



## **Town Board Regular Meeting**

**Tuesday, January 21, 2020**

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

### **CALL TO ORDER**

- Supervisor Parete called the meeting to order at 7:01pm and Councilwoman Sprachman lead the Pledge of Allegiance.

### **ROLL CALL**

Town Clerk Moody took roll call:

Supervisor Parete – Present  
Councilwoman Foote – Present  
Councilman LaFera – Present  
Councilwoman Sprachman – Present  
Councilman Stewart – Present

**Also, Present:** Heather Moody; Town Clerk/Tax Collector, Tracy Kellogg, Attorney; George Dimler; Highway Superintendent, Tom Konrad; ECC Chairman, Bata Milicevic; Blue Stone Press, and Max Freebern; Shawnagunk Journal

### **PUBLIC HEARING – FRANCHISE AGREEMENT BETWEEN SPECTRUM NORTHEAST, LLC AND THE TOWN OF MARBLETOWN:**

- Supervisor Parete opened the public hearing, seconded by Councilman LaFera, on the franchise agreement between Spectrum Northeast, LLC and the Town Marbletown.
- Town Clerk Moody stated that the public hearing was legally noticed in the Daily Freeman on Sunday, January 12<sup>th</sup>. The legal notice was also posted on the town website and was posted on the Town Clerk's Community bulletin board outside of the office.
- Denise Fryburg, resident, pointed out that Spectrum has been a sole provider in this community for a long time. Should this stay the same? Resident, Carol Laurito, also asked if this means for the next 15 years are they the only franchise?
- A motion was made by Councilwoman Sprachman to close the public hearing, seconded by Councilman Stewart.

### **PRESENTATION; CLIMATE SMART RESILIENCY**

- Supervisor Parete opened the floor to Melinda Herzog and Brent Gotsch from the Cornell Cooperative Extension.
- A power point presentation, along with handouts, was given to the town.
- The Climate Smart Resiliency Planning Tool was used to evaluate opportunities for the Town to improve its community's resilience to flooding and climate change. The planning tool reviews many long- and short-term aspects of storm and climate change preparedness by reviewing Town and County planning

documents, activities and management. Documents were reviewed and municipal staff members were consulted in the process of completing the assessment. The assessment and recommendations have been shared through discussions at Town Board meetings.

### **APPROVAL OF VOUCHERS**

Town Clerk Moody submitted the following vouchers for approval:

#### **December 2019 Amendments**

##### **High Falls Water District**

#### **Vouchers**

V#134

#### **Total Payments**

\$1,700.48

\*Several vouchers were taken out to be paid by High Falls Water District Shutdown and to be reimbursed by DEP.

New total amount of December 2019 vouchers

**\$6,443.40**

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

#### **December Supplement 2019**

##### **General Fund**

#### **Vouchers**

#789-825

#### **Total Payment**

\$38,256.09

##### **Highway Fund**

#464-489

\$28,102.90

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

##### **High Falls Water District**

#135-144

\$37,371.79

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

##### **RMC**

#186-198

\$13,295.36

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

#### **January 2020**

##### **General Fund**

#### **Vouchers**

#1-44

#### **Total Payment**

\$181,848.24

##### **Highway Fund**

#1-14

\$113,817.62

A motion was made by Councilwoman Foote and Seconded by Councilman LaFera to approve these vouchers 5-0 Aye, motion carried.

##### **High Falls Water District**

#1-6

\$4,709.82

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

##### **RMC**

#1-4

\$9,172.00

A motion was made by Councilwoman Sprachman and Seconded by Councilman LaFera to approve these vouchers 5-0 Aye, motion carried.

## **MEETING MINUTES:**

Councilman Stewart made a motion, seconded by Councilwoman Foote to approve the meeting minutes from 1/7/2020. 5-0 Aye, motion carried.

## **PUBLIC COMMENTS:**

**Bill Terpening** – Resident who submitted a written statement regarding a possible College/Town Park at SUNY Ulster College's undeveloped property on Cottekill Road. Mr. Terpening feels this has been a biased decision on part of the Town Board and is asking Councilwomen Sprachman and Foote to advise the college president that the Town Board has not made any decisions to collaborate with the college on a joint park. *Supervisor Parete responded that there is a process, and nothing has been set in stone. Councilman Stewart added that the college will be starting a facilities study on the land in March.*

**Eunice Shumalski** – Resident who feels that the land on Cottekill should be left alone.

**Carol Laurito** – Resident who would like the town to look into senior housing. *Supervisor Parete pointed out that Councilwoman Sprachman will be heading up a Senior Commission.*

**Beth Anderson** – Resident and a member of the Marbletown First Aid Unit who asks for support for funding for the ambulance. Ambulance supports seniors and the community.

## **RESOLUTION #10-2020 SHARED SERVICES FOR THE RONDOUT MUNICIPAL CENTER**

The following Resolution was offered by Councilman Stewart, seconded by Councilwoman Foote:

**WHEREAS**, the Town of Marbletown and the Town of Rosendale are parties to an Inter-Municipal Agreement dated December 9, 2015, which agreement sets forth the cooperative arrangement under which the Towns shall use, maintain and operate the Rondout Municipal Center; and

**WHEREAS**, Town of Rosendale has an opportunity to share services with the Town of Marbletown for the positions of Building Manager and Cleaner, the employees performing these duties are employees of the Town of Rosendale and these positions are equally shared between the Towns of Rosendale and Marbletown; and

**WHEREAS**, the following positions are employed by the Town of Rosendale and work a portion of their time for the Rondout Municipal Center: Building & Grounds Maintenance and Bookkeeper.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Marbletown will reimburse the Town of Rosendale for fifty percent (50%) of the salary and all benefits except for medical for the position of Building Manager (Building Manager Health Insurance addressed in separate resolution) and fifty percent (50%) of the salary and all benefits for the position of Cleaner; and

**BE IT FURTHER RESOLVED** that the Town of Marbletown will reimburse the Town of Rosendale Highway Department fifty percent (50%) of hourly rate and all benefits for maintenance and repairs that are performed by the Town of Rosendale employees for the Rondout Municipal Center; and

**BE IT FURTHER RESOLVED** that the Town of Rosendale and the Town of Marbletown will reimburse each other fifty percent (50%) of hourly rate and benefits for any outside maintenance that is performed by the other Town at Rondout Municipal Center including plowing, mowing, etc.; and

**BE IT FURTHER RESOLVED** that the Town of Marbletown will reimburse the Town of Rosendale three thousand three hundred twelve dollars (\$3,312) for Bookkeeping services for the Rondout Municipal Center.

**BE IT FURTHER RESOLVED** that this resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown and shall be effective January 1, 2020 to December 31, 2020.

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

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

Councilwoman Foote            Voting Aye  
Councilwoman Sprachman      Voting Aye  
Supervisor Parete            Voting Aye  
**5-0 Aye**; Resolution #10-2020 was thereupon adopted.

**RESOLUTION#11-2020 HEALTH INSURANCE BENEFITS FOR RONDOUT MUNICIPAL CENTER BUILDING MANAGER**

The following Resolution was offered by Councilwoman Sprachman, seconded by Councilman Stewart:  
**WHEREAS**, the Town of Marbletown and the Town of Rosendale are parties to an Inter-Municipal Agreement dated December 9, 2015, which agreement sets forth the cooperative arrangement under which the Towns shall use, maintain and operate the Rondout Municipal Center; and  
**WHEREAS**, Item 6 of said agreement discusses the position of Building Manager and the Towns respective contributions toward the salary and benefits for said position; and  
**WHEREAS**, Steven Christiana is currently serving in the position of Building Manager and is an employee of the Town of Rosendale in accordance with applicable provisions of the Inter-Municipal Agreement; and  
**WHEREAS**, the Town of Marbletown and the Town of Rosendale have determined to offer health insurance to the incumbent Building Manager, Steven Christiana, in accordance with certain terms and conditions.  
**NOW, THEREFORE, BE IT RESOLVED**, that so long as the incumbent Building Manager, Steven Christiana, continues to work in that capacity for at least twenty-seven (27) hours per week, as well as for the Town of Marbletown as Fire Marshal for thirteen and one half (13.5) hours per week, the Town of Rosendale shall offer Mr. Christiana single health insurance coverage under the Town of Rosendale's plan, with Mr. Christiana contributing twenty-five percent (25%) toward the applicable health insurance premium effective January 1, 2020 through December 31, 2020; and  
**BE IT FURTHER RESOLVED** that the cost allocation of Mr. Christiana's health insurance shall be seventy percent (67%) for the Town of Marbletown and thirty percent (33%) for the Town of Rosendale, payable as mutually agreed by the two Towns; and  
**BE IT FURTHER RESOLVED**, that should Steven Christiana fail to continue to work at least twenty-seven (27) hours per week as Building Manager and/or fail to continue to work at least thirteen and one-half (13.5) hours per week for the Town of Marbletown as Fire Marshal, that the Town of Rosendale may discontinue offering individual health insurance to Steven Christiana and offer him coverage pursuant to COBRA in the alternative; and  
**BE IT FURTHER RESOLVED** that this Resolution shall become effective if approved by the Town Boards of the Town of Rosendale and the Town of Marbletown and shall remain in effect unless and until modified by future action of the Town Boards of the Town of Rosendale and 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 Stewart            Voting Aye  
Councilman LaFera            Voting Aye  
Councilwoman Foote            Voting Aye  
Councilwoman Sprachman      Voting Aye  
Supervisor Parete            Voting Aye  
**5-0 Aye**; Resolution #11-2020 was thereupon adopted.

**RESOLUTION #12-2020; HIGH FALLS WATER DISTRICT EMPLOYEES SALARIES**

The following Resolution was offered by Councilman LaFera, seconded by Councilman Foote:  
**WHEREAS**, the Towns of Rosendale and Marbletown jointly operate the High Falls Water District; and  
**WHEREAS**, it is necessary to set forth and agree to matters relating to the employment of those individuals who will perform work on behalf of the High Falls Water District, and to establish the funding for the work they perform, it is hereby

**RESOLVED** as follows:

1. The High Falls Water District shall reimburse the Town of Rosendale a sum equal to Thirty-three and a third (33.3%) of all payroll expenses and benefits for the Town of Rosendale Employees who maintain and operate the Rosendale Water District, the Rosendale Sewer District and the High Falls Water District in the positions of Water & Sewer District Superintendent, Water and Sewer Operator and Water Sewer Trainees, who shall be an employees of the Town of Rosendale Water and Sewer Districts.
2. The Town of Marbletown shall directly pay the High Falls Water District Clerk for five hours per week at an hourly rate of Sixteen and 83/100 Dollars (\$16.83) per hour plus any employee benefits for those hours and shall be reimbursed for same by the High Falls Water District.
3. The High Falls Water District shall reimburse the Town of Rosendale the sum of Three Thousand Six Hundred Forty-One Dollars and 00/100 Dollars (\$3,641) for payroll and bookkeeping and shall reimburse the Town of Marbletown Six Thousand Six Hundred Twenty-Four and 00/100 Dollars (\$6,624.00) for bookkeeping expenses.
4. The High Falls Water District will pay 1/3 of the monthly invoice for Environmental Consultants, LLC, and any additional costs relating to the High Falls Water District as per contract.
5. The High Falls Water District will pay the Town of Marbletown Bookkeeper a five hundred dollar (\$500.00) per year stipend for special projects.

This Resolution shall become effective upon its passage by both the Town Board of Rosendale and the Town Board of Marbletown and be effective January 1, 2020 to December 31, 2020.

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

Councilman Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

**5-0 Aye**; Resolution #12-2020 was thereupon adopted.

#### **RESOLUTION #13-2020; SHARED SERVICES WITH THE TOWN OF ROSENDALE FOR SAFETY OFFICERS**

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

**WHEREAS**, the Town of Marbletown has an opportunity to share services with the Town of Rosendale for the positions of Safety Officers; and

**WHEREAS**, the Town of Rosendale will provide Safety Officers to be paid by the Town of Rosendale; and

**WHEREAS**, the Safety Officers will be paid the following salary:

Dorene Whitaker - \$ 5,300 per year

Michael Williams - \$ 1,805 per year, and

**WHEREAS**, the Town of Marbletown will cover one half of the salaries, taxes, bookkeeping and payroll related costs and reimburse the Town of Rosendale for one half of office materials and supplies, and

**WHEREAS**, the Town of Marbletown will budget up to \$300 for safety officer to be called to emergencies and attend quarterly meetings, and

**WHEREAS**, Bookkeeping & Payroll is estimated to cost around Five Hundred Twenty Dollars (\$520) per year, and

**NOW, THEREFORE, BE IT RESOLVED**, the Town Marbletown shall reimburse the Town of Rosendale for Shared Safety Officer Services as stated above from January 1, 2020-December 31, 2020; and

**BE IT FURTHER RESOLVED** that this resolution shall become effective upon its approval by both the Town Board of Rosendale and the Town Board 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 Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Aye</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

**5-0 Aye**; Resolution #13-2020 was thereupon adopted.

**RESOLUTION #14-2020 FRANCHISE AGREEMENT BETWEEN SPECTRUM NORTHEAST, LLC AND THE TOWN OF MARBLETOWN**

The following Resolution was offered by Councilman Stewart, seconded by Councilwoman Foote:

**WHEREAS**, An application has been duly made to the Board of the Town of Marbletown, County of Ulster, New York, by **SPECTRUM NORTHEAST, LLC**, locally known as Charter Communications, a partnership organized under the laws of the State of New York doing business at 20 Century Hill Drive Latham, NY 12110, and holder of a cable television franchise in the Town of Marbletown for the approval of an agreement to renew the cable television franchise for an additional fifteen (15) years. The Franchise Renewal Agreement would bring the franchise into conformity with certain provisions of the Federal Cable Communications Policy Act of 1984, as amended, and certain court rulings.

**WHEREAS**, a public hearing was held in the Town of Marbletown on January 21, 2019 at 7:00P.M. and notice of the hearing was published in the Kingston Daily Freeman on January 12, 2020.

**NOW, THEREFORE**, the Board of the Town of Marbletown finds that:

1. Charter Communications has substantially complied with the material terms and conditions of its existing franchise and with applicable law; and
2. The quality of the Charter Communications service, including signal quality, response to customer complaints and billing practices has been in light of community needs; and
3. Charter Communications has the financial, legal and technical ability to provide these services, facilities and equipment as set forth in its proposal attached; and
4. Charter Communications can reasonably meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

**BE IT FURTHER RESOLVED** that the Board of the Town of Marbletown hereby renews the cable television franchise in the Town of Marbletown for fifteen (15) years commencing on the date of approval by the Public Service Commission.

**BE IT FURTHER RESOLVED** that the Board of the Town of Marbletown hereby confirms that this Franchise Renewal Agreement replaces the original franchise last amended on May 25<sup>th</sup>, 2007.

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

Councilman Stewart	Voting <u>Aye</u>
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Councilman LaFera                Voting Aye  
Councilwoman Foote            Voting Aye  
Councilwoman Sprachman      Voting Aye  
Supervisor Parete              Voting Aye  
**5-0 Aye**; Resolution #14-2020 was thereupon adopted.

**RESOLUTION #15-2020; SET A PUBLIC HEARING FOR HIGH FALLS WATER DISTRICT RATE INCREASE**

The following Resolution was offered by Councilwoman Sprachman, seconded by Councilwoman Foote:

**WHEREAS**, the High Falls Water District has the need to increase their rates; and

**WHEREAS**, the Water Commission has decided that a rate increase for water is warranted to help balance the budgets.

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Marbletown hereby schedules a joint public hearing with the Town of Rosendale on February 12, 2020 at 7:00 pm at the Rondout Municipal Center; and

**BE IT FURTHER RESOLVED** that the Town Clerk of the Town of Marbletown is hereby directed and authorized to legally advertise same; and

**BE IT FURTHER RESOLVED** that the proposed rate increase is attached separately; 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 Stewart            Voting Aye  
Councilman LaFera              Voting Aye  
Councilwoman Foote            Voting Aye  
Councilwoman Sprachman      Voting Aye  
Supervisor Parete              Voting Aye  
**5-0 Aye**; Resolution #15-2020 was thereupon adopted.

**RESOLUTION#16-2020; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED AMENDMENT TO TRANSFER SPECIAL USE PERMITS TO THE PLANNING BOARD**

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

**WHEREAS**, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt Local Law \_\_\_\_ of 2020, Special Use Permits, in order to achieve the purposes and objectives set forth in the Local law.

**NOW THEREFORE, BE IT RESOLVED** as follows:

1. A public hearing will be held by the Town Board on February 18, 2020 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 #\_\_ of 2020 entitled “**A Local Law # \_\_, 2020 Special Use Permits**”

2. 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 Stewart            Voting Aye  
Councilman LaFera              Voting Aye  
Councilwoman Foote            Voting Aye

Councilwoman Sprachman Voting Aye  
Supervisor Parete Voting Aye  
**5-0 Aye**; Resolution #16-2020 was thereupon adopted.

**RESOLUTION #17 -2020; REAPPOINTMENT TO ENVIRONMENTAL CONSERVATION COMMIS-  
SION**

The following Resolution was offered by Councilman Stewart, seconded by Councilwoman Sprachman:  
**WHEREAS**, Amy Moses has indicated a desire to be reappointed to the Marbletown Environmental Conservation Commission, and  
**WHEREAS**, the Environmental Conservation Commission (ECC) has met and recommends Amy Moses be reappointed to the ECC, and  
**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Marbletown appoint Amy Moses to the Environmental Conservation Commission for a term to expire on 12/31/2022.  
The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart Voting Aye  
Councilman LaFera Voting Aye  
Councilwoman Foote Voting Aye  
Councilwoman Sprachman Voting Aye  
Supervisor Parete Voting Aye  
**5-0 Aye**; Resolution #17-2020 was thereupon adopted.

**RESOLUTION #18-2020; TOWN OF MARBLETOWN PURCHASE TRUCK**

The following Resolution was offered by Councilman LaFera, seconded by Councilman Stewart:  
**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 a 2021 Western Star 4700 S/A Dump Truck/Plow from Tracey Road Equipment for the price of \$200,881, and  
**WHEREAS**, the highway department will fund the purchase with money from town projects and surplus equipment sold, and  
**THEREFORE, BE IT RESOLVED**, that the Marbletown town board authorizes the purchase of a 2021 Western Star 4700 S/A Dump Truck/Plow from Tracey Road Equipment for the price of \$200,881.  
The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart Voting Aye  
Councilman LaFera Voting Aye  
Councilwoman Foote Voting Aye  
Councilwoman Sprachman Voting Aye  
Supervisor Parete Voting Aye  
**5-0 Aye**; Resolution #18-2020 was thereupon adopted.

- Tom Konrad, ECC Chairman, asked if the Highway had researched a hybrid or plug in truck? Superintendent Dimler responded they had but it would not work for them.

**RESOLUTION #19-2020; RESOLUTION TOWN OF MARBLETOWN JUSTICE COURT AUDIT**

The following Resolution was offered by Councilman Stewart, seconded by Councilwoman Sprachman:  
**WHEREAS**, the Town of Marbletown Court submitted its Cash Books, Bank Statements, Year End Report of closed cases and balanced check books from Town Justice Mark Glick and Town Justice Claudia Davenport for Audit to Marbletown Town Board on January 21, 2020.



**THEREFORE, LET IT BE RESOLVED**, to accept records as presented.

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

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Councilwoman Foote Voting Aye

Councilwoman Sprachman Voting Aye

Supervisor Parete Voting Aye

**5-0 Aye**; Resolution #19-2020 was thereupon adopted.

**OTHER TOWN BUSINESS:**

- Soup Kettle Donation – The Blackboard Bistro has a soup kettle that they do not have a need for, and could it be donated to a non-profit that makes meals for homeless people and the elderly. Supervisor Parete made a motion and seconded by Councilman Stewart to approve the donation, 5-0 aye, motion carried.
- Councilwoman Sprachman indicated that the Historic Preservation had received a grant about a year ago to update a survey that was done in the 1990's. Originally we had 450 historic homes and now we have 525 that were built before 1900 established as historic homes. The Historic Preservation will be giving a presentation to the board in the early spring.
- Councilman Stewart said that he and Councilwoman Foote will be working closely with the Planning and Zoning Board of Appeals and there is a new application before the Planning Board for a large-scale solar farm on County Route 2.
- The Sustainability Fund which is a fund within the town and the ECC. Tom Konrad, ECC Chairman, said there will be a meeting on Feb. 9<sup>th</sup> at the Community Center at 2:00pm for further information. For every sign up we get \$50 for a prospective rail trail from the college campus to RidgeWell Fitness center and 10% of the electricity bill. You are able to sign up anytime but there is an agreement that ends on March 31<sup>st</sup>.

**Motion to adjourn:** There being no further discussion Councilwoman Sprachman made the motion to adjourn the meeting, seconded by Councilwoman Foote; 5-0 Aye, motion carried. The meeting adjourned at 8:50pm.

Respectfully submitted,

Heather Moody  
Town Clerk/Tax Collector