



Town Board Regular Meeting

Tuesday, February 18, 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 7:02pm and Councilman Stewart lead the Pledge of Allegiance.

ROLL CALL

Town Clerk Moody took roll call:

Supervisor Parete – Present

Councilwoman Foote – Present

Councilman LaFera – Absent

Councilwoman Sprachman – Absent

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 – LOCAL LAW #1-2020; SPECIAL USE PERMITS TRANSFERRED FROM ZBA TO PLANNING BOARD

- At 7:05 PM Supervisor Parete made a motion to open the Public Hearing on proposed Local Law # 1-2020 ‘Special Use Permits Transferred from ZBA to Planning Board’, seconded by Councilman Stewart.
- Town Clerk Moody stated that the public hearing was legally noticed in the Daily Freeman on Sunday, February 9, 2020. The legal notice was also posted on the town website, posted on the Community Bulletin board outside of the Town Clerk’s office and sent out to surrounding town clerk’s offices.
- Supervisor Parete asked if anyone had any comments on the proposed Local Law #1-2020.
- No comments were shared on the proposed law.
- Councilwoman Foote made a motion to close the Public Hearing on proposed Local Law #1-2020, seconded by Councilman Stewart.

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following vouchers for approval:

<u>January 2020 Amendments</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#44	\$433.95
	#45	\$495.58
	#46	\$125.00
	#47	\$123.72

	#48	\$5,200
Total Amount Jan. 2020		\$188,222.49

A motion was made by Councilman Stewart and Seconded by Councilwoman Foote to approve these vouchers 3-0 Aye, 2 absent; motion carried.

<u>February 2020</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#49-111	\$66,844.65
Highway Fund	#15-57	\$50,502.52

A motion was made by Councilman Stewart and Seconded by Councilwoman Foote to approve these vouchers 3-0 Aye, 2 absent; motion carried.

High Falls Water District	#7-15	\$14,048.57
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A motion was made by Councilwoman Foote and Seconded by Councilman Stewart to approve these vouchers 3-0 Aye, 2 absent; motion carried.

RMC	#5-26	\$27,211.05
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A motion was made by Councilman Stewart and Seconded by Councilwoman Foote to approve these vouchers 3-0 Aye, 2 absent; motion carried.

PRIVILEGE OF THE FLOOR – TOM KONRAD, ECC CHAIRMAN; 100% RENEWABLE ENERGY UPDATE:

- Tom Konrad, ECC Chairman presented a slide show, “Marbletown: The Path to 100% Renewable Energy”. Copies can be found in the Town Clerk’s office and on the town website.

MEETING MINUTES:

Councilman Stewart made a motion, seconded by Councilwoman Foote to approve the meeting minutes from the 1/21/2020 town board meeting. 3-0 Aye, 2 absent; motion carried.

RESOLUTION #20-2020; RESOLUTION TOWN OF MARBLETOWN AUDIT CASH ACCCOUNTS

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

WHEREAS, Brian Pickard, CPA has conducted audits of the cash accounts of the following town offices for the year ending in December 2019; Town Clerk, Tax Collector, Transfer Station, Planning and Zoning, Justice Court, Safety, and Building. This audit was conducted to render assurance that all cash receipts and disbursements were properly recorded by the individuals in these departments; and

WHEREAS, the audit also verified that the Town Justices are current in their reporting to the Department of Motor Vehicles for the TSLE&D program and their handling of their cases; and

THEREFORE, BE IT RESOLVED that all records of all departments in the Town of Marbletown appear correct and there are no adjustments necessary.

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>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #20-2020 was thereupon adopted.

RESOLUTION #21-2020; TO ADOPT LOCAL LAW NO. 1 OF 2020, ENTITLED “TRANSFER SPECIAL USE PERMITS TO PLANNING BOARD”

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

WHEREAS, proposed Local Law No. 1 of the year 2020 entitled, “Transfer Special Use Permits to Planning Board” was introduced to the Town Board at a meeting held February 18, 2020 at the Rondout Municipal Center, Cottekill, New York, to consider said proposed local law, and said public hearing having been held on February 18, 2020 and all persons appearing at said public hearing deeming to be heard having been heard; and,

WHEREAS, said local law was duly adopted after a public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marbletown, New York, does hereby enact and adopt proposed Local Law No. 1 for the year 2020, Town of Marbletown, State of New York, which local law is annexed hereto and made a part hereof; and,

BE IT FURTHER RESOLVED that this local law shall take effect immediately upon filing with the New York State Secretary of State.

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>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #21-2020 was thereupon adopted.

RESOLUTION #22-2020; DECOMMISSIONING BOND

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

WHEREAS, **CES MARBLETOWN SOLAR** 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 _____, 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, **CES MARBLETOWN SOLAR**, as Principal, **TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA**, with home offices in the State of Connecticut, bond # 107162540, will offer a bond, as Surety, to be held and firmly bound unto the **TOWN OF MARBLETOWN** as Obligee in the full and just sum of **FOUR HUNDRED AND FIVE THOUSAND FORTY-EIGHT Dollars and Twenty Cents (\$405,048.20)**, 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 Stewart	Voting <u>Aye</u>
Councilman LaFera	Voting <u>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #22-2020 was thereupon adopted.

RESOLUTION #23-2020; RESOLUTION SUPPORTING PERMANENT FRACKING BAN IN NEW YORK STATE

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

WHEREAS, in 2014, Governor Andrew Cuomo banned high-volume hydraulic fracturing with horizontal drilling (known as “fracking”) in the State of New York because of concerns over health risks, stating that “no child should live near” a shale-gas well because of its potential harm, and

WHEREAS, high-volume hydraulic fracturing with horizontal drilling for methane gas has been linked to an increase in methane in the atmosphere, and

WHEREAS, methane is known to have a Global Warming Potential (GWP) 86 times more powerful than that of carbon dioxide in the first two decades it is released into the atmosphere, and

WHEREAS, New York State passed the Climate Leadership and Community Protection Act (CLCPA) in 2019 recognizing the immediate danger posed by the climate crisis and the need to take action, and

WHEREAS, in 2019, Marbletown formally declared the Climate Crisis an emergency, and

WHEREAS, the current ban has loopholes allowing deleterious practices like gelled propane hydraulic fracturing, and

WHEREAS, the current ban does not enjoy the permanence of law and is there for subject to the whims of political favor,

NOW THEREFORE BE IT RESOLVED that the town of Marbletown fully supports the passage of S6906/A9678 which would codify into law a permanent ban on horizontal drilling, high volume hydraulic fracturing, and gelled propane hydraulic fracturing in the State of New York.

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>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #23-2020 was thereupon adopted.

RESOLUTION #24-2020; RESOLUTION APPOINTMENT AS ATTORNEY FOR THE TOWN OF MARBLETOWN

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

WHEREAS, the Town of Marbletown wishes to obtain legal services for Land Use activities and special projects; and

WHEREAS, the Town wishes to retain James Bacon to provide these services; and

NOW, THEREFORE BE IT RESOLVED, that James Bacon shall be appointed as Attorney for 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 <u>Aye</u>
Councilman LaFera	Voting <u>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #24-2020 was thereupon adopted.

RESOLUTION#25-2020; LIST OF AUTHORIZED SIGNATORIES FOR KEY BANK

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

WHEREAS, the Town of Marbletown wishes to have current Town Board officials be designated as authorized signatories on bank accounts, and

WHEREAS, authorized signatories have not been updated for several years, and

NOW THEREFORE BE RESOLVED, that authorized signatories to the Town of Marbletown accounts with Key Bank is hereby modified as follows with the following board members,

- Richard Parete—Town Supervisor
- Donald LaFera---Town Board Member and Deputy Supervisor

BE IT FURTHER RESOLVED, a copy of this resolution be submitted to Key Bank.

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>Absent</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Absent</u>
Supervisor Parete	Voting <u>Aye</u>

3-0; 2 Absent; Resolution #25-2020 was thereupon adopted.

PUBLIC COMMENTS:

Tim Guinee – Resident who supports and thanks the town board for passing the fracking ban resolution.

Dave Warren – Resident and local builder who supports the work the ECC is doing. Mr. Warren also read a letter from the owner of property at 40 Bridle Path who has always dreamed of building a home and now feels like they have become a pawn. All they want is their building permit. They are asking for resolution so they can build their home.

Bill Terpening – Resident who submitted a written statement regarding his concerns on the recently passed local law on Short Term Rentals. His concerns are primary residence of the owner, proximity of STR's to other STR's, setting caps on an annual basis, number of occupants, fines, complaints, and violations. Mr. Terpening would like the town board to revisit the STR Law as he feels it is not proactive. A copy can be found in the Town Clerk's office. *Supervisor Parete responded to Mr. Terpening that this is a new phenomenon to everyone and everything in the law allows the town to regulate. The registration process is just starting, and the board can change this later. Councilwoman Sprachman is working very closely with the law and issues will be taken care of. Councilwoman Foote added she appreciates all the feedback on this subject. Supervisor Parete pointed out that he has only had two complaints regarding short term rentals; one about garbage and one about the students that had a large party and there was an overdose last summer.*

Tom Konrad – Resident and ECC Chairman who supports the resolution passing the fracking ban resolution.

Iris Bloom – Resident, and member of the ECC, would like to thank the town board on supporting the fracking ban resolution.

EXECUTIVE SESSION:

- At 7:55pm Supervisor Parete made a motion to open an executive session, seconded by Councilman Stewart.
- No votes were taken during executive session.
- At 9:30pm Supervisor Parete made a motion to close the executive session, seconded by Councilwoman Foote.

Motion to adjourn: There being no further discussion Supervisor Parete made the motion to adjourn the meeting, seconded by Councilwoman Foote; 3-0 Aye, 2 absent, motion carried. The meeting adjourned at 9:33pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector

DECLARATION OF THE TOWN CLERK