

May 29, 2018

**WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NEW YORK
MAY 29, 2018 7:00 PM
MINUTES OF MEETING**

Present: Supervisor Lanzetta
Councilman Molinelli (Arrived at 7:03 p.m.)
Councilman Corcoran (Arrived at 7:30 p.m.)
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 Koenig made a motion to amend the first paragraph of Resolution #47 to read 30 Main Street Milton, New York. Motion seconded by Councilman Baker.

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

ITEM #4 Motion to approve minutes from the May 14, 2018 Town Board Meeting
Councilman Baker made a motion to approve minutes from the May 14, 2018 Town Board Meeting. Motion seconded by Councilman Molinelli.

ITEM #5 Authorize payments of bills

Councilman Baker made a motion to authorize payment of the abstract in the amount of \$460,607.59. Motion seconded by Councilman Molinelli.

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ITEM #6 Presentations

A). Tim Lawton-LGBTQ Pride Month

Tim Lawton read the following letter which is incorporated into the minutes as follows:

“In June 1969, the fight for dignity and equality for lesbian, gay, bisexual, and transgender (LGBTQ) people was ignited, not far from here, during the Stonewall Riots in New York City. The now decades-long LGBTQ Civil Rights Movement has made many strides toward civil and legal equality. Yet, LGBTQ people still face discrimination in schools, the workplace, faith communities, and the larger society. LGBTQ people deserve to know their fellow citizens respect them and stand with them in their fight for equality. To honor those LGBTQ individuals who have contributed much to our local community here in Marlborough and to honor those working for more inclusive communities everywhere, I request that the Town of Marlborough declare June, National Pride Month.”

Mr. Lawton added that in the years 1999, 2000, and 2009-2016 President Bill Clinton proclaimed National Pride Month in the United States.

Supervisor Lanzetta stated that last year, Councilman Corcoran asked to make June National Pride Month every year.

ITEM #7 Comments on the agenda

No comments on the agenda.

ITEM # 8 New Business

The Board discussed an incident that happened over the past weekend at the park regarding vandalism. Therefore, they discussed some options such as putting camera's at the park, raising the fees and/or security deposit for pavilion rentals, or possibly having a checklist for the park manager to sign off on.

Councilman Koenig made a motion to raise the cash security deposit for town rentals \$300.00 for residents and \$500.00 for non-residents. Motion seconded by Councilman Molinelli.

Yea: 4

Nays: 0

Carried

The Board also agreed that the Town Clerk's Office should continue to collect the \$100.00 cash security deposit from Town of Marlborough not for profit/civic groups who ask for the fee to be waived.

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ITEM #9 Workshop topics

A). Rec Center

Supervisor Lanzetta stated that he got approval from Superintendent of Schools, Michael Brooks to go ahead with the engineering study at the Marlboro High School site by Phil Bell for a recreation/community center.

There will also be a meeting with the prospective buyer of TOMVAC and his architect.

B). Codes (Tom Corcoran)

The Board decided to table all of the code changes until they can speak with Tom Corcoran.

C). TAP Grant

Supervisor Lanzetta asked the Board if they were willing to re-apply for a Transportation Alternative Program (TAP) grant for sidewalks in Marlboro. The sidewalk would run on the west side of Route 9W from Western Avenue to the Middle/Elementary School. The grant would be for rebuilding the sidewalks, and include drainage, lighting, and trees. It is a one million dollar (80% / 20%) grant of which the town would be responsible for \$200,000.00. The Board agreed to re-apply for the TAP grant.

ITEM #10 Correspondence

Supervisor Lanzetta read correspondence from Girl Scout Troop Leader, Christina Milillo asking to waive the pavilion rental fee for a Bridging Ceremony on June 8, 2018. The Board agreed to waive the fee.

Supervisor Lanzetta also read correspondence from Assistant Scoutmaster of Troop 72, Joe Desole asking to waive the pavilion rental fee for their Spring Court of Honor on June 19, 2018. The Board agreed to waive the fee.

ITEM #11 Public Comment

James Garofalo thanked the Board for putting together the Transfer Station Committee. He explained that when the county raised their rates the town adjusted rates and other items to help offset the costs and try to help the Transfer Station break even. He brought up the fact that multiple (garbage) trucks are picking up trash on the same roads and also showed the Board a chart which showed that single stream (recyclables all in one container) collection is very common.

There was a discussion about how the garbage and recycling is picked up and where it goes. Ralph Walters stated some of the towns that have garbage districts and gave examples of how the bid process and how garbage pick-up could work.

Mark Reynolds asked the Supervisor what the date on the letter was that was given to the Superintendent regarding the Marlboro High School site for the proposed recreation/community center.

Supervisor Lanzetta said he will get the date.

Tim Lawton stated that he is concerned about what would happen with bulk items regarding pick up/drop off if forming garbage districts would eliminate the Transfer Station

James Garofalo suggested having a service area for the Transfer Station and people in the district who do not have a permit would pay into it instead of forming garbage districts.

Ralph Walters said that he liked the editorial in the paper about TOMVAC and suggested the Board look at the comments before selling. He also stated that the that the Ulster County

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Community College (UCCC) project may be back on the table and the town will possibly lose their side of the building at 21 Milton Turnpike when their lease is up.

Supervisor Lanzetta stated that he invited Mr. Gerentine to the next meeting to give an update on UCCC if he gets more information.

The majority of the Board disagreed with the editorial about TOMVAC. There was a brief discussion about that and some shared information as to why the TOMVAC was never converted into Town Hall and it was also explained that what happens in the future with the college and/or Town Hall will be taken care of at that time.

ITEM #12 Resolutions

A). Resolution #46 To establish a petty cash fund

B). Resolution #47 To authorize Rebecca Valk to enter into a Consent Judgment

Supervisor Lanzetta explained that Robert Pollock had grieved multiple residences and this consent judgment is one of just a few that was granted.

ITEM #13 Adjournment

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A). Resolution #46 To establish a petty cash fund

Supervisor Lanzetta proposes the following:

Whereas, the Town Board wishes to establish a petty cash account to make change in the Building Department, and

Whereas it will be in the amount of \$50.00 (FIFTY DOLLARS), and

Whereas, the Building Department Secretary will be in charge of the draw.

Be it resolved, that the Town Board of the Town of Marlborough establishes a petty cash fund for the Building Department.

And moves for its adoption

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

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B). Resolution #47 To authorize Rebecca Valk to enter into a Consent Judgment

Supervisor Lanzetta proposes the following:

WHEREAS, a real property tax assessment review proceeding was commenced by Chernobyl Light & Power LLC, regarding numerous parcels, including a parcel at 30 Main Street Milton, New York (SBL 103.9-2-28) to review its tax assessment for the tax year 2017, and

NOW THEREFORE BE IT RESOLVED, that Mackey, Butts & Wise, LLP, Rebecca A. Valk, Esq., of counsel, is authorized to enter into a Consent Judgment in the form attached, settling the tax certiorari proceedings brought by Chernobyl Light & Power LLC against the Town of Marlborough for the tax year 2017 and to sign such other and further papers as are necessary to effectuate the settlement. The only parcel receiving a reduction in value is 30 Main Street, as shown on the attached Consent Judgment; all other parcels are remaining at the value set by the assessor.

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
May 29, 2018

COLLEEN CORCORAN, TOWN CLERK

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Councilman Koenig made a motion to adjourn the meeting at 8:12 p.m. Motion seconded by Councilman Molinelli.

Yeas: 5

Nays: 0

Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*

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At an IAS Part of the Supreme Court of the State of New York held in and for the County of Ulster, at 285 Wall Street, Kingston, New York on the _____ day of _____, 2018.

PRESENT: Hon. Lisa M. Fisher, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULMSTER

-----X

In the Matter of the Application of CHERNOBYL
POWER & LIGHT LLC,

CONSENT JUDGMENT

Petitioner,

Index No.: 2017/1900

- against -

TOWN OF MARLBOROUGH, a Municipal Corporation, its ASSESSOR and its BOARD OF ASSESSMENT REVIEW,

Respondents.

For Review of the Assessment of Certain Real Property under Article 7 of the Real Property Tax Law.

-----X

The above petitioner having heretofore served and filed a Petition and Notice to review the tax assessment fixed by the Town of Marlborough for the assessment roll of 2017, upon certain real property located in the Town of Marlborough, Ulster County, New York, and designated as tax map No.: 103.1-2-72 (8 Mahoney Road), tax map No.: 103.9-2-28 (30 Main Street), tax map No.: 103.1-2-44.900 (53 Main Street) and tax map No.: 103.1-2-38 (101 Church Street) on the Official Assessment Map of the Town of Marlborough, and

The petitioner having appeared by Corbally, Gartland and Rappleyea, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Mackey, Butts & Wise LLP,

CORBALLY, GARTLAND AND RAPPLEYEA, LLP • ATTORNEYS AND COUNSELORS AT LAW
35 MARKET STREET • POUGHKEEPSIE, NEW YORK 12601 • (845) 454-1110

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Rebecca A. Valk, Esq., Attorney for the Town of Marlborough, and the parties having made their settlement, it is hereby

ORDERED, that the assessments on the properties referred to herein, be and the same are hereby reduced, corrected and fixed for the 2017 assessment roll as follows:

DESCRIPTION (Tax Map No.): 103.9-2-28 (30 Main Street)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2017	497,000	402,200	94,800

DESCRIPTION (Tax Map No.): 103.1-2-72 (8 Mahoney Road)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2017	151,000	151,000	0

DESCRIPTION (Tax Map No.): 103.1-2-44.900 (53 Main Street)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2017	40,000	40,000	0

DESCRIPTION (Tax Map No.): 103.1-2-38 (101 Church Street)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2017	45,000	45,000	0

, and it is further

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ORDERED, that the officer or officers having custody of the assessment roll upon which the above-mentioned assessment and any taxes levied thereon are entered shall correct the said entry in conformity with this Order and shall note upon the margin of said roll, opposite of said entry that the same has been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the ULSTER COUNTY COMMISSIONER OF FINANCE, for tax map No.:103.9-2-28 (30 Main Street), the amounts of Ulster County taxes and ad valorem Special District Taxes, if any, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the MARLBORO CENTRAL SCHOOL DISTRICT, for tax map No.: 103.9-2-28 (30 Main Street), the amount of School taxes, and Library taxes if applicable, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided,

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however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Ulster County Commissioner of Finance or the Town of Marlborough, for tax map No.: 103.9-2-28 (30 Main Street) the amount of Town, Special District and any other ad valorem taxes paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Ulster County Commissioner of Finance, the Town of Marlborough, Marlboro Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Corbally, Gartland & Rappleyea, LLP, as attorneys for the petitioner,

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who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that to the extent any taxes or assessment are unpaid and have already been billed for the Town, School, County and special districts in accordance with the original assessed valuation, the officer or officers having custody of the assessment roll and/or the tax roll shall forward to the petitioner a new bill or bills, taxing said petitioner on the basis of the final total assessed valuation as stipulated herein, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceeding herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceeding be and the same is settled and discontinued.

Dated: _____, New York
_____, 2018

E N T E R.,

HON. LISA M. FISHER, J.S.C.

May 29, 2018

Signing and entry of the within
Order is hereby Consented to:

MACKEY BUTTS & WISE LLP

BY: _____

REBECCA A. VALK, ESQ.
Attorneys for Respondents
319 Mill Street
Poughkeepsie, NY 12601
Telephone: (845) 452-4000

CORBALLY, GARTLAND AND RAPPLEYEA, LLP

BY: 

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