

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
FEBRUARY 10, 2020 7:00 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Motion to approve minutes from the January 27, 2020 Town Board Meeting

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Presentations

ITEM #8 Report of Departments and Boards

- A) SUPERVISOR - ALPHONSO LANZETTA
- B) BUILDING INSPECTOR - THOMAS CORCORAN
- C) POLICE CHIEF - GERALD COCOZZA
- D) HIGHWAY SUPERINTENDENT – JOHN ALONGE
- E) WATER SUPERINTENDENT - CHARLIE MUGGEO
- F) TOWN CLERK - COLLEEN CORCORAN
- G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO
- H) DOG CONTROL OFFICER - ANDREW MCKEE
- I) ASSESSOR - CINDY HILBERT
- J) PLANNING - CHRIS BRAND

ITEM #9 Report of Committees

- A) RECREATION COMMITTEE
- B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE
- C) CONSERVATION ADVISORY COMMITTEE
- D) IT COMMITTEE
- E) MILTON TRAIN STATION FOUNDATION
- F) MILTON LANDING CITIZENS COMMITTEE
- G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE
- H) MEET ME IN MARLBOROUGH
- I) HAMLET OF MILTON ASSOCIATION COMMITTEE
- J) TRANSFER STATION REVIEW COMMITTEE

ITEM #10 Old Business

- A) Tomvac Rehabilitation Update
- B) LWRP
- C) Water District Improvements (Milton Turnpike/Cross Rd)
- D) Ice Skating Rink

ITEM #11 New Business

ITEM #12 Correspondences

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution # 33 To appoint a part time police dispatcher
- B). Resolution # 34 To To transfer funds
- C). Resolution # 35 To Purchase IT equipment
- D). Resolution # 36 To introduce a local law of the year 2020, amending Chapter 149 “Water” to add a Section 149-3 of the Town Code, entitled “Connection to Public Water System Required.”
- E). Resolution # 37 To introduce a local law of the year 2020, to amend Section 155-32.2 of the Town Code, "Solar Energy", to repeal Subdivision M., which effected the opt-out from the real property tax exemption provisions found within Section 487(2) of the Real Property Tax Law (“RPTL”) for solar farms, wind energy facilities, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage systems.

ITEM #15 Adjournment

February 10, 2020

A). Resolution # 33 To appoint a part time police dispatcher

Supervisor Lanzetta proposes the following:

Whereas, the Police Committee has interviewed for the position of part time police dispatcher, and

Whereas, it is the recommendation of the Police Committee as well as the Chief of Police to appoint Marshall J. Bellizzi as part time police dispatcher.

Now therefore be it resolved, that Marshall J. Bellizzi be appointed as part time police dispatcher effective immediately.

And moves for its adoption

And moves for its adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

February 10, 2020

B). Resolution # 34 To transfer funds

Supervisor Lanzetta proposes the following:

Whereas, the Town Board of the Town of Marlborough established two new reserve funds for Highway equipment and Police cars, and

Whereas, the Town Board needs to approve transfer of funds to these reserves.

Be it resolved, that the following be transferred

Transfer \$210,000 from Highway DA.0915 fund balance to the Highway Heavy Equipment Reserve fund DA.0230.001

Transfer \$40,000 from General A.0917 fund balance to Police Vehicle Reserve Fund A.0230.003

And moves for its adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

February 10, 2020

C). Resolution # 35 To Purchase IT equipment

Supervisor Lanzetta proposes the following:

Whereas the Town of Marlborough IT Committee has met and identified the need for the Town to purchase two servers and two firewalls and

Whereas, under Town Code Purchasing Policy Section 38-2, quotes were obtained

Be it resolved that the Town Board accepts the recommendation to purchase the following.

DellEMC Computers for 2 Servers:  
Technogistic for Firewalls Security:

2 servers from DellEMC Power Edge T440-[PE\_T440\_12421]  
UNIT PRICE \$8,911.12 - QTY 2 TOTAL PRICE \$17,822.24

1 CISCO ASA5506-X Security Plus from Technogistic at \$795.00  
1 CISCO SMARTnet SNTC 24x7x4 from Technogistic at \$390.00  
For the total of \$1,185.00

And moves for its adoption:

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

February 10, 2020

D). Resolution # 36 To introduce a local law of the year 2020, amending Chapter 149 “Water” to add a Section 149-3 of the Town Code, entitled “Connection to Public Water System Required.”

Supervisor Lanzetta proposes the following:

\_\_\_\_\_, seconded by \_\_\_\_\_,  
introduced the following proposed local law, to be known as Local Law No. \_\_ of 2020,  
entitled, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY,  
NEW YORK, AMENDING CHAPTER 149 “WATER” TO ADD A SECTION 149-3 OF  
THE TOWN CODE, ENTITLED “CONNECTION TO PUBLIC WATER SYSTEM  
REQUIRED.”

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town  
Code is amended to read as follows:

Section 1. Chapter 149 of the Marlborough Town Code is amended to add a  
new Section 149-3 reading as follows:

§ 149-3. Connection to Public Water System Required.

The owner of all houses, buildings, or properties used for human occupancy, employment,  
recreation or other purposes, situated within the District and abutting on any street, alley  
or right-of-way in which there is now located or may in the future be located a public water

system of the District, is hereby required, at this expense, to install suitable plumbing facilities therein, and to connect such facilities directly to the proper public water system, in accordance with the provisions of this chapter, within ninety (90) days after the date of official notice to do so, provided that the said public water system is within one hundred (100) feet of the property line.

Section 2. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 3. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law.

Section 4. This local law shall take effect immediately upon filing with this state's Secretary of State.

WHEREAS, this legislation amending Chapter 149 "Water" to add a section 149-3 of the Town Code, entitled "Connection to public water system required" is a direct action of the Marlborough Town Board; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) ("SEQRA"), the Town Board has determined

that that this proposed amendment to Chapter 149 “Water” constitutes a Type II Action as defined under said regulations; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.5(c), the Town Board has determined that this Type II is “of a ministerial nature,” and would therefore not result in any significant adverse environmental impacts; and

WHEREAS, Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman \_\_\_\_\_, who moved its adoption:

WHEREAS, on \_\_\_\_\_, 2020, \_\_\_\_\_ has introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law No. \_\_\_ of the Year 2020, a local law of the Town of Marlborough, Ulster County, New York amending CHAPTER 149 “WATER” TO ADD A SECTION 149-3 OF THE TOWN CODE, ENTITLED “CONNECTION TO PUBLIC WATER SYSTEM REQUIRED”;

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York, on \_\_\_\_\_, 2020, at \_\_\_\_\_ o’clock p.m., Prevaling Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least ten (10) days before such hearing and that notice shall be in the following form:



**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall, 21 Milton Turnpike, Milton, New York on \_\_\_\_\_, 2020 at \_\_\_\_\_ o'clock, p.m., on Local Law No. \_\_\_ of the Year 2020, on a proposed Local Law of the Town of Marlborough, Ulster County, New York, amending CHAPTER 149 "WATER" TO ADD A SECTION 149-3 OF THE TOWN CODE, ENTITLED "CONNECTION TO PUBLIC WATER SYSTEM REQUIRED."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, at the Town Hall, 21 Milton Turnpike, Milton, New York, between the hours 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York  
\_\_\_\_\_, 2020

\_\_\_\_\_  
COLLEEN CORCORAN, TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Lanzetta \_\_\_\_\_

Councilman Molinelli \_\_\_\_\_

Councilman Corcoran \_\_\_\_\_

Councilman Baker \_\_\_\_\_

Councilman Koenig \_\_\_\_\_

DATED: Milton, New York  
February 10, 2020

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COLLEEN CORCORAN, TOWN CLERK

February 10, 2020

E). Resolution # 37 To introduce a local law of the year 2020, to amend Section 155-32.2 of the Town Code, "Solar Energy", to repeal Subdivision M., which effected the opt-out from the real property tax exemption provisions found within Section 487(2) of the Real Property Tax Law ("RPTL") for solar farms, wind energy facilities, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage systems.

Supervisor Lanzetta, seconded by Councilman \_\_\_\_\_, introduced the following proposed local law, to be known as Local Law No. \_\_\_\_ of 2020, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 155-32.2 OF THE TOWN CODE, "SOLAR ENERGY", TO REPEAL SUBDIVISION M., WHICH EFFECTED THE OPT-OUT FROM THE REAL PROPERTY TAX EXEMPTION PROVISIONS FOUND WITHIN SECTION 487(2) OF THE REAL PROPERTY TAX LAW ("RPTL") FOR SOLAR FARMS, WIND ENERGY FACILITIES, FARM WASTE ENERGY SYSTEMS, MICRO-HYDROELECTRIC ENERGY SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY STORAGE SYSTEMS.

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended to read as follows:

Section 1. Section 155-32.2 of Town Code of the Town of Marlborough is hereby amended to completely remove Subdivision M., thus restoring the former exemption. Subdivision M. currently reads as follows:

M. Notwithstanding the provisions of RPTL Section 487(2), the Town of Marlborough provides that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January 1, 1991 or the effective date of this local law, whichever is later, and/or that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell generating system, micro-combined heat and power generating system or energy electric storage equipment or electric energy storage system constructed subsequent to January 1, 2018 or the effective date of this local law, whichever is later.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

WHEREAS, this legislation amending Section 155-32.2 of the Town Code, "Solar Energy," to repeal Subdivision M., which effected the opt-out from the Real Property Tax Exemption provisions found within Section 487(2) of the Real Property Tax Law for solar farms, wind energy facilities, farm waste energy systems, micro-hydroelectric energy

systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage systems is a direct action of the Marlborough Town Board; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of New York (State Environmental Quality Review Act) (“SEQRA”), the Town Board has determined that that this proposed amendment repealing Subdivision M. constitutes a Type II Action as defined under said regulations; and

WHEREAS, pursuant to 6 N.Y.C.R.R. § 617.5(c), the Town Board has determined that this Type II is “of a ministerial nature,” and would therefore not result in any significant adverse environmental impacts; and

WHEREAS, Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman \_\_\_\_\_, who moved its adoption:

WHEREAS, on \_\_\_\_\_, 2020, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law No. \_\_\_\_\_ of the Year 2020 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 155-32.2 OF THE TOWN CODE, "SOLAR ENERGY", TO REPEAL SUBDIVISION M., WHICH EFFECTED THE OPT-OUT FROM THE REAL PROPERTY TAX EXEMPTION PROVISIONS FOUND WITHIN SECTION 487(2) OF THE REAL PROPERTY TAX LAW (“RPTL”) FOR SOLAR FARMS, WIND ENERGY FACILITIES, FARM WASTE

ENERGY SYSTEMS, MICRO-HYDROELECTRIC ENERGY SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY STORAGE SYSTEMS.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York, on \_\_\_\_\_, 2020 at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

## **NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall, 21 Milton Turnpike, Milton, New York on \_\_\_\_\_, 2020 at 7:00 o'clock, p.m., to amend Section 155-32.2 of the Town Code to repeal Subdivision M. in its entirety, which currently reads as follows: "M." Notwithstanding the provisions of RPTL Section 487(2), the Town of Marlborough provides that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January 1, 1991 or the effective date of this local law, whichever is later, and/or that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell generating system, micro-combined heat and power generating system or energy electric storage equipment or electric energy storage system constructed subsequent to January 1, 2018 or the effective date of this local law, whichever is later.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, at the Town Hall, 21 Milton Turnpike, Milton, New York between the hours of 8:00 a.m. and 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Lanzetta \_\_\_\_\_

Councilman Molinelli \_\_\_\_\_

Councilman Corcoran \_\_\_\_\_

Councilman Baker \_\_\_\_\_

Councilman Koenig \_\_\_\_\_

DATED: Milton, New York  
\_\_\_\_\_, 2020

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COLLEEN CORCORAN, TOWN CLERK