

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
JULY 10, 2017 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli (Arrived at 7:20 p.m.)  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig

Danielle Cherubini, Deputy 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 Resolution #'s 81, 82, and 83 to the agenda. Motion seconded by Councilman Koenig.*

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

ITEM #4 Motion to approve minutes from the June 26, 2017 Town Board Meeting  
*Councilman Koenig made a motion to approve minutes from the June 26, 2017 Town Board Meeting. Motion seconded by Councilman Baker.*

## ITEM #5 Authorize payment of bills

*Councilman Baker made a motion to authorize payment of the abstract in the amount of \$245,301.99. Motion seconded by Councilman Corcoran.*

July 10, 2017

ITEM #6 Comments on the agenda  
*No comments on the agenda.*

ITEM #7 Presentations  
*No presentations.*

ITEM #8 Report of Departments and Boards

A) SUPERVISOR - ALPHONSO LANZETTA

**Supervisor's Report July 2017**

Met with Ulster County Supervisors & Consultants on Ulster County's Consolidated Services Grant

Met with Marlboro Fire Department & Building Code Enforcement Officer

Reviewed Public Use Policy on Milton Train Station

Attended opening of new business – Red House – in Milton

Attended a Power Plant Assessment meeting with the Deputy Supervisor, Councilman Howard Baker, representatives of Marlboro Central School District and the Town of Newburgh Supervisor

Meetings with Rosemary Wein and Councilman Baker on CFA application

Press Conference on Lyme Disease Prevention and Research with UC Executive Mike Hein and Senator Gillibrand

July 10, 2017

B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR  
MONTHLY REPORT/BUILDING DEPARTMENT  
MONTH OF: JUNE 2017**

CERTIFICATE OF OCCUPANCY 7 STOP WORK ORDER 1

REQUEST FOR INFORMATION 13 ZBA APPLICATION 2

TRAILER PARK RENEWALS 0 ORDER TO REMEDY 21

BUILDING EXTENSIONS 7 COMPLAINTS 39

FIRE INSPECTIONS 27 BURN PERMITS ISSUED 22

FIRE CALLS 1 CLOTHING BIN RENEWALS 0

**BUILDING PERMITS 38**

|                                     |   |
|-------------------------------------|---|
| <u>1</u> ONE FAMILY                 | <u>0</u> CLOTHING BIN                   |
| <u>0</u> TWO FAMILY                 | <u>0</u> SIGNS                          |
| <u>1</u> ELECTRICAL/GENERATOR       | <u>0</u> REPAIRS/ALTERATIONS/CONVERSION |
| <u>4</u> FURNACE/BOILER (INDOOR)    | <u>11</u> ADDITIONS/RENOVATIONS         |
| <u>3</u> DEMOLITION                 | <u>0</u> COMMERCIAL STRUCTURE           |
| <u>3</u> TANK INSTALLATION/REMOVAL  | <u>8</u> DECKS/STAIRS                   |
| <u>0</u> STOVES (WOODSTOVE, PELLET) | <u>0</u> WIRELESS COMMUNIATION          |
| <u>2</u> POOL/HOT TUB               | <u>0</u> MOBILE HOME                    |
| <u>1</u> SHED                       | <u>0</u> CARPORT/GARAGE                 |
| <u>3</u> ROOF                       | <u>1</u> SOLAR PANELS                   |

**ESTIMATED COST OF BUILDINGS \$542,304.00**

|                            |                     |
|----------------------------|---------------------|
| CERTIFICATE OF OCCUPANCY   | \$ <u>1,050.00</u>  |
| REQUEST FOR INFORMATION    | \$ <u>1,300.00</u>  |
| BUILDING EXTENSIONS        | \$ <u>700.00</u>    |
| TRAILER PARK RENEWALS      | \$ <u>0</u>         |
| BUILDING PERMITS           | \$ <u>5,700.00</u>  |
| FIRE INSPECTION FEES       | \$ <u>1,800.00</u>  |
| ZBA ESCROW FEES            | \$ <u>1400.00</u>   |
| ZBA APPLICATION            | \$ <u>600.00</u>    |
| TOTAL MILEAGE: 940 MILES   |                     |
| TOTAL GAS USAGE 69 GALLONS |                     |
| TOTAL MONTHLY ZONING FEES  | \$ <u>0</u>         |
| TOTAL MONTHLY RECEIPTS     | \$ <u>12,550.00</u> |

July 10, 2017

C) POLICE CHIEF - GERALD COCOZZA

**Police Department  
Town of Marlborough**

**MEMORANDUM**

To: Town Board of the Town of Marlborough



From: Chief Cocozza

Date: June 12, 2017

Subject: Activity Summary for the Month of June 2017

Following is a summary of the activity of the Police Department for the month of June 2017

| <u>MOTOR VEHICLE ACCIDENT</u> | June. 17 | Yr. Date 17 | June 16 | Yr. Date 16 |
|-------------------------------|----------|-------------|---------|-------------|
| Personal injury               | 3        | 24          | 3       | 24          |
| Fatal                         | 0        | 0           | 0       | 0           |
| Property Damage               | 12       | 79          | 13      | 59          |
| Report Not Required           | 5        | 19          | 6       | 15          |
| Total                         | 20       | 122         | Total   | 22          |
|                               |          |             |         | 120         |

| <u>SUMMONSES ISSUED</u> |     |     |     |      |
|-------------------------|-----|-----|-----|------|
| Vehicle and Traffic     | 220 | 935 | 212 | 1070 |
| Parking                 | 4   | 19  | 0   | 4    |

| <u>COMPLAINT ACTIVITY</u> |     |      |     |      |
|---------------------------|-----|------|-----|------|
| Total Blotter Entries     | 345 | 1997 | 368 | 1913 |
| Total Arrests             | 42  | 204  | 30  | 144  |

| <u>TOTAL TELEPHONE CALLS</u> |      |       |      |       |
|------------------------------|------|-------|------|-------|
|                              | 1715 | 10414 | 1695 | 10242 |

POLICE DEPARTMENT OVERTIME HOURS payroll 12 & 13

|                                |                |                |
|--------------------------------|----------------|----------------|
| Full Time Officer Overtime     | (see attached) | (see attached) |
| Full Time Officer Grant O/T    | (see attached) | (see attached) |
| Part Time Officer Overtime     | (see attached) | (see attached) |
| Part Time Officer Gant O/T     | (see attached) | (see attached) |
| Full Time Dispatchers Overtime | 0 (\$)         | 0              |
| Part Time Dispatchers Overtime | 32 (\$854)     | 34             |
|                                |                | 0              |
|                                | 24             | (\$670)        |
|                                |                | 80             |

|                       |       |       |       |       |
|-----------------------|-------|-------|-------|-------|
| <u>Police Mileage</u> | 13363 | 72164 | 24633 | 84555 |
|-----------------------|-------|-------|-------|-------|

*There was a brief discussion regarding dispatchers. The chief also reported that the speed trailer is working out well and so is the new contract for overtime hours.*

July 10, 2017

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 June 2017**

**ROADS:** We continue to mow the road sides throughout the Township. We continue to weed whack intersections to improve sight distance. We installed 140 ft. guardrail on South St. and repaired 190 ft. of guardrail on Idlewild Rd. We picked up 7 tires, 3 on Bingham Rd. and 4 on Luel Ann Dr. and took these to the Landfill. We had the sweeper out cleaning gravel off the roads after the 6/18 storm. We repaired and blacktopped a swale on Penny Lane. We herbicided around signs, guardrails and hydrants.

**DRAINAGE:** We installed 320 ft. of 8 in. perforated pipe along Mahoney Rd. to alleviate a continual winter icing problem. We installed 370 ft. of 15 in. PVC and 3 c.b.s along Lyons Lane to refurbish an existing drainage. We installed 300 ft. of 8 in. perforated pipe and 1 c.b. on Mulberry to alleviate an icing problem. We installed a new c.b. in front of the Milton Firehouse.

**WATER DEPARTMENT:** We assisted WD in repairing road cuts due to water main breaks on Old Post Rd. and Dock Rd., Marlboro.

**LANDFILL:** We mowed the Landfill cap on 6/14.

**TREES/BRUSH:** We cut up and chipped a fallen tree on Riverknoll. We cut up and chipped numerous large Trees on Old Indian and Mahoney Rd. knocked down by the storm on 6/18.

**TOWN PARK:** We removed some large rocks and a telephone pole from around the Bocce pavilion. We blacktopped a sidewalk into the restrooms by the pavilion. We flail mowed some brush off Willow Tree Rd. in the Park.

**FUEL USEAGE:** Gas: 371.132 gallons Diesel: 839.217 gallons.

Gael R. Appler, Sr.  
Highway Superintendent

GRA/cw

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*Supervisor Lanzetta stated that the Board would like to thank Gael Appler for paving and patching at the park.*

July 10, 2017

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: 7/10/2017**

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

**RE: MONTHLY REPORT FOR JUNE**

Water consumption totaled 15.1 million gallons which is a daily usage of 502,000. Compared to last month, 14.4 million gallons, which is a daily usage of 465,000. Compared to a year ago water consumption was 15.6 million for the month which is a daily usage of 522,000.

**SUMMARY FOR THE MONTH:**

**HYDRANTS:** We have been mowing around and herbicideing around hydrants.  
**WATER MAINS:** Had to repair a 6 inch water main on Milton Turnpike.  
**CURB BOXES:** We had repairs on Orange St., Prospect St., Hudson Terrace, and Lattintown Rd.  
**VALVES:** We had to repair valves on Lattintown Rd. and also on Albertson Lane.  
**BILLINGS:** Have been alleviating calls about bills. If there are any questions with anything feel free to give us a call and we will gladly help you out with any of your water problems.

SERVICE LINE INSPECTIONS: 1  
CLOSINGS: 4  
MARKOUTS: 25  
Gallons of Gas: 245  
Gallons of Diesel: 0  
Mileage for the month: 1525



July 10, 2017

G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

Water Quality Management, Inc.  
P.O. Box 733  
Marlboro, NY 12542

July 10, 2017

Report on The Marlboro Wastewater Treatment Plant for June 2017

The average flow to the plant was 103,000 gallons per day. This was an average dry month and about 59% of design capacity (175,000 gallons per day). We are having some issues with our flow meter at the plant – these figures may be biased low. We are working with an instrument specialist to resolve flow meter problems. The process is working well meeting SPDES requirements. Lab results show that we removed 99% of BOD and 93% of suspended Solids during the month.

Milton Wastewater Treatment Plant:

The Average flow to the Milton plant during June 2017 was 30,000 gallons per day. This is about 55% of design capacity (55,000 gallons per day). We showed 99% of BOD and TSS removal. The process is working well meeting SPDES requirements.

Overall both wastewater treatment plants are in good working order.

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

Tony Falco  
Water Quality Management, Inc.

July 10, 2017

H) DOG CONTROL OFFICER - ANDREW MCKEE

21 Milton Turnpike  
Marlborough, New York, 12547

## Town of Marlborough Dog Control

AndrewMcKee-DogControlOfficer

Sunday, July 9, 2017

### Monthly Report - 6/1/2016 through 6/31/2016

Overview:

We received a total of **18** calls this month including **6** calls to service from Marlborough PD, State Police and Ulster County Sheriff

We responded to **3** active complaints and/or cases which are now closed or resolved

We currently have **1** open cases that have been addressed but are ongoing or un-resolved.

We Impounded 0 stray dog,

0 appearance tickets were issued this month.

We currently have 0 dogs in the kennel

We had 0 Dog Bites reported this month.

We have 3 cases in the Marlborough Justice Court at this time

There was a high volume of calls from residents whose dogs had run away. I would urge residents to confine their dogs with either a leash or a fenced area. We have a healthy coyote population especially in the Milton area. Dogs who don't return home before dark have a chance of meeting one or more of these coyotes. This is a real threat as we typically have 2 dogs per year that meet this fate. Again, please confine your pets.

End of report.

July 10, 2017

I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# Memo

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** July 10, 2017  
**Re:** July Report

Our office processed 20 real property transfers.

We filed our Final Assessment Roll on July 1, 2017.

Our Assessor's Annual Report will be filed the end of July and sent to the State.

The Town data collector has completed about 35% of the residential collection. He is currently working in the area of Lattintown/Hampton/South St.

J) PLANNING - CHRIS BRAND

Town of Marlborough

## Planning Board Review July 2017

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**Meeting: June 5, 2017 / 7:30 PM / Town Hall**

### ATTENDEES

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

### AGENDA

**Verizon Wireless / Node 11, 1488 Route 9W [Property of Jason Warden],  
Marlboro: Final, Public Hearing**

- The applicant reappeared for a scheduled Public Hearing for their proposed Cell Node at the above address. Mike Musso, Wireless Engineer representing the Town of Marlboro, provided a detailed report on the technology, installation, and operation at the proposed site. Mr. Musso advised the Board to review the individual waivers requested by the applicant. The Public Hearing was opened and closed with limited participation. A Negative Declaration was unanimously approved and the applicant was advised to return on July 17th, to ensure adequate time for the Ulster County Planning Board to review the plans.

**Verizon Wireless / Node 9, 3 Young Ave. [Property of James Garafolo],  
Marlboro: Final, Public Hearing**

- The applicant reappeared for a scheduled Public Hearing for their proposed Cell Node at the above address. Mike Musso, Wireless Engineer representing the Town of Marlboro, provided a detailed report on the installation and operation at the proposed site. The Public Hearing was opened and closed with limited participation. A Negative Declaration was unanimously approved and the applicant was advised to return on July 17th, to ensure adequate time for the Ulster County Planning Board to review the plans.

**Verizon Wireless / Node 5, 1024 Route 9W [Property of Absolutely Automotive], Marlboro: Final, Public Hearing**

- The applicant reappeared for a scheduled Public Hearing for their proposed Cell Node at the above address. Mike Musso, Wireless Engineer representing the Town of Marlboro, provided a detailed report on the installation and operation at the proposed site. The Public Hearing was opened and closed with limited participation. Due the proximity of this location to the historic Gomez Mill House, this proposal is a Type 1 Action. The applicant was advised to return on July 17th, to ensure adequate time for the Ulster County Planning Board to review the plans. The Board will also review any and all SHIPO information at this time.

**Pollock/Taddeo, 24 & 26 Main Street, Milton: Final, Public Hearing**

- The applicant reappeared in order to seek approval for a lot line change previously granted approval in December of 2015. However, the changes were not filed with the Ulster County Clerk's Office. A public Hearing was opened and closed. Final Approval was granted unanimously by resolution.

**Maria Stravroulakis, 73 Peach Lane, Milton: Sketch, Subdivision**

- The applicant presented plans to subdivide a 25+/- acre lot into two smaller lots. Town Engineer Pat Hines noted the proposed subdivision will result in the well serving Lot 1 being relocated to Lot 2. He further recommended the existing well located in the proposed "flagpole" of the new lot be abandoned in accordance with AWWA Standards. A Public Hearing was scheduled for July 17, 2017.

**Danskammer House, 5 West Street, Marlboro: Sketch, Site Plan**

- The applicant sought approval for a proposed Bed and Breakfast at the above address. The discussion with the applicant and their engineer included the definition of use as a home occupation and the allowable use of 50% of the structure for business purposes. The Board requested detailed house plans to identify use of the structure and proposed parking. Town Engineer Pat Hines requested notes be added to future plans to indicate the existing two car garage be available for parking and not used for storage or other use. The Board also requesting a

July 10, 2017

review letter from the Town Building Inspector regarding use, proposed construction in regards to Section 155-23, and handicap accessibility. A public Hearing was scheduled for July 17, 2017.

#### **NEXT Deadline**

Friday, June 9, 2017

#### **NEXT Scheduled Meeting**

Monday, June 19, 2017

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**Meeting: June 19, 2017 / 7:30 PM / Town Hall**

#### **ATTENDEES**

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

#### **AGENDA**

##### **Approval of Stenographic Minutes for 5-1-2017 & 5-15-2017**

The approval for the above minutes were approved unanimously

##### **Highland Pet Center, 131 Bailey Gap Road, Highland: Sketch, Amend Site Plan**

- The applicant and their representative detailed a proposal to amend their site plan at the above address. The plans include an additional structure of approximately 1,100 square feet to house 14 more indoor/outdoor kennels behind the current operation. Town Engineer Pat Hines indicated the proposed plans do not conform with actual field conditions on site. The Board requested copies of the Variance issued June 17, 2010, as well as a narrative report indicating existing and proposed usage. Updated plans should include notes pertaining to the driveway use and locations, Bulk Table clarifications, sanitary waste disposal, sizing, use, and location of the subsurface sanitary sewer disposal system, and site lighting proposals. The Building Inspector's

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*Supervisor Lanzetta added that the town contracted with Verizon for them to place a cell node on Route 9W near DiDonato's Funeral Home. Verizon is also putting a cell tower on the water tank in Milton; the town will not be receiving money for about 17 months because Verizon is financially responsible to make an easement. Once the three cell nodes that are before the Planning Board are approved by the town and county then they will be built along with the towns on Route 9W.*

ITEM #9 Report of Committees

A) RECREATION COMMITTEE

*No report*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report*

C) CONSERVATION ADVISORY COMMITTEE

*Supervisor Lanzetta reported that the CAC is working on design standards for the Route 9W corridor.*

D) IT COMMITTEE

*No report*

E) MILTON TRAIN STATION FOUNDATION

*No report*

F) MILTON LANDING CITIZENS COMMITTEE

*Councilman Koenig reported that they had their annual kayak launch. The Milton Landing was also recently acknowledged in the Daily News.*

G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*No report*

H) MEET ME IN MARLBOROUGH

*No report*

I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*No report*

J) TRANSFER STATION REVIEW COMMITTEE

*No report*

ITEM #10 Old Business

A). Sale of TOMVAC Building

*No new information*

B). Municipal Parking in Hamlets of Marlboro and Milton

*No new information*

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

*Supervisor Lanzetta stated that the bid will be advertised beginning on July 19, 2017, the bid opening will be August 17, 2017 and the bid will be awarded August 21, 2017.*

D). Bayside Project

*No new information*

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

*No new information*

F). Milton Train Station Grant Exterior Rehabilitation

*Supervisor Lanzetta stated that the town was approved by the Dormitory Authority of the State of New York (DASNY) to go out for bid. There is a resolution for the board to approve the Supervisor to sign the contract for the \$150,000.00 grant.*

G). LWRP (CFA Grant applications for the Town of Marlborough, Behan Planning)

*Councilman Baker stated that the Board recently approved Behan Planning to go out for three grants for the Milton Landing park and pier.*

*Councilman Koenig added that there was a conference call to go over estimates and deadlines.*

*Mike Dovich asked about the grants and if they could go on the website. Councilman Baker explained that two of the grants will be Consolidated Funding Applications (CFA) and one will be through the Upstate Revitalization Initiative and they can be put on the website.*

**H). Route 9W Corridor study**

*Councilman Baker stated that there will be a meeting with BFJ Planning and John Behan on Wednesday regarding the corridor study.*

**ITEM #11 New Business**

*No new business*

**ITEM #12 Correspondence**

*Supervisor Lanzetta stated that Marlboro United Soccer Club is requesting use of the lower fields at the park for recreational soccer and soccer camp. He checked with the clerk and all is well except for one date that the soccer club is aware of.*

*Supervisor Lanzetta read a letter from Gary Mankes of Mankes and Sons Car & Truck Repair who stated that he is resigning from his position on the town tow list.*

*Chief Cocozza briefly described the incident that happened with Mr. Mankes regarding a recent tow. Chief explained that Mankes's resignation creates an opening on the tow list and there was an applicant on the waiting list which there is a resolution for tonight.*

*The Board and the Chief briefly discussed the new applicants impound yard.*

**ITEM #13 Public Comments**

*Mike Dovich, Marlboro, stated that he was appointed to the Ethics Board and then he was told that he could not hold an elected and an appointed position at the same time (currently the Republican Party Chairman); he questioned the Board if this was still true. The Board had a brief discussion with Mr. Dovich and let him know that that is still correct and it is written in the Code of Ethics.*

*Mr. Dovich also asked if there was a policy for use of the Train Station and if it's being used because he feels it should be used to bring in some funds. Supervisor Lanzetta explained what was discussed at the last meeting regarding the use policy.*

*Mr. Dovich asked who the food vendor is for Concerts in the Park.*

*Supervisor Lanzetta stated that Coach's Dog House will do this year and the American Legion will do it next year.*

*Mr. Dovich also commented on the bid amounts that are in Resolution #81.*

*Stephen Jennison, 18 Woodcrest Lane, stated that he wanted to publicly thank Al Lanzetta, Scott Corcoran, Ed Molinelli, and Gael Appler for listening to his concerns about the early morning noise issue; he suggested moving the sand piles that are currently at the Highway Department to the Transfer Station.*

*James Garofalo, Young Avenue, commented that all the future plans for the Milton Landing, the pier, and the Train Station will attract people and make the Train Station worthwhile.*

*Thomas Coupart, Western Avenue, asked if the Town adopted the park master plan or if it is in the process. Some of the board members collectively explained that the park master plan is in the process and Resolution #82 is part of the process.*

*Mr. Coupart questioned whether the Train Station would remain a town building and if the park would be public.*

*Rosemary Wein and Supervisor Lanzetta explained that even after the granting and the park is improved, the train station will remain a town building and the park will be public.*

**ITEM #14 Resolutions**

- A). Resolution #77 To authorize the Highway Superintendent to sell a 2006 International Dump Truck
- B). Resolution #78 To accept an Application for Towing License
- C). Resolution #79 To authorize the supervisor to Sign the Negative Declaration
- D). Resolution # 80 To adopt Local Law # 6 of the year 2017 Amending Chapter 155 Zoning to add section 155-32.2 Solar Energy
- E). Resolution # 81 To hire Consultants to do Army Corps of Engineers Impact Assessment for Milton Landing Pier Project
- F). Resolution # 82 to Apply for and Accept State Grants and Serve as Lead Agency for SEQR Review
- G). Resolution # 83 To Direct the Supervisor to enter into Grant Disbursement Agreement Milton Train Station

**ITEM #15 Adjournment**

July 10, 2017

A). Resolution # 77 To authorize the Highway Superintendent to sell a 2006 International Dump Truck

Supervisor Lanzetta proposes the following:

Whereas, the Highway Superintendent desires to dispose of a surplus vehicle, a 2006 International Dump Truck, Vin # 1HTWMAZR16J249855, and

Whereas, in reference to New York Consolidated Law, General Municipal Law-GMU 103.6 exceptions to formal bidding states:

“Surplus and second hand supplies, material or equipment may be purchased without competitive bidding or competitive offering from the Federal Government, that State of New York or from any other political subdivision, district or public benefit corporation.”

Therefore be it resolved, that the Town Board of The Town of Marlborough hereby authorizes the Highway Superintendent to sell a 2006 International Dump Truck to the Town of Marbletown in the amount of \$40,000.00.

And it moves for adoption

|                      |         |
|----------------------|---------|
| Councilman Corcoran  | Yes     |
| Councilman Molinelli | Abstain |
| Councilman Koenig    | Yes     |
| Councilman Baker     | Yes     |
| Supervisor Lanzetta  | Yes     |

July 10, 2017

B). Resolution #78 To accept an Application for Towing License

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough Town Code, Chapter 140 Tow Trucks, states that the Town Clerk shall accept applications for permits from persons desiring to tow in the Town of Marlborough, and

Whereas, the Town Board of the Town of Marlborough must approve the application before the Town Clerk can issue a permit.

Be it resolved, that the application from Matt's Car and Trailer Sales be approved.

And it moves for adoption

|                      |         |
|----------------------|---------|
| Councilman Corcoran  | Yes     |
| Councilman Molinelli | Abstain |
| Councilman Koenig    | Yes     |
| Councilman Baker     | Yes     |
| Supervisor Lanzetta  | Yes     |

July 10, 2017

C). Resolution #79 To authorize the supervisor to Sign the Negative Declaration

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough proposes to adopt a local law known as “A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND CHAPTER 155 “ZONING” TO ADD SECTION 155-32.2 REGARDING SOLAR ENERGY; and

WHEREAS, a Short Form EAF Parts 1, 2 and 3 has been prepared and reviewed by the Town Board, copies of which are annexed hereto as Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED that as indicated on Part 3, page 4 of the Short Form EAF, the Town Board has determined that the proposed action will not result in any significant adverse environmental impacts; and

BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to sign and execute the Negative Declaration contained at Part 3, page 4 of the Short Form EAF, annexed hereto as Exhibit A.

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

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

## Exhibit "A"

***Short Environmental Assessment Form***  
***Part 1 - Project Information***

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

| Part 1 - Project and Sponsor Information   |              |   |
|--|--------------|---|
| Town of Marlborough Town Board   |              |   |
| Name of Action or Project:<br>A local law of the Town of Marlborough to add Section 150-32.2 "Solar Energy" to the Town Code.  |              |   |
| Project Location (describe, and attach a location map):<br>Entire Town   |              |   |
| Brief Description of Proposed Action:<br>Proposed addition of new section 150-32.2 "Solar Energy" to the Town's code to allow for various types of solar energy sources to be permitted and/or special permit uses in the Town. Whether the use will be a permitted use or a use allowed by special permit is dependent upon the type of solar energy system proposed and the zoning district in which the lot is located.   |              |   |
| Name of Applicant or Sponsor:<br>Town of Marlborough Town Board  |              | Telephone: 845-795-5100<br>E-Mail: alanzetta@marlboroughny.us |
| Address:<br>21 Milton Turnpike   |              |   |
| City/PO:<br>Milton   | State:<br>NY | Zip Code:<br>12547  |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.   |              |   |
| 2. Does the proposed action require a permit, approval or funding from any other governmental Agency?<br>If Yes, list agency(s) name and permit or approval:   |              |   |
| 3.a. Total acreage of the site of the proposed action? _____ acres<br>b. Total acreage to be physically disturbed? _____ acres<br>c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres   |              |   |
| 4. Check all land uses that occur on, adjoining and near the proposed action.<br><input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____<br><input type="checkbox"/> Parkland |              |   |

|  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| 5. Is the proposed action,<br>a. A permitted use under the zoning regulations?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?<br>If Yes, identify: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Are public transportation service(s) available at or near the site of the proposed action?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Does the proposed action meet or exceed the state energy code requirements?<br>If the proposed action will exceed requirements, describe design features and technologies: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Will the proposed action connect to an existing public/private water supply?<br>If No, describe method for providing potable water: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Will the proposed action connect to existing wastewater utilities?<br>If No, describe method for providing wastewater treatment: _____   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?<br>b. Is the proposed action located in an archeological sensitive area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?<br>b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?<br>If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Is the project site located in the 100 year flood plain?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,<br>a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES<br>b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe: _____                    | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

July 10, 2017

|   |                          |                          |
|---|--------------------------|--------------------------|
| 18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?<br>If Yes, explain purpose and size: _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe: _____   | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe: _____   | <input type="checkbox"/> | <input type="checkbox"/> |
| <b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  |                          |                          |
| Applicant/sponsor name: <u>Town of Marlborough</u>  | Date: <u>6/26/17</u>     |                          |
| Signature:   |                          |                          |

**PRINT FORM**

Page 3 of 3

|                                 |  |
|---------------------------------|--|
| Agency Use Only [If applicable] |  |
| Project:                        |  |
| Date:                           |  |

*Short Environmental Assessment Form*  
*Part 2 - Impact Assessment*

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

|   | No, or small impact may occur       | Moderate to large impact may occur |
|---|-------------------------------------|------------------------------------|
| 1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 2. Will the proposed action result in a change in the use or intensity of use of land?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 3. Will the proposed action impair the character or quality of the existing community?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?                                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 7. Will the proposed action impact existing: <ul style="list-style-type: none"> <li>a. public / private water supplies?</li> <li>b. public / private wastewater treatment utilities?</li> </ul> | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?   | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |
| 11. Will the proposed action create a hazard to environmental resources or human health?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>           |

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Page 1 of 2

|                                 |  |
|---------------------------------|--|
| Agency Use Only [If applicable] |  |
| Project:                        |  |
| Date:                           |  |

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

The proposed local law does not, of itself, cause or invite any new action to occur, and the act of adopting the new local law will not result in any direct or physical adverse environmental impact. The adoption of the local law may result in indirect or secondary effects when future applications are submitted pursuant to the terms of the local law. Upon submission of an application for site plan review and/or special use permit for a Solar Energy system permitted by this local law, the Town will review the application in accordance with SEQRA. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable and will not be ascertainable until site-specific proposals are received.

The potential for and the likelihood of secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

For those systems which do not require either site plan and/or special use permit approval, it is determined that the potential for secondary impacts are none, or that a small impact may occur. Building-Integrated Photovoltaic (BIPV) Systems and Solar-thermal systems are permitted in all zoning districts upon the issuance of a building permit. Such actions would, in residential districts, qualify as Type II actions under 6 NYCRR 617.5(c)(10). In non-residential districts, it would qualify as Type II under 617.5(c)(7).

Finally, for Solar Energy Systems, Small Scale that are permitted upon the issuance of a building permit only, it is determined that with the limitations set forth in the local law (including height, setback and lot coverage limitations and that small scale systems must be clearly incidental and subordinate to the primary use), that secondary impacts from the adoption of this local law are none, or, at worst, a small impact may occur.

|  |  |
|--|--|
| <input type="checkbox"/>   | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required. |
| <input checked="" type="checkbox"/>  | Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.   |
| Town of Marlborough Town Board<br>Name of Lead Agency<br><u>Alphonso P. Lanotte</u><br>Print or Type Name of Responsible Officer in Lead Agency<br><u>Alphonso P. Lanotte</u><br>Signature of Responsible Officer in Lead Agency |  |
| <u>07/11/2017</u> Date<br><u>Supervisor</u> Title of Responsible Officer<br><u>Rebecca A. Matherley</u><br>Signature of Preparer (if different from Responsible Officer)   |  |

**PRINT FORM**

Page 2 of 2

July 10, 2017

C). Resolution # 80 To adopt Local Law # 6 of the year 2017 Amending Chapter 155  
Zoning to add section 155-32.2 Solar Energy

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF  
MARLBOROUGH, ULMSTER COUNTY, NEW YORK TO AMEND CHAPTER 155  
“ZONING” TO ADD SECTION 155-32.2 REGARDING SOLAR ENERGY and

WHEREAS, a public hearing in relation to said local law was held on July 10, 2017  
at 7:00 p.m., Prevailing Time; and

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

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

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

**TOWN OF MARLBOROUGH LOCAL LAW NO. 6 OF THE YEAR 2017**

**Section 1**

This Zoning for Solar Energy Law is adopted pursuant to Municipal Home Rule Law §10,  
Town Law §§261-263 and the Town Code of the Town of Marlborough which authorizes  
the Town of Marlborough to adopt zoning provisions that advance and protect the health,  
safety, and welfare of the community, and to make provision for, so far as conditions may  
permit, the accommodation of solar energy systems and equipment and access to sunlight  
necessary therefore.

**Section 2**      A new subsection § 155-32.2 Solar Energy shall be added as follows:

## § 155-32.2 Solar Energy

A. Purpose. The Town of Marlborough recognizes that solar energy is a clean, readily available, and renewable energy source. Development of solar energy systems for residential, agricultural, and non-residential parcels use of solar energy provides an excellent opportunity for the reuse of land throughout the Town and offers an energy resource that can act to attract and promote green business development. The Town of Marlborough has determined that comprehensive regulations regarding the development of solar energy systems is necessary to protect the interests of the Town, its residents, and its businesses. This article is intended to promote the effective and efficient use of solar energy resources; set provisions for the placement, design, construction, and operation of such systems to uphold the public health, safety, and welfare; and to ensure that such systems will not have a significant adverse impact on the aesthetic qualities and character of the Town. To the extent practicable, and in accordance with Town of Marlborough law, the accommodation of solar energy systems and equipment and the protection of access to sunlight for such equipment shall be encouraged in the application of the various review and approval provisions of the Town of Marlborough Code. It is therefore the intent of this section to provide adequate safeguards for the location, siting and operation of solar energy facilities.

B. Definitions. The following definitions shall apply specifically to this subsection. Any words defined in § 155-1 of this code shall retain such definition. Usage of these words in other sections of this code shall utilize such definition as well.

**Alternative Energy Systems** - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**Area of Use** - The area within the parcel measured from the outer edge(s) of the arrays, inverters, batteries, storage cells and all other mechanical equipment used to create solar energy, exclusive of fencing and access roadways.

**Building-Integrated Photovoltaic (BIPV) Systems** - A combination of photovoltaic building components integrated into any building envelope system such as vertical facades including glass and other facade material, semitransparent skylight systems, roofing materials, and shading over windows.

**Cessation of Operation** – not performing all normal functions associated with operation of the solar energy facility and its equipment on a continuous basis for a period of one year.

**Collective Solar** - Solar installations owned collectively through subdivision homeowner associations, college student groups, “adopt-a-solar-panel” programs, or other similar arrangements.

Community Net Metering --- As provided for by the NY State Public Service Commission.

Flush-Mounted Solar Panel - Photovoltaic panels and tiles or other solar collectors that are installed flush to the surface of a building roof and which cannot be angled or raised.

Ground-Mounted, Freestanding, or Pole Mounted Solar Energy System - A Solar Energy System that is anchored to the ground and attached to a frame, pole or other mounting system, detached from any other structure for the purpose of producing electricity for onsite or offsite consumption.

Kilowatt (kW) - Equal to 1000 Watts; a measure of the use of electrical power.

Megawatt (MW) - Equal to 1000 Kilowatts; a measure of the use of electrical power.

Net-Metering - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage .

Offsite Use – A solar energy system designed to be used primarily for export of solar energy to be used primarily by parcels other than the parcel it is located on.

Onsite Use – A solar energy system designed to be used primarily by the building and/or parcel on which it is located.

Photovoltaic (PV) Systems - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

Qualified Solar Installer - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSERDA's list of eligible installers or NABCEP's list of certified installers may be deemed to be qualified solar installers if the Town determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

Remote Net Metering – As provided for by the NY State Public Service Commission.

Rooftop or Building-Mounted Solar System - A solar panel system located on the roof of any legally permitted and/or constructed building or structure for the purpose of producing electricity for onsite or offsite use.

Solar Access - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar Collector - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solar Easement - An easement recorded pursuant to NY Real Property Law § 335-b.

Solar Electric Generating Equipment – Electrical energy storage devices, material, hardware, inverters, or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

Solar Energy System or Solar Energy Facility - An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.

- Solar Energy System, Large Scale – A Solar Energy System that is ground-mounted and produces energy primarily for the purpose of offsite use, sale, or consumption.
- Solar Energy System, Small Scale - Solar photovoltaic systems which generate power exclusively for onsite use and consumption by the owners, lessees, tenants, residents, or other occupants of the premises of the building or lot to which they are attached and do not provide energy for any other lots, except as may be allowable under NY State or federal regulation.
- Solar Energy System, Subdivision Use – A collective solar energy system occupying less than or equal to two (2) acres area of use consisting of ground-mounted solar arrays or roof panels, and associated control or conversion electronics and that will be used to produce utility power to provide energy only for the onsite use and consumption of the specific lots associated with a particular major or minor subdivision.

Solar Garden: - Groupings of solar photovoltaic solar panels connected to an electric circuit served by an electric utility company. Multiple users may subscribe to receive the output from one or more panels, receive the benefits of PV technology and the efficiencies associated with a larger-scale project without having to own, host or maintain the equipment on their own property.

**Solar Inverter** - Converts the variable direct current (DC) output of a photovoltaic (PV) solar panel into a utility frequency alternating current (AC) that can be fed into a commercial electrical grid or used by a local, off-grid electrical network

**Solar Panel** - A photovoltaic device capable of collecting and converting solar energy into electrical energy.

**Solar Storage Battery** - A device that stores energy from the sun and makes it available in an electrical form.

**Solar-Thermal Systems** - Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

**Tilt** - The angle of the solar panels and/or solar collector relative to their latitude. The optimal tilt to maximize solar production is perpendicular, or 90 degrees, to the sun's rays at true solar noon.

**True Solar Noon** - When the sun is at its highest during its daily east-west path across the sky.

### C. Applicability

The requirements of this law shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

### D. General Requirements

- (1) All solar energy system installations shall be performed by a qualified solar installer.
- (2) A solar energy system connected to the utility grid shall provide written proof from the local utility company acknowledging the solar energy facility will be interconnected to the utility grid. Any connection to the public utility grid must be inspected by the appropriate public utility.
- (3) Solar energy systems shall meet New York's Uniform Fire Prevention and Building Code and National Electrical Code standards.
- (4) Every solar energy system shall be depicted on a plan showing the location of the major components of the solar system and other equipment located on a roof or a legal accessory structure. This plan should represent the relative location of all components at the site, including, but not limited to, location of array, existing electrical service location, utility meter, inverter location, system orientation and tilt angle. This plan shall show access and pathways that are compliant with New York State Fire Code, if applicable.

- (5) Specification Sheets for all manufactured components.
- (6) All diagrams and plans must include the following:
  - (a) Project address, section, block and lot number of the property;
  - (b) Owner's name, address and phone number;
  - (c) Name, address and phone number of the person preparing the plans; and
  - (d) System capacity in kW-DC.
- (7) Prior to operation of the solar energy system, proof that electrical connections have been inspected and approved by an appropriate electrical inspection person or agency, as determined by the Town of Marlborough, must be provided.
- (8) Safety
  - (a) Solar energy systems shall be maintained in good working order.
  - (b) All solar energy systems shall be designed and located in order to prevent reflective glare from impacting roadways and contiguous properties.
  - (c) If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town of Marlborough and other applicable laws and regulations.
  - (d) Information required in Section D(4) must be provided to the fire department that is obligated to respond to a call from that location.

E. Solar-thermal systems and Building-Integrated Photovoltaic (BIPV) Systems are permitted outright in all zoning districts, subject to the issuance of a building permit.

F. Planning Board authority to modify development standards. The Planning Board, in conjunction with the review of a specific subdivision, site plan, or special use application pursuant to this Section 155-32.2 may also appropriately modify other development standards, including but not limited to building height, to accommodate solar and other energy efficient systems.

G. Solar Energy System, Small Scale as an Accessory Use or Structure

- (1) Applicability

- a) Solar Energy System, Small Scale use and/or structure shall be accessory to the main use and/or structure and shall be incidental, related, appropriate and clearly subordinate to the main use and/or structure.
- b) Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the lot on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
- c) No Solar Energy System, Small Scale or device shall be installed or operated in the Town of Marlborough except in compliance with this article.

(2) Roof-Mounted Solar Energy Systems.

- a) Roof-Mounted Solar Energy Systems that use the electricity onsite or offsite are permitted as an accessory use in all zoning districts when attached to any lawfully permitted and constructed building or structure.
- b) Height. Solar Energy Systems shall not exceed maximum height restrictions within the zoning district it is located in, as illustrated in the Schedule of District regulations of this code.
- c) Roof-Mounted Solar Energy Systems that use the energy onsite or offsite shall be exempt from site plan review under the local zoning code or other land use regulations. A building permit shall be required prior to construction and installation.

(3) Ground-Mounted Solar Energy Systems.

- a) Ground-Mounted Solar Energy Systems that use the electricity primarily onsite are permitted as accessory structures in all zoning districts.
- b) Height and Setback. The height of the Solar Energy System shall not exceed fifteen (15) feet when oriented at maximum tilt. Setback requirements shall be as stated for accessory uses for the underlying zoning district.
- c) System Capacity. Ground-Mounted Solar Energy Systems designed for onsite use shall not be sized greater than the energy usage necessary to serve the parcel. Documentation of energy use or energy use expansion necessity may be required.
- d) Lot Coverage. The lot on which a Ground-Mounted Solar Energy System is located shall be granted an additional ten percent (10%) of bonus lot coverage

from that permitted in the Schedule of District regulations for that specific zoning district. The surface area covered by Solar Panels shall be included in total lot coverage.

- e) Ground-Mounted Solar Energy Systems located in the Residential District, that use the electricity primarily onsite, shall be exempt from site plan review under the local zoning code or other land use regulations and only a building permit shall be required prior to construction and installation. Location in other Districts will require site plan review as outlined in Section 155-31.

#### H. Standards for Solar Energy System, Subdivision Use

- (1) When an application for Subdivision is presented to the Planning Board, which plans include incorporation of a solar energy system as a community energy source, the following criteria for the review and use shall be considered.
  - a) Solar energy systems shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the subdivision on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.
  - b) Solar energy systems shall be permitted under the Schedule of District Regulations when authorized by Site Plan approval from the Planning Board in conjunction with Minor or Major Subdivision review subject to the following terms and conditions in the RAG-1 and R-1 zoning districts so long as the solar energy system meets the criteria set forth in this subsection and Chapter 134, subject to obtaining all other necessary approvals.
  - c) The solar energy system shall be located on one or more buildable lots of the subdivision.
  - d) All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and standards.
  - e) A Homeowner's Association shall be established for the operation and maintenance of the solar energy system.
- (2) Site Plan requirements. A solar energy system designed for use in conjunction with a specific subdivision use shall comply with all the site plan requirements of Chapter 155-31, in addition to the subdivision requirements of Chapter 134. Additional requirements for the use shall include but not be limited to the following:

- a) Maximum area. The maximum area of use for a solar energy system designed for a specific subdivision use shall occupy less than or equal to two (2) acres of land area of use.
- b) Height and Setback. The height of the Solar Energy System shall not exceed fifteen (15) feet when oriented at maximum tilt. Setback requirements shall be as stated for the underlying zoning district.
- c) Lot Coverage. The lot on which a Solar Energy System, Subdivision Use is located shall be granted an additional ten percent (10%) of bonus lot coverage from that permitted in the Schedule of District regulations for that specific zoning district. The surface area covered by Solar Panels shall be included in total lot coverage.
- d) The solar energy system shall be preferably located on an interior lot of the subdivision and placed away from contiguous residential use. Where a solar energy system designed for a specific subdivision use will abut other residential uses outside the boundaries of the subdivision, there shall be increased consideration for mitigating visual impact to the residential use. For example, increased setbacks, visual screening that does not impair solar access, or sound buffering may be required by the Planning Board.
- e) All solar energy production facilities shall be designed and located in order to prevent reflective glare onto roadways or adjacent structures.
- f) A minimum twenty-five (25) foot perimeter buffer; except for the area of roadway access; which may be partially or totally within the subdivision perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings in accordance with Town of Marlborough zoning code standards, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town, county and state roads. Landscape screening shall be provided in accordance with the landscaping provisions of this chapter. Existing on-site vegetation designated to be utilized as screening shall be preserved to the maximum extent possible and shall be diligently maintained to protect its vitality.
- g) Site plans shall be developed that provide for the preservation of natural vegetation in large unbroken blocks that also allow contiguous open spaces to be established when adjacent parcels are developed.
- h) A land grading and vegetation clearing plan shall be prepared. Clear-cutting of all trees in a single contiguous area shall be limited to the area of the equipment compound plus the area of an emergency access roadway and the area required for solar access.

- i) Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled onsite.
- j) Non-invasive ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, and non-fertilizer-dependent.
- k) All local stormwater regulations shall be complied with. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. If determined to be required, a SWPPP (Stormwater Pollution Prevention Plan) shall be prepared and a stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site.
- l) Conveyance of Energy to Subdivision Lots. The Site Plan shall show the pathways of utility service lines which will be put into place to convey energy to each lot of the subdivision. Necessary utilities to serve the site shall preferably be underground and in compliance with all local, State, and Federal laws, rules, and regulations, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate. Overhead lines shall follow access roads and/or existing tree lines to minimize visual impact upon surrounding properties.
- m) The applicant shall provide the means of restricting access by the public to the solar collector and indicate such on the site plan
- n) Signs. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.
- o) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- p) Proposed covenants and restrictions and a management plan for the proposed Homeowners Association (HOA).
- q) A decommissioning plan, as detailed in 155-32.2 (J), shall be prepared. Compliance with this plan shall be made a condition of the issuance of site plan approval under this Section.

## I. Standards for Large-Scale Solar Systems as a Special Use

- (1) Large-Scale Solar Energy Systems are permitted through the issuance of a special use permit within the RAG-1 and Industrial Zoning Districts, subject to the requirements set forth in this Section, including site plan approval.
- (2) Special Use Permit Application Requirements. For a special permit application, the site plan application is to be used as supplemented by the following provisions.
  - a) If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including easements and other agreements, shall be submitted.
  - b) Blueprints showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be required.
  - c) The equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- (3) Special Use Permit Standards.
  - a) Height and Setback. The height of the Large-Scale Energy Systems shall not exceed fifteen (15) feet when oriented at maximum tilt. Setback requirements shall be as stated for the underlying zoning district, except all inverters shall be setback the lesser of 100' or until electro-magnetic field (EMF) meets background level, as determined by the World Health Organization (WHO).
  - b) Area of Use. The area of use for a Large-Scale Solar Energy System shall be a maximum of twenty (20) acres.
  - c) Lot Coverage. The lot on which a Large-Scale Solar Energy System is located in the RAG-1 shall be granted an additional thirty percent (30%) of bonus lot coverage from that permitted in the Schedule of District regulations and a lot in the Industrial Zoning Districts shall be granted an additional ten percent (10%) of bonus lot coverage from that permitted in the Schedule of District regulations. The surface area covered by Solar Panels shall be included in total lot coverage.
  - d) All solar energy production facilities shall be designed and located in order to prevent reflective glare onto roadways or adjacent structures.
  - e) A minimum twenty-five (25) foot perimeter buffer; except for the area of roadway access; which may be partially or totally within the perimeter lot line setback, consisting of natural and undisturbed vegetation, supplemented with evergreen plantings, as may be required by the Planning Board, shall be provided around all mechanical equipment and solar panel arrays to provide screening from adjacent properties and Town, county and state roads.

- f) A land grading and vegetation clearing plan shall be prepared. Clear-cutting of all trees in a single contiguous area shall be limited to the area of the equipment compound plus the area of an emergency access roadway and the area required for solar access.
- g) Non-invasive ground cover under and between the rows of solar panels shall be low-maintenance, drought-resistant, and non-fertilizer-dependent.
- h) Debris, materials and/or mulch generated by site clearing or construction shall not be stockpiled onsite.
- i) All local stormwater regulations shall be complied with. The applicant shall comply with the State Pollutant Discharge Elimination System guidelines. If determined to be required, a SWPPP (Stormwater Pollution Prevention Plan) shall be prepared and a stormwater, erosion, and slope analysis of the land shall be required to be assessed by a New York State licensed professional engineer for the site and any road used to access the site.
- j) All Large-Scale Solar Energy Systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town of Marlborough Planning Board. The fencing and the system may be further screened by any landscaping needed to avoid adverse aesthetic impacts.
- k) Signs. A sign no greater than two square feet indicating the name of the facility owner(s) and a 24-hour emergency telephone number shall be posted. In addition, "No Trespassing" or other warning signs may be posted. All signage shall be maintained in legible condition and contain accurate information. A clearly visible warning sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations. No signage of any kind shall be allowed to be attached to solar panels or support structures, except any required safety warnings.
- l) Property Operation and Maintenance Plan. Such plan shall describe continuing photovoltaic maintenance and property upkeep, such as mowing and trimming.
- m) A decommissioning plan, as detailed in 155-32.2 (J), shall be prepared. Compliance with this plan shall be made a condition of the issuance of a special use permit under this Section.

J. Decommissioning Plan for Solar Energy System, Large Scale and Solar Energy System, Subdivision Use.

- (1) Any use which requires approval by the Planning Board shall include a decommissioning plan approved by the Planning Board
- (2) The Decommissioning Plan shall specify that after the Solar Energy System will no longer be used, it shall be removed by the applicant or any subsequent owner and shall include a signed statement from the party responsible for completing the Decommissioning Plan acknowledging such responsibility.
- (3) The plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the parcel to its original state prior to construction.
- (4) The plan shall state disposal of all solid and hazardous waste shall be in accordance with local, state, and federal waste disposal regulations.
- (5) The plan shall include an expected timeline for execution.
- (6) The plan shall include a cost estimate detailing the projected cost of executing the Decommissioning Plan prepared by a Professional Engineer or Contractor. Cost estimations shall take into account inflation.
- (7) Removal of Solar Energy Systems must be completed in accordance with the Decommissioning Plan. If the Solar Energy System is not decommissioned after being considered abandoned, the Town may, after providing the last known owner of record prior written notice by first class mail of no less than twenty (20) days, remove the system and restore the property and impose a lien on the property to cover these costs to the Town. The Decommissioning Plan shall grant the Town a limited license to access the property for the purpose of removing the Solar Energy System after the notice requirements of this subsection have been satisfied.

## K Abandonment and Removal of Solar Energy System, Small Scale

- (1) Any solar energy facility which ceases to operate shall be wholly removed from the site.
- (2) In the event the solar energy facility is not so removed, the Building Inspector and/or Code Enforcement Officer shall give written notice to the owner of such facility (i) stating that the solar energy facility is considered abandoned, and (ii) setting a time, date and place for a public hearing before the Town Board. Such public hearing shall be on not less than thirty days' notice from date of mailing to such owner. Upon a finding that the solar energy facility has been abandoned, the Town Board shall deliver written notice to the facility owner indicating the reasons for its finding, and directing that the solar energy facility be removed within one hundred twenty days. In the event that the solar energy facility is not so removed, the Town Board may enter the property, remove the solar energy facility and restore the property

(3) Upon recommendation of the Building Inspector and/or Code Enforcement Officer, the Town Board may waive or defer the requirement that a solar energy facility be removed if it determines that retention of such facility is in the best interest of the Town.

(4) Should the town remove the solar energy facility pursuant to this subsection; the Town shall chargeback any costs against the owner and/or applicant. If the owner of said property does not pay said charges, they shall be included as a part of the next town tax bill, and said charge shall be due and payable by said owner at the time of payment of said bill.

L. Enforcement.

Any violation of this Solar Energy Law shall be subject to the same enforcement procedure and penalties provided for in this Chapter 155.

**Section 5** Section 155-12 “Use Regulations”, shall be amended as follows:

- a. Subsection A(3) is amended to add a new subsection (e) to read “Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the system proposed)” and the existing subsection (e) “Other accessory uses and structures customarily appurtenant to a principal permitted use” is now subsection (f).
- b. Subsection B(2) is amended to add a new subsection (f) to read “Solar Energy System, Subdivision Use.”
- c. Subsection C(2) is amended to add a new subsection (h) to read “Solar Energy System, Subdivision Use.”
- d. Subsection C(3) is amended to add a new subsection (f) to read “Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the system proposed)” and the existing subsection (f) “Other accessory uses and structures customarily appurtenant to a principal permitted use” is now subsection (g).
- e. Subsection C(4) is amended to add a new subsection (p) to read “Solar Energy System, Large Scale.”
- f. Subsection D(3) is amended to add a new subsection (d) to read “Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the system proposed)” and the existing subsection (d) “Other accessory uses and structures customarily appurtenant to a principal permitted use” is now subsection (e).
- g. Subsection E(3) is amended to add a new subsection (d) to read “Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the system proposed).”
- h. Subsection F(3) is amended to add a new subsection (d) to read “Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the

system proposed)" and the existing subsection (d) "Other accessory uses and structures customarily appurtenant to a principal permitted use" is now subsection (e).

- i. Subsection F(4) is amended to add a new subsection (j) to read "Solar Energy System, Large Scale."
- j. Subsection G(3) is amended to add a new subsection (d) to read "Solar Energy System, Small Scale (refer to Section 155-32.2 for whether site plan review is required for the system proposed)" and the existing subsection (d) "Other accessory uses and structures customarily appurtenant to a principal permitted use" is now subsection (e).

## **Section 6**      **Severability**

If any part or provision of this local law is judged invalid by any court of competent jurisdiction, such judgment shall be confined in application to the part or provision.

## **Section 7**      **Effective Date**

This law shall become effective immediately upon filing in the office of the Secretary of State of the State of New York.

RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York.

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

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

DATED:      Milton, New York  
July 10, 2017

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COLLEEN CORCORAN, TOWN CLERK

July 10, 2017

E). Resolution # 81 To hire Consultants to do Army Corps of Engineers Impact Assessment for Milton Landing Pier Project

Supervisor Lanzetta proposes the following:

Whereas, the Army Corps of Engineers and New York Department of Environmental Conservation have identified the need to do an Impact Assessment for the Atlantic Sturgeon, Short-nose Sturgeon and Essential Fish Habitat before additional work on the Milton Landing Pier Project can commence, and

Whereas, the Town of Marlborough has followed New York State and local Town procurement law and received three Consultant proposals:

Tim Miller Associates - \$4,800.00  
Ecological Solutions, LLC - \$\$3,500.00  
Quenzer Environmental, LLC - \$2,500.00

Be it resolved that the Town of Marlborough will contract with Quenzer Environmental to do the analysis and assessment needed, in the amount of \$2,500.00

And it moves for adoption

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

July 10, 2017

F). Resolution # 82 to Apply for and Accept State Grants and Serve as Lead Agency for SEQR Review

Supervisor Lanzetta proposes the following:

Whereas the Town of Marlborough has been developing a transformational project to revitalize its waterfront, the town, and support regional economic development through the Milton Landing Park project, and;

Whereas the Town and many partners have been working on this project for the past ten-plus years, and;

Whereas the Town has received major donations of land, grants, volunteer services and has provided town financial, labor, and equipment to create the Milton Landing Park including the restoration of the historic Milton-on-Hudson Train Station, and;

Whereas grant funding is available from partner agencies to help repair and rebuild the south pier and improve the park and waterfront area to become a local and regional destination, and;

Whereas the town has developed the Milton Landing Park Landscape Master Plan in collaboration with the advisory committee and public input; and

Whereas the town recognizes it to be appropriate to adopt the master plan to guide the development and stewardship of the park, and;

Whereas, the town board as the town's legislative body, has the sole authority for the adoption of the plan and to authorize local funding for its implementation, and;

Whereas the town has prepared an environmental assessment form to review the adoption and implementation of the park master plan; now therefore be it,

1. RESOLVED that Al Lanzetta, as supervisor of the Town of Marlborough, is hereby authorized and directed to apply for and accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$500,000, and enter into and execute a project agreement with the State for such financial assistance to the Town of Marlborough, and;
2. RESOLVED that Al Lanzetta, as supervisor of the Town of Marlborough, is hereby authorized and directed to apply for and accept funds from the New York State Department of State in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 in an amount not to exceed \$400,000, and enter into and execute a project agreement with the State for such financial assistance to the Town of Marlborough, and;

July 10, 2017

3. RESOLVED that Al Lanzetta, as supervisor of the Town of Marlborough, is hereby authorized and directed to apply for and accept funds from Empire State Development, the Urban Development Corporation and/or the State of New York in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 and other state funding sources in an amount not to exceed \$1,000,000 and enter into and execute a project agreement with the State for such financial assistance to the Town of Marlborough, and;
4. RESOLVED that Al Lanzetta, as supervisor of the Town of Marlborough, is hereby authorized to execute any related documents in order to secure and implement these grant funds, and;
5. RESOLVED that the Town Board of the Town of Marlborough, through the Office of the Town Clerk will circulate the attached Notice of Intent to Serve as Lead Agency and Environmental Assessment Form including any additional information required for the environmental review process.

And it moves for adoption

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

July 10, 2017

July 10, 2017

G). Resolution # 83 To Direct the Supervisor to enter into Grant Disbursement Agreement  
Milton Train Station

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough has been allocated a \$150,000.00 State and Municipal Facilities Program Grant (SAM) for the rehabilitation of the exterior of the Milton Train Station, and

Whereas, the Town has received a Grant Disbursement Agreement (GDA) to enable it to receive those reimbursement monies.

Be it resolved that the Town Board directs the Supervisor to sign the GDA agreement and begin the project of the rehabilitation of the Milton Train Station exterior

And it moves for adoption

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

*Supervisor Lanzetta gave an update regarding the grant application that was sent to DASNY for \$250,000.00 for sidewalks. DASNY lost the copy of the resolution that the Board voted on to put aside \$30,000.00 in the budget for sidewalks; he had to resend. He hopes that the Town will get the \$250,000.00 in 2018.*

***Councilman Molinelli made a motion to adjourn the meeting at 8:51 p.m. Motion seconded by Councilman Koenig.***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*