



**Town Board Regular Meeting
Saturday June 8 , 2019**

This regular meeting was held at the Rondout Municipal Center and began at 9:00am

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

Absent:

Also, Present: Heather Moody; Town Clerk/Tax Collector, George Dimler; Highway Superintendent and Rod Bicknell; Shawangunk Journal.

Supervisor Parete called the meeting to order at 9:07am and Councilman Stewart lead the Pledge of Allegiance.

PRESENTATION: AIRBNB:

Attorney Tracy Kellogg presented information on proposed regulations for short term rentals in Marbletown. A copy of the presentation will be made available, along with these minutes, on the website. A copy of the presentation can also be picked up in the Town Clerk's office.

- Definition of a short-term rental is a period of less than 30 days.
- Owner occupied vs. non-owner occupied.
- Maximum of Two dwellings allowed – Owner occupied + non-owner occupied.
- Registration Process and fees.
- 3 strikes and you are out!

PRESENTATION: COMMUNITY CHOICE AGGREGATION (CCA):

Jeff Domanski came to speak about Joule Assets, Inc. which sought approval of a community choice energy aggregation ("Community Choice") program through the Public Service Commission of the State of New York, which would allow local governments to participate in a Joule program to procure energy supply from an Energy Services Company for the residents of participating municipalities. The Joule program is intended to include residential and small non-residential customers, and to permit the aggregation of electric purchases by the communities which elect to participate. The Town of Marbletown has adopted a Local Law to participate in the Joule Community Choice Program to aggregate consumers located within the Municipality and to negotiate competitive rates for the supply of electricity for such consumers. Letters were sent out to a number of residents explaining how to opt out if they did not want to participate. Mr. Domanski will also be holding an information session after the town board meeting at 11:00am.

PUBLIC COMMENTS:

Susan Sprachman: Resident who inquired if the Town put in an offer to buy the Stone Dock golf course, which was not accepted. Is this true? *Supervisor Parete stated he would discuss after the meeting.*

MEETING MINUTES:

- Councilman Sweeney made a motion, seconded by Councilman Borzumato to approve the meeting minutes from 05/21/2019. 5-0 Aye, motion carried.

RESOLUTION #42- 2019; RESOLUTION MOHONK FIREWORKS

The following Resolution was offered by Councilman Sweeney, seconded by Councilman Borzumato to wit: Whereas, Mohonk Mountain House is desiring the permit for Public Display of Fireworks, to be held on July 4, 2019 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 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 Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0 Aye, motion carried.

Resolution #42-2019 was thereupon adopted

RESOLUTION #43-2019: TO APPLY FOR THE LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT (CREG) PROGRAM TO STUDY THE CONSOLIDATION OF FIRE DISTRICTS AND RESCUE SQUAD SERVICES

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

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to apply for the CREG Grant to complete a study of the possibility of consolidation of some or all of the 7 Fire Districts and First Aid Squad within the Town of Marbletown; and

WHEREAS, the Supervisor has met with all 7 Fire Districts and the Marbletown Rescue Squad and they are discussing the willingness to participate in the Study; and

WHEREAS, passing of this resolution does not commit any changes, but only studies the pros and cons of any or all consolidation

NOW THEREFORE, BE IT RESOLVED as follows:

1. A Proposal to apply for the CREG Grant has been brought before the Town Board, has been discussed with all possible parties and by passing of this Resolution will allow the Town to apply for the Grant to Study possible consolidation of any or all 7 Fire Districts and the Marbletown First Aid Squad.

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 Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0 Aye, motion carried.

Resolution #43-2019 was thereupon adopted

RESOLUTION #44-2019: INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION RELATING TO SHORT TERM RENTAL PROPERTIES BETWEEN THE COUNTY OF ULSTER AND THE TOWN OF MARBLETOWN

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

THIS INTERMUNICIPAL AGREEMENT FOR THE SHARING OF INFORMATION RELATING TO SHORT TERM RENTAL PROPERTIES (the “Agreement”), is entered into by and between the COUNTY OF ULSTER, a municipal corporation with principal offices at 244 Fair Street, Kingston New York 12401 (the “County”), and the TOWN OF MARBLETOWN, having its principal office at 1925 Lucas Ave. Cottekill New York 12419 (the “Municipality”) (each referred to as a “Party;” together, the “Parties”).

WITNESSETH

WHEREAS, a growing industry of online service providers have turned short term rentals into a rapidly growing sector of the vacation rental market putting these largely unregulated rooms in competition with local traditional lodging providers, such as hotels and Bed and Breakfast facilities; and

WHEREAS, the addition of short-term rentals, that primarily market through online hosting platforms, create a situation where all lodging providers are not compliant with local zoning, health and safety rules, and state and local tax requirements; and

WHEREAS, in order to ensure collection and enforcement of the County’s hotel and motel tax from individuals renting residential properties on a short-term basis, the County has entered into a software services agreement with a private vendor to monitor marketplace operators for advertisements of short-term rentals of properties in the County and provide to the County a list of the short-term rental properties, parcel information on those properties, physical property information, the addresses and contact information for the properties’ owners, and information on the nightly rates (the “Master Agreement”); and

WHEREAS, the growth of the short-term rental marketplace has left local municipalities scrambling to understand the scope and size of this marketplace within their jurisdiction, while attempting to address health and safety concerns and quality of life issues determined through local zoning and code enforcement; and

WHEREAS, in an effort to assist local municipalities, the County has offered to provide, at local option, an inventory of all properties within the respective municipal jurisdiction that have been identified by the County’s vendor as advertising short term rentals; and

WHEREAS, the County and the municipality now desire to enter into an agreement for the sharing of the information provided through the County’s software services agreement; and

WHEREAS, the County and the Municipality have reached an agreement as to the terms and conditions and by this Agreement memorialize their understandings, expectations, and representations as to their agreement; and

WHEREAS, the respective governing bodies of the County and the municipality have approved the actions set forth in this Agreement and have approved the execution thereof by their appropriate representatives;

NOW, THEREFORE, in consideration of the premises and the covenants hereinafter set forth, the County and the Municipality agree as follows:

- 1) The County shall provide the Municipality, in an electronic format, information on the short-term rentals being advertised in the Municipality’s jurisdiction that the County has obtained by virtue of the Master Agreement.
- 2) After the initial information is provided, upon the Municipality’s request the County shall provide updated information on the short-term rentals being advertised in the Municipality’s jurisdiction that the County has obtained by virtue of the Master Agreement on a quarterly basis.

- 3) The information shall be provided to the Municipality “as is” and the County makes no representations or warranties as to the accuracy of the data from the County’s software services vendor.
- 4) In the event that the municipality passes regulations or ordinances applicable to short- term rentals, the municipality shall include in such regulations or ordinances a requirement that the property owners register with the County’s Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County, and provide documentation relating thereto to the Municipality.
- 5) In the event that the municipality creates a permit system for short-term rental properties, the municipality shall require the property owners to register with the County’s Commissioner of Finance for a certificate of authority empowering such operator to collect the tax from the occupant pursuant to Section 312-8 of the Code of Ulster County and provide documentation relating thereto to the Municipality in order to be eligible for any such permit.
- 6) Either Party may terminate this Agreement upon thirty (30) days written notice to the other Party (i) for the Party’s convenience, or (ii) upon the failure of the other Party to comply with any of the terms or conditions of this Agreement.
- 7) No changes, amendments, or modifications of any of the terms and/or conditions of this Agreement shall be Valid unless reduced to writing and signed by the Parties to this Agreement.
- 8) Except as expressly provided otherwise in this Agreement, all notices given to any of the Parties pursuant to or in connection with this Agreement will be in writing, will be delivered by hand, by certified or registered mail, return receipt requested, or by Federal Express, Express Mail, or other nationally recognized overnight carrier. Except where otherwise specifically defined within this Agreement, notices will be effective when received. Notice addresses are as follows:

Municipality:

Town of Marbletown
Attention: Code Enforcement Officer
PO Box 217
Stone Ridge, NY 12484

County:

Ulster County Department of Finance
Attention: Commissioner
Post Office Box 1800
Kingston, New York 12402

Any communication or notice regarding indemnification, termination, litigation, or proposed changes to the terms and conditions of this Agreement will be deemed to have been duly made upon receipt by both the County’s Department of Finance and the Ulster County Attorney’s Office at the addresses set forth herein, or such other addresses as may have been specified in writing by the County:

Mailing Address:

County of Ulster
Attention: County Attorney
Post Office Box 1800
Kingston, New York 12402

Physical Address:

County of Ulster
Attention: County Attorney
244 Fair Street, 5th Floor
Kingston, New York 12401

Either Party may, by written notice to the other Party given in accordance with the foregoing, change its address for notices.

- 9) This Agreement is governed by the laws of the State of New York except where the Federal Supremacy Clause requires otherwise.

IN WITNESS WHEREOF, the Parties hereto have caused their duly authorized representatives to enter into this Agreement as of the dates set forth below.

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 Aye, motion carried.

Resolution #44-2019 was thereupon adopted

RESOLUTION #45-2019; TOWN OF MARBLETOWN TRUCK PURCHASE

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

WHEREAS, the Marbletown Highway Department is responsible for treating town road surfaces, and

WHEREAS, an effective fleet replacement program is essential for controlling vehicle suitability, availability, reliability, safety, and environmental impacts and total cost of ownership; and

WHEREAS, the Highway Superintendent requests to purchase two (2), 2019 Dodge 3500 Standard Cab Pickup Trucks with gasoline engines and automatic transmissions from Robert Green Truck Division on the Onondaga County Bid #7974 for the total price for both vehicles being \$62,055.00, or \$31,027.50 each, and

WHEREAS, the highway department will fund the purchase with money from surplus equipment sold, and

THEREFORE, BE IT RESOLVED, that the Marbletown town board authorizes the purchase of two (2) 2019 Ram 3500 Standard Cab Pickup Trucks from Robert Green Truck Division on the Onondaga County Bid #7974 for the price of \$62,055.00.

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 Aye, motion carried.

Resolution #45-2019 was thereupon adopted

RESOLUTION #46-2019; RESOLUTION WORKING SUPERVISOR HIGHWAY DEPARTMENT

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

WHEREAS, the Town of Marbletown Highway Department request the title of Working Supervisor, and

WHEREAS, Scott Hikade has been working in the position, and

WHEREAS, the position is a Civil Service position; and

NOW THEREFOR BE IT RESOLVED, to appoint Scott Hikade as Provisional Working Supervisor at the Union contract rate of \$25.47 an hour for 40 hours per week. Effective 6/10/19.

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>
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Councilman Sweeney Voting Aye
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye
5-0 Aye, motion carried.
Resolution #46-2019 was thereupon adopted

RESOLUTION #47-2019; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER 3 OF 2019, A LOCAL LAW TO AMEND THE MARBLETOWN SOLAR GENERATION SYSTEMS LAW

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt Local Law 3 of 2019, known as Amendments to the Marbletown Solar Generation Systems Law, in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. Schedule a Special Meeting of the Town Board, Town of Marbletown on July 16, 2019 for the purpose of holding a Public Hearing.

2. A public hearing will be held by the Town Board on July 16, 2019 at 7:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill, NY, to hear all interested parties on the proposed Local Law #3 of 2019 entitled “**A Local Law # 3 of 2019 Amendments to the Marbletown Solar Generation Systems Law**”

3. 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 Aye
Councilman Sweeney Voting Aye
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye
5-0 Aye, motion carried.
Resolution #47-2019 was thereupon adopted

9:45am Councilman LaFera left the meeting to attend a fire training class.

10:15am Councilman Sweeney left the meeting for a previously scheduled commitment.

OTHER TOWN BUSINESS:

- Councilman Stewart announced that Saturday June 15th there will be Garden Tours in the area.
- Town Clerk Moody announced next Saturday, June 15th the Kathy Cairo Davis Memorial Bridge dedication will take place at 10:00am, followed by the High Falls 350th celebration parade.
- Supervisor Parete responded to Susan Sprachman’s comment about the Stone Dock Golf Course. The Town has discussed looking into a new park, as recreation and parks are important to the community. Sone Dock is one of the properties that has been talked about possibly making into a new town park.

Motion to adjourn: There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilman Stewart; 3-0 Aye, 2 absent, motion carried. The meeting adjourned at 10:28am.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector

DECLARATION OF THE TOWN CLERK