



Town Board Regular Meeting

Tuesday, January 19, 2021

This regular meeting was held via Zoom at the Rondout Municipal Center and began at 6:00pm

CALL TO ORDER

- Supervisor Parete called the meeting to order at 6:05 pm 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

Councilman Hunt – Present via Zoom

Councilman Stewart – Present via Zoom

Also, present – Heather Moody, Town Clerk/Tax Collector; Tracy Kellogg, Town Attorney

APPROVAL OF VOUCHERS

Town Clerk Moody submitted the following vouchers for approval:

December 2020 Amendments

General Fund

Vouchers

#680-690

Total Payment

\$36,751.91

Total

\$95,554.64

Highway Fund

#481

\$10,135.50

Total

\$32,562.92

A motion was made by Councilman Stewart and Seconded by Councilman LaFera to approve these amended vouchers.

Councilman Stewart Voting Aye

Councilman LaFera Voting Aye

Councilwoman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0 Aye, motion carried.

December 2020 Supplement

Vouchers

Total Payment

General Fund

#691-728

\$87,833.09

Highway Fund

#482-514

\$220,218.78

High Falls Water District

#129-136

\$4,703.33

RMC

#152-168

\$13,616.61

A motion was made by Councilman Stewart and seconded by Councilman Hunt to approve these vouchers

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

5-0 Aye, motion carried.

January 2021**Vouchers****Total Payment****General Fund**

#1-37

\$168,137.61

Highway Fund

#1-16

\$101,689.04

High Falls Water District

#1-6

\$14,429.61

RMC

#1-3

\$6,220.05

A motion was made by Councilman LaFera and seconded by Councilman Hunt to approve these vouchers

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

5-0 Aye, motion carried.

- Councilman Hunt asked about the voucher for Westin Design. Supervisor Parete responded that it is for the design phase of engineering the new generator.

MEETING MINUTES:

- Councilman Hunt made a motion, seconded by Councilman Stewart to approve the meeting minutes from the 1/5/2021 Organizational town board meeting. 5-0 Aye, motion carried.

RESOLUTION #16-2021; RESOLUTION TOWN OF MARBLETOWN JUSTICE COURT AUDIT

The following Resolution was offered by Councilman Stewart and seconded by Councilman Hunt:

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 19, 2021.

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 <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #16-2021 was thereupon adopted.

RESOLUTION #17-2021; GROUND LEASE AGREEMENT WITH SPECTRUM NORTHEAST, LLC

The following Resolution was offered by Councilman LaFera and seconded by Councilman Hunt:

WHEREAS, Spectrum Northeast, LLC has leased real estate from the High Falls Water District since 2008, and

WHEREAS, the original lease that expired December 31, 2018, required Spectrum Northeast, LLC to pay High Falls Water District \$2,000 per month, and

WHEREAS, the parties would like to retroactively amend that lease; and

WHEREAS, the new lease amendment increases rent 2% per year, and

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 Stewart Voting Aye

Councilman Lafera Voting Aye

Councilman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0 Aye; Resolution #17-2021 was thereupon adopted.

RESOLUTION #18-2021; PURCHASING 2012 FORD F-350 PICKUP TRUCK FROM HIGH FALLS WATER DISTRICT

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

WHEREAS, the High Falls Water District owns a 2012 Ford F-350 pickup truck that Rosendale Water & Sewer employees used to drive, and

WHEREAS, Environmental Consultants supplies vehicles to their employees,

WHEREAS, the Town of Marbletown would like our Building Department employees to be able to use while working in the field, and

NOW, THEREFORE BE IT RESOLVED, that the Town of Marbletown purchase the 2012 Ford F-350 pickup from the High Falls water District for \$17,000, 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 Stewart Voting Aye

Councilman Lafera Voting Aye

Councilman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0 Aye; Resolution #18-2021 was thereupon adopted.

- Supervisor Parete explained that the High Falls Water District has a 2012 Ford F-350 pickup truck that is not being used as they have gone down to one employee and he uses his own truck. The Marbletown Building Department has a need for a truck to enable the Code Enforcement Officers to go out to construction sites easier and not to put the wear on their own cars. The Marbletown Highway Department will do the maintenance on the truck.
- The truck would also be able to be used if things needed to go to the Transfer Station.

RESOLUTION #19-2021 RECORD RETENTION AND DISPOSITION SCHEDULE

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

WHEREAS, on August 5, 1988, the New York Local Government Records Law, which provides for the management of municipal records, went into effect; and

WHEREAS, New York State has worked to combine the records schedule for local governments with those that existed for counties, miscellaneous local governments, and school districts to create one management schedule, the Retention and Disposition Schedule for New York Local Government Records (LGS-1); and

WHEREAS, the Town of Marbletown must adopt the use of this schedule by board resolution,

NOW THEREFORE BE IT RESOLVED: that the LGS-1, issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted by the Town of Marbletown Town Board for use by all officers in legally disposing of valueless records listed therein; and

BE IT FURTHER RESOLVED: that in accordance with Article 57A, only those records will be disposed of that are described in LGS-1, after they have met the minimum retention periods described therein; and

BE IT FURTHER RESOLVED: that only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

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

Councilman Foote Voting Aye

Councilman Hunt Voting Aye

Supervisor Parete Voting Aye

5-0 Aye; Resolution #19-2021 was thereupon adopted.

RESOLUTION #20-2021 INTENT TO PARTICIPATE IN OPT-OUT COMMUNITY SOLAR CCA PROGRAM

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

WHEREAS, New York's Climate Leadership and Community Protection Act went into effect on January 1, 2020, setting a road map for the State of New York, in accordance with the New York State Energy Plan, to produce 70% of its electricity from renewable sources by 2030, and 100% of its electricity from renewable sources by 2040;

WHEREAS, the Town of Marbletown ("**Municipality**") wishes to transition its community to using electricity that is generated entirely from renewable non-carbon emitting sources;

WHEREAS, effective April 21, 2016, the New York State Public Service Commission ("**PSC**") issued an "Order Authorizing Framework for Community Choice Aggregation ("**CCA**") Opt-Out Program" in Case #14-M-0224 "authorizing" the establishment of CCA programs by municipalities statewide (the "**CCA Framework Order**")

WHEREAS, CCA provides a mechanism for municipalities in the State of New York potentially to, among other things, take control of their energy supply and consumption, reduce costs, reduce carbon emissions, and move to 100% renewable sources of electricity;

WHEREAS, effective March 16, 2018, the PSC issued an "Order Approving Joule Assets [Inc., ("**Joule**") Community Choice Aggregation Program with Modifications" (the "**Joule Plan**") in Case #14-M-0224 "approving Joule's proposed CCA Program with modifications" (the "**Joule Order**")

WHEREAS, effective July 17, 2015, the PSC, in a Proceeding on a Motion of the Commission as to the Policies, Requirements and Conditions for Implementing a Community Net Metering Program, Case 15-E-0082, issued an "Order Establishing a Community Distributed Generation ("**CDG**") Program and Making Other Findings", and

WHEREAS, CDG is currently implemented in New York on an opt-in basis by agreement between a subscriber and the CDG project developer/owner ("**CDG Sponsor**")

WHEREAS, existing CDG programs require subscribers to make payment for CDG to a CDG Sponsor, and in exchange, subscribers receive a credit on subscriber's utility bill;

WHEREAS, the Joule Order permitted Joule to offer Community Distributed Generation on an Opt-out basis (“**Opt-Out CDG**”);

WHEREAS, Opt-Out CDG is a powerful mechanism for municipalities to catalyze the development of New York renewable power plants; and

WHEREAS, on August 28, 2018, the Town of Marbletown (“**Municipality**”) enacted Local No. 1 of 2018, “A Local Law Providing for Community Choice Aggregation (Energy) Program”, enabling a Community Choice Aggregation Program (“**Municipal Program**”);

WHEREAS, on March 1, 2019, Municipality engaged the services of Joule as Program Administrator for the Municipal Program, and

WHEREAS, Joule administers the Municipal Program; and

NOW THEREFORE BE IT RESOLVED that the Town of Marbletown authorizes Joule to enter into negotiations on Municipality’s behalf, with Central Hudson and CDG Sponsors for an Opt-Out CDG program whereby residents and businesses would pay for, and/or receive, CDG credits on their Central Hudson bill; and

BE IT FURTHER RESOLVED, that the Town of Marbletown Town Board authorizes Joule to prepare an Opt-Out CDG program for approval by the Municipality and thereafter for submission to and approval from the New York State Department of Public Service; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to enter into any agreements on behalf of the Town of Marbletown in relation to an Opt-Out CDG pilot program consistent with this resolution in the Supervisor’s reasonable discretion.

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>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

5-0 Aye; Resolution #20-2021 was thereupon adopted.

- Glenn Weinberg, Joule Community Power consultant stated that there would be a change in the billing which means only getting one bill from Central Hudson.
- Supervisor Parete stated that if the town decides to move forward there will be public hearings and all residents will receive a mailing explaining the program and how to opt-out.

OTHER TOWN BUSINESS:

- Councilwoman Foote and Attorney Tracy Kellogg met to discuss the “Fill Law”. Attorney Kellogg is looking over the law and once it is ready it will be brought to the Town Board.
- Councilwoman Foote and Councilman Hunt have been moving forward on finding volunteers for the Preservation & Investment Commission. They are looking for the right balance of what each person will bring to the table.
- Councilwoman Foote took a moment to mention the local gentlemen that was hit by a car and the assailant drove away. She would like to remind everyone to slow down on the back roads, especially when coming upon people walking along the road.

EXECUTIVE SESSION:

- At 7:16pm Supervisor Parete made a motion to open an executive session, seconded by LaFera. 5-0; motion passed.
- The Town Board motions to enter into executive session for the purpose of
 - Discussion of matters regarding proposed litigation.
- No votes were taken during executive session.

- At 7:51pm Councilman Hunt made a motion to close the executive session and reconvene the meeting with no action taking nor monies expended, seconded by Councilwoman Foote. 5-0; motion passed.

Motion to adjourn: There being no further discussion Councilman Hunt made the motion to adjourn the meeting, seconded by Councilman LaFera; 5-0 Aye, motion carried. The meeting adjourned at 7:52pm.

Respectfully submitted,

Heather Moody

Town Clerk/Tax Collector

DRAFT