



Town Board Regular Meeting

Tuesday, December 17, 2019

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

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

Absent:

Also, Present: Heather Moody; Town Clerk/Tax Collector, Tracy Kellogg; Town Attorney, Ali Stewart; Blue Stone Press and Max Freebern; Shawangunk Journal Reporter.

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

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following vouchers for approval:

<u>November 2019 Amendments</u>	<u>Vouchers</u>	<u>Total Payments</u>
General Fund	V#719	\$3,747.05
	V#720	\$ 56.82

New total amount of November vouchers

\$72,963.01

A motion was made by Councilman Sweeney and Seconded by Councilman Stewart to approve these amended vouchers 5-0 Aye, motion carried.

<u>December 2019</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#721-788	\$165,062.93
Highway Fund	#426-469	\$83,886.61

A motion was made by Councilman Sweeney and Seconded by Councilman Stewart to approve these amended vouchers 5-0 Aye, motion carried.

High Falls Water District	#125-136	\$7,098.43
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A motion was made by Councilman Sweeney and Seconded by Councilman Stewart to approve these amended vouchers 5-0 Aye, motion carried.

RMC	#175-185	\$6,361.74
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A motion was made by Councilman Sweeney and Seconded by Councilman Stewart to approve these amended vouchers 5-0 Aye, motion carried.

PUBLIC COMMENTS:

Tim Guinee – Resident who would like to thank the Town Board for all the support they give to the ECC and supporting the opposition of the Danskammer power plant proposal.

Courtney Wilder – Resident who lives on Cottekill Road and submitted a letter/statement expressing environmental concerns to having a new town park on Cottekill Road.

Nicole Bonneau – Resident who lives on Cottekill Road and submitted a letter/statement stating that the County rejected the site on Cottekill Road as a Fire Training Facility so it should be rejected as a site for a town park.

Jim Bell – Resident who submitted a letter/statement regarding the parcel of land near SUNY Ulster between Cottekill and Leggett Roads. Mr. Bell feels a town park/college ballfield already exist nearby in underutilized states. His statement includes characteristics of the proposed site.

Bill Terpening – Resident who submitted a letter regarding the Town Board's public deliberations on the Short-Term Rental Law. Mr. Terpening feels they are serious deficiencies in the Law were pointed out during the Public Hearing. He felt that there should have been one more public hearing on the final version of the law. Mr. Terpening also has complaints about the erroneous approval by the Code Enforcement Officer of Larry Ricci's application for his pre-existing apartment.

Clare Flemming – Resident who spoke about her opposition to a town park going in at the College. She stated that she will speak with the College and she had gone to a County legislature meeting. She feels that land is performing a service to the community and feels the ball fields can find another spot.

Laura Cunningham – Resident who lives near the proposed site of a new town park and who is part of the Cottekill Coalition. Ms. Cunningham is seriously opposed to the park and really fears the pollution and disruption of the wildlife habitat, trees and wetlands.

Stephanie Renza – Resident who was not at the meeting but submitted a letter to have on record stating her opposition to the Cottekill wetland being explored for building a municipal park with 5 ballfields, parking lot and facilities.

Andrew Pelzullo – Lives in Kingston and representing a group of 166 residents who are in opposition of the Danskammer power plant proposal.

Cindy Borzumato-Cobb – Resident who has been listening to everyone speak about the possible town park at the college and she feels we should be thinking of our future going forward and at this point it sounds like the issue is just being explored.

PRESENTATION AND THANKS TO TOWN BOARD MEMBERS JOE BORZUMATO AND TIM SWEENEY

- Supervisor Parete presented plaques to both Councilman Borzumato and Councilman Sweeney and thanked them for the years of hard work they put into being on the Town Board. Supervisor Parete added that they have both always gone above and beyond for the Town and they will be missed.
- Councilman Borzumato added his thanks to the Town and also pointed out all the good that both Tim and Laurel Sweeney have done for this community.

MEETING MINUTES:

Councilman Sweeney made a motion, seconded by Councilman Stewart to approve the meeting minutes from 11/7/2019. 5-0 Aye, motion carried.

Councilman Stewart made a motion, seconded by Councilman LaFera to approve the meeting minutes from 11/19/2019. 5-0 Aye, motion carried.

Councilman Sweeney made a motion, seconded by Councilman LaFera to approve the meeting minutes from 12/3/2019. 5-0 Aye, motion carried.

RESOLUTION #103-2019; CONTRACT WITH ENVIRONMENTAL CONSULTANTS

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

WHEREAS, the Town of Rosendale has the need to hire a firm to manage the Rosendale Water District, Rosendale Sewer District and High Falls Water District; and

WHEREAS, the Town has received proposals from:

Environmental Consultants, L.L.C. of PO Box 3148 Poughkeepsie, NY and

JCO, Inc Environmental Consultants of 110 Sullivan Street Wurtsboro, NY which have been attached hereto and made a part of hereof; and

WHEREAS, the Supervisor and Water & Sewer Superintendent met with both companies and reviewed all proposals and have made the recommendation to hire Environmental Consultants, L.L.C.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown authorizes the Supervisor to hire Environmental Consultants and to sign said quote; and

BE IT FURTHER RESOLVED that this resolution shall become effective upon its passage by the Town Board of the Town of Rosendale and the Town Board of 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 Borzumato Voting Aye

Councilman Sweeney Voting Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye

5-0 Aye; Resolution #103-2019 was thereupon adopted.

RESOLUTION #104-2019; RESOLUTION SETTING TOWN BOARD ORGANIZATIONAL MEETING TUESDAY JANUARY 7, 2020.

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

WHEREAS, Town of Marbletown Board meetings are generally held on the first and third Tuesday of each month, and

WHEREAS, the Town Board of the Town of Marbletown has to set the Organizational Meeting in January, and

NOW THEREFORE BE IT RESOLVED that the Town Board of the Town of Marbletown schedules a Town Board meeting on Tuesday January 7, 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 Aye

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Supervisor Parete Voting Aye
5-0 Aye; Resolution #104-2019 was thereupon adopted.

RESOLUTION #105-2019; RESOLUTION WAIVE 30 DAY WAITING PERIOD FOR THE LAST BITE

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

WHEREAS The Last Bite has completed the Standardized Notice Form for Providing 30-Day Advance Notice of Intent to file a new application for an On-Premises Alcoholic Beverage License for liquor, wine, cider and beer to the Town of Marbletown Town Board to be sold at 103 Main Street Route 213 for an on-premises liquor license ; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Sub-division 2(a), the Town of Marbletown has been notified of their intent to file an application for a liquor license with the New York State Liquor Authority; and

WHEREAS, a thirty (30) day hold before said application can be filed is mandated by New York Alcohol and Beverage Control Law, unless, this time period is waived by the municipality; and

WHEREAS, the Town of Marbletown Town Board wishes to assist the applicant in expediting the application process and sees no objection to the issuance of a Liquor License; now,

THEREFORE, be it RESOLVED, that to the extent permitted by the New York State Liquor Authority, the Marbletown Town Board hereby waives the requirement that written notice of the application be given to the Town at least thirty (30) days prior to submitting this application; and

BE IT FURTHER RESOLVED that the Town Clerk is hereby authorized to issue a letter to the applicant and to the New York State Liquor Authority to confirm the Town's receipt of the Notice of Intent to file for the liquor license and a waiver of the thirty (30) day hold on the processing of said application.

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; Resolution #105-2019 was thereupon adopted.

RESOLUTION #106-2019; AUTHORIZING A MAINTENANCE SERVICE AGREEMENT WITH TECHNICAL BUILDING SERVICES, INC.

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

WHEREAS, the Town of Marbletown has the need for a Maintenance Service Agreement to maintain the heating and air exchange units at the Rondout Municipal Center, and

WHEREAS, Technical Building Services, Inc. (TBS) of 12 E Commerce Drive Ballston Spa, NY 12020 has presented such agreement to service the Rondout Municipal Center, and

WHEREAS, TBS has provided a three (3) year Maintenance Service Agreement in the amount of \$ 3,607.00 per year, said contract which is attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Marbletown authorizes the Supervisor to sign said agreement on behalf of the Town of Marbletown; and

BE IT FURTHER RESOLVED, that this resolution is contingent upon a like resolution being passed 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 Aye
Councilman Sweeney Voting Aye
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye

5-0 Aye; Resolution #106-2019 was thereupon adopted.

RESOLUTION #107 -2019; REGISTRATION FEES FOR SHORT TERM RENTALS

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

WHEREAS, The Town of Marbletown passed a Short-Term Rental Registration Law on December 3, 2019, and

WHEREAS, the Town has determined that costs associated with the Town's providing certain services should be defrayed by fees for short term rentals, and

WHEREAS, the Town imposes certain rates, charges or fees for services performed or materials provided by the Town, and

WHEREAS, the Town of Marbletown Town Board wishes to set a fee schedule for inspections of Short-Term Rentals, now

BE IT RESOLVED that the Marbletown Town Board hereby establish the following fees that are to be effective December 18, 2019. The fees for owner occupied will be \$100 and non-owner occupied \$250 per year.

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; Resolution #107-2019 was thereupon adopted.

- Councilman LaFera asked if these fee's can be changed. Supervisor Parete responded "yes, these can be changed by resolution in the future."

RESOLUTION #108-2019 AMENDING TRANSFER STATION RATES

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

WHEREAS, the Town of Marbletown Transfer Station annual permit is valid from April 1, to March 31st, and

WHEREAS, the Town of Marbletown reduces permit fees the final three months, and

NOW, THEREFORE, IT IS RESOLVED that the Town Board of the Town of Marbletown changes the permit fees to the attached amount until March 31, 2020.

Permit \$20.00 (Originally \$40.00)

Additional permit \$10.00 (Originally \$15.00)

Senior (62 or older) \$10.0 (Originally \$20.00)

Additional (62 or older) \$5.00 (Originally \$20.00)

One day permits will remain \$10.00

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 Aye
Councilman Sweeney Voting Aye
Councilman Stewart Voting Aye

Councilman LaFera Voting Aye
Supervisor Parete Voting Aye
5-0 Aye; Resolution #108-2019 was thereupon adopted.

RESOLUTION #109-2019; RESOLUTION AUTHORIZING THE SUPERVISOR TO SIGN NEW YORK STATE DEPARTMENT OF TRANSPORTATION UNDERTAKING

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

WHEREAS The Town of Marbletown periodically works, operates or utilizes property belonging to the State of New York; and

WHEREAS, this property is within the New York State Department of Transportation (NYS DOT) jurisdiction or ownership; and

WHEREAS, NYS DOT has standardized requirements every time the town of Marbletown works, operates or utilizes these areas; and

WHEREAS, NYS DOT will allow the Town of Marbletown to enter into an Undertaking establishing the guidelines under which Towns are allowed to conduct activities and operations upon highways or rights of ways; and,

WHEREAS, NYS DOT currently requires that at each occurrence of activities or operations within NYS DOT property or Right of Ways that the town of Marbletown provide the same documentation and comply with the same guidelines; now,

THEREFORE, BE IT RESOLVED, that the Town Board of Marbletown authorizes the Town Supervisor to sign and enter the Undertaking with NYS DOT; and

BE IT FURTHER RESOLVED, that unless the Town of Marbletown or NYS DOT elect to terminate or revoke the Undertaking this Undertaking shall termite after 20 years. The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted 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 Borzumato Voting Aye
Councilman Sweeney Voting Aye
Councilman Stewart Voting Aye
Councilman LaFera Voting Aye
Supervisor Parete Voting Aye

5-0 Aye; Resolution #109-2019 was thereupon adopted.

RESOLUTION #110-2019; OPPOSING DANSKAMMER POWER PLANT PROPOSAL

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

WHEREAS, Danskammer Energy, LLC (" Danskammer"), seeks a permit to build and operate a new fracked gas-fired fossil fuel power plant with a generating capacity of 525- 575 megawatts on the shores of the Hudson River in the Town of Newburgh, referred to as the Facility Repowering Project, and

WHEREAS, at least twelve (12) communities in the Hudson Valley have already expressed opposition to the proposed plant through Resolutions similar to this one. These communities include the Town of Rosendale, the City of Kingston, the Town of New Paltz, The Village of New Paltz, the Town of Esopus, the City of Newburgh, the Town of Saugerties, the City of Beacon, the City of Peekskill, the Town of Phillipstown, the Village of Cold Spring; and the Town of New Castle.

WHEREAS, Marbletown's Town Board received requests from residents, the Marbletown Environmental Conservation Commission, and others to oppose the proposed plant, and is aware of well-informed opposition to the proposal from Citizens for Local Power, Scenic Hudson, Protecting Our Waters, and Food and Water Watch, as well as public comment from residents; and

WHEREAS, Marbletown supported the ban on fracking in New York State; opposed new fossil fuel infrastructure such as Pilgrim Pipelines; and has new zoning laws prohibiting fossil fuel power plants within Marbletown, and the Town has resolved to transition its own operations to 100% renewable energy, and is working on a plan to transition the entire Town; and

WHEREAS, gas-powered plants emit pollutants that harm local air quality and public health; the Hudson Valley has ongoing air quality issues, as evidenced by Dutchess County's "D" ozone rating by the American Lung Association. Adding the emissions from the proposed Danskammer facility would **drastically worsen the air quality in the Hudson Valley and increase the public health risks for asthma and other diseases for surrounding residents**; and.

WHEREAS, the existing old power plant located at the Danskammer site is currently operating as a "peaker" facility used only during periods of peak electric demand less than 5% of the year; and

WHEREAS, the proposed new power plant would produce electricity at a lower environmental impact per kilowatt hour, including the use of an air-cooled condensing system, *but it would operate year-round as a base load facility and if built would have a decades-long lifespan. As a base load facility, the proposed power plant would emit far more pollutants than the current peaker plant does*; and

WHEREAS, pollution from greenhouse gases, including carbon and methane, emitted from Danskammer would further exacerbate the climate crisis. The existing Danskammer plant, while aging and inefficient, serves to meet peak energy demand and runs only a few days a year. In contrast, the proposed plant would be a baseload facility, running nearly all the time. *The math here is simple: despite efficiency gains, total greenhouse gas emissions would increase dramatically tenfold or more* (according to Food and Water Watch).

WHEREAS, the proposed Danskammer plant presents a safety hazard because **up to 1 million gallons of diesel fuel and 30,000 gallons of aqueous ammonia would be stored on-site**. This presents a significant threat if a spill or fire were to occur; and

WHEREAS, the 2018 Reliability Needs Assessment of the New York Independent Systems Operator (October 2018) found **no statewide gap in power generation or transmission capacity** in the next decade, notwithstanding the impending closing of the Indian Point nuclear power plants; and

WHEREAS, Danskammer was proposed largely in response to Federal incentives to provide capacity for the New York City region, as opposed to providing capacity to serve only the Hudson Valley; and

WHEREAS, New York State recently passed the Climate Leadership and Community Protection Act, which sets targets of 70% renewable electricity by 2030 and 100% carbon-free electricity by 2040; the **proposed Danskammer plant contradicts and undermines these goals**; and

WHEREAS, the existing plant was **severely flooded** during Hurricane Sandy, resulting in the plant's closure for 2 years before it went back online in 2014. The plant site remains extremely vulnerable to severe storm events, as well as sea-level rise already affecting Hudson waterfront communities. Future sea level rise on the Hudson River, more frequent severe precipitation events, and more severe storm surge make the Danskammer site a **high-risk location for fossil fuel development**; and

WHEREAS, the massive Danskammer plant would erode the natural and aesthetic beauty of the Hudson River Valley, which is a major driver of the region's \$5.3 billion tourism economy and cherished by visitors from around the globe, as well as state residents; and

WHEREAS, redevelopment of the Danskammer plant would disproportionately affect nearby Environmental Justice Areas and impact vulnerable communities. In particular, low-income neighborhoods and people of color in Beacon, Newburgh, Fishkill, and other surrounding communities would feel the brunt of air pollution due to their proximity to the plant; and

WHEREAS, the proposed Danskammer power plant would provide only thirty (30) jobs once constructed, whereas the emerging clean energy economy will provide more and better jobs; and clean energy projects such as building solar farms or energy storage facilities would bring jobs and tax revenue without polluting our air and water and exacerbating climate change,

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown calls upon the Public Service Commission to reject the Danskammer application; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marbletown opposes the permitting and construction of the new Danskammer power plant and that the Town Clerk is directed to submit this statement to the Public Service Commission and to send a copy of this resolution to New York State Governor Andrew Cuomo, U.S. Senator Kirsten Gillibrand, U.S. Senator Charles Schumer, U.S. Congressman Antonio Delgado, New York State Senator George Amedore, New York State Assembly Member Kevin A. Cahill, Ulster County Executive Pat Ryan, Ulster County Legislative Chair Tracy Bartels and Ulster County Legislator Heidi Haynes.

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marbletown urges Governor Cuomo and New York State to focus economic development resources into the Hudson Valley to provide prevailing wage jobs to build and operate clean renewable power generation, brownfield clean-up, energy efficiency or other appropriate projects instead of the fracked gas buildout.

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; Resolution #110-2019 was thereupon adopted.

OTHER TOWN BUSINESS:

- Town Clerk Moody announced the town offices will be closed 12/24/2019, 12/25/2019 and 1/1/2020. The transfer station will be closed 12/24/2019

Motion to adjourn: There being no further discussion Councilman Sweeney made the motion to adjourn the meeting, seconded by Councilman Stewart; 5-0 Aye, motion carried. The meeting adjourned at 8:10pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector