEREAS, the agreement for the creation of a backup water supply requires the High Falls Water District to purchase a water tanker truck to allow for the transportation of water from the Rosendale Water District to the High Falls Water District; and
WHEREAS, this tanker truck can be purchased using “State Bid”; and
WHEREAS, time is of the essence; and
WHEREAS, a purchase order proposal has been received through our consulting engineering firm, Brinnier and Larios, P.C. of Kingston, New York. The purchase order proposal, dated February 13, 2019 and revised March 5, 2019, is for a 2020 International HX620 SBA 6x4 with a 5,000-gallon stainless steel water tank and appurtenances; and
WHEREAS, the purchase of the truck is a Type 2 Action pursuant to 6 NYCRR 617 (5)(c)(31); and
WHEREAS, this proposal is priced by the Onondaga Bid #8996 and referenced as Onondaga County RFB 8996, reference number 0000192073; and
WHEREAS, the Specifications and Proposal for the truck have been reviewed by the Water Superintendent of the High Falls Water District and found to be acceptable.
NOW THEREFORE BE IT RESOLVED, that the High Falls Water District is authorized to execute a purchase order to Navistar, Inc. in the amount of \$ 209,823.40 for the purchase of a 2020 Water Tanker Truck, as per the annexed proposal and the Supervisor is authorized to sign any and all documents necessary to affect such purchase; and
BE IT FURTHER RESOLVED, that this resolution is contingent upon a like resolution being passed by the Town of Rosendale Town Board.
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>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #22-2019 was thereupon adopted.

RESOLUTION #23-2019; A LOCAL LAW TO ADOPT LOCAL LAW #1 – 2019; ‘ACCESSORY APARTMENT LAW’

The following Resolution was offered by Supervisor Parete seconded by Councilman LaFera to wit:
WHEREAS, the Town Board of the Town of Marbletown held a public meeting on January 24, 2019 to Adopt Local Law 1 of 2019 known as the Accessory Apartment Law for the Town of Marbletown; and
WHEREAS, the adoption of this Local Law 1 of 2019 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 adoption of this Local Law 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
RESOLVED, said Local Law is hereby adopted as attached

NOW, THEREFORE BE IT RESOLVED, that by the actions of the Town Board of the Town of Marbletown this Local Law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law. 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>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #23-2019 was thereupon adopted.

RESOLUTION #24-2019; DECOMMISSIONING BOND

The following Resolution was offered by Councilman Sweeney seconded by Councilman LaFera to wit:

Whereas, the **NEW BEGINNINGS SOLAR, LLC** and **TOWN OF MARBLETOWN** have entered into an agreement whereby principal agrees to complete decommissioning in accordance with the Town of Marbletown Zoning Board of Appeals Approved a Resolution, which said agreement, dated 11/28/2018, is hereby referred to and made a part hereof; and Whereas, said Principal is required under the terms of said agreement to furnish a bond for the faithful performance of said agreement; and

Whereas, NEW BEGINNINGS SOLAR, LLC, as Principal, and **ARGONAUT INSURANCE COMPANY**, a corporation duly authorized under the laws of the State of Illinois, as Surety, are held and firmly bound unto the **TOWN OF MARBLETOWN** as Obligee in the full and just sum of **ONE HUNDRED AND FIFTY FOUR THOUSAND** Dollars (**\$154,000.00**), lawful money of the United States of America, to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

Now **Therefore** the Town Board of the Town of Marbletown authorizes the Town Supervisor to accept said bond and to cause his signature to be made to formalize this acceptance.

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>Aye</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0; Resolution #24-2019 was thereupon adopted.

- The original Resolution #24-2019; Decommissioning Bond, was for the sum of \$120,000. Councilman LaFera pointed out that he thinks we need a larger bond. Councilman Sweeney made a motion, seconded by Councilman LaFera to increase the amount from \$120,000 to \$154,000, which the final resolution states. 5-0 Aye, motion carried.
- 8:30pm Councilman Sweeney excused himself from the meeting.

TRANSFER STATION:

- Supervisor Parete stated that the new shed for the transfer station will be delivered on Thursday, March 7th. Habitat for Humanity is building a new shed for the transfer station. It will be 6' x 6' with one door and three windows, pressure treated subfloor framing, vinyl siding, asphalt shingle roof, 3" of ridged insulation, two outlets and one light and osb plywood on the inside of the studs, plus delivery for \$4,150.

Councilman LaFera made a motion, seconded by Councilman Sweeney, to sign the quote from Habitat for Humanity, 4-0, 1 absent, motion carried.

- Starting Sunday, March 3rd the transfer station will be open from 10:00am – 2:00pm.

OTHER TOWN BUSINESS:

- Town Clerk Moody stated all town offices will be closed on Monday, February 18th in observance of President's day.

Motion to adjourn: There being no further discussion Councilman LaFera made the motion to adjourn the meeting, seconded by Councilman Sweeney; 4-0 Aye, 1 absent, motion carried. The meeting adjourned at 8:05pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector