

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
MARCH 9, 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 February 24, 2020 Town Board Meeting
Motion to approve minutes from the February 24, 2020 Public hearing, Solar
Motion to approve minutes from the February 24, 2020 Public hearing, Water

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Presentations

A) Cindy Hilbert, Town Assessor- Equalization

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)

ITEM #11 New Business

- A) New roof color of the Milton Sewer Plant
- B) Letter from Kedem

ITEM #12 Correspondences

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution # 40 To adopt Local Law #1 of the year 2020 to amend Chapter 149 Water
- B). Resolution # 41 To adopt Local Law #2 of the year 2020 to amend Chapter 155-32-2 Solar Energy
- C). Resolution # 42 To oppose the merger of the New York State Bridge Authority into the New York State Thruway Authority
- D). Resolution # 43 To Authorize the Supervisor to sign the property owner consent form
- E). Resolution #44 To approve budget amendments
- F). Resolution #45 Ratifying a Memorandum of Agreement for a Collective Bargaining Agreement (CBA) between the Town of Marlborough and United Public Service Employment Union.

ITEM #15 Adjournment

March 9, 2020

A). Resolution # 40 To adopt Local Law #1 of the year 2020 to amend Chapter 149 Water

Supervisor Lanzetta proposes the following

WHEREAS, a local law was introduced to be known as Local Law No. 1 of 2020, entitled A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 149 “WATER” TO ADD A SECTION 149-32 OF THE TOWN CODE, ENTITLED “CONNECTION TO PUBLIC WATER SYSTEM REQUIRED.”

WHEREAS, a public hearing in relation to said local law was held on February 24, 2020 at 7:00 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

Section 1. Chapter 149 of the Marlborough Town Code is amended to add a new Section 149-32 reading as follows:

§ 149-32. 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 his 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 owner's 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.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

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
March 9, 2020

COLLEEN CORCORAN, TOWN CLERK

March 9, 2020

B). Resolution # 41 To adopt Local Law #2 of the year 2020 to amend Chapter 155-32-2 Solar Energy

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 2 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.

WHEREAS, a public hearing in relation to said local law was held on February 24, 2020

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of Marlborough for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

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.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate that it contains the correct text of the enactment of this local law.

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
March 9, 2020

COLLEEN CORCORAN, TOWN CLERK

March 9, 2020

C). Resolution # 42 To oppose the merger of the New York State Bridge Authority into the New York State Thruway Authority

Supervisor Lanzetta proposes the following

Whereas, the Hamilton Fish Newburgh Beacon Bridge (Newburgh Beacon Bridge) and the Mid Hudson bridge (Poughkeepsie bridge) Spans the Hudson River, and

Whereas, the Newburgh Beacon Bridge, Mid Hudson Bridge and other bridges across the River in the Mid Hudson Region operated by the New York State Bridge Authority serves as vital links for the lives and commerce of numerous residents and businesses located in the Town who utilize the bridge crossings of the River on a daily basis or even more frequently, and

Whereas, Governor Andrew Cuomo, in his 2020-21 budget address has announced legislation to merge the New York State Bridge Authority, which presently operates five bridges across the river, including Newburgh Beacon Bridge and Mid Hudson Bridge into the New York State Thruway Authority, and

Whereas, the proposal would in fact abolish the Bridge Authority when all obligations to the holders of bonds have been paid in full or otherwise fully met and discharged and the Thruway would absorb the Bridge Authority, and

Whereas, it has been reported that a federal law, passed in 1987 states that the tolls collected on the bridges can only be used to operate maintain and repair the Bridge Authority's bridges, and

Whereas, the Bridge Authority is run efficiently, the bridges are well maintained and boast among the lowest tolls in the nation, and

Whereas, although the merger proposal has been justified by claims that it will result in operational efficiencies, a primary reason for the consideration of the merger is the NYS Thruway Authority announcement of budget deficits which are reported to be growing at an astonishing rate due largely to the cost of the new Mario Cuomo (Tappan Zee) Bridge, and

Whereas, the merger would likely in fact negatively affect the Bridge Authority's Hudson River Crossings and lead to our residents and businesses subsidizing the cost of the Thruway Authority's improvements outside of our areas through higher tolls, and

Now therefore be it resolved, that the Town Board of the Town of Marlborough in its capacity as governing body of the Town, does hereby oppose the enactment of the provisions in the Executive Budget of the State of New York 2020-21 providing for the merger of the New York State Bridge Authority into the New York State Thruway Authority, and

Be it further resolved, that the certified copies of this resolution be delivered by the Town Clerk to the Hon. Andrew J. Cuomo, Governor, the Hon. James Skoufis, Senator for 39th District and the Hon. Jonathon G. Jacobson, Assemblyman for the 104th District, and

Be it further resolved, that the aforesaid resolution shall take effect immediately

And moves for its adoption

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

March 9, 2020

D). Resolution # 43 To Authorize the Supervisor to sign the property owner consent form

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough duly requested sealed bids in the form of proposals by public notice pursuant to General Municipal Law Section 103 for the installation of a Solar Photovoltaic Energy System at the site of the Town of Marlborough Landfill, which is a portion of the town-owned property located at 20 Bailey's Gap Road (the "Project"); and

WHEREAS, only one sealed bid/proposal was received and it was opened publicly at the time and place specified in such public notice; and

WHEREAS, the Town Board of the Town of Marlborough thereafter accepted the bid/proposal and awarded the bid/proposal, subject to the negotiation and execution of Lease Option Agreement and Ground Lease, which would be further subject to permissive referendum and all needed approvals; and

WHEREAS, the Town Board has been asked to authorize the execution of a Property Owner Consent Form so that Nexamp Solar, LLC can apply to the Interconnecting Utility for an interconnection agreement for the proposed distributed generation facility at the Property; and

WHEREAS, the execution of such Form is a ministerial act and a Type II action for purposes of SEQRA; and

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Supervisor is authorized to execute the Property Owner Consent Form in the form attached hereto with any reasonably required modifications.

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

Supervisor Lanzetta	_____
Councilman Molinelli	_____
Councilman Corcoran	_____
Councilman Baker	_____
Councilman Koenig	_____

DATED: Milton, New York
March 9, 2020

COLLEEN CORCORAN, TOWN CLERK

New York State Standardized Acknowledgment of Property Owner Consent Form

Interconnecting Utility: _____

Utility Project Number (if available): _____

(Note: This Acknowledgment is to be signed by the owner of the property where the proposed distributed generation facility and interconnection will be placed, when the owner or operator of the proposed distributed generation facility is not also the owner of the property, and the property owner’s electric facilities will not be involved in the interconnection of the distributed generation facility.)

This Acknowledgment is executed by THE TOWN OF MARLBOROUGH, a municipal corporation duly established with a principal place of business at 21 Milton Turnpike, Suite 200, Milton NY 12547, (the “Property Owner”, as used herein the term shall include the Owner’s successors and assigns), as owner of the real property situated in the Town of Marlborough, Ulster County, New York, known as an approximately 9.12 acre portion of 20 Bailey’s Gap Road, which real property contains approximately 82.33 acres of land and which is described in a deed dated April 6, 1973 and recorded in the Ulster County Clerk’s office on April 6, 1973 in Liber 1296 of Deeds at page 813, (the “Property”), at the request of NEXAMP SOLAR, LLC (the “Developer”; as used herein the term shall include the Developer’s successors and assigns).

This Acknowledgment does not grant or convey any interest in the Property to the Developer.

1. The Property Owner certifies as of the date indicated below that the Property Owner is working exclusively with Developer on a proposal to install a distributed generation facility (the “Facility”) on the Property and consents to the Developer pursuing an interconnection agreement and any related approvals with the Interconnecting Utility.

Property Owner:

Developer:

TOWN OF MARLBOROUGH

NEXAMP SOLAR, LLC

By: _____

By: _____

Name: Alphonso Lanzetta

Name: _____

Title: Supervisor

Title: _____

Date: March __, 2020

Date: _____

March 9, 2020

E). Resolution #44 To approve budget amendments

Supervisor Lanzetta proposes the following:

Be it resolved that the following budget amendments be approved.

And moves for its adoption

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

2019 BUDGET AMENDMENTS

<u>Budget Line</u>	<u>Increase Expense</u>	<u>Increase Revenue</u>	<u>Decrease Expense</u>	<u>Description</u>
A.1689.000		\$20,000.00		Health income
A.9060.800	\$30,500.00			Medical Insurance
A.1930.400	\$10,100.00			Judgements and Claims
A.1620.100	\$6,700.00			Building Personal
A.1620.400	\$21,000.00			Building Contractual
A.1990.400			\$48,300.00	Contingent
A.1610.400	\$19,000.00			IT
A.1170.000		\$19,000.00		Franchise fees
A.3120.400	\$16,800.00			Police Contractual
A.2680.000		\$16,800.00		Insurance Recoveries
A.1410.100	\$2,100.00			Town Clerk Personal
A.1410.400	\$2,400.00			Town Clerk Contractual
A.1420.400			\$4,500.00	Attorney
A.1650.100	\$1,060.00			Central Comm Personal
A.1650.400			\$1,060.00	Central Comm Contractual
A.8030.400	\$25,700.00			Research
A.3097.000		\$25,700.00		State Aid
A.8010.400	\$7,600.00			Zoning Contractual
A1670.400			\$7,600.00	Central Printing and Mailing
A.7110.400	\$49,319.00			Park Contractual
A.2110.000		\$49,319.00		Zoning/building fees
	\$192,279.00	\$130,819.00	\$61,460.00	\$192,279.00

<u>Budget Line</u>	<u>Increase Expense</u>	<u>Increase Revenue</u>	<u>Decrease Expense</u>	<u>Description</u>
DA.5140.400	\$19,100.00			Sidewalks
DA.3589.000		\$19,100.00		Sidewalks Grant
DA.5110.400	\$152,700.00			General Repairs
DA.5112.400			\$125,000.00	Chips Contractual
DA.5130.400			\$20,200.00	Machinery Contractual
DA.3501.000		\$17,300.00		State Aid Chips

DA.5142.400	\$41,300.00			Snow Removal Contractual
DA.9060.800			\$31,500.00	Hospital and Medical

	\$213,100.00	\$36,400.00	\$176,700.00	\$213,100.00
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<u>Budget Line</u>	<u>Increase Expense</u>	<u>Increase Revenue</u>	<u>Decrease Expense</u>	<u>Description</u>
SW.8310.100	\$23,000.00			Water Personal
SW.8310.400	\$29,800.00			Water Contractual
SW.2140.000		\$42,000.00		Meter Sales
SW.2144.000		\$10,800.00		Water Service Charges
	\$52,800.00	\$52,800.00	\$0.00	\$52,800.00

March 9, 2020

F). Resolution #45 Ratifying a Memorandum of Agreement for a Collective Bargaining Agreement (CBA) between the Town of Marlborough and United Public Service Employment Union.

Supervisor Lanzetta proposes the following:

WHEREAS, The Town of Marlborough (“Town”) and the United Public Service Employment Union (“UPSEU”) are parties to a collective bargaining agreement (“CBA”) that expired on December 31, 2019; and

WHEREAS, the Town and UPSEU have reached an agreement on the terms for a successor CBA for the period of January 1, 2020 through and including December 31, 2024; and

WHEREAS, such successor terms are set forth in the Memorandum of Agreement attached to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Marlborough hereby ratifies the MOA attached to this Resolution; and

BE IT FUTHER RESOLVED, that the Town Supervisor is authorized to execute any documentation necessary to effect ratification of this MOA.

The forgoing resolution was voted upon with all council members voting as follows:

Supervisor Lanzetta	_____
Councilman Molinelli	_____
Councilman Corcoran	_____
Councilman Baker	_____
Councilman Koenig	_____

DATED: Milton, New York
March 9, 2020