



Town Board Regular Meeting

Thursday, November 7, 2019

This rescheduled (from Election day 11/5) meeting was held at the Rondout Municipal Center and began at 7:00pm

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

Absent: Tim Sweeney

Also, Present: Heather Moody; Town Clerk/Tax Collector, Ali Stewart; Blue Stone Press and Tracey Kellogg; Attorney.

Supervisor Parete called the meeting to order at 7:03pm and Supervisor Parete lead the Pledge of Allegiance.

2020 FINAL BUDGET PUBLIC HEARING; GENERAL, HIGHWAY AND SPECIAL DISTRICTS:

- At 7:06pm a motion was made by Councilman LaFera, seconded by Councilman Stewart to open the public hearing on the 2020 budget for General, Highway and Special Districts. 4-0 Aye, 1 absent, motion carried.
- Comments were heard from:
 - Rebecca Horner – Chair of the MFAU board who submitted the 2020 budget for the Marbletown First Aid Unit. They are going to a partial paid rescue squad and they do still have volunteers but having to go into their reserves. Ms. Horner states they have a 95% response rate. They would like approximately \$166,000 from Marbletown. They are going to request more money from Rochester and Rosendale also.
 - Peter Lamerson – Stated that approximately 85% of their calls are from Marbletown, 13% from Rosendale and 2% from Rochester.
 - Jason Horwitz – Still figuring out the EMS of surrounding area's and what the towns provide to the local EMS units.
 - Chuck – Has been with the MFAU for 7 years and has started a formal petition in support of the budget. You can go online to sign the petition.
 - Tom Konrad – Resident and ECC Chairman, who would like to see an increase in the ECC budget line. Would like to see more money for grant writing. The tentative budget is \$4,000 and they would like it increased to \$10,000.
 - Beth Anderson – Dedicated volunteer of the MFAU and feels the budget increase is approximately an average of \$58.40 a household. The response rate has risen from 85% to 93%.
 - Karen Paladino – Thank you to the community for continuing to support the MFAU.
 - Jacob Sherman – Resident who pointed out on the budget there has been a new line for Director of Finance added, never was there before. Also, noticed the math was wrong and the grand total was wrong.
 - Robert King – NY State does not make this essential and towns and cities can use their own discretion and EMS is logical and essential.

- Richard Miller – Director of Field Operations for Mobile Life Support Services. Mobile Life is a partner with MFAU. If you want reliable EMS provided to your community you should assist your local units.
- At 7:25pm there being no more comments or questions on the 2020 budget for General, Highway and Special Districts Councilman Borzumato made a motion, seconded by Councilman Stewart to close the public hearing on the 2020 budget. 4-0 Aye, 1 absent, motion carried.

2020 FINAL BUDGET PUBLIC HEARING; HIGH FALLS WATER DISTRICT:

- At 7:30pm a motion was made by Councilman Borzumato, seconded by Councilman Stewart to open the public hearing on the 2020 budget for High Falls Water District. 4-0 Aye, 1 absent motion carried.
- At 7:33pm there being no more comments or questions on the 2020 budget for High Falls Water District Borzumato made a motion, seconded by Councilman Stewart to close the public hearing on the 2020 budget. 4-0 Aye, 1 absent, motion carried.

PUBLIC HEARING; PROPOSED LOCAL LAW #4-2019, SHORT TERM RENTAL LAW:

- Town Clerk Moody confirmed that the legal notice for the public hearing was published in the Daily Freeman on October 6th. The public hearing notice was also posted on the official town website (www.marbletown.net) and sent to surrounding area Town Clerk offices.
- Councilman Stewart made a motion, seconded by Councilman LaFera to re-open the public hearing on proposed Local Law #4-2019 ‘Short Term Rental Law’. 4-0, 1 absent, motion carried.
- Supervisor Parete asked the audience if anyone had any comments?
 - Susan Sprachman – Resident who submitted her comments and asked if the proposed law can be revisited when she and Daisy take office? How many STR’s will be allowed? How will they be selected? What about party houses and she would like to request that the number of people allowed to stay in a STR be reconsidered.
 - Bill Terpening – Resident who submitted comments and a quote from the Town’s Code of Ethics in regard to ‘Disclosure of interest in legislation’. Mr. Terpening feels this is intended to help prevent conflict of interest or the appearance of conflict of interest in decision-making by the town board members.
 - Tracey Dewart – Resident who questioned the impact of this law on landlords. Ms. Dewart mentioned conflict of interest potential also.
 - Bobbi Esmark – Resident who feels we should be looking at other town laws as a good base to this law. She states that rising house costs is a problem for a lot of families. Will this be harmful to other lodgings? How do we regulate? We need to think carefully, and research is good for our community.
- Attorney Tracey Kellogg reviewed the SEQR forms which were submitted to the Ulster County Planning Board with the proposed law. A motion was made by Councilman LaFera and seconded by Councilman Borzumato to accept the Negative Impact declaration on the SEQR. 4-0, 1 absent, motion carried.
- There being no more comments Councilman Stewart made a motion, seconded by Councilman Borzumato to close the public hearing. 4-0, 1 absent, motion carried.

PUBLIC HEARING; PROPOSED LOCAL LAW #5-2019, PARKING REGULATIONS:

- Town Clerk Moody confirmed that the legal notice for the public hearing was published in the Daily Freeman on October 6th. The public hearing notice was also posted on the official town website (www.marbletown.net) and sent to surrounding area Town Clerk offices.
- Councilman Lafera made a motion, seconded by Councilman Borzumato to re-open the public hearing on proposed Local Law #5-2019 ‘Parking Regulations’. 4-0, 1 absent, motion carried.

- There being no more comments Councilman Borzumato made a motion, seconded by Councilman LaFera to close the public hearing. 4-0, 1 absent, motion carried.

PUBLIC COMMENTS:

Bill Terpening: - Resident who submitted a complaint regarding improper passage by the town board on the accessory apartment law. Mr. Terpening says he has not received any response from complaints dated 3/19 and 4/13 that the accessory apartment was not properly enacted. On 10/31 he e-mailed the town board of a timely need to seek correction of the CEO's approval of a two-bedroom accessory apartment for Larry Ricci Jr. Councilman LaFera did respond that he would look into this issue.

Laura Cunningham: - Resident who is opposed to a new town park and feels it is tragic to abandon Tongore Park. Concerned Citizens of Marbletown don't think we need a new park. The 52-acre parcel will be difficult to access because it was once a swamp. Asking for common sense when looking into this further.

Supervisor Parete responded to Ms. Cunningham that the County would be doing some of the surveying analysis and due diligence.

MEETING MINUTES:

- Councilman Stewart made a motion, seconded by Councilman LaFera to approve the meeting minutes from 10/3/2019. 4-0 Aye, 1 absent, motion carried.
- Councilman Stewart made a motion, seconded by Councilman LaFera to approve the meeting minutes from 10/15/2019. 4-0 Aye, 1 absent, motion carried.

RESOLUTION #86-2019; FOSSIL FUEL DIVESTMENT ACT:

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

WHEREAS, S.2126/A.1536 requires the New York State Comptroller to divest the Common Retirement Fund, currently worth about \$180 billion, from its holdings in the top 200 publicly traded fossil fuel companies. Divestment from coal companies must be completed within one year, and from all other fossil fuel companies by January 1, 2022. Currently about \$5.12 billion in public pension money is invested in companies that mine, drill and/or produce fossil fuels.

WHEREAS, Global warming is reaching crisis proportions and creating havoc to the climate. The climate crisis is caused by greenhouse gas emissions from the burning of fossil fuels. Superstorms, floods and drought have hurt countless New Yorkers. New York will face massive population dislocation due to rising sea levels, food shortages from dying oceans, agricultural disruption, and economic devastation to communities throughout our state. If there is any hope in diverting the worst climate impacts, the world must stop burning fossil fuels and transition to a renewable energy economy NOW.

WHEREAS, the central goal of the December 2015 Paris Climate Agreement was to keep the global temperature rise to 1.5 degrees Celsius. In order to accomplish this, 80% of all known fossil fuel reserves must be kept in the ground. However, the Trump administration plans to push pro-fuel policies that bring us closer to climate disaster. The fossil fuel industry knows that its days are numbered, as the world economy moves rapidly toward a renewable energy future. Current fossil fuel development will lead to stranded assets, and the significant devaluation of fossil fuel stocks.

WHEREAS, in October of 2018, the UN Intergovernmental Panel on Climate Change (IPCC) warned that only a dozen years are left to produce the reductions in greenhouse gas emissions required to keep global warming to a maximum of 1.5C. Beyond this point, even half a degree of warming will significantly worsen the risks of drought, floods, extreme heat and poverty for hundreds of millions of people.

WHEREAS New York has taken the lead in fighting global warming by committed itself to reducing its own greenhouse gas emissions to net zero by 2050 with the passage of the Climate Leadership and Community Protection Act (CLCPA). The actions needed to accomplish New York's goal and the goals of the many other

states, countries, and companies that have pledged to reduce their greenhouse gas emissions will directly reduce the income and revenues of fossil fuel companies. This will in turn cause their stocks to decline.

WHEREAS, Research firm Corporate Knights published an analysis in October 2018 which showed that New York State pension fund would be \$22 billion richer had it divested from fossil fuel stocks 10 years previously. Since 350.org first proposed divesting the New York State Common Retirement Fund from fossil fuels 4 years ago, the decision not to divest has cost the fund at least \$5.3 billion, according to a report from Corporate Knights, an investment research company.

WHEREAS, it is fiscally irresponsible to invest in fossil fuels. In addition, it is morally inexcusable to invest in the continued disruption of our economy and our environment caused by climate change. Superstorm Sandy and other extreme weather events have already cost New Yorkers billions of dollars. These costs must be included in the cost of investing in a fossil fuel economy.

THEREFORE BE IT RESOLVED that the Board of the Town of Marbletown hereby asks the NYS Legislature to immediately pass the Fossil Fuel Divestment Act to protect our communities from climate disaster, and protect our pensioners from financial losses caused to fossil fuel companies and stocks by the State and other climate leader's actions to move away from fossil fuels. Divestment is a moral and financial imperative for the long-term survival of the climate, economy, and communities of the state.

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 Aye; 1 absent, Resolution **#86-2019** was thereupon adopted.

RESOLUTION #87-2019; RENEWABLE EQUIPMENT AND VEHICLES PURCHASING

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

WHEREAS, The Town of Marbletown has declared Climate Change to be an emergency.

WHEREAS, The Town of Marbletown has committed itself to eliminating fossil fuels from its operations by 2050 or sooner given commercially available solutions.

WHEREAS, the purchase of equipment and vehicles which burn fossil fuel is making a financial investment in the continued use of fossil fuel for the design lifetime of that equipment or vehicle, even if that equipment or vehicle is sold by the Town to be used by other entities.

BE IT RESOLVED THAT the following language shall be added to the Town of Marbletown's Purchasing Policy:

DEFINITIONS:

Fossil Fuel Equipment or Vehicle (FFEV) shall be defined as any equipment, hardware, appliance, tool, heating or cooling system, generator, or vehicle which uses gasoline, diesel, propane, natural gas, kerosene, coal, or similar fuels.

Hybrid-Electric Equipment or Vehicle (HEEV) shall be defined as any FFEV which uses electric motors and batteries to allow FFEV to run more efficiently and use less fuel.

Plug-in Hybrid Electric Equipment or Vehicle (PHEEV) shall be defined as any HEEV where the batteries can be charged from an external source and which allow the PHEEV to operate without the use of fossil fuels while the batteries have enough charge.

Electric or Renewable Equipment or Vehicle (EREV) shall be defined as any equipment, hardware, appliance, tool, heating or cooling system, generator, or vehicle designed to use electricity or a renewable fuel such as sun, wind, water flow, wood, agricultural residues, or household, commercial, industrial, or agricultural waste as its energy source.

1. The Town shall not purchase any FFEV without first obtaining quotes for equivalent HEEV, PHEEV, and EREVs if such equipment or vehicles are commercially available.
2. The Town shall not purchase any HEEV without first obtaining quotes for equivalent PHEEV and EREVs if such equipment or vehicles are commercially available.
3. The Town shall not purchase any PHEEV without first obtaining a quote for equivalent EREV if such electric or renewable fuel equipment or vehicle is commercially available.
4. The Town shall not purchase any new FFEV, HEEV, or PHEEV with a design life at the time of purchase which would leave it still in use in 2040. For example, any new FFEV purchased in 2020 shall not have a design life in excess of 20 (=2040-2020) years.
5. The Town shall not purchase any used FFEV, HEEV, or PHEVs with a remaining estimated life which would leave it still in use after 2045.
6. When considering the purchase of any FFEV, HEEV, PHEV, or EREV, the lifetime fuel consumption and cost for that equipment or vehicle shall be estimated and used to inform the purchasing decision. Purchasers are encouraged to consult the Environmental Conservation Commission for assistance with estimating lifetime fuel consumption and cost.

This policy shall apply both to purchases over \$50 by the Town, and any purchases by shared entities including High Falls Water and the Rondout Municipal Center which require approval by the Marbletown 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>Absent</u>
Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

4-0 Aye; 1 absent, Resolution **#87-2019** was thereupon adopted.

RESOLUTION #88-2019; SECOND AMENDMENT TO WATER TOWER AND GROUND SPACE LEASE AGREEMENT

The following Resolution was offered by Councilman Stewart, seconded by Councilman Borzumato to wit:
BUN #808949; FA #10128518

This Second Amendment to Water Tower and Ground Space Lease Agreement (this "Amendment") is made this _____ day of _____, by and between the Town Board of the Town of Marbletown and the Town Board of the Town of Rosendale, municipal corporations, as Commissioners of the High Falls Water District ("Lessor"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Lessee").

RECITALS:

WHEREAS, Lessor (and/or certain of its affiliates and/or predecessors-in-interest) and Lessee (and/or certain of its affiliates and/or predecessors-in-interest) entered into a certain Water Tower and Ground Space Lease Agreement dated November 1, 2007, as may have been previously amended and/or assigned (hereinafter the "Co-Location Agreement"), whereby Lessee leases or licenses from Lessor certain space at a telecommunications facility described in the Co-Location Agreement (the "Site"); and

WHEREAS, Lessor and Lessee desire to amend the Co-Location Agreement pursuant to the;

WHEREAS, Lessor and Lessee desire to amend the Co-Location Agreement pursuant to the terms and subject to the conditions set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree to be legally bound to this Amendment as follows:

1. **Capitalized Terms.** Unless clear from the context in which they are used, all capitalized terms used herein shall have the same meanings ascribed to them in the Co-Location Agreement.

2. **Increase to Recurring Fees.** The monthly fee due under the Co-Location Agreement that is in the nature of a rent payment, lease payment or license fee, as the case may be (excluding any separate utility reimbursement payment, site maintenance expense payment, or other reimbursement payment), shall increase by Four Hundred Fifty-Eight and 48/100 Dollars (\$458.48) on the earlier of: i) the first (1st) day of the month in which Crown's issuance of written notice to proceed with the modification of Lessee's equipment at the Site occurs, or iii) November 1, 2019.
3. **Site Engineering Application.** The parties acknowledge that Lessee is making certain modifications to its space and/or equipment at the Site as described in Attachment A, attached hereto.
4. **Lessee's Tower Space.** The descriptions of Lessee's space (including, without limitation, Lessee's "reserved" space, if any) on the tower ("Tower Space") set forth in the Co-Location Agreement (including, without limitation, any descriptions of Lessee's Tower Space set forth in any schedules, exhibits or attachments to the Co-Location Agreement) are hereby amended and deleted in their entirety and replaced and superseded by and with the descriptions of Lessee's Tower Space set forth in Attachment A and Attachment C, attached hereto. The parties acknowledge and agree that the descriptions of Lessee's Tower Space set forth in Attachment A and/or Attachment C, attached hereto, include, without limitation, descriptions of all of Lessee's "reserved" Tower Space, if any. Lessee and Lessor acknowledge and agree that the foregoing statement is not intended to limit or remove any Lessee co-location space on the tower or tower capacity rights existing prior to this Amendment and any such rights shall continue to apply.
5. **Lessee's Tower-Mounted Equipment.** The equipment descriptions and specifications with respect to Lessee's tower-mounted equipment (including, without limitation, Lessee's permitted tower mounted equipment not yet installed, if any) set forth in the Co-Location Agreement (including, without limitation, any equipment descriptions and specifications with respect to Lessee's tower-mounted equipment set forth in any schedules, exhibits or attachments to the Co-Location Agreement) are hereby amended and deleted in their entirety and replaced and superseded by and with the equipment descriptions and specifications with respect to Lessee's tower-mounted equipment set forth in Attachment A and Attachment C, attached hereto. The parties acknowledge and agree that, (i) the descriptions of Lessee's tower-mounted equipment set forth in Attachment A and/or Attachment C, attached hereto, include, without limitation, descriptions of all of Lessee's permitted tower-mounted equipment not yet installed, if any, and (ii) notwithstanding anything to the contrary herein, this Amendment does not in any way modify the equipment descriptions and specifications with respect to Lessee's ground-based equipment set forth in the Co-Location Agreement (including, without limitation, any equipment descriptions and specifications with respect to Lessee's ground-based equipment set forth in any schedules, exhibits or attachments to the Co-Location Agreement). Lessee and Lessor acknowledge and agree that the foregoing statement is not intended to limit or remove any Lessee co-location space on the tower or tower capacity rights existing prior to this Amendment and any such rights shall continue to apply prior to this Amendment and any such rights shall continue to apply.
6. **Full Force and Effect; Inconsistent Terms.** Except as expressly set forth in this Amendment, the Co-Location Agreement is otherwise unmodified, shall remain in full force and effect and is incorporated and restated herein as if fully set forth at length. In the event of any inconsistencies between the Co-Location Agreement and this Amendment, the terms of this Amendment shall control. Each reference in the Co-Location Agreement to itself shall be deemed to also refer to this Amendment.

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 Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye
4-0 Aye; 1 absent, Resolution **#88-2019** was thereupon adopted.

RESOLUTION #89-2019; PROVISIONAL MUNICIPAL CODE ASSISTANT

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

WHEREAS, the Building department has a need for a part-time Municipal Code Assistant, and
WHEREAS, Ulster County Personnel has deemed Shawn Marks as an eligible employee, and
WHEREAS, Shawn Marks will need to take an exam and place in the top three to be hired as a permanent Municipal Code Assistant, and

NOW THEREFORE BE IT RESOLVED, the Town of Marbletown Town Board approves the hiring of Shawn Marks as Provisional Municipal Code Assistant at a rate of \$18.00 an hour.

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 Absent
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye

4-0 Aye; 1 absent, Resolution **#89-2019** was thereupon adopted.

RESOLUTION #90-2019; HIGHWAY DEPARTMENT LEAVE OF ABSENCE

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

WHEREAS, the Collective Bargaining between the Town of Marbletown and United Public Service Union allows employees to take unpaid leaves of absence with Town Board approval, and

WHEREAS, Highway Superintendent has recommended Lorin Winnie be granted a three month Leave of Absence from November 15, 2019 until February 15, 2020, and

NOW THEREFORE BE IT RESOLVED, the Town of Marbletown Town Board approves Lorin Winnie for a Leave of Absence from November 15, 2019 until February 15, 2020.

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 Absent
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye

4-0 Aye; 1 absent, Resolution **#90-2019** was thereupon adopted.

RESOLUTION #91-2019; RESOLUTION APPOINTING DEPUTY TOWN CLERK

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

WHEREAS, the Town of Marbletown has a vacancy for the position of Deputy Town Clerk; and

WHEREAS, the position is not a Civil Service position; and

WHEREAS, the Ulster County Department of Personnel must review a new hire for the Position of Deputy Town Clerk; and

THEREFORE, BE IT RESOLVED to appoint Laura Brown as Part Time Deputy Town Clerk at an hourly rate of \$16.50 an hour effective November 12, 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 Aye; 1 absent, Resolution **#91-2019** was thereupon adopted.

OTHER TOWN BUSINESS:

- Offices will be closed on Monday, Nov. 11th for Veteran's Day.

Motion to adjourn: There being no further discussion Supervisor Parete 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