



Town Board Regular Meeting

Tuesday, May 19, 2020

This regular meeting was held via Zoom, at the Rondout Municipal Center began at 7:00pm

CALL TO ORDER

- Supervisor Parete called the meeting to order at 7:07pm and lead the Pledge of Allegiance.

ROLL CALL

Supervisor Parete took roll call:

Supervisor Parete – Present via Zoom

Councilwoman Foote – Present via Zoom

Councilman LaFera – Present via Zoom

Councilwoman Sprachman – Present via Zoom

Councilman Stewart – Present via Zoom

Also, Present: Heather Moody; Town Clerk/Tax Collector, Tracy Kellog; Attorney, Dave Allen; Code Enforcement Officer and George Dimler; Highway Superintendent

PROJECT RESILIENCE:

- A program that has been running for nine weeks and provided meals to thousands in Ulster County. The program has now shifted into a different phase.
- This program allowed local restaurants to have continued business. Thanks to Lydia's, The Blackboard Bistro, Benny's Pizza, The Egg's Nest, The Roost, Bodacious Bagels and The Spy for being part of this program for the Community.

MUNICIPAL PAY:

- A program that will allow payments to be made by credit and debit cards. The town will have a demonstration in the next couple of weeks.

SUMMER CAMP:

- Camp has been canceled for the summer. If anyone has any ideas on what kids could do this summer, please contact the Youth and Rec department, youthandrec@marbletown.net.

TAX CHECK:

- We received the mortgage tax check for Oct 2019 – March 2020 in the amount of \$110,000. For the same time period last year, the amount was \$67,000.
- We have not received a sales tax check yet.

SHARED WORK PROGRAM:

- The Town has started a shared work program. We have furloughed a couple employees and the majority of the rest of the staff have been placed on a shared work program where they are reporting to work for 40% of the time that they normally would be and they will collect unemployment for the other 60% of their time. This should save the town approximately \$5,000 - \$6,000 a week.

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following vouchers for approval:

<u>April 2020 Amendments</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#221-233	\$12,455.35
Total Amount April 2020		\$37,634.85

Highway Fund – Several medical insurance vouchers were reduced due to audit adjustments	
Total Amount April 2020	\$35,530.38

A motion was made by Councilman LaFera and Seconded by Councilwoman Sprachman to approve these vouchers.

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, motion carried.

<u>May 2020</u>	<u>Vouchers</u>	<u>Total Payment</u>
General Fund	#234-273	\$35,283.39
Highway Fund	#141-171	\$41,174.69

A motion was made by Councilman LaFera and Seconded by Councilwoman Foote to approve these vouchers.

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, motion carried.

High Falls Water District	#41-51	\$9,566.62
----------------------------------	---------------	-------------------

A motion was made by Councilman LaFera and Seconded by Councilwoman Sprachman to approve these vouchers.

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, motion carried.

RMC

#56-64

\$8,115.39

A motion was made by Councilman LaFera and Seconded by Councilwoman Foote to approve these vouchers.

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, motion carried.

MEETING MINUTES:

Councilman LaFera made a motion, seconded by Councilwoman Sprachman to approve the meeting minutes from the 4/21/2020 town board meeting.

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, motion carried.

RESOLUTION #48-2020; RESOLUTION APPOINTMENT AS BOOKKEEPER TO THE SUPERVISOR

The following Resolution was offered by Supervisor Parete and seconded by Councilwoman Sprachman:

WHEREAS, the Town of Marbletown's Bookkeeper is retiring in January, and

WHEREAS, the Ulster County Department of Personnel approved Marbletown to a second Bookkeeper to the Supervisor until January 2021; and

WHEREAS, the Town budgeted money in the 2020 budget for this transition, and

NOW THEREFORE BE IT RESOLVED to appoint Brinn Dimler as Bookkeeper to the Supervisor at a rate of \$22.53 an hour. Effective May 8, 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; Resolution #48-2020 was thereupon adopted.

RESOLUTION #49-2020; GRIEVANCE TO HIGHWAY

The following Resolution was offered by Councilwoman Sprachman and seconded by Councilman Stewart:

MEMORANDUM OF AGREEMENT

by and between

TOWN OF MARBLETOWN HIGHWAY DEPARTMENT (TOWN)

and

UNITED PUBLIC SERVICE EMPLOYEES UNION (UNION)

WHEREAS, the Town of Marbletown Highway Department and the United Public Service Employees Union are signatories to a Collective Bargaining Agreement (CBA) that expires on December 31, 2021; and **WHEREAS**, the Union filed an Improper Practice Charge U-37269 in regard to a change in terms and conditions of employment; and

WHEREAS, the parties have engaged in good faith negotiations in an effort to arrive at a settlement; and

WHEREAS, the parties have reached a tentative settlement and further wish to commit such to writing; and

WHEREAS, the parties hereto agree that the current CBA and all its terms and conditions of employment set forth therein shall remain in full force and effect except as herein modified; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby stipulate and agree as follows:

1. The recitations of the facts and circumstances set forth in all of the preceding "WHEREAS" clauses are expressly incorporated herein and form a part of the terms of this settlement.
2. The Town agrees to allow the return of the Carhartt jacket model J140 to Kenco outfitters in exchange for the Carhartt jacket model J141 for all employees affected by the change.
3. The Union will withdraw the Improper Practice Charge U-37269.
4. The Town and the Union agree to address the Carhartt jacket provision later before the expiration of the CBA.
5. This is non-president setting.

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>No</u>
Councilwoman Foote	Voting <u>Aye</u>
Councilwoman Sprachman	Voting <u>Aye</u>
Supervisor Parete	Voting <u>No</u>

3-2; Resolution #49-2020 was thereupon adopted.

RESOLUTION #50-2020; TRANSFER PARCEL A DUCK POND ROAD

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

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, Sale of land is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board has determined that the transfer of this land will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

WHEREAS, the Town of Marbletown has no desire to construct, now or in the future, a street on any portion of the property known as the portion of Duck Pond Road adjoining SBL#62.13-1-5 ; and

WHEREAS, the Town of Marbletown has no additional interest in this parcel; and

WHEREAS, in consultation with the Town of Marbletown Assessor the Town has determined that there is no development value to this parcel; and

WHEREAS, the Town has agreed to transfer the portion of Duck Pond Road adjoining SBL#62.13-1-5 to the owner of SBL# 62.13-1-5 with a deed restrictions limiting any future development to non-residential accessory outbuildings and future transfers to be simultaneous with the dominant lots, in the event that future owners do not combine the parcel with the dominant lot; and

WHEREAS, Pursuant to Town Law § 64-2, in relevant part, "a town may acquire by lease, purchase or eminent domain procedures and when real property is no longer needed for town purposes, a town board, upon adoption of a resolution subject permissive referendum, may convey real property"; and

WHEREAS, the town board wishes to extinguish all of its interests and rights in in the portion of Duck Pond Road adjoining SBL#62.13-1-5.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown hereby authorizes the Supervisor to sign a Quick Claim Deed and any transfer documents required to facilitate the transfer of any town interest in the portion of Duck Pond Road adjoining SBL#62.13-1-5 to the adjacent property owners of SBL#62.13-1-5.

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; Resolution #50-2020 was thereupon adopted.

RESOLUTION #51-2020; TRANSFER PARCEL C DUCK POND ROAD

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

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, Sale of land is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board has determined that the transfer of this land will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

WHEREAS, the Town of Marbletown has no desire to construct, now or in the future, a street on any portion of the property known as the portion of Duck Pond Road adjoining SBL#62.13-1-22.100; and

WHEREAS, the Town of Marbletown has no additional interest in this parcel; and

WHEREAS, in consultation with the Town of Marbletown Assessor the Town has determined that there is no development value to this parcel; and

WHEREAS, the Town has agreed to transfer the portion of Duck Pond Road adjoining SBL#62.13-1-22.100 to the owner of SBL# 62.13-1-22.100 with a deed restrictions limiting any future development to non-residential accessory outbuildings and future transfers to be simultaneous with the dominant lots, in the event that future owners do not combine the parcel with the dominant lot; and

WHEREAS, Pursuant to Town Law § 64-2, in relevant part, “a town may acquire by lease, purchase or eminent domain procedures and when real property is no longer needed for town purposes, a town board, upon adoption of a resolution subject permissive referendum, may convey real property”; and

WHEREAS, the town board wishes to extinguish all of its interests and rights in in the portion of Duck Pond Road adjoining SBL#62.13-1-22.100.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Marbletown hereby authorizes the Supervisor to sign a Quick Claim Deed and any transfer documents required to facilitate the transfer of any town interest in the portion of Duck Pond Road adjoining SBL#62.13-1-22.100 to the adjacent property owners of SBL#62.13-1-22.100.

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; Resolution #51-2020 was thereupon adopted.

RESOLUTION #52-2020; RESOLUTION WAIVE 30 DAY WAITING PERIOD FOR THE ROOST

The following Resolution was offered by Councilwoman Foote and seconded by Councilman LaFera

WHEREAS, The Roost 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 3452 Main Street Stone Ridge, NY 12484 for an on-premises liquor license; and

WHEREAS, pursuant to the applicable provisions of the Alcohol and Beverage Control Law Section 64, Subdivision 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 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 Stewart Voting Aye
Councilman LaFera Voting Aye
Councilwoman Foote Voting Aye
Councilwoman Sprachman Voting Aye
Supervisor Parete Voting Aye

5-0; Resolution #52-2020 was thereupon adopted.

RESOLUTION # 53-2020; PARKING HOURS AND LOCATIONS

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

WHEREAS, the Town adopted Local Law #5 of 2019 **Parking Regulations**; and

WHEREAS, pursuant to Section 3 (A)

The Town Board by Resolution shall establish areas with limited parking hours. These areas may be modified from time to time by resolution as well as the limitations on hours parked may be modified from time to time. The Town Board may instruct the Town Clerk to publish the list of areas that are restricted and the limited number of hours in the official town newspaper. The Town Board shall post parking restrictions and hours on the Official Town of Marbletown Website upon adoption of the town resolution.

NOW, THEREFORE BE IT RESOLVED, that the Town Board designates the following locations to be posted with limited parking hours and parking at these locations shall be limited in duration for two (2) hours of parking between the hours of 8am and 7pm and no parking area.

BE IT FURTHER RESOLVED to request that the Town Clerk publish the attached list of areas and hours in the Town Newspaper and to post on the Town of Marbletown Website.

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; Resolution #53-2020 was thereupon adopted.

Town Parking Areas Designated for Two Hour Parking between the Hours 8AM and 7PM.

- Old Rt. 213
- Grady Park
- Central Hudson Parking Area across from Berme Road
- Parking on South Side of Route 213 along Grady Park
- Municipal parking lot in front of High Falls Post Office

No Parking

- Creekside of Route 213 North, starting at Central Hudson lot to 1304 State Rt. 213.

54-2020; A RESOLUTION DECLARING MARBLETOWN A POLLINATOR-FRIENDLY MUNICIPALITY AND PROMOTING PRACTICES TO ATTRACT AND SUSTAIN POLLINATOR SPECIES

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

WHEREAS, recent data documents **swift and dramatic declines** in insect populations and insectivorous bird populations (birds that eat insects) in the United States and globally, and studies show the Eastern Monarch population crashed **below extinction levels** in the winter of 2019-2020; and

WHEREAS, humans are dependent upon pollinators in our gardens, crops, food chain and ecosystems making it **necessary to continue our commitment to their protection**; and

WHEREAS, the National Wildlife Federation, the Xerces Society, and other organizations invite and encourage **individuals, organizations, businesses, schools, universities, and municipalities** to take pledges to promote pollinating plants and protect pollinators; and

WHEREAS, neonicotinoid pesticides are absorbed into the pollen and nectar of plants and can remain present for years, causing **lethal neurotoxic effects** on visiting insects, especially bees; and

WHEREAS, there are now eight (8) endangered species of bees in the United States, one of which, the Rusty Patched Bumblebee, was native to but now is no longer found in **Ulster County**; and

WHEREAS, **Ulster County**, through Local Law No. 4 of 2004 "... Requiring Non-Toxic Landscape Maintenance on Land Owned or Leased by The County of Ulster," is committed to minimizing the use of toxic herbicides and insecticides; and

WHEREAS, **Ulster County**, through Local Law No. 3 of 2006 imposes on residents and commercial businesses in Ulster County notification requirements prior to the use of certain pesticides; and

WHEREAS, **Ulster County** passed Resolution No. 376 in September of 2019 *declaring Ulster County a Pollinator-Friendly Municipality*; and

WHEREAS, both **Ulster County** and **Marbletown** have an historic and still significant agricultural base to their economies and are actively promoting economic growth in this sector through specialized and sustainable farming practices, farm-to-table agriculture and agritourism; and

WHEREAS, **SUNY Ulster**, located in **Marbletown**, is taking steps to become a pollinator-friendly campus, providing an example and resource for the Town and its citizens; and

WHEREAS, **Marbletown** has a long history of protecting the environment, farmland, open space, and waterways in addition to being widely recognized as a leader in energy conservation and promoting renewable energy; and

WHEREAS, **Marbletown** has established its symbolic commitment to support pollinator species by creating the Marbletown ECC's Pollinator Garden at the Rondout Municipal Complex dedicated to butterfly conservationist Maraleen Manos-Jones; and

WHEREAS, the Town of Marbletown's Highway Department **already protects pollinators by not spraying pesticides and herbicides on Town properties and along Town roads**; and

WHEREAS, Marbletown's Highway Department **already avoids cutting down stands of Milkweed on Town properties and along Town roads**; therefore,

Be it RESOLVED, that Marbletown is hereby declared a Pollinator-Friendly Town; and,

Be it further RESOLVED, that **Marbletown** shall encourage the installation of native and pollinator-friendly plantings in and along all **Marbletown** properties, parks, and roadways; and,

Be it further RESOLVED, that, where practical, **Marbletown** shall avoid roadside mowing of areas where pollinating plants grow, except as necessary to maintain sightlines, preserve pavement, or protect road safety; continue to train personnel to **avoid mowing Milkweed plants from June 1 through October 31**; and will adopt practices—including mowing less and allowing native pollinator meadows to flourish—which promote carbon sequestration and protection of pollinators, while encouraging town residents and businesses to do the same; and,

Be it further RESOLVED, that **Marbletown** shall continue to **avoid the use of all pesticides—especially neonicotinoid pesticides**—on town properties; and that for residents and businesses, Marbletown encourages non-toxic methods and promotes pollinator-friendly practices; and,

Be it further RESOLVED, that **Marbletown will encourage local educators** to teach about host and nectar plants for pollinators and to promote **the establishment of pollinator meadows and/or gardens** at schools, institutions, and businesses throughout the community; and,

Be it further RESOLVED, that **Marbletown** will encourage residents and gardeners to plant carbon-sequestering ground covers, pollinator host and nectar plants native to this region; **to increase Milkweed**, the host for Monarch eggs and caterpillars; and to avoid using neonicotinoid insecticides; and

Be it further RESOLVED that this Resolution shall take effect immediately; and,

Be it further RESOLVED that the Town Clerk of Marbletown shall forward certified copies of this resolution to the appropriate Town, County, and State Officials, and move its adoption.

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; Resolution #54-2020 was thereupon adopted.

EXECUTIVE SESSION:

- At 7:50pm Supervisor Parete made a motion to open an executive session, seconded by Councilwoman Sprachman. Executive session due to pending litigation pertaining to a land use matter. 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; motion carried.

- No votes were taken during executive session.
- At 9:50pm Supervisor Parete made a motion to close the executive session, seconded by Councilwoman Sprachman.

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; motion carried.

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 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; motion carried. The meeting adjourned at 9:52pm.

Respectfully submitted,

Heather Moody
Town Clerk/Tax Collector