

June 8, 2015

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
JUNE 8, 2015 7:00 PM
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN
COUNCILMAN MOLINELLI (Arrived at 7:15PM)
COUNCILMAN CORCORAN
COUNCILMAN BAKER
COUNCILMAN KOENIG

COLLEEN CORCORAN, TOWN CLERK

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 ITEM #14.5 Executive Session, to the agenda. Motion seconded by Councilman Koenig.

Yeas: 4 Nays: 0 Carried

Councilman Koenig made a motion to approve the agenda as amended. Motion seconded by Councilman Corcoran.

Yeas: 4 Nays: 0 Carried

ITEM #4 Motion to approve minutes from the May 28, 2015 meeting

Councilman Baker made a motion to approve minutes from the May 28, 2015 meeting. Motion seconded by Councilman Koenig.

Yeas: 4 Nays: 0 Carried

ITEM #5 Authorize payment of bills

Councilman Baker made a motion to authorize payment of the abstract in the amount of \$95,173.80. Motion seconded by Councilman Koenig.

Yeas: 4 Nays: 0 Carried

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ITEM #6 Comments on the agenda

Jody Fabricant, a Grand Street resident in Marlboro, explained an ongoing situation with her neighbor's dog barking daily and for long periods of time. She asked that the law for barking dogs be changed and address excessive dog barking. Since the barking does not reach the decibel level currently stated in the law the dog warden or police cannot do anything.

The Board will look into this.

Ms. Fabricant is also concerned why the fire siren blows everyday at noon and questioned the decibel level.

Councilman Koenig explained that it is a daily test and the decibel field spike up and down.

James Garofalo suggested that the dog warden get a background decibel level and record it so they have information. He suggested putting the subject matter next to the person's name for presentations and requested spelling out abbreviations on the agenda.

Julie Amodeo said that there was a vote to move the playground at the last meeting that she didn't attend because it wasn't on the agenda. She reiterated from a previous meeting why she is not in favor of moving the playground to the Town Park. She stated that the Town Park is secluded and very wooded and that she feels safer with the playground at the Police Department. There was a petition against moving the playground and she asked if the Board would reconsider moving the playground.

There was a disagreement about what was stated at a presentation about Town Hall moving to the school and what was going to be done with the playground.

There was discussion about ideas for what to do with the playground.

Supervisor Osborn stated that the school donated the playground to the Town under the idea that it would be moved to the Town Park.

A resident stated that she does not feel safe with her son at the Town Park so she does not go anymore. She suggested that the playground be put somewhere in Town instead of at the park where it is secluded.

Ben Trapani reiterated from a previous meeting about an incident at the Town Park involving his son's caregiver. He said he realizes there are dangers where the playground currently is, but there are dangers in the park as well. He suggested if possible having certain days or hours for the park and having someone supervise. He also suggested doing something with the playground with the best concerns of the whole Town of Marlborough (Marlboro and Milton).

There was a discussion with a resident who questioned the reason why the school board would want the playground moved off the property and the resident said he should FOIL for that information from the school.

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Councilman Corcoran said that it took a lot of research to figure out what can be done with the playground and he suggested getting the insurance information too.

Kevin Darcy said people are not able to play wall ball, basketball, or baseball at the school anymore. He said he went to the school and they said the south end of the property could be leased by the Town to move the playground.

Councilman Corcoran and Supervisor Osborn explained that if they move the playground on school property it would have to be moved by a certified installer which would cost \$25,000.00, if moved to Town property then it would just be internal costs.

Julie Amodeo said that if the Board is going to put the playground at the Town Park they can't let it get like the one that is there and they should consider hiring someone to monitor the park for certain hours so people feel safe.

There was a discussion about where to put pieces of the playground at the park.

Councilman Koenig said he would like to wait to move the playground until the residents get the answers they want from the school.

There was a discussion about speaking to the school.

Supervisor Osborn said they can wait two weeks before making a decision.

Mike Dovich asked if having the playground in front of the Police Department affects the Town insurance premiums.

Supervisor Osborn said no.

Mr. Dovich asked what the procedure is for sex offenders currently coming to the Police Station.

Supervisor Osborn said the Chief is not at the meeting.

Patricia Cassels said that the Town Park needs attention, it needs to be cleaned and groomed and taken care of. She also said the three signs including the Welcome to Marlborough sign on 9W south are not being maintained. She also asked if the Tally Ho homes are occupied and what can be done about the eyesore.

Tom Corcoran said it has a violation on it and he is not allowed on private property.

Councilman Baker said the park has had a lot of upgrades and the Town works on things within their budget. He also let Ms. Cassels know about the Economic Development Committee who is trying to do things to beautify the Town.

ITEM #7 Presentations

A). Nick Galella

Nick Galella left the meeting.

Supervisor Osborn said that he wants to change the design of his subdivision from apartments to 5 houses and would like to address the Board about sewer entry fees.

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ITEM #8 Report of departments

- A) SUPERVISOR- STEPHEN OSBORN
B) TOWN CLERK – COLLEEN CORCORAN

06/08/2015

Town Clerk Monthly Report Monthly Report
May 01, 2015 - May 31, 2015

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Account Description	Fee Description	Account#	Qty	Local Share
Conservation	Conservation	A1255	11	24.04
			Sub-Total:	\$24.04
Dog Licensing	Female, Spayed	A2544	19	95.00
Dog Licensing	Male, Neutered	A2544	14	70.00
Dog Licensing	Male, Unneutered	A2544	8	80.00
			Sub-Total:	\$245.00
General Fund	Towing Licenses	00-2590	3	750.00
General Fund	Water Service	2144SW	1	150.00
			Sub-Total:	\$900.00
LANDFILL FEES	T/s Permits	00-2130	2	100.00
LANDFILL FEES	T/s Punch Cards	00-2130	35	1,780.00
			Sub-Total:	\$1,880.00
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	4	70.00
			Sub-Total:	\$70.00
Misc Fees	YRP Camp	00-2025	11	2,755.00
Misc Fees	YRP Lifeguard	00-2025	10	1,965.00
			Sub-Total:	\$4,720.00
MISC. FEES	Accident Reports	00-1255	8	40.00
MISC. FEES	Certified Copies	00-1255	3	120.00
MISC. FEES	Junkyard Licenses	00-2590	1	250.00
MISC. FEES	Minor Sales	00-2655	11	700.00
MISC. FEES	Park Fees	00-2001	5	1,250.00
			Sub-Total:	\$2,360.00
Total Local Shares Remitted:				\$10,199.04
Amount paid to: NYS Ag. & Markets for spay/neuter program				57.00
Amount paid to: NYS Environmental Conservation				410.96
Amount paid to: State Health Dept. For Marriage Licenses				90.00
Total State, County & Local Revenues:		\$10,757.00		Total Non-Local Revenues:
				\$557.96

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C) POLICE CHIEF – GERALD COCOZZA

Following is a summary of the activity of the Police Department for the month of May 2015

<u>MOTOR VEHICLE ACCIDENT</u>	May 15	Yr. Date 15	May 14	Yr. Date 14
Personal injury	5	22	7	26
Fatal	0	1	0	0
Property Damage	17	78	15	76
Report Not Required	6	22	2	27
Total	28	123	24	129

SUMMONSES ISSUED

Vehicle and Traffic	152	816	171	540
Parking	1	13	1	6

COMPLAINT ACTIVITY

Total Blotter Entries	341	1646	275	1752
Total Arrests	26	143	28	122

<u>TOTAL TELEPHONE CALLS</u>	1761	8445	1708	8399
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POLICE DEPARTMENT OVERTIME HOURS payroll 11 & 12

Full Time Officer Overtime	44.5	(\$2457)	303.5	113	(\$4919)	409.5
Full Time Office Grant Overtime	5.5	(\$224)	49.5			
Part Time Officer Overtime	99.5	(\$3610)	414.25	87.5	(\$2975)	459.5
Part Time Officer Grant Overtime	7.5	(\$280)	47.5			
Full Time Dispatchers Overtime	0	(\$0)	0	0	(\$0)	8
Part Time Dispatchers Overtime	28	(\$750)	123	0	(\$0)	72

<u>Police Mileage</u>	12704	60325	12505	55075
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D) HIGHWAY SUPERINTENDENT – GAEL APPLER, SR.

Monthly Report for May 2015

ROADS: We spent a couple of weeks this month sweeping out all the paved gutters and had the street sweeper working for most of the month also. We installed 360 ft. of guard rail on Ridge Rd. and 160 ft. of guard rail on Highland/Conway. We also replaced the guard rail at the highway garage with some of the good used rail we had pulled out. We started mowing the Town's roadsides and have been applying herbicide around guard rails and signs. On 5/28 we had heavy rain and wind that caused us to work all day 5/29 and cutting some fallen trees and chipping up down limbs.

DRAINAGE: We rebuilt a c.b. on Wyms Heights that had collapsed over the winter. We had to remove 60 ft. of paved gutter on Quaker Hill that was destroyed by a heavy truck and will repave this later. We rebuilt c.b.s on Main St., Milton and the Town Park.

WATER DEPARTMENT: We assisted W.D. with a water main break on Church St., Marlboro. We assisted W.D. with a water main break on Old Indian Rd.

TOWN PARK: We had finished breaking the rock for the new storage building at the Town Garage and moved the machine to break up 105 ft. of sidewalk on Main St., Milton. We had a couple of men assisting Local 17 Laborers on the sidewalk project. We swept the Parade route, did litter patrol and put out traffic cones for the Memorial Day Parade. On 5/27 we repaired the excavations around the new sidewalk with hot asphalt.

FUEL USAGE: Gas: 286.1 gallons Diesel: 1184.5 gallons.

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E) WATER SUPERINTENDENT – CHARLIE MUGGEO

RE: MONTHLY REPORT FOR MAY

Water consumption totaled 15.7 million gallons that is a daily usage of 508,000. Compared to last month 13.4 million gallons and a 447,000 daily usage. Compare to a year ago water consumption was 19.2 million for the month which is a daily usage of 616,000.

SUMMARY FOR THE MONTH:

FIRE HYDRANTS: We started mowing hydrants. Had to repair hydrants on North RD. West St. and Bloom ST.

VALVES: Had to repair two valves on Church St. and Orange St. We maintained all our pressure pits and our Water Storage tanks.

WATER MAINS: Had to repair a 8 inch water main on the corner of Old Indian Rd and Rt. 9 W.

METERS: We had to repair meters on Hudson Terrance, Old Indian Rd and Cherokee Ln. We also read meters for billing if there is any problems with the billing feel free to give us a call.

RESERVIOIR: Cleaned up brush and garbage around reservoir
TOWN Park : We got the pavilion area prepared for Summer Camp Inspections.

CLOSINGS: 2

MARKOUTS: 35

Gallons of Gas: 205

Gallons of Diesel: 11

Mileage for the month: 1500

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F) BUILDING INSPECTOR – THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR
MONTHLY REPORT/BUILDING DEPARTMENT
MONTH OF: MAY 2015**

CERTIFICATE OF OCCUPANCY 18 STOP WORK ORDER _____
REQUEST FOR INFORMATION 4 Z.BA APPLICATION _____
TRAILER PARK RENEWALS 2 ORDER TO REMEDY _____
BUILDING EXTENSIONS 1 COMPLAINTS 34 _____
FIRE INSPECTIONS 45 BURN PERMITS ISSUED 44 _____
FIRE CALLS 3 CLOTHING BIN RENEWALS _____
BUILDING PERMITS 28

<u>2</u> ONE FAMILY	<u>1</u> FIREWORKS
<u>1</u> ELECTRICAL	<u>1</u> REPAIRS/ALTERATIONS
<u>4</u> FURNACE/BOILER (INDOOR)	<u>1</u> ADDITIONS/RENOVATIONS
<u>1</u> DEMOLITION	<u>1</u> FIREPLACE/CHIMNEY LINER
<u>1</u> TANK INSTALLATION/REMOVAL	<u>5</u> DECKS/STAIRS
<u>1</u> STOVES (WOODSTOVE, PELLET)	<u>2</u> POLE BARN
<u>5</u> POOL/HOT TUB	<u>1</u> MOBILE HOME
<u>2</u> SHED	<u>1</u> CARPORT/GARAGE
<u>1</u> ROOF	<u>3</u> SOLAR PANELS

ESTIMATED COST OF BUILDINGS \$683,839.00

CERTIFICATE OF OCCUPANCY	\$ <u>750.00</u>
REQUEST FOR INFORMATION	\$ <u>400.00</u>
BUILDING EXTENSIONS	\$ <u>100.00</u>
TRAILER PARK RENEWALS	\$ <u>525.00</u>
BUILDING PERMITS	\$ <u>5315.09</u>
FIRE INSPECTION FEES	\$ <u>2200.00</u>
ZBA ESCROW FEES	\$ _____
ZBA APPLICATION	\$ _____
TOTAL MILEAGE: 1211 MILES	
TOTAL GAS USAGE: 89 GALLONS	
TOTAL MONTHLY ZONING FEES	\$ _____
TOTAL MONTHLY RECEIPTS	\$ <u>9290.09</u>

Supervisor Osborn asked Tom Corcoran for an update with the issue of Santini's having a secondary business in his building that was going to be resolved in front of the Planning Board.

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Tom Corcoran said that Mr. Santini hasn't put in an application to go in front of the Planning Board and even though it is not his job he reminds Mr. Santini that he needs to get that done. Councilman Corcoran asked what can be done.

Tom Corcoran said that there is already an outstanding violation and he can move it to a court appearance.

The Board discussed what they would like Santini to do and they asked Mr. Corcoran to let him know that he either needs to get scheduled to go before the Planning Board or come before the Town Board again at the next meeting.

G) WASTEWATER TREATMENT FACILITY – ANTHONY FALCO

No report

H) DOG CONTROL OFFICER – ANDREW MCKEE

May 2015 Monthly Report

Monthly Report - 5/1/2015 through 5/31/2015

Overview:

We received a total of **12** calls this month including **5** calls to service from Marlborough PD, State Police and Ulster County Sherriff

~~Responded to 3 active complaints and/or cases which are now closed or resolved~~

We currently have **2** open cases that have been addressed but are ongoing or un-resolved.

We Impounded **1** stray dogs which has been adopted to a new owner..

0 appearance tickets were issued this month.

We currently have no dogs in the kennel

We have no cases in the Marlborough Justice Court at this time

I) ASSESSOR – CINDY HILBERT

No report

J) PLANNING-MIKE LOGUE

No report

ITEM #9 Report of Committees

A) RECREATION

Supervisor Osborn said that Fit Day was very successful. People were excited about the new events. He congratulated and thanked Joe Wiles for making the day a success.

Councilman Corcoran said the Town purchased the two-way radios for camp that they requested.

Supervisor Osborn said the camp directors have been doing well with scheduling issues with counselors changing weeks that they can work.

B) SOUTHERN ULSTER ALLIANCE

No report

C) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

No report

D). CAC

Al Lanzetta said they have a meeting tomorrow. They are still discussing the LED lights and currently discussing it with the county, the committee is going to come up with a resolution for the Board.

Mr. Lanzetta also asked the Board how much was in the Recreation Building Fund.

Councilman Corcoran said that there is about \$4,000.00 left in the Park Fund.

E). IT COMMITTEE

Councilman Baker said that at the last meeting they voted to approve Civic Plus for the website. Supervisor Osborn said he signed the contract. Councilman Baker said he will contact them to schedule implementation.

F). MILTON TRAIN STATION FOUNDATION

Supervisor Osborn said there is a change order for the roofing.

Councilman Corcoran explained that the metal material is the same but the spec design has changed because what was originally specified is not made anymore.

There is no price change and there is also a meeting with Yankee Construction on Thursday at 9:30am. Yankee Construction is ready to work and got their bond.

They are going to offer additional insurance if the Town would like to have that.

Councilman Baker reported that the Wallkill Valley Land Trust Historic House Tour that began at the Train Station was the most successful one they have had with over 350 people.

G). MILTON LANDING CITIZENS COMMITTEE

Councilman Koenig said there is a Kayak Launch on Sunday at 1:00pm beginning at the Highland Landing and ending in Milton where they are having a barbeque. He also has a gentleman who deals with piers and parks coming at no charge to give a dollar amount of what it would cost to assess the south pier which can be included in the estuaries grant.

H). ZONING OVERVIEW COMMITTEE/ECONOMIC DEVELOPMENT

Councilman Koenig made a motion to remove Letter H) Zoning Overview Committee/Economic Development from Reports of Committees on the agenda. Motion seconded by Councilman Baker.

Yeas: 5

Nays: 0

Carried

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I). RIVITALIZATION/ECONOMIC DEVELOPMENT COMMITTEE

Supervisor Osborn said they have been talking to the engineers and people helping to write the grants. They are working on getting the CFA's organized.

Councilman Baker and Supervisor Osborn discussed what the plans are for granting.

Councilman Baker said that the Board approved \$5,000.00 for Barton & Loguidice to write a LWRP grant for the Town of Marlboro. The EDC is also going after a trails grant on their own, in conjunction with the LWRP. There may also be a main street or similar grant to implement sidewalks, trees, lighting etc... that they could apply for. He let the Board know that it is possible that they might need to spend a little more to get that grant. He is also concerned about the deadlines for the grants.

Supervisor Osborn said he is aware of when the deadlines are and he has had no indication from B & L that they want any more money.

J). MEET ME IN MARLBOROUGH

No report

K).HAMLET OF MILTON ASSOCIATION COMMITTEE

Councilman Koenig said the flowerpots and hanging baskets were planted and watered, they mulched and also placed cobblestones.

L). WATER COMMITTEE

Councilman Koenig said they are still waiting to meet with Newburgh.

Supervisor Osborn said they received a letter and he will contact Ron Blass to set up a meeting in the next couple of weeks.

M). TRANSFER STATION REIVEW COMMITTEE

Councilman Baker said they have a meeting Wednesday night.

ITEM #10 Old Business

A). Wyms Heights

Tom Corcoran said the grass is a little overgrown so he will call the maintenance company.

B). TOMVAC

Councilman Corcoran said the realtor is negotiating with an interested party

C). Survey of St. Andrews property for purchase

Supervisor Osborn said he will meet with the Town attorney about whether or not the Town can sell water from that property.

D). Municipal Parking

Supervisor Osborn said the Hamlet of Marlboro parking is part of what the EDC plans to do.

Councilman Koenig said he should know by August about a parking opportunity in Milton.

E). Proposed agreement with Newburgh

Supervisor Osborn said he received a letter from Newburgh asking to respond by Wednesday to make an appointment with them for their first meeting. The Town attorney requested information and hopefully he will have that in time for the first meeting to negotiate.

F). Milton Sewer Expansion 9W

Councilman Corcoran said he and Councilman Koenig had a conference call with Dennis Larios and told him he can move forward with the project because the two property owners (Dean-Paul Properties and Young's Motors) want to participate in the expansion of the

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sewer and would pay all the costs. The parties involved will sign an agreement with the Town. The parties will pay soft costs such as attorney fees, engineering fees, and planning fees which have to be paid within five years whether the project moves forward or not. Ron Blass is working on a resolution for the Board that includes those numbers. Once the project moves forward they can get a 30 year bond that would include the soft costs and the two property owners would pay that bond. Then the Town would be responsible for the upkeep.

G). Bayside

No new information

H). Town Wide Historical Survey

No new information

I). Highway garage

Supervisor Osborn said there was a walkthrough and there was concern that the bollards were going to be too close to the foundation so they will go in after the building is put up.

Councilman Corcoran said the contractor who built the original salt shed was at the walkthrough. A secondary part of the bid is to repair the bottom layer of the salt shed. There are three parts to the bid and one, two, or all could be accepted. The bid opening is Thursday at 11:00.

J). CFA Inner City Grant proposed for Sewer extension Hamlet of Milton

Councilman Koenig said he submitted a dozen survey forms to Mark Blauer and there is concern that the financial criteria may not be met. He is working on getting more surveys.

K). Local Waterfront Revitalization Program Grant

Already discussed

L). Design Standards for Overlay District

Supervisor Osborn said the Board will discuss this at the next meeting.

ITEM #11 New Business

Councilman Corcoran made a motion to allow Officer Maio to attend the Ulster County Police Academy for training for a discounted rate if paid by the Town. Mr. Maio would then reimburse the Town. Motion seconded by Councilman Koenig.

Yeas: 5

Nays: 0

Carried

Supervisor Osborn said he received soil analysis results for the top soil from the aqueduct project that is intended for the Sands Avenue Park. There are certain contaminants but the letter is not clear so that is being looked into.

Colleen Corcoran asked the Board to motion to advertise for the three police vehicles that were mentioned at the last meeting.

Councilman Corcoran made a motion to advertise for the three police vehicles to go out to bid. Motion seconded by Councilman Baker.

Yeas: 5

Nays: 0

Carried

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Councilman Corcoran said the bocce courts at the park need some work and he asked the Board if he could get estimates to fix up the bocce courts and maybe the bocce league could share the cost like baseball and soccer.

Councilman Koenig asked if the speed limit can be lowered on Main Street in Milton. Gael Appler said the state controls that.

ITEM #12 Correspondence

No correspondence

ITEM #13 Public Comment

Mark Reynolds asked if the old gas tanks will be taken out as part of the agreement for the new fueling station. He also asked how many pumps there will be and when will it be built. Councilman Corcoran said the old tanks will probably be removed after the project is completed but it isn't part of the agreement. There will be two tanks, one gas and one diesel with a pump on each side of each tank. The tank may not be done before school starts because there are time constraints on certain things.

ITEM #14 Resolutions

A). Resolution # 59 To appoint full time police officer

B). Resolution #60 To appoint 2015 Summer Counselors

C). Resolution #58 To Authorize the supervisor to sign a Letter of Intent Agreement with the Marlborough Central School District for the purpose of sharing a new fueling station to be built at 1650 Rt. 9w-**TABLED FROM MAY 28 MEETING**

ITEM #15 ADJOURMENT

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A). Resolution # 59 To appoint full time police officer

Supervisor Osborn propose then following:

Whereas, The Town of Marlborough Police Department has an open full time police officer position, and

Whereas, Eric Masten has taken and passed the Ulster County Civil Service Police Officer Exam, and

Whereas, it is the recommendation of the Chief of Police along with the Police Committee to appoint Eric Masten as full time police officer.

Be it resolved that Eric Masten be appointed as full time police officer contingent upon a medical and fitness exam.

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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B). Resolution #60 To appoint 2015 Summer Counselors

Supervisor Osborn proposes the following:

Be it resolved, that following employees be appointed to the 2015 Summer Camp

Youth Counselor

Jason Bruno
Jonathon Garofalo

Be it further resolved that Kaitlin Felicello, who was appointed as a youth counselor at the last Town Board Meeting, be promoted to Senior Counselor for the 2015 Summer Camp

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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C). Resolution #58 To Authorize the supervisor to sign a Letter of Intent Agreement with the Marlborough Central School District for the purpose of sharing a new fueling station to be built at 1650 Rt. 9w-**TABLED FROM MAY 28 MEETING**

Supervisor Osborn proposes the following

Be it resolved that the Town Board of the Town of Marlborough hereby authorizes Supervisor Osborn to sign the Letter of Intent Agreement for the new fueling station with the Marlboro Central School District.

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

LETTER OF INTENT

This Letter of Intent, dated June __, 2015 (the "Letter of Intent") is written to evidence the mutual intention of the Board of Education of the Marlboro Central School District ("District") and Town of Marlborough ("Town") to enter into an Inter-municipal agreement pursuant to Section 119-o of the General Municipal Law ("Lease"), to share in the use of a fuel station to be installed and constructed on property located at _____, Marlboro, New York (the "Facility"), and the following matters set forth below. The terms of this Letter of Intent are as follows:

1. Lease Price: The District shall lease from the Town access to the fuel pumps at the Facility for a ten (10) year initial term at an annual cost equivalent to one-tenth ($1/10^{\text{th}}$) of the total cost of constructing the fuel station, at an estimated cost of \$250,000, subject to the terms and conditions herein. The District shall pay such costs in equal monthly installments commencing on or about September 1, 2015 or the date of construction of the fuel station is complete and ready for use and occupancy, whichever is later, for the initial term of the lease, inclusive of the Town's maintenance of the Facility, which includes but is not limited to plowing, repairs, preventative maintenance, and painting.
2. Commencement Date/Term: The Lease shall commence on or about September 1, 2015, or the date construction of the fuel station is complete and ready for use and occupancy, whichever is later. The lease shall be for an initial term of ten (10) years, with an option to renew for an additional ten (10) year term, at the sole discretion of the District.
3. Lease: The District and Town will execute a Lease upon the completion of construction of the Facility.
4. Conditions: The obligations of the parties under this Letter of Intent shall be contingent upon:
 - (a) The Town shall, at its sole expense, construct the Facility for future use by both the District and the Town, as provided in a Lease to be negotiated by the parties.
 - (b) The Town shall be solely responsible for obtaining all necessary approvals to complete the construction of the Facility.
 - (c) The Town shall be solely responsible for soliciting all bids and facilitating the entire bid process to construct the Facility.

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- (d) The District and Town shall negotiate and enter into a lease agreement of the Facility, which shall include at least the following terms:
- (i) The initial term shall be ten (10) years, to commence as of September 1, 2015, or the date construction of the fuel station is complete and ready for use and occupancy, whichever is later;
 - (ii) The District shall have the right to renew the Lease, at its sole discretion, for an additional period of ten (10) years;
 - (iii) The District shall be responsible to pay the full cost of the lease payments due in the initial term, even if it cancels the Lease prior to the expiration of the initial term, absent a legitimate reason as set forth in the Lease. If, however, the Lease is terminated by the Town for any reason prior to the expiration of the initial term, the District shall only be responsible to pay for the costs of its use of the Facility up to the termination of the Lease;
 - (iv) Prior to occupancy, the Town shall be responsible at its sole cost and expense for any and all renovations, alterations and refurbishment to make the Premises suitable for occupancy for the intended purposes;
 - (v) The total rental rate for the Lease shall be the equivalent of one tenth ($1/10^{\text{th}}$) of the total cost of construction of the fuel station, inclusive of (not an exhaustive list): utilities, repairs and maintenance, cleaning and snow plowing, painting of the Facility. The Town shall pay all taxes and the costs of any major repairs to the roof, exterior structure, water and sewer disposal systems and HVAC, fuel lines, electrical and plumbing systems. The Town shall also be responsible for maintaining the fuel pumps in good working order for the duration of the Lease term, and for compliance with any

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and all rules and regulations of any Federal and/or state agencies;

(vi) The District shall be responsible for managing the fuel station during the term of the Lease, which includes: ordering fuel for the station, monitoring and billing the respective agencies for their fuel consumption.

(vii) Should the District choose to exercise its option to renew the Lease for an additional ten (10) year term as provided in Section 4(d)(ii) herein, it shall not be responsible to pay any costs for its access the fuel station during such renewal period.

In the event any of these conditions are not satisfied, then the Letter of Intent may be terminated by either party upon written notice given to the other party.

5. Costs; No Finder's Fee. Each party will be responsible for its own costs and expenses, including attorneys and accounting fees, in connection with this transaction. Neither party will be obligated to any person for any finder's fee in connection with this transaction.
6. Intention. This Letter of Intent is intended only to set forth the intentions of the parties. It is not a contract and does not create binding legal rights or obligations on the part of the parties hereto.

If the Town is agreeable to the terms and conditions of this Letter of Intent, kindly indicate your approval by executing this Letter where indicated below.

Sincerely,

BOARD OF EDUCATION OF THE
MARLBORO CENTRAL SCHOOL DISTRICT

By: _____

Name: Bill Bell

Title: President

AGREED AND ACCEPTED BY:

Town of Marlborough

By: _____

Name:

Title:

June 8, 2015

Councilman Corcoran made a motion to hold an executive session at 9:06PM. Motion seconded by Councilman Baker.

Yeas: 5 Nays: 0 Carried

Councilman Molinelli made a motion to end executive session and resume the regular meeting at 9:23PM. Motion seconded by Councilman Koenig.

Yeas: 5 Nays: 0 Carried

No decisions were made.

Councilman Koenig made a motion to adjourn the meeting at 9:25PM. Motion seconded by Councilman Molinelli.

Yeas: 5 Nays: 0 Carried

***Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk***