

December 12, 2016

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON, NY  
DECEMBER 12, 2016 7:00PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran  
Councilman Baker

Also present: Colleen Corcoran, Town Clerk

Absent: Councilman Koenig

## ITEM #1 Call to order - Pledge of Allegiance

## ITEM #2 Moment of Silence

### ITEM #3 Motion to approve agenda

*Councilman Corcoran made a motion to add Resolution #123 To appoint part time Transfer Station Attendant and Resolution #124 To replace an electrical pole at transfer station. Motion seconded by Councilman Baker.*

*Councilman Baker made a motion to add: Motion to approve minutes from the November 28, 2016 public hearing Local Law #2 of 2016 and Motion to approve minutes from the November 28, 2016 public hearing to approve an acquisition to receive treated water from the Town of Newburgh to ITEM# 4. Motion seconded by Councilman Corcoran.*

## ITEM #4 Motion to approve minutes from the November 28, 2016 meeting

*Councilman Corcoran made a motion to approve minutes from the November 28, 2016 meeting. Motion seconded by Councilman Molinelli.*

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## Motion to approve minutes from the November 28, 2016 public hearing on Local Law #2 of 2016

Motion to approve minutes from the November 28, 2016 public hearing to approve an acquisition to receive treated water from the Town of Newburgh

***Councilman Baker made a motion to approve minutes from the November 28, 2016 public hearing on Local Law #2 of 2016 and from the November 28, 2016 public hearing to approve an acquisition to receive treated water from the Town of Newburgh. Motion seconded by Councilman Corcoran.***

## ITEM #5 Authorize payment of bills

*Councilman Baker made a motion to approve payment of the abstract in the amount of \$128,309.46. Motion seconded by Councilman Corcoran.*

*Years: 4 Nays: 0 Carried*

## ITEM #6 Comments on the agenda

### *No comments*

## ITEM #7 Presentations

### *No presentations*

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ITEM #8 Report of Departments and Boards

A) SUPERVISOR - ALPHONSO LANZETTA

**Supervisor's Report December 2016**

Met with PBA representative and David Weiss (Town Labor Lawyer) and Councilman Corcoran to discuss MOA.

Attended Public Meeting for Local Waterfront Revitalization Plan (LWRP) on November 17<sup>th</sup> at Marlboro Elementary.

Met with Ulster County Planning and Councilman Baker to assess consultant responses to RFP for Rt. 9W Corridor Study.

Conference call with Legislator Gerentine in reference to crosswalk and lighting needs on Milton Turnpike.

Meeting with High School Principle, staff and students to discuss involvement in LWRP.

Met with the Milton Landing Committee and Cynthia Behan to review Comprehensive Milton Parks Plan.

Attended Public Meeting for LWRP on Economic Development on December 1<sup>st</sup> at Marlboro Elementary.

Meeting with DOT representative, Lee Zimmer, to discuss issues with Chestnut Petroleum Project.

Conference call with Chief Cocozza and Town Lawyer Rebecca Valk to finalize new Towing Code.

Conference call with Behan Planning to discuss December 15<sup>th</sup> LWRP meeting.

Councilman Baker, DOT, Ulster County representatives and I did interviews with applicants for Ulster County Rt. 9W Corridor Study.

Respectfully,

Al Lanzetta  
Supervisor, Town of Marlborough

*Supervisor Lanzetta added that the Board has been busy and he appreciates it.*

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B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR  
MONTHLY REPORT/BUILDING DEPARTMENT  
MONTH OF: NOVEMBER 2016**

CERTIFICATE OF OCCUPANCY 0 STOP WORK ORDER 0  
REQUEST FOR INFORMATION 17 ZBA APPLICATION 0  
TRAILER PARK RENEWALS 0 ORDER TO REMEDY 11  
BUILDING EXTENSIONS 3 COMPLAINTS 28  
FIRE INSPECTIONS 3 BURN PERMITS ISSUED 23  
FIRE CALLS 0 CLOTHING BIN RENEWALS 0

**BUILDING PERMITS 14**

<u>0</u> ONE FAMILY	<u>0</u> FIREWORKS
<u>1</u> TWO FAMILY	<u>1</u> SIGNS
<u>0</u> ELECTRICAL/GENERATOR	<u>0</u> REPAIRS/ALTERATIONS/CONVERSION
<u>2</u> FURNACE/BOILER (INDOOR)	<u>4</u> ADDITIONS/RENOVATIONS
<u>1</u> DEMOLITION	<u>0</u> COMMERCIAL STRUCTURE
<u>0</u> TANK INSTALLATION/REMOVAL	<u>0</u> DECKS/STAIRS
<u>1</u> STOVES (WOODSTOVE, PELLET)	<u>0</u> POLE BARN
<u>0</u> POOL/HOT TUB	<u>0</u> MOBILE HOME
<u>1</u> SHED	<u>1</u> CARPORT/GARAGE
<u>2</u> ROOF	<u>0</u> SOLAR PANELS

**ESTIMATED COST OF BUILDINGS \$355,297.00**

CERTIFICATE OF OCCUPANCY	\$ <u>                  </u> .00
REQUEST FOR INFORMATION	\$ <u>1,700.00</u>
BUILDING EXTENSIONS	\$ <u>500.00</u>
TRAILER PARK RENEWALS	\$ <u>0</u>
BUILDING PERMITS	\$ <u>1,555.20</u>
FIRE INSPECTION FEES	\$ <u>240.00</u>
ZBA ESCROW FEES	\$ <u>0</u>
ZBA APPLICATION	\$ <u>0</u>
TOTAL MILEAGE: 966 MILES	
TOTAL GAS USAGE: 69 GALLONS	
TOTAL MONTHLY ZONING FEES	\$ <u>0</u>
TOTAL MONTHLY RECEIPTS	\$ <u>3,995.20</u>

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C) POLICE CHIEF - GERALD COCOZZA

**Police Department  
Town of Marlborough**

**MEMORANDUM**

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: December 12, 2016  
Subject: Activity Summary for the Month of November 2016



Following is a summary of the activity of the Police Department for the month of November 2016

<u>MOTOR VEHICLE ACCIDENT</u>	Nov. 16	Yr. Date 16	Nov. 15	Yr. Date 15
Personal injury	4	43	3	49
Fatal	0	0	0	1
Property Damage	17	130	16	166
Report Not Required	10	30	5	44
Total	31	203	Total	25
				260

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	135	2134	103	1674
Parking	5	28	1	19

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	324	3618	282	3319
Total Arrests	38	350	23	308

<u>TOTAL TELEPHONE CALLS</u>				
	1753	18799	1696	18721

POLICE DEPARTMENT OVERTIME HOURS payroll 24 & 25

Full Time Officer Overtime	(see attached)	256	(\$12544)	1011
Full Time Officer Grant O/T	(see attached)	22	(\$1078)	151
Part Time Officer Overtime	(see attached)	121.5	(\$6075)	823
Part Time Officer Gant O/T	(see attached)	0	(\$0)	64
Full Time Dispatchers Overtime	8 (\$177)	16	0	0
Part Time Dispatchers Overtime	93 (\$1174)	168	39.5	(\$830)
				218.5

<u>Police Mileage</u>	11379	134919	10957	134,734
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*Chief Cocozza added that he is under budget for the year and he should have figures next month. He had a brief discussion with the Board about the speed trailer.*

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D) HIGHWAY SUPERINTENDENT - GAEL APPLER, SR.

**HIGHWAY SUPERINTENDENT**

Town of Marlborough  
1650 Rt. 9W, P.O. Box 305  
Milton, New York 12547



*GAEL R. APPLER, Sr.  
Superintendent of Highways*

*Home: (845) 795-2469  
Office: (845) 795-2272 ext. 6  
Fax: (845) 795-6037*

*Supervisor Lanzetta  
Town Clerk Colleen Corcoran  
Town Board Members*

**Monthly Report for November 2016**

**ROADS:** We removed and replaced 36 Stop Signs with new Hi-visibility signs throughout the Town. We did c.b. and pipe end patrols as needed. We spent a couple of days screening soil at Sands Ave.

**DRAINAGE:** We had 4 or 5 men out vacuuming leaves out of the drainage ditches throughout the Township. We excavated and cleaned out a ditch line on Bingham Road.

**TRAINING:** On 11/1 we had two men attend a CLRP training school on Snow/Ice procedures.

**BRUSH/WEEDS:** We spent time trimming brush back throughout the Town to improve sight vision.

**FUEL USAGE:** Gas: 303.014 gallons Diesel: 533.275 gallons.

*Gael R. Appler, Sr.  
Highway Superintendent*

*GRA/cw*

*There was a very brief discussion about Mr. Appler handling the drainage districts.*

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E) WATER SUPERINTENDENT - CHARLIE MUGGEO

**WATER SUPERINTENDENT  
TOWN OF MARLBOROUGH  
1650 ROUTE 9W, PO BOX 305  
MILTON, NY 12547**

**CHARLES MUGGEO  
WATER SUPERINTENDENT**

**FAX (845) 795-2031  
PHONE (845) 795-5100**

**DATE: 12/12/2016**

**TO: SUPERVISOR AL LANZETTA  
TOWN BOARD MEMBERS  
TOWN CLERK**

**RE: MONTHLY REPORT FOR NOVEMBER**

Water consumption totaled 12.8 million gallons, that is a daily usage of 429,000. Compared to last month 14.7 million gallons, that is a daily usage of 473,000. Compared to a year ago water consumption was 14.5 million for the month which is a daily usage of 467,000.

**SUMMARY FOR THE MONTH:**

**SERVICE LINES:** Repaired service curb boxes on Church Street.

**HYDRANTS:** Finished flushing hydrants. Repaired hydrants on Western Avenue and Milton Turnpike.

**VALVES:** We performed maintenance on our pressure reducing pits throughout the towns and storage tanks.

**CURB BOXES:** We had to repair curb boxes on Grand Street and South Road.

**We had to do our quarterly HAA&THM test.** (Trihalomethanes, Haloacetic acids)  
**We also had our annual Health Dept. Inspection.** We also changed hot water tank at the TOMVAC Building.

**SERVICE LINE INSPECTIONS:** 1

**CLOSINGS:** 4

**MARKOUTS:** 20

**Gallons of Gas:** 190

**Gallons of Diesel:** 0

**Mileage for the month:** 1250

*There was a discussion about what to do about the property owners who were supposed to hook up to municipal water years ago and did not, as discussed at the last meeting. Supervisor Lanzetta stated that the Town is going to send the property owners a letter to enforce what it states in the code.*

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F) TOWN CLERK - COLLEEN CORCORAN

12/09/2016

Town Clerk Monthly Report Monthly Report  
November 01, 2016 - November 30, 2016

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Account Description	Fee Description	Account#	Qty	Local Share
Conservation	Conservation	A1255	15	118.96
				<b>Sub-Total:</b> \$118.96
Dog Licensing	Female, Spayed	A2544	4	20.00
Dog Licensing	Male, Neutered	A2544	10	50.00
Dog Licensing	Male, Unneutered	A2544	3	30.00
				<b>Sub-Total:</b> \$100.00
General Fund	Water Service	2144SW	1	375.00
				<b>Sub-Total:</b> \$375.00
LANDFILL FEES	T/s Permits	00-2130	1	30.00
LANDFILL FEES	T/s Punch Cards	00-2130	26	1,485.00
				<b>Sub-Total:</b> \$1,515.00
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	1	17.50
				<b>Sub-Total:</b> \$17.50
Misc Fees	Building Fees\Building Dept	00-2110	1	7,799.40
Misc Fees	Fire Fees/Building Dept	00-2110	1	480.00
				<b>Sub-Total:</b> \$8,279.40
MISC. FEES	Accident Reports	00-1255	12	60.00
MISC. FEES	Certified Copies	00-1255	5	180.00
MISC. FEES	Foi Requests	00-1255	1	2.25
				<b>Sub-Total:</b> \$242.25
				<b>Total Local Shares Remitted:</b> \$10,648.11
Amount paid to: NYS Ag. & Markets for spay/neuter program				23.00
Amount paid to: NYS Environmental Conservation				2,039.04
Amount paid to: State Health Dept. For Marriage Licenses				22.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$12,732.65</b>			<b>Total Non-Local Revenues:</b> \$2,084.54

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Colleen Corcoran Town Clerk, Town of Marlborough during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

\_\_\_\_\_  
Supervisor \_\_\_\_\_ Date \_\_\_\_\_ Town Clerk \_\_\_\_\_ Date \_\_\_\_\_

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G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

Attn : Supervisors Office Fax 795-2031

Water Quality Management, Inc.  
P.O. Box 733  
Marlboro, NY 12542  
845 236-7824 Fax 845 236-3911

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Report on The Marlboro Wastewater Treatment Plant for the Month of November 2016

The average flow to the plant was 88,000 gallons per day. This was an average dry month and about 50% of design capacity (175,000 GPD).

The process is working well meeting SPDES requirements.

Milton Wastewater Treatment Plant:

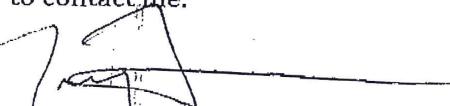
The Average flow to the Milton plant during November 2016 was 31,000 gallons per day. This is about 56% of design capacity (55,000 gallons per day). The process is working well meeting SPDES requirements.

Overall both wastewater treatment plants are in good working order.

We have been busy getting all systems ready for winter operations.

The collection system is being monitored and maintained by Charlie Muggeo & the Water Dept.

If you need any additional information, please do not hesitate to contact me.

  
Tony Falco  
Water Quality Management, Inc.

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H) DOG CONTROL OFFICER - ANDREW MCKEE  
*No report*

I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# Memo

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** December 12, 2016  
**Re:** December Report

Our office processed 24 real property transfers.

We worked on four tax estimates.

We have received approximately 50% of our Enhanced STAR and Aged exemption renewal applications.

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J) PLANNING - CHRIS BRAND

Town of Marlborough

# Planning Board Review 12/12/16

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Meeting: November 21, 2016 / 7:30 PM / Town Hall

## ATTENDEES

Cindy Lanzetta- Acting Chairperson, Manny Cauchi, Joe Lofaro, Ben Trapani, Joel Truncali

## AGENDA

### \*NOTE\*

The report for this meeting was supplied by Board Member Cindy Lanzetta who chaired the meeting as I was unable to attend due to contractual obligations at work.

### **Tommy Corcoran III, 11 Ann's Orchard Rd., Milton: Fnal, Lot Line Revision**

- The Public Hearing was opened and closed. There was no one from the public to address. The SEQRA review was completed and Final Approval was granted by motion.

### **Christopher Larkin (NIECO), Extension**

- The extension was discussed with the representative's engineer and Town/Planning Board Attorney Ron Blass. A motion was made and approved to extend the application until April 21, 2017, contingent upon the applicant putting \$500 into the escrow account to pay for the consultants who have been present for the extension request review.

### **\*Recommendations to Town Board\***

- The Planning Board would like to counsel the Town Board that: The present Town Code Section 155-31- K should be amended to include verbiage that would require applicants to request an extension **prior** to expiration. In addition, the Planning Board recommends the Town Board set a fee for Extensions as it requires additional work for the Building Department and Planning Department staff.

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### **NEXT Deadline**

Friday, November 25, 2016

### **NEXT Scheduled Meeting**

Monday, December 5, 2016

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**Meeting: December 5, 2016 / 7:30 PM / Town Hall**

### **ATTENDEES**

Chris Brand, Manny Cauchi, Steven Clarke, Cindy Lanzetta, Joe Lofaro, Ben Trapani, Joel Truncali

### **AGENDA**

#### **Approval of Stenographic Minutes for 11-7-16**

- The approval for the above minutes were approved unanimously.

#### **Chestnut Petroleum, 1417 Route 9W, Marlboro: Site Plan- Public Hearing**

- A Public Hearing was opened and the Board heard from various members of the community in attendance. The applicant's attorney and technical representatives attempted to address many of the concerns raised including run-off monitoring, review and evaluation, traffic, and others. The Public Hearing will be held open and the Planning Board will continue to receive written comments for the proposed project.
- The Board also heard the Technical Review from Town Engineer Patrick Hines. His comments stated the applicant's plans should be revised to address previous review comments made by both the Marlborough Planning Board and Ulster County Planning Board. Final approval from NYSDOT and Ulster County Health Department are required for access to the site and septic system respectively. Updated traffic plans and reports were sent to the Planning Board's Traffic Consultant, Creighton Manning. Internal traffic flow and sidewalk considerations are areas the applicant will

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need to update and address. The Engineer also requested the applicant update the Planning Board on recent meetings held with Central Hudson regarding the gas main located on the east side of Route 9W. The applicant will return on February 6, 2016. The Planning Board fully expects to have received all the necessary documentation from all related agencies, including the necessitated second Ulster County Planning Board review and approvals from NYSDOT and Ulster County Board of Health, by this time.

**Luvera Properties, 1987-1989 Route 9W, Marlboro: Sketch, Site Plan**

- The applicant presented a proposed change of use for an existing structure to allow retail firearm sales. The applicant previously met with the Planning Board to discuss this project. The plans also depicted a building addition on an existing facility on the property. Town Engineer Patrick Hines requested the applicant submit plans to the Ulster County Health Department with regard to the subsurface sanitary sewer system serving the mixed uses on this site. Mr. Hines also recommended the evaluation of municipal water records with regard to capacity of the subsurface sanitary sewer disposal system. Lighting and proposed parking, including handicap accessible spaces, need clarification. As this property is accessed by a state highway (Route 9W), NYSDOT and Ulster County Planning Board referrals are required. Dumpsters and tractor trailer containers on site may require removal and/or screening. The applicant was further advised to complete and correct the EAF submitted.

**Kenneth Borschel, 555 Lattintown Road, Marlboro: Sketch, LLR**

- The applicant presented a proposed Lot Line Revision to consolidate two existing tax parcels which would result in one, 3.68 +/- acre parcel. Tax map parcel #3 does not meet current length to width requirements and would be difficult to develop. Preliminary Approval was granted and a Public Hearing was scheduled for Tuesday, January 3, 2016.

**\*NOTES\***

- Certificates for participants of the November 10, 2016 training have not been received.

*The majority of the Board discussed if there is a way to speed up the Planning Board process. They briefly discussed the flexibility of the Planning Board members, alternative meeting locations, and also fees.*

*Some of the Board members spoke with Tom Corcoran regarding a property on Route 9W in Milton. Tom Corcoran explained that the property has two site plans; one for an automotive garage and the other that currently has an ice cream stand and a Mexican restaurant. There is an addition going on to the garage which only requires a building*

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permit. There is a Planning Board application in for the expansion of the site plan for a firearms shop in the building with the ice cream stand and restaurant. Parking was also discussed for these site plans.

## ITEM #9 Report of Committees

#### A) RECREATION COMMITTEE

*Supervisor Lanzetta stated that there will be a community forum regarding recreation on December 15, 2016 at 6:30 p.m. at Marlboro Elementary School.*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report*

### C) CONSERVATION ADVISORY COMMITTEE

*Supervisor Lanzetta reported that the CAC will meet in January to discuss solar.*

D) IT COMMITTEE

*Supervisor Lanzetta reported that all security cameras have been installed. It was suggested that one more be placed at 1650 Route 9W and two more at the Train Station.*

*Councilman Corcoran made a motion to purchase three additional security cameras, one for 1650 Route 9W and two for the Train Station. Motion seconded by Councilman Molinelli.*

*Yeas: 4 Nays: 0 Carried*

## E) MILTON TRAIN STATION FOUNDATION

*Supervisor Lanzetta stated that the Train Station will be opening at 2:00 p.m., some Sunday's for tours. Tom Schroeder also plans to hold Historical Society meetings at the Train Station.*

F) MILTON LANDING CITIZENS COMMITTEE

*Supervisor Lanzetta reported that the committee is working on the grant for the south pier and also looking into boats landing there like the S.S. Columbia.*

## G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*Councilman Baker reported that they still would like to move forward with the Lattintown Creek Trail but will likely need a grant for professional help to figure out how to get the owners of the property along the trail to agree to an easement. John Behan and Matt Kierstead will be working on data and a better description of the trail.*

## H) MEET ME IN MARLBOROUGH

*No report*

## I) HAMLET OF MILTON ASSOCIATION COMMITTEE

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*Supervisor Lanzetta reported that Santa Clause was in the Hamlet of Milton this past Sunday.*

*Councilman Molinelli added that Santa Clause will be riding on a fire truck through Marlboro beginning at the elementary school at 3:00 p.m. on December 17, 2016. The ride will end at the fire house.*

J) WATER COMMITTEE

*No report*

K) TRANSFER STATION REVIEW COMMITTEE

*Councilman Baker said that the meetings will start up again in the new year.*

ITEM #10 Old Business

A). Sale of TOMVAC Building

*No new information*

B). Municipal Parking in Hamlets of Marlboro and Milton

*Councilman Baker stated that municipal parking is being addressed in the Local Waterfront Revitalization Plan.*

C). Proposed Water Agreement with Newburgh

***Councilman Corcoran made a motion to remove Letter C) Proposed Water Agreement with Newburgh from Old Business. Motion seconded by Councilman Baker.***

**Yea: 4**

**Nays: 0**

**Carried**

D). Milton Sewer Expansion 9W/Milton Turnpike Intersection

*Supervisor Lanzetta stated that work should begin in the spring.*

E). Bayside Project

*Supervisor Lanzetta stated that Maser Consulting is still working on the Final Environmental Impact Statement. Mr. Sussman is caught up on his escrow. The school is in contact with their engineer to come up with a plan for traffic.*

F). Design Standards for RT 9W Corridor Overlay District

*Councilman Baker stated that the town received a grant from Ulster County Planning over a year ago to do a Route 9W Corridor Study. The Town is working with Ulster County Planning, New York State Department of Transportation, and Ulster County Highway Department. Each entity has representatives who make up a Technical Assessment Committee for this purpose. They are going to make a decision on which (consultant) proposal to choose to see who will do the study.*

*Supervisor Lanzetta added that he spoke with County Executive, Mike Hein and County Legislature, Richard Gerentine about a crosswalk, lights, and sidewalks on Milton Turnpike between Town Hall and Stewarts. A crosswalk will be done in the spring and two lights were added on utility poles. Sidewalks will be discussed at a later date.*

G). Sign Law-Zoning Changes

*Supervisor Lanzetta stated that the Board will continue with the sign law next year.*

H). Verizon Cell Tower on Milton Water Tank

*Supervisor Lanzetta stated that the cell tower is almost complete.*

I). Milton Train Station Grant Exterior Rehabilitation

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No new information

J). Tow Truck Law

*Supervisor Lanzetta explained that the tow law is being re-introduced after discussions with and suggestions from tow companies.*

ITEM #11 New Business

A). MS4 Report

*Supervisor Lanzetta stated that Pat Hines is working on the MS4 Report.*

ITEM #12 Correspondence

*Supervisor Lanzetta stated that Ulster County Department of Health sent correspondence stating that they did a sanitary survey inspection of the Marlboro Water District and the Town is in substantial compliance.*

ITEM #13 Public Comment

*Mark Reynolds questioned if there was any more information about the recreation center that was included in the Bayside project.*

*Supervisor Lanzetta stated that there is no additional information at this time.*

*Mark Reynolds asked for clarification on the plan the school has regarding Bayside.*

*Supervisor Lanzetta stated that the school is working on a plan for traffic flow.*

*Councilman Corcoran added that they are also working to figure out a plan for parking at the middle school.*

*Mark Reynolds also asked if there was an update on the large vessels anchoring in the area.*

*Supervisor Lanzetta stated that there will be public hearings next year.*

*Ralph Walters asked if the 2015 audit was completed and if the Annual Update Document (AUD) has been filed with the state comptroller.*

*Supervisor Lanzetta said the audit is not completed and he is not sure about the AUD.*

*Mr. Walters complained about people parking in no parking zone on Western Avenue.*

ITEM #14 Resolutions

A). Resolution #120 To introduce a local law of the year 2017 AMENDING CERTAIN PROVISIONS OF CHAPTER 152 “WIRELESS TELECOMMUNICATIONS FACILITIES” OF THE MARLBOROUGH TOWN CODE TO ADDRESS SMALL CELL AND DAS FACILITIES.

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B). Resolution #121 To authorize the supervisor to sign an inter municipal agreement with the Marlboro Central School District

*Councilman Baker made a motion to table Resolution #121 To authorize the supervisor to sign an inter municipal agreement with the Marlboro Central School District. Motion seconded by Councilman Corcoran.*

C). Resolution #122 To introduce a Local Law of the year 2017 Chapter 140 Tow Trucks

*Councilman Corcoran made a motion to remove “located within the Town of*

*Marlborough" in section 140-10 Permit list; General Procedure, second sentence of the*

*introduction of the Local Law Chapter 140 Tow Trucks. Motion seconded by*

*Councilman Molinelli.*

D). Resolution # 123 To appoint part time Transfer Station Attendant

E). Resolution #124 To replace an electrical pole at transfer station

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A). Resolution #120 To introduce a local law of the year 2017 AMENDING CERTAIN PROVISIONS OF CHAPTER 152 “WIRELESS TELECOMMUNICATIONS FACILITIES” OF THE MARLBOROUGH TOWN CODE TO ADDRESS SMALL CELL AND DAS FACILITIES.

Supervisor Lanzetta proposes the following:

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

Section 1. The last sentence of Section 152-1 of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to read as follows (changes are set forth in bold typeface):

The intent of this chapter is to minimize the negative impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated comprehensive review of environmental impacts of such facilities and protect the health, safety and welfare of the Town of Marlborough, **and to accommodate small cell and DAS technologies within the public highway rights of way.**

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Section 2. Section 152-4 of the Marlborough Town Code, Wireless

Telecommunications Facilities, is amended to add the following two definitions (changes are set forth in bold typeface):

**DAS**

**Distributed Antenna System. A wireless technology consisting of a network of antenna nodes (typically co-located on other structures, and installed lower to the ground than conventional panel antennas on towers) and supporting equipment to provide wireless services within a geographic area or structure. DAS typically can service more than one wireless carrier.**

**SMALL CELL SITE**

**Small cells are low-powered wireless base stations that function like cells in a mobile wireless network, typically covering targeted indoor or localized outdoor areas ranging in size from homes and offices to stadiums, shopping malls, hospitals, and metropolitan outdoor spaces. Wireless service providers often use small cells to provide connectivity to their subscribers in areas that present capacity and coverage challenges to traditional wide-area macrocell networks, such as coverage gaps created by buildings, tower siting difficulties, and challenging terrain. Small cells typically are built to service one wireless carrier.**

Section 3. Section 152-4 of the Marlborough Town Code, Wireless

Telecommunications Facilities, is amended to modify the definition of Wireless

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Telecommunications Facilities or Telecommunications Tower or Telecommunications Site or Personal Wireless Facility (changes are set forth in bold typeface):

**WIRELESS TELECOMMUNICATIONS FACILITIES or TELECOMMUNICATIONS TOWER or TELECOMMUNICATIONS SITE or PERSONAL WIRELESS FACILITY**

A structure, facility or location designed, or intended to be used as, or used to support, antennas. It includes, without limit, freestanding towers, guyed towers, monopoles, **DAS or small cell site facilities on utility poles in the public rights of way or property of the Town of Marlborough or of another municipal corporation within the Town of Marlborough** and similar structures that employ camouflage technology, including but not limited to structures such as a multistory building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services or microwave telecommunications, but excluding those used exclusively for the town's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications.

Section 4. Section 152-5 of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to add the following changes set forth in bold typeface:

Overall policy and desired goals for special use permits.

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In order to ensure that the placement, construction and modification of wireless telecommunications facilities protects the town's health, safety, public welfare, environmental features and other aspects of the quality of life specifically listed elsewhere in this chapter, the Town Board hereby adopts an overall policy with respect to a special use permit for **most, but not all**, wireless telecommunications facilities for the express purpose of achieving the following goals:

Section 5: Section 152-5 of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to add a new subsection "F" reading as follows (changes are set forth in bold typeface):

**F. Exempting DAS and small cell sites from special permit requirements where the facilities are situated on existing or new utility poles not exceeding 50 feet in height in the public highway rights of way or where situated on existing or new utility poles not exceeding 35 feet in height on property of the Town of Marlborough or any other municipal corporation within the Town of Marlborough. Such DAS and small cell site facilities shall require only a building permit issued by the Town's Building Inspector. The Building Inspector shall be empowered to condition the issuance of a building permit upon implementation of stealth installation or other measures which mitigate visual effect. Placement of these facilities within the public highway rights of way of the Town of Marlborough shall be subject to the obtaining of a franchise pursuant to the relevant Chapter of the Town Code dealing with that subject matter,**

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**or subject to an agreement for the use of lands of the Town of Marlborough or another municipal corporation in the Town of Marlborough.**

Section 6. Section 152-7(A)(3)of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to read as follows (changes are set forth in bold typeface):

(3) On other lands owned or controlled by the Town of Marlborough **or another municipal corporation located within the Town of Marlborough.**

Section 7. Section 152-7 of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to add a new subsection (A)(7) reading as follows (changes are set forth in bold typeface):

**(7) DAS and small cell sites may be located, without special permit, where the facilities are situated on existing or new utility poles not exceeding 50 feet in height in the public highway rights of way or where situated on existing or new utility poles not exceeding 35 feet in height on property of the Town of Marlborough or any other municipal corporation within the Town of Marlborough. Such DAS and small cell site facilities shall require only a building permit issued by the Town's Building Inspector. The Building Inspector shall be empowered to condition the issuance of a building permit upon implementation of stealth installation or other measures which mitigate visual effect. Placement of these facilities within the public highway rights of**

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**way of the Town of Marlborough shall be subject to the obtaining of a franchise pursuant to the relevant Chapter of the Town Code dealing with that subject matter, or subject to an agreement for the use of lands of the Town of Marlborough or another municipal corporation in the Town of Marlborough.**

Section 8. Section 152-21 of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to add a new subsection (C) reading as follows (changes are set forth in bold typeface):

**C. A fee as set forth on the Town of Marlborough fee schedule is required for an application for building permit to install DAS or small cell site facilities.**

Section 9. Section 152-29(A) of the Marlborough Town Code, Wireless Telecommunications Facilities, is amended to read as follows (changes are set forth in bold typeface):

**A. Under the following circumstances, the Board may determine that the health, safety and welfare interests of the Town warrant and require the removal of wireless telecommunications facilities, including DAS or small cell site facilities situated within the public highway rights of way or on lands of the Town of Marlborough or another municipal corporation within the Town of Marlborough:**

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Section 10. 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 11. This local law shall take effect immediately upon filing with this state's Secretary of State.

Whereas, a Local law was introduced for the Town of Marlborough, to be known as "A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CERTAIN PROVISIONS OF CHAPTER 152 "WIRELESS TELECOMMUNICATIONS FACILITIES" OF THE MARLBOROUGH TOWN CODE TO ADDRESS SMALL CELL AND DAS FACILITIES".

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 January 23, 2017 at 7 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:

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**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 January 23, 2017 at 7 o'clock, p.m., on Local Law No. \_\_ of the Year 2017, on a proposed Local Law of the Town of Marlborough, Ulster County, New York, AMENDING CERTAIN PROVISIONS OF CHAPTER 152 "WIRELESS TELECOMMUNICATIONS FACILITIES" OF THE MARLBOROUGH TOWN CODE TO ADDRESS SMALL CELL AND DAS FACILITIES.

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  
December 12, 2016

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COLLEEN CORCORAN, TOWN CLERK

December 12, 2016

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

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Absent

DATED: Milton, New York  
December 15, 2016

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COLLEEN CORCORAN, TOWN CLERK

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December 12, 2016

**Resolution #121 Tabled**

December 12, 2016

B). Resolution #121 To authorize the supervisor to sign an inter municipal agreement with the Marlboro Central School District

Supervisor Lanzetta proposes the following:

Whereas, the Town Currently contacts with Lexis-Nexis for the use of computer software for the purpose of allowing it to perform its government functions, and

Whereas, the school district desires to utilize the same Lexis-Nexis computer software for allowing it to perform governmental functions, and

Whereas, the parties desire to utilize aforementioned software for their respective uses and to share in the costs of the aforementioned software services with Lexis-Nexis which will result in cost savings to both parties, and

Whereas, the parties are allowed to enter into an inter municipal agreement pursuant to the provisions of Article 5-G Section 119-o of the General Municipal Law, to share said software services pursuant to the terms and conditions set forth.

Now therefore be it resolved, that the Town Board authorizes the Town Supervisor to sign the agreement to share the costs of Lexis-Nexis computer software.

And moves for its adoption

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

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December 12, 2016

C). Resolution #122 To Introduce a Local Law of the year 2017 Chapter 140 Tow Trucks

Supervisor Lanzetta proposes the following:

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

Section 1. Existing Chapter 140 of the Town Code is hereby deleted.

Section 2. A new Chapter 140 is hereby adopted as follows:

## **CHAPTER 140 “TOW TRUCKS”**

### **140-1 Declaration of purpose and intent**

- A. It is the intention of this Chapter of the Town Code to allow the Town of Marlborough, through its Police Department, to supervise and administer the removal of vehicles from the public highways of the Town that are disabled, abandoned, or otherwise need to be removed via a tow truck operators list from which the Police Department will call and request services in a rotating basis. This Chapter only applies to tow trucks called into service by the Town of Marlborough.
- B. It is hereby declared and found that it is of vital importance to the travelling public that disabled vehicles are removed from the roadways and highways as promptly as possible, that delay in removal results in restricting the movement of traffic unnecessarily and causes street accidents. The towing of disabled motor vehicles from the roadways and highways of the Town of Marlborough is a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public against traffic problems and confusion at the scene of accidents, fraud and exorbitant rates and similar abuses. The Town Board believes that establishing a tow list for use by the police can accomplish this purpose.

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C. It is the intent of the Town Board of the Town of Marlborough to establish a fair and uniform regulation and procedure for the towing of vehicles. The following issues have been taken into consideration in the development of this Chapter:

1. The needs of the public: To meet the needs of the public, the business practices on the part of private towing companies acting at the direction of the Town police must be regulated. Towing companies who wish to participate in the Town towing program must demonstrate that they can give prompt, safe, and professional service. The community needs tow operators who are competent and able to respond to calls within a minimum of time delay. This requirement mandates an appropriate administrative response to deal with those towing agencies which do not provide services which meet Town Standards.
2. The needs of the towing industry: The needs of the towing industry must be met by providing them with a consistent system for the equitable distribution of tow calls within the Town. This provides the towing industry with clear and precise requirements for continued service to the community. This Chapter also allows for a fair and equitable means to resolve disputes between tow operators.
3. The needs of the Town police. The needs of the Town police must be met by providing for a clear procedure for contacting towing companies.

## **140-2 Definitions**

For purposes of this Chapter, the following terms shall have the following meanings:

**Permittee** – the person, corporation or other entity to whom a permit has been issued pursuant to this Chapter.

**Police Department** - the Police Department of the Town of Marlborough

**Towing** - The moving of a vehicle where a fee, charge or other consideration is directly or indirectly imposed for such moving.

**Towing Company or Towing Operator or Towing Business** - A person or entity engaged in the business of offering towing services whereby motor vehicles are moved by use of a motor vehicle designated or adapted for that purpose.

**Towing permit or Towing license** – A permit issued pursuant to this chapter.

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**Tow truck** - A vehicle used for towing usually equipped with a crane, winch, tow bar, push plate or other device designed to pull or push a vehicle or to raise a vehicle or the front or rear end thereof or a flatbed tow truck.

**Town Board** – the Town Board of the Town of Marlborough

**Vehicle** - A motor vehicle as defined in § 125 of the Vehicle and Traffic Law, a tractor as defined in § 151-a of such law or a trailer as defined in § 156 of such law.

### **140-3 Permit required**

- A. A valid permit issued pursuant to this Chapter shall be required before a tow truck operator or towing company will be permitted to tow a vehicle upon request by the Town of Marlborough Police Department.
- B. Nothing herein shall prohibit tow truck operators from outside the Town of Marlborough from entering the Town of Marlborough to remove a motor vehicle from a registered repair shop, garage, and salvage yard.
- C. It shall be unlawful for any person, corporation, or other entity to service or tow away any motor vehicle which has been involved in an accident without the prior consent of the owner or operator or the police officer at the scene of the accident.

### **140-4 Criteria**

Every person, corporation, or other entity who desires to operate, except as herein otherwise provided, the business of automotive towing by a tow truck(s) or car carrier(s) owned, controlled or leased by him as a permittee on the rotational towing list maintained by the Town shall comply with the following criteria:

- A. The applicant must own or lease a licensed and registered New York repair shop within  $\frac{1}{4}$  mile of the Town of Marlborough or own or lease an impound or storage yard within  $\frac{1}{4}$  mile of the Town of Marlborough. All towing businesses must have a secure indoor or outdoor storage area available in which to store specific vehicles out of the public access. All outdoor lots utilized to store vehicles in conjunction with the Town tow list must be secured with a fence designed to limit or restrict access to the public.
- B. The towing business must be sufficiently staffed so that the vehicle owner may make payment and retrieve their vehicle within one (1) hour of contacting the towing business

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but only if that the one (1) hour window ends between the hours of 8:00 am and 6:00 pm.

Otherwise, it shall be in the discretion of the towing company whether to permit evening/overnight retrieval.

- C. All towing business shall maintain adequate equipment to perform the required towing task.
- D. All towing business must be capable of a twenty-minute response time to the scene of the tow after receiving the request for their service.
- E. All towing companies must make their facilities and equipment available for scheduled inspections. These inspections will be made to ensure that each company has the appropriate registration, equipment, insurances and an employee on site. The Police Department will give 48 hours' notice to the towing business for the inspection.
- F. All towing business shall comply with the requirement for the charging of fees as established from time to time by resolution of the Town Board.
- G. Required equipment. In addition to the required equipment specified in § 375 of the Vehicle and Traffic Law or as promulgated by the Commissioner of Motor Vehicles, all tow trucks shall be equipped with:
  - 1. Lettering on the truck identifying the exact name of the holder of the permit issued pursuant to this Chapter, as well as a phone number for the holder of the permit.
  - 2. An amber rotating light mounted at the top of the cab or on a light bar so that the light is visible for not less than 500 feet under normal atmospheric conditions.
  - 3. At least two yellow flashing lights to show the width of the vehicle from the rear.
  - 4. Speedy Dry or similar materials to absorb minor fluid spills. If the permittee, while at the scene for a tow, feels that it cannot safely or adequately handle the minor fluid spill, that permittee shall notify the officer on scene so that other arrangements may be made for the cleanup of the spill.
  - 5. Garbage bags for the removal of debris at the scene.
  - 6. A broom and shovel for clean up at the scene.

#### **140-5 Application**

- A. The Town Board, through the Town Clerk, shall accept all applications for permits from persons desiring to engage in the business of towing on such forms as adopted by the

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Town Board. Every person, corporation, or other entity who desires to operate, except as herein otherwise provided, the business of automotive towing by a tow truck(s) or car carrier(s) owned, controlled or leased by him as a permittee on the rotational towing list maintained by the Town shall be duly licensed as a tow truck operator in the Town upon written application, made under oath, as follows:

1. The name and address of the applicant and the address of the place from which tow trucks are proposed to be garaged or dispatched, specifying, in the case of any corporation, the names and addresses of each member thereof and, in the case of any unincorporated association or other entity, the names and addresses of each officer, director and stockholder.
2. A copy of the valid registration and inspection for each of their towing vehicles. The registration on said towing vehicles must be registered in the name of the towing business which has been issued the permit from the Town of Marlborough pursuant to this Chapter.
3. A list of drivers including a copy of their New York State issued driver's license indicating the appropriate classification to operate the tow trucks listed on the application, as well as a driver's abstract for each driver showing the license is valid and is not currently suspended or revoked. This list will be updated annually with each permit renewal.
4. The number of vehicles proposed to be operated by the applicant and a description of each vehicle, including make, model, year of manufacture, New York State registration number and vehicle identification number. This will be updated yearly with the Town at the time of permit renewal.
5. All crimes, if any, of which that applicant or any member thereof has been convicted and, if an unincorporated association, of which any officer or director has been convicted and, if a corporation, of which any officers, directors or stockholders thereof have been convicted, stating the name, if any, and location of the courts and the dates on which such convictions were had and the penalties imposed thereon
6. Proof of insurance in the minimum amount of \$500,000 personal liability and \$150,000 property damage liability, which shall include a garage keeper's legal

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liability policy to cover fire, theft, and property damage that will fully cover any vehicle towed, impounded or stored and will keep such policy in effect throughout their permit period. Additionally, all towing companies will name the Town of Marlborough as coinsured on their policies.

7. That the applicant satisfies all the criteria of subsection 140-4, above.
8. Any additional information as reasonably requested by the Town.

B. The Town Board may, in its sole discretion, adopt a renewal application form to be submitted each year by existing permit holders.

#### **140-6 Review of Application; Recommendation to Town Board**

- A. All applications shall be reviewed by the Police Liaison Committee, consisting of the Chief of Police and two (2) members of the Town Board. The Police Liaison Committee shall:
  1. Review the application for compliance with the criteria of this Chapter; and
  2. Verify that the repair shop or impound or storage yard within the Town of Marlborough is in compliance with all applicable planning, zoning and building laws; and
  3. Conduct any necessary inspections of either vehicles and/or the repair shop or impound or storage yard in order to determine compliance.
- B. The Police Liaison Committee shall make a recommendation to the full Town Board on whether to approve or deny the application for a towing permit within 20 business days from the date the application was submitted to the Town Clerk. The Town Board shall then review the application and adopt a resolution approving or denying the application within 30 days from the date it receives the recommendation of the Police Liaison Committee. The Town Board is not bound by the recommendation of the Police Liaison Committee but shall consider the recommendation in addition to the information set forth in the application.

#### **140-7 Approval: Issuance of Permit for Vehicles.**

Upon passage of a resolution by the Town Board approving the application, the Town Clerk shall issue a permit to the applicant after a review process. Before the permit is

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issued, the applicant shall pay the fee for a permit in an amount set by resolution of the Town Board. Every permit issued hereunder shall expire on the 31st day of December next succeeding the date of its issuance unless sooner revoked, as hereinafter provided. For the year 2017 only, permit fees shall be pro-rated based upon the month in which the permit is issued.

#### **140-8 Denial of permit: Appeal**

The Town Board may deny a permit to any applicant whom the Town Board shall find does not satisfy the criteria set forth in this Chapter or that the Town Board shall determine to be incapable of properly conducting a road service or tow truck business. If the Town Board shall deny any application for a license, such denial shall be in writing and state the reasons therefore. Any applicant who shall be denied a license, for any reason other than the fact that the tow list has reached the maximum number of permittees per subsection 140-10(B), shall have the right to appeal such denial to the Town Board within 20 business days with a written submission explaining why the Town Board's denial was in error and why the application should be approved. A decision of the Town Board to approve or deny such an application after an appeal to it shall be in writing and entered into the minutes. After the administrative appeal, such decision shall then be considered final. The applicant shall then have the right to challenge the decision by way of Article 78 or other action that may be appropriate.

#### **140-9 Nontransferability of Permit**

Each license shall not be transferred from one person to another or from vehicle to vehicle. Notification of vehicle replacement must be made within 30 days to the Chief of Police, who in turn will notify the Town Clerk and have the application updated.

#### **140-10. Permit list; General Procedure**

- A. Lists: Two Rotational lists shall be kept. Only permitted towing companies located ~~within the Town of Marlborough~~ will be included on these lists. An up to date copy of the rotational tow list will be made available to the public. This list will be maintained in the lobby of the police station. The public can view the list 24 hours a day and it will be

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updated at least once per business day to reflect the current state of the rotation.

1. One list shall be for normal passenger vehicles and light trucks.
2. The second list shall be used for towing companies capable of towing larger commercial type vehicles (GVWR of 18,001 lbs or more) otherwise known as the heavy-duty list.

A. Each list will be limited to eight (8) permittees. This number has been determined based upon the number of tow companies historically on the Town's tow list for passenger vehicles and light trucks. The purpose is that each permittee receives enough calls for service during any given year that tow companies wish to continue to apply for inclusion on the tow list.

1. As December 1, 2016, there are eight (8) companies on the tow list for passenger vehicles and light trucks. In 2017, those eight (8) companies will receive priority for inclusion on the tow list under this Chapter, assuming each tow company complies with all application requirements and the payment of the permit fee within the time limits set by the Town Board.
2. For years 2018 and forward, any towing company submitting any application for the renewal of an existing and valid permit issued under this Chapter shall maintain its spot on the list, assuming the towing company submits their renewal application and pays the permit fee within the time limits set by the Town Board.
3. When a tow list has reach the maximum of eight (8) permittees, any new applications received shall be date stamped and remain on file with the Town Clerk. Upon the opening of a spot on the two list, the first application to have been filed will be reviewed and processed for possible inclusion on the tow list.

B. Priority for contacting towing companies shall be made in the following sequence:

1. Emergency needs at the towing scene when, in the sole reasonable discretion of officer at scene, it is necessary for the vehicle to be immediately towed from the scene for safety reasons.
2. Owners request for a specific towing agency (within a reasonable distance and if applicable).
3. Next permittee from the rotational towing list.

C. Permittees will initially be placed on the towing list in random order. Once the use of the

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towing list has been commenced, a new permittee to be included on the list shall be placed on the bottom of the list.

- D. Each company shall be allowed 5 rings to answer the phone and the company will be allowed three (3) minutes to return any voicemail message when the call is not answered.
- E. Once a tow company has not answered a call or is not available, they will be deemed a declination and the next company on the list contacted and afforded the same opportunity. This practice will be repeated until the list is exhausted. A permittee who does not answer a call or is not available when called shall lose his turn on the towing roster and must wait for the roster to be called again in its entirety before he is eligible to be called again. If the entire tow list has been called and those calls have failed to obtain a response to an incident, then the closest available tow from an adjacent town shall be utilized. The same principal shall apply when seeking a heavy-duty tow truck. If there are none available in Town, then the closest to the scene from an adjacent town will be utilized.
- F. In the event that a permittee called for towing or service assistance is unable or fails to arrive at the location within a twenty-minute time period, the next permittee on rotation shall be called and the first permittee shall lose its turn in rotation. If a permittee uses an answering service, the twenty-minute response time shall commence when the original phone call is made and not from the time voice contact is made with that tow company.
- G. Assistance:
  1. If a permittee on the passenger vehicle/light truck tow list accepts a call from the established list, they must respond to the scene. In the event that the responding company cannot complete the task at hand without assistance, the original responding company may, after notifying the officer at the scene, seek the assistance of another permittee on the established tow list without a loss of turn or spot for either company responding. Both the original accepting company and the assisting company must be involved in completing the tow. If the police officer on the scene, in his/her sole discretion, finds that the tow is simply being handed over to the assisting company, both companies will lose their spot in the rotation of the list. In the event the two companies together cannot complete the task, then the next company on the list will be called and the original accepting

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company will lose their spot on the list and be marked as unable to provide services requested.

2. If a permittee on the heavy-duty tow list cannot complete the task at hand without assistance, the original responding company may seek the assistance from first, another permittee on the heavy-duty tow list or, if there is no other permittee on the heavy-duty tow list, a towing company outside of the Town. Both the original accepting company and the assisting company must be involved in completing the tow. If the police officer on the scene, in his/her sole discretion, finds that the tow is simply being handed over to the assisting company, the original accepting company and the assisting company (if a permittee on the heavy-duty tow list) will lose their spot in the rotation of the list.

H. In the event that the permittee responds and the vehicle is no longer in need of tow or the vehicle is no longer present at the site, he will not lose his turn on the rotational list.

I. It shall be unlawful for a permittee to transfer or exchange his place on the roster to any other license on the roster. Additionally, participating tow companies may not send another company's tow truck in their place to handle a tow request they have in fact accepted.

J. If more than one tow truck is needed at the scene of an accident, the dispatcher shall call the next permittee in rotation. In that event, the choice of disabled motor vehicles to be towed shall be determined by the officer in charge.

K. A permittee shall have but one place on the towing roster although he maintains several licensed tow trucks in the Town of Marlborough.

L. Any permittee willfully refusing to tow away a motor vehicle shall lose his turn in rotation.

M. All participating tow companies will provide up to three telephone numbers to be called for tow assignments in priority order. Pager numbers will not be utilized.

#### **140-11 General Regulations**

A. Tow companies shall be available 24 hours per day, seven days a week. Tow companies must be willing to respond to any type of tow call, whether it be a collision, disabled vehicle, impound, etc. Tow companies who do not desire to tow at night or weekends,

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etc. or who elect to respond only to certain types of tow calls, will not be considered for placement on the towing list. (This does not preclude the tow company from being called as a result of an owner's request.)

- B. Failure to respond to three calls, absent extenuating circumstances, will result in temporary suspension from the towing list for a period of 20 consecutive days which will be imposed in accordance with subsection 140-13.
- C. All permittees called upon to impound a vehicle for the Town of Marlborough Police Department must store the vehicle within the limits of the Town of Marlborough unless otherwise directed by a member of the Police Department.
- D. The permittee shall be responsible for the collection of all fees for service, towing or storage of any vehicle. Neither the Town of Marlborough nor the Town of Marlborough Police Department shall act as agent for the collection of any fees, nor shall they be held responsible in the event of nonpayment of any moneys due to any permittee as a result of service performed in accordance with this chapter.
- E. When called to the scene of an accident, the permittee shall be responsible for removing debris from the roadway.
- F. Absent extenuating circumstances (such as severe snow storms, states of emergency, etc. where tow companies will be extremely busy), tow companies will not contact the Town Police and attempt to leave phone numbers of an on call tow truck operator. It shall be in the sole discretion of the Chief of Police whether such extenuating circumstances exist to permit tow truck operators to leave on call numbers with the Police Department.
- G. Town Police and Town Employees shall comply with the following guidelines:
  1. The towing of vehicles will be completed in accordance with both the Town Police Manual/Rules and Regulations and the procedures set forth in this Chapter.
  2. The tow company, whether an owners request or from the tow list, shall not be changed once the company has been notified to respond to the scene.
  3. Police Officers and Town Employees shall not offer personal recommendations to motorists who wish to request the tow, but have no preference of a tow company.

Police Officers and Town Employees shall inform the person in need that a tow list is maintained, comprised of certain companies which have all met certain criteria, thus offering them the opportunity to be utilized for towing calls. If an "owner's request"

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is made, an owners request form will be completed by the officer at the scene and signed by the person making such request. This list will be maintained at the Police Department for record keeping purposes.

4. A towing log shall be maintained at the Town Police Department answering point (Dispatch). After a towing agency has been contacted, and has failed to answer after 5 rings or failed to return a voicemail within three (3) minutes, the call shall be logged onto the towing log. The log shall include the name of permittee, the time of call, the blotter number associated with the event requiring a tow and whether or not the company responded. Upon the companies' response to the scene, the officer on the scene shall advise dispatch of the arrival. The arrival time shall then be recorded on the towing log.

**140-12 Soliciting prohibited.**

It shall be unlawful for any person, corporation, or other entity to solicit towing or repair work at the scene of any motor vehicle accident on private property or on a public highway in the Town of Marlborough. A participating tow company shall be considered to be in violation of this section if they come within 500 feet of the scene of an accident or of a disabled vehicle without being called to the scene by either the Town, another governmental agency or owner request. Any participating tow company truck alleged to be in violation of this section will be subject to an investigation by the Chief of Police or his designee and potential penalties as set forth in this Chapter.

**140-13 Penalties for offenses.**

A. Permit Suspension or Revocation

1. The Town Board may, in each case, after a hearing on seven (7) days' notice to the permittee of the alleged violations of this Chapter, impose penalties against any permittee that the Town Board shall determine has violated any provisions of this Chapter. The permittee shall be permitted to submit its response to the allegations either in person during the hearing or in writing. If the Town Board should find that the permittee has violated this Chapter, penalties are as follows:
  - a. First offense: 20-day suspension from the rotation towing program.

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- b. Second offense: A suspension from the rotation towing program for up to one year.
- c. Third offense: Permanent revocation of towing permit. If revoked, the towing company will not be eligible to reapply for a towing permit.

2. A decision of the Town Board to impose a suspension or revocation of a permit shall be in writing and entered into the minutes. Such decision shall then be considered final. The applicant shall then have the right to challenge the decision by way of Article 78 or other action that may be appropriate.

In addition to the penalties provided in subsection 140-13(A), any person, corporation, or other entity that violates any provision of this Chapter shall, upon conviction, be subject to a fine of up to \$100 for a first offense, and up to \$250 for each additional offense thereafter. The Chief of Police and/or his designee is hereby empowered by the Town Board with the duty, power and authority to enforce the provisions of this Chapter.

**140-14. Severability.**

If any section, paragraph, subdivision, clause or provision of this chapter shall be adjudicated as invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudicated and the remainder of this chapter shall be deemed valid and effective.

Section 3. This Local Law shall take effect immediately upon filing with the Secretary of State.

December 12, 2016

WHEREAS a Local Law has been introduced for the Town of Marlborough, to be known as Local Law No. \_\_\_\_ of 2017, a local law of the Town of Marlborough, Ulster County, New York to amend Chapter 140 "TOW TRUCKS."

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 in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York January 9 2017, at 7 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 such notice shall be in the same or similar following form:

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

Supervisor Lanzetta	Yes
Councilman Baker	Yes
Councilman Corcoran	Yes
Councilman Koenig	Absent
Councilman Molinelli	Yes

DATED: Milton, New York  
December 12, 2016

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COLLEEN CORCORAN, TOWN CLERK

December 12, 2016

**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 January 9, 2017 at 7 o'clock, p.m., prevailing time, on proposed Local Law No. \_\_ of the Year 2017, a local law of the Town of Marlborough, Ulster County, New York to amend Chapter 140 "TOW TRUCKS."

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 aforesaid Town Hall between the hours of 9:00 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 person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED:        Milton, New York  
                  December 12, 2016

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COLLEEN CORCORAN, TOWN CLERK

December 12, 2016

December 12, 2016

D). Resolution # 123 To appoint part time Transfer Station Attendant

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough has advertised for applicants for the job of Transfer Station Attendant at the Landfill/Transfer Station at Bailey's Gap, and

Whereas, 3 candidates for the position responded and were duly interviewed.

Be it resolved that Larry Fuhrmann is appointed as the part time Transfer Station Attendant effective immediately

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Absent
Councilman Baker	Yes
Supervisor Lanzetta	Yes

December 12, 2016

December 12, 2016

E). Resolution #124 To replace an electrical pole at transfer station

Supervisor Lanzetta proposes the following:

Whereas, an Electric Pole at the Town of Marlborough Landfill/Transfer Station was in need of replacement, and

Whereas, the Town of Marlborough, in compliance with Town Code Procurement Policy, received three written quotes to replace said Electric Pole.

Be it resolved that, the Town of Marlborough will hire Dave Pulliam at \$2400.00 to replace the Electric Pole with Central Hudson completing the necessary hook up to the grid at no additional cost to the Town

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Absent
Councilman Baker	Yes
Supervisor Lanzetta	Yes

*Supervisor Lanzetta said 2016 was a productive year; he wished everyone a Happy Holiday and thanked everyone for their hard work.*

*Councilman Molinelli made a motion to adjourn the meeting at 8:26 p.m. Motion seconded by Councilman Corcoran.*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*