

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
JULY 14, 2014 7:00 PM  
MINUTES OF MEETING

PRESENT: SUPERVISOR OSBORN  
COUNCILMAN MOLINELLI  
COUNCILMAN KOENIG  
COUNCILMAN BAKER

PATRICIA HAIDOU, DEPUTY SUPERVISOR  
DANIELLE CHERUBINI, DEPUTY TOWN CLERK

ABSENT: COUNCILMAN CORCORAN  
COLLEEN CORCORAN, TOWN CLERK

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

*A moment of silence was observed for Freda Nicklin and Henry Ketterer.*

ITEM #3 Motion to approve agenda

***Councilman Baker made a motion to approve the agenda. Motion seconded by Councilman Molinelli.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #4 Motion to approve minutes from the June 23, 2014 Meeting

***Councilman Baker made a motion to approve minutes from the June 23, 2014 meeting. Motion seconded by Councilman Koenig.***

***Yeas: 3                      Nays: 0                      Abstain: 1 (Molinelli)                      Carried***

ITEM #5 Authorize payment of bills

***Councilman Molinelli made a motion to pay the abstract in the amount of \$409,691.41. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

ITEM #6 Comments on the agenda

*No comments on the agenda.*

ITEM #7 Presentations

*No public presentations.*

## ITEM #8 Report of departments

### A) SUPERVISOR- STEPHEN OSBORN

*Supervisor Osborn reported that the Town is still receiving fill from the aqueduct project for the Sands Avenue park property and that is going well. We've received about twenty thousand yards of fill so far. The Town is approaching engineers and the DEC because they would like to move the sea wall out by the Train Station to make it more usable. The DEC already knows where the fill is from and that it is clean.*

*Councilman Koenig added that the aqueduct project still has a way to go and they will need to get rid of more material so the Town will take as much as we can and we could stockpile it for future projects in the Town.*

*They are also in the process of creating agreements with the property owners for a municipal parking lot in the back of the bakery on Western Avenue. Supervisor Osborn is hoping to get all the legal requirements in place in time for Gael Appler to do the work around September. The parking lot in conjunction with the zoning changes and the ideas for sidewalks, trees, and trails will really help Marlboro move forward.*

### B) TOWN CLERK – COLLEEN CORCORAN

07/07/2014

Town Clerk Monthly Report Monthly Report  
June 01, 2014 - June 30, 2014

Page 1

Account Description	Fee Description	Account#	Qty	Local Share	
Conservation	Conservation	A1255	1	1.38	
			<b>Sub-Total:</b>	<b>\$1.38</b>	
Dog Licensing	Female, Spayed	A2544	16	80.00	
Dog Licensing	Female, Unspayed	A2544	1	10.00	
Dog Licensing	Male, Neutered	A2544	8	40.00	
Dog Licensing	Male, Unneutered	A2544	5	50.00	
			<b>Sub-Total:</b>	<b>\$180.00</b>	
General Fund	Towing Licenses	2590	5	750.00	
General Fund	Water Service	2144SW	2	625.00	
			<b>Sub-Total:</b>	<b>\$1,375.00</b>	
LANDFILL FEES	T/s Permits		4	150.00	
	T/s Punch Cards		40	1,365.00	
			<b>Sub-Total:</b>	<b>\$1,515.00</b>	
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	2	35.00	
			<b>Sub-Total:</b>	<b>\$35.00</b>	
MISC. FEES	Accident Reports		10	55.00	
	Certified Copies		5	90.00	
	Foi Requests		1	5.00	
	Minor Sales		4	2,052.00	
	Park Fees		9	1,150.00	
			<b>Sub-Total:</b>	<b>\$3,352.00</b>	
PLAN & ZONE	Zoning Books		2	50.00	
	Zoning Maps		2	10.00	
			<b>Sub-Total:</b>	<b>\$60.00</b>	
<b>Total Local Shares Remitted:</b>				<b>\$6,518.38</b>	
Amount paid to:	NYS Ag. & Markets for spay/neuter program			42.00	
Amount paid to:	NYS Environmental Conservation			23.62	
Amount paid to:	State Health Dept. For Marriage Licenses			45.00	
<b>Total State, County &amp; Local Revenues:</b>		<b>\$6,629.00</b>	<b>Total Non-Local Revenues:</b>		<b>\$110.62</b>

*Danielle Cherubini added that the total for the Transfer Station to date is \$13,086.50*

### C) POLICE CHIEF – GERALD COCOZZA

Following is a summary of the activity of the Police Department for the month of June 2014.

<u>MOTOR VEHICLE ACCIDENT</u>	June 14	Yr. Date 14	June 13	Yr. Date 13
Personal injury	6	32	7	23
Fatal	0	0	0	0
Property Damage	12	88	10	66
Report Not Required	3	30	6	22
Total	21	150	Total 23	111

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	116	827	273	971
Parking	2	8	7	10

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	358	2110	421	2409
Total Arrests	21	143	31	134

<u>TOTAL TELEPHONE CALLS</u>	1641	10040	1701	9814
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#### POLICE DEPARTMENT OVERTIME HOURS payroll 13&14

Full Time Officer Overtime	57.5	\$2432	467	60.5	\$2588	323.15
Part Time Officer Overtime	55.25	\$1832	514.25	45.25	\$1483	551.25
Full Time Dispatchers Overtime	0	\$0	8	0		0
Part Time Dispatchers Overtime	0	\$0	72	0	\$0	144
<u>Police Mileage</u>	11367		66442	13990		78147

*Supervisor Osborn thanked Chief Cocozza for all the extra work and hours he put in during the construction of the new Police Station.*

## D) HIGHWAY SUPERINTENDENT – GAEL APPLER, SR.

### Monthly Report for June 2014

**ROADS:** We continue to mow the road sides for safe sight distance and did a couple of road patrols trimming around intersections and around street and traffic signs. We are working on getting our roads ready to pave for the summer. We opened up the ditch lines and cut back the road edges along Conklin Hill Rd. We did the same on Paula and Evy and replaced all the pipe runs under the road. We replaced 240 ft. of 48 in. cmp with 48 in double wall PVC and did 4 road cuts with 160 ft. of 15 in. double wall PVC. We repaired a ditch line on Prospect St. We opened all the ditch lines and cut back the road edges on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Streets. We did 3 road cuts and replaced 120 ft. cmp with 15 in. double wall PVC. We opened up the ditch lines and cut back the road edges on Jackson Ave. We did a road cut and replaced an 18 in. pipe at the intersection of Plattekill Ave. with Ulster County supplying us the new pipe. We also replaced 3 driveway pipes and set a new c.b. at the intersection of Highland Ave. and replaced the pipe with 15 in. PVC double wall. We repaired a ditch line and replaced 40 ft. cmp under a driveway there. We assisted Police Department at diesel fuel spill on South Rd. and St. James Place. This was during a rainstorm so we had to sand the road as it was quite slippery. We repaired the ditch lines and cut the road edges on Green Tree Lane. We installed 350 ft. 15 in. PVC with 4 c.b.s and replaced 60 ft. of 48 in pipe with 48 in. double wall PVC. We flail mowed the intersection of Old Post Rd. and 9W for sight distance. We also mowed the landfill. We replaced 30 ft. of rotted driveway pipe on Orchard St.

**WATER DEPARTMENT:** We assisted WD with a water tap on Milton Turnpike on 6/17. We also mowed the reservoir area.

**LITTER:** We picked up a pile of mattress off South Rd., Milton and a pile of patio furniture off Shari Dr., Marlboro.

**TOWN PARKS:** We assisted at the Pavilion Project by excavating and setting the new septic tank and pump station. We continue to push off the fill section at Sands Ave. Park.

**FUEL USAGE:** Gas: 427.2 gallons      Diesel: 1366.6 gallons.

Gael R. Appler, Sr.  
Highway Superintendent

GRA/cw

*Mike Dovich asked how the oil spill happened on South Road.*

*Mr. Appler explained that a broken spring was hit by a Brooklyn Bottling truck on 9W and it punctured the fuel tank. About 40 gallons of diesel spilled.*

*James Garofalo asked if the hidden driveway signs were up on Conway Rd. as requested in a previous correspondence.*

*Mr. Appler said he put one up in the Town of Marlboro and the resident addressed the Town of Newburgh for the other sign.*

*Robert Pollock asked about the drainage by North Road and Main Street.*

*Mr. Appler said that the last flood overloaded the catch basin but normally works well.*

*Mr. Appler added that he promises that the drainage issue in front of Mr. Pollock's house will get fixed as soon as his guys are available to do the work. He would love to have*

*three more guys to help. The state built a concrete culvert in front of that house in 1932 and they put sewer lines through it then filled it up with fill. The Highway Department opened it up last fall so it does work better but it was too late to repair it. They will need to close the road for about 2 days excavate the road and rebuild a new culvert leaving the sewer line in it.*

*James Garofalo thanked Gael Appler and his men for doing such an exceptional job plowing the roads this winter.*

*Supervisor Osborn thanked Gael Appler as well for all the help with the fill at the waterfront park and for being so accommodating with the municipal parking lot idea. Gael Appler said he is in favor of doing anything that will improve the Town.*

*Mr. Appler also reported that there were about 80 mile an hour winds that damaged 4 houses and took down trees and shrubs on the corner of Mulberry Street and Willow Tree Road. This happened Sunday night and the Highway Department assisted the Fire Department and spent some time cleaning up and chipping.*

#### E) WATER SUPERINTENDENT – CHARLIE MUGGEO

#### RE: MONTHLY REPORT FOR JUNE

Water consumption totaled 17.9 million gallons that is a daily usage of 596,000. Compared to last month 19.3 million gallons and a 615,000 daily usage. Compared to a year ago water consumption was 18.1 million for the month which is a daily usage of 586,000.

#### SUMMARY FOR THE MONTH:

**Hydrants:** We started weed whacking and herbicideing

**WATER MAINS:** We performed a tap on Milton turnpike and 9 W.

**SERVICE LINES:** We had repair service lines on Sherman Drive, South RD. and Green tree Lane

**VALVES:** Had to repair valve boxes on Western Ave.

**SEWER MAIN:** A 4 inch sewer service had to be repaired on Jackson Ave.

**METERS:** Bills were sent out. If there any problems feel free to give us a call. Repaired 5 meters that were stuck.

Installed the new sewer tank and a 2 inch forced main line at new town park pavilion.

**MARKOUTS:** 30

Gallons of Gas: 220

Gallons of Diesel: 60

Mileage for the month: 1900

*Councilman Baker asked what the average daily usage is.*

*Mr. Muggeo said the average is about 600,000 gallons per day and Brooklyn Bottling uses about 300,000 gallons per day.*

*Supervisor Osborn thanked Mr. Muggeo for all his help at the park.*

F) BUILDING INSPECTOR – THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR  
MONTHLY REPORT/BUILDING DEPARTMENT  
MONTH OF: JUNE 2014**

CERTIFICATE OF OCCUPANCY 17 STOP WORK ORDER \_\_\_\_\_  
 REQUEST FOR INFORMATION 10 Z.BA APPLICATION \_\_\_\_\_  
 MOBILE HOME PERMITS \_\_\_\_\_ TRAILER PARK RENEWALS 1 \_\_\_\_\_  
 ORDER TO REMEDY 3 BUILDING EXTENSIONS 1 \_\_\_\_\_  
 COMPLAINTS 38 FIRE INSPECTIONS 8 \_\_\_\_\_  
 BURN PERMITS ISSUED 33 FIRE CALLS 3 \_\_\_\_\_  
**BUILDING PERMITS 25** \_\_\_\_\_

<u>2</u> ONE FAMILY	_____ SIGN
_____ ELECTRICAL	_____ REPAIRS
_____ FURNACE/BOILER (INDOOR)	<u>5</u> ADDITIONS/RENOVATIONS
<u>3</u> DEMOLITION	_____ CHIMNEY INSTALLATION
<u>1</u> TANK INSTALLATION/REMOVAL	<u>1</u> DECKS/STAIRS
_____ STOVES (WOODSTOVE, PELLET)	<u>1</u> DOG KENNEL
<u>1</u> POOL/HOT TUB	<u>1</u> GAS INSERT
<u>1</u> SHED	_____ CARPORT/GARAGE
<u>3</u> ROOF	<u>6</u> SOLAR PANELS

**ESTIMATED COST OF BUILDINGS \$1,662,325.00**

CERTIFICATE OF OCCUPANCY	\$ <u>150.00</u>
REQUEST FOR INFORMATION	\$ <u>1000.00</u>
BUILDING EXTENSIONS	\$ <u>100.00</u>
TRAILER PARK RENEWALS	\$ <u>175.00</u>
BUILDING PERMITS	\$ <u>7279.50</u>
FIRE INSPECTION FEES	\$ <u>800.00</u>
ZBA ESCROW FEES	\$ _____
ZBA APPLICATION	\$ _____
TOTAL MILEAGE: 850 MILES	
TOTAL GAS USAGE: 65 GALLONS	\$ _____
TOTAL MONTHLY ZONING FEES	\$ _____
TOTAL MONTHLY RECEIPTS	\$ <u>10,304.50</u>

G) WASTEWATER TREATMENT FACILITY – ANTHONY FALCO

*No report*

H) DOG CONTROL OFFICER – ANDREW MCKEE

*No report*

I) ASSESSOR – CINDY HILBERT

*No report*

*Supervisor Osborn thanked Ms. Hilbert for all of her help with the mapping and other items needed for the proposed local law.*

J) PLANNING-JOE PORCO

*Joel Truncali said that Stewart's is adding a small addition to the back of their building mostly for storage and they are also doing some renovations and getting new signs.*

K) BOARD OF ETHICS-DAVE BALLOU

*No report*

ITEM #9 Report of Committees

A) RECREATION

*Pierre Ferguson said the first concert was held on Friday night and he thanked Kate Beare for doing an excellent job. There will be a swimming program at the Marlboro High School Pool beginning August 4<sup>th</sup> through August 28<sup>th</sup>. There is a minimum of 20 participants per session and there are different age groups ranging from 6 months to 18 years of age. Registration forms are at the Town Clerk's Office. Line Dancing will be at the Michael Canosa Pavilion every Monday in July and August.*

*Mr. Ferguson said he saw a sign about a Family Fishing Day at the park and he doesn't know anything about it and it could be a liability issue. He was at a Meet Me in Marlborough meeting and it didn't seem that Ms. Mannese knew about it. Supervisor Osborn asked if the construction at the park was under control.*

*Mr. Ferguson said he was concerned when camp started but it is all taped and coned off.*

*Kate Beare reported that the first concert was very successful. They made \$40.00 more than last year on opening night and will be trying to get more people to help with the prize raffle because it was hard to get to everyone. Parking seemed to be the only issue, people were parking in places they shouldn't even though it was taped or coned off. Zach Salay is the new soundman for the concert series and did a great job.*

*Supervisor Osborn said to call Chief Coccozza if there are parking violations.*

*Patricia Haidaoui reported that there are still Bokwa and Zumba classes that are ongoing at the TOMVAC building. She suggested that in the spring a flyer should be made for Summer Recreation Programs. It would help to get the word out so the Town could have more participation in the programs. Programs sometimes are announced at the last minute and it is difficult to advertise.*

B) SOUTHERN ULSTER ALLIANCE

*No report*

C) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report*

D) CAC

*No report*

E) IT COMMITTEE

*Supervisor Osborn said that the phones will be shifted from the current police station to the new police station on July 25<sup>th</sup>.*

F) MILTON TRAIN STATION FOUNDATION

*Supervisor Osborn said that McGoey, Hauser, and Edsall will do the engineering and put together a bid document which is estimated to cost \$8,800.00 for a new roof on the Train Station which will cost about \$100,000.00. The previous Board gave money to the Train Station to implement some improvement projects. The Train Station came in under budget and have about \$2,500.00 left so they are willing to contribute that money back to the Town toward the cost of the engineering which would then lower the cost to the Town to about \$6,300.00. The work will need to be put out to bid. Supervisor Osborn asked the Board to expend up to \$8,800.00 out of the General Fund with about \$2,500.00 coming back to the Town. The Train Station currently has about \$90,000.00 in donations that will be used toward the roof and by the time the work is ready to be done they may have the full \$100,000.00.*

*Councilman Koenig said that he wants to make sure members of the Train Station are involved in the RFP process to ensure that the work will aesthetically look like a Train Station that's over one hundred years old. Also, if the Board approves the money for the engineering and if the bids come in lower than \$90,000.00, he would like make sure some or all of the engineering costs are given back to the Town. The Board discussed these two items briefly.*

*Supervisor Osborn asked for a motion to approve McGoey, Hauser, and Edsall for their engineering services for replacement of the roof for the Train Station. The total engineering cost is about \$8,800.00 and the Town will contribute up to \$6,300.00 under the idea that the Train Station will give back \$2,500.00. If the bids come back lower than the Train Station's collected donation amount then they will reimburse the Town the cost of the engineering to the extent practicable by their budget.*

*Councilman Koenig added that he wants the Train Station members to be included in the engineering process.*

*Councilman Molinelli also added that he would like the Train Station members to approve the engineering before the project goes out to bid.*

***Councilman Koenig made a motion to approve McGoey, Hauser, and Edsall for their engineering services for replacement of the roof for the Train Station. The total engineering cost is about \$8,800.00 and the Town will contribute up to \$6,300.00 under the idea that the Train Station will give back \$2,500.00. If the bids come back lower than the Train Station's collected donation amount then they will reimburse the Town the cost of the engineering to the extent practicable by their budget. Also, the Train Station members need to be included in the engineering process and the Train Station members need to approve the engineering before the project goes out to bid. Motion seconded by Councilman Baker.***

***Yeas: 4***

***Nays: 0***

***Carried***



G). MILTON LANDING CITIZENS COMMITTEE

*Councilman Koenig reported that they are waiting for a follow up meeting with the DEC. They resubmitted the application to extend the seawall by filling it and need to submit a few more photos and a sketch for clarity. They need to contact the Army Corps of Engineers, as a formality and if they don't hear back from them in 45 days it's a good thing. Supervisor Osborn added that they need to do that to make sure the Town is not impeding on navigable waters.*

*Councilman Koenig said the Blueway Trail signs are up and the campgrounds are installed. The campground is not open yet. Greenway has been to the landing multiple times and they are pleased with the campground. The plans for the next phase should be done soon and there are other grant opportunities coming up in August.*

*Patricia Haidaoui asked if there was an estimated time when the work would be done on the Sands Avenue property because she has been questioned by some residents.*

*Councilman Koenig said approximately another month or two.*

H). ZONING OVERVIEW COMMITTEE/ECONOMIC DEVELOPMENT

*Supervisor Osborn said they discussed the zoning changes tonight and the overlay which is an economic development initiative to get more business in our town.*

I). RIVITALIZATION/ECONOMIC DEVELOPMENT COMMITTEE

*Supervisor Osborn said they haven't met but they have a lot of new ideas. They are waiting for drawings from engineers which was approved at a prior Town Board meeting.*

*When they get the drawings, they can discuss implementation of the ideas in the drawings.*

J). MEET ME IN MARLBOROUGH

*Patti Brooks was present to report for MMiM. Supervisor Osborn asked Ms. Brooks if the Family Fishing Day that Mr. Ferguson brought up earlier was a MMiM event.*

*Ms. Brooks said yes it will be in conjunction with the Farmer's Market this Saturday. MMiM has been doing this for a couple of years and they stock the pond by 9W and the DEC comes to teach kids about fishing.*

*Supervisor Osborn asked Ms. Brooks for MMiM to let the Board know any time there will any extra events going on at the park because they didn't know about the prior Methodist Church flea market that was held in conjunction with a recent Farmer's Market until after it happened and they just found out about the fishing event. The Board needs to know about these events. There is increased traffic and he asked if she would let the police chief know about the event as well.*

*Patti Brooks also congratulated the two scholarship winners, Danielle Dispensa and Taylor DeMarco. She thanked the Town for letting them put the "Farmer" statue in Town Hall. Ms. Brooks also thanked the Cub Scouts and Girl Scouts that have been working on the vegetable and butterfly gardens at the park.*

*Pierre Ferguson asked if the farmer salute plaques currently at Town Hall can be hung somewhere in the Town.*

*Supervisor Osborn said that they could be hung in the Train Station or they can be hung in or around the new meeting hall.*

*Ms. Brooks said it is being discussed, but the goal is to hang all of the plaques and place the farmer statue at the Train Station.*

*Ms. Brooks also reported that MMiM will alternate Wednesday and Thursday each month as their meeting day. The August meeting will be a Thursday.*

ITEM #10 Old Business

A). Wyms Heights

*Supervisor Osborn read the following letter from Thomas Corcoran, Code Enforcement Officer which is incorporated into the minutes as follows:*

**TOWN OF MARLBOROUGH**  
PO Box 305 Milton NY 12547  
"Heart Of the Hudson Valley Fruit Section"  
MILTON, ULSTER COUNTY, NEW YORK 12547  
DEPARTMENT OF BUILDINGS

TEL NO. 795-2406 Ext. # 7  
FAX NO. 795-6171

**THOMAS CORCORAN JR.**  
BUILDING INSPECTOR  
CODE ENFORCER  
FIRE INSPECTOR

June 8, 2014

Re: Storms / Sumahit Property  
4 Wyms Heights Marlboro, N.Y. 12542

S.B.L. : 108.2-4-19

This letter is to verify that the building department did a requested monthly inspection ( as suggested by Town Attorney Jason J. Kovacs ) of 4 Wyms heights in Marlboro NY 12542. Pictures are attached of the current condition of the property on the above date.

Since last inspection in May there has been a significant increase of items on the exterior of the property. Our property maintenance code clearly states in section 114-5 / Sub Section B that " Premises shall be maintained in a clean, safe and sanitary condition free from physical hazards, fire hazards, solid waste, infestation, roaches, junk vehicles, hazardous substances, construction and demolition material, noxious weeds or nuisances " At this time I find a violation to exist ( attached ) and leave the matter to the Town Board to move forward, or not, with Attorney Kovacs since I have exhausted all avenues through our town judicial court system.

Any questions please don't hesitate to contact me.

Thank You.

*Thomas J. Corcoran Jr.*  
*Code Enforcement Officer*

*Supervisor Osborn said this has been an ongoing problem and asked the Board if they would like to start the process of contacting the attorney and in turn he will contact the Ulster County Health Department like they did last year before there are rats again. When this process started last year, the property owner cleaned up the yard. If she doesn't comply then she will end up in a higher court.*

***Councilman Molinelli made a motion to contact the Town Attorney to begin the process with the Ulster County Health Department regarding the violations at 4 Wyms Heights. Motion seconded by Councilman Baker.***

***Yeas: 4***

***Nays: 0***

***Carried***

B). Town Healthcare benefits

*No new information*

C). TOMVAC

*Supervisor Osborn said the Town is getting offers on TOMVAC closer to the price range they are looking to get. They also discussed using TOMVAC for recreation but the new meeting room could also be used for recreation. The majority of the Board seemed in favor of putting TOMVAC back on the tax roll.*

D). New Town Hall

*Already discussed*

E). Terwilliger Hoffman 384D Retirement

*Supervisor Osborn said the Town should be getting a bill soon.*

F). McLaughlin Drive

*No new information*

G). Labor Negotiations

*Supervisor Osborn said there isn't anything to report but negotiations are going well.*

H). Survey of St. Andrews property for purchase

*Supervisor Osborn said they need a right of way and they are working on that with the Cosman's.*

I). Ethics Board Open Position

*Supervisor Osborn said there is still an open position.*

J). water connection to Highland

*No new information*

K). Ulster County URGENT Task Force

*Councilman Koenig said they are still waiting to have a meeting.*

L). 9W Cross Walk at Pizza Town

*Supervisor Osborn said he is still waiting to meet with the DOT.*

M). Business Corridor Overlay district

*See Public Hearing*

N). Concerts in the park sound bids

***Councilman Molinelli made a motion to remove Letter N – Concerts in the Park Sound Bids from Old Business on the Agenda. Motion seconded by Councilman Koenig.***

***Yeas: 4***

***Nays: 0***

***Carried***

O). Municipal Parking

*See Supervisor's report*

P). Barton and Loguidice engineering services Agreement groundwater exploration

*No new information*

ITEM #11 New Business

A). proposed agreement with Newburgh

*Supervisor Osborn said Newburgh has sent the Town a bill for the new filtration plant. It was assumed that the cost of the plant would be integrated into our water bills and Charlie Muggeo said that the water bills would not be going up substantially. The Town has not received any correspondence from Newburgh leading up to this and now received this very extensive legal document stating that it cost 27 million dollars to build the plant.*

*According to the document our estimated future use would be up to 1 million gallons per day which would make the Town's water bill about 4.2 million dollars. The Board doesn't have numbers yet for a 30 year bond for 4.2 million dollars for the water users. The document also states that there will no longer be a secondary supply to Marlboro. The DEP said there would be a secondary supply and a secondary supply is required by the Health Department.*

*Charlie Muggeo said he is surprised because Newburgh can't do that, NYC said that we are entitled to water and made an agreement with Newburgh.*

*Supervisor Osborn said the document is being reviewed by the Town Attorney who will then discuss it with Newburgh's attorney and the DEP.*

*Councilman Koenig said the way he read the document was that Newburgh already bonded 27 million dollars and that we would be billed quarterly on what we owe and raise our water rates. It also looks like it is a binding agreement whether the Town signs it or not. Supervisor Osborn said that since 2010 there has only been a draft agreement, not a formal agreement.*

*The Board had a brief discussion and no one recalls any formal agreements.*

B). open position on the Board of Assessment Review

*Supervisor Osborn said there is an open position on the Board of Assessment Review and asked for a motion to advertise for the position.*

***Councilman Koenig made a motion to advertise for the open position on the Board of Assessment Review. Motion seconded by Councilman Molinelli.***

***Yeas: 4***

***Nays: 0***

***Carried***

ITEM #12 Correspondence

*Supervisor Osborn read the following letter from Pierre Ferguson which is incorporated into the minutes as follows:*

**Town of Marlboro  
Town Board Members**

**7/1/2014**

**Dear Mr. Osborn**

**St. James church again this year would like to have permission to use Michael Canosa pavilion for its annual picnic. I would also like to ask that as in the past please waive the rental fee. Date of the event July 27, 2014 ( Sunday)**

**Sincerely Yours,**

**Pierre Ferguson**

***Supervisor Osborn made a motion to allow St. James Church to use the pavilion at no charge on July 27, 2014. Motion seconded by Councilman Molinelli.***

***Yeas: 4***

***Nays: 0***

***Carried***

ITEM #13 Public Comment

*James Garofalo suggested that when Supervisor Osborn talks to DOT about the crosswalk he could also talk to them about a box (don't block the box) where King Street and 9W meet. He also said he should keep the DOT informed about the parking lot and other improvements and ask them to evaluate the idea of a circulator that he brought up at a previous meeting.*

*Mike Dovich asked if there is a possibility to turn round pond back into a swimming area because the economy is tough and if there is sand coming out of the aqueduct project they could use it at the park.*

*Supervisor Osborn said there was a committee about two years ago and the Board hasn't seen the public moving forward with their ideas. It would be a very large project.*

*There was a discussion about what it would actually take to turn that into a swimming area again.*

*Dare Thompson asked when the Transfer Station contract was up and asked if there was a committee or someone who reports on it.*

*Supervisor Osborn said there is no committee and the Board reviews everything annually.*

*Councilman Molinelli added that in the past few years the Transfer Station has really improved and the profitability has gone up to where it is almost breaking even.*

*James Garofalo added that the operation and look of the Transfer Station has improved and also the information available on the Town's website is better.*

*Supervisor Osborn asked for a motion to hold an executive session to discuss an employee issue.*

***Councilman Baker made a motion to hold an executive session to discuss an employee issue at 8:53PM. Motion seconded by Councilman Koenig.***

***Yeas: 4                      Nays: 0                      Carried***

***Councilman Koenig made a motion to end executive session and resume the regular meeting at 9:09PM. Motion seconded by Councilman Molinelli.***

***Yeas: 4                      Nays: 0                      Carried***

*No decisions were made.*

#### ITEM #14 Resolutions

A). Resolution #62 To modify Local Law #1 of the year 2014

*Ralph Walters question the wording in the Public Hearing notice because it did not seem to state that it was a continuation of tonight's Public Hearing.*

*Supervisor Osborn asked Danielle Cherubini if she would call Ron Blass in the morning to check the wording in the Public Hearing Notice for August 11, 2014. He also asked for a motion to advertise.*

***Councilman Baker made a motion to advertise for the Public Hearing on August 11, 2014. Motion seconded by Councilman Molinelli.***

***Yeas: 4                      Nays: 0                      Carried***

#### ITEM #15 ADJOURMENT

July 14, 2014

A), Resolution #62 To modify Local Law #1 of the year 2014

On May 29, 2014, Supervisor Osborn introduced a proposed local law to be known as Local Law No. 1 of 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155, "ZONING", OF THE TOWN CODE, INCLUDING ADDING A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT; AND AMENDING EXISTING SECTIONS 155-12(A) PERTAINING TO PROFESSIONAL OFFICES IN THE R DISTRICT; AND AMENDING 155-12(B) PERTAINING TO PROFESSIONAL OFFICES AND MULTIPLE DWELLINGS IN THE R-1 DISTRICT; AND AMENDING 155-12(D) PERTAINING TO RESIDENTIAL DWELLINGS, MULTIPLE DWELLINGS, BED-AND-BREAKFASTS, MOTELS, AND HOTELS IN THE C-1 DISTRICT; AND AMENDING 155-12(E) PERTAINING TO AUTOMOBILE SERVICE, REPAIR AND FILLING STATIONS IN THE HD DISTRICT; AND AMENDING 155-12(G) PERTAINING TO BED-AND-BREAKFASTS AND MULTIPLE DWELLINGS IN THE C-2 DISTRICT; AND DELETING SECTIONS 155-30(A)(2) AND 155-30(A)(3) PERTAINING TO MULTIPLE DWELLINGS, AND ADDING A NEW SUBDIVISION 155-30(A)(2), PERTAINING TO THE MULTIPLE DWELLINGS; AND ADDING A NEW SECTION 155-33 PERTAINING TO DISPLAY OF MOTOR VEHICLES FOR SALE; AND AMENDING THE ZONING MAP TO CHANGE VARIOUS DESIGNATED PARCELS FROM THE C-1 DISTRICT TO THE R DISTRICT.

WHEREAS, a public hearing on the proposed local law was opened on July 14, 2014;  
and

WHEREAS, in the form of local law introduced on May 29, 2014, the Town inadvertently omitted one parcel of land from Section "14" of the legislation which identified parcels to be changed from the C-1 zoning district to the R zoning district on the zoning map;  
and

WHEREAS, that omitted parcel of land is Tax Parcel No. 108.12-1-1.200; and

WHEREAS, the purposes of this Resolution are (a) to modify the form of local law introduced on May 29, 2014 to include Tax Parcel No. 108.12-1-1.200 within Section "14" of the local law amending the zoning map to change designated parcels from the C-1 zoning district to the R zoning district, (b) to adjourn and to continue the public hearing until 6:30 pm on August 11, 2014 to allow for the consideration of this modification of the local law, and (c) to place the modified local law on the desks of the members of the Town Board; and

WHEREAS, the proposed local law is produced below in its modified form:

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

Section 1. Chapter 155 of the Marlborough Town Code is amended to add a new Section 155-12(H) reading as follows:

H. BC - Business Corridor Overlay District

(1) Purpose. The Town of Marlborough is bisected along a north to south axis comprising New York State Route 9W which parallels the Hudson River. Historically, the Route 9W corridor has served the Town of Marlborough as both a significant transportation facility and the



location of mixed residential, commercial, and light industrial land uses. There are various zoning district designations along the Route 9W corridor, including the HD, R, C-1, R-1, and RAG-1 districts. Within the areas of the Route 9W corridor which are zoned R-1 or RAG-1, there exist various improved parcels with frontage on the state highway and which are currently, or previously have been, devoted to use of existing structures for commercial or light industrial activities of the type which are currently allowable within the HD zoning district. Some of the existing structures are devoted to commercial or light industrial activities as non-conforming uses in the R-1 or RAG-1 zones. Some of these existing structures are not currently put to commercial or light industrial uses, and exist as meaningful opportunities for readaptation to such uses for the benefit of public commerce and the generation of municipal revenues for the community. The Town Board concludes that a Business Corridor Overlay District, in the nature of a floating zone, is an appropriate device to encourage readaptation of existing unused structures, or to eliminate non-conformities of active uses, within eligible properties within the Route 9W corridor.

(2) The Business Corridor Overlay District is a floating zone which may be established by the Town Board by potential amendment of the Zoning Map, through the exercise by the Town Board of the procedures stated herein, with respect to properties located within eligible areas along the transportation corridor of Route 9W in the Town of Marlborough, as such areas of eligibility are more particularly defined within sub-section (3) of this Section 155-12(H).

(3) Eligible areas. Parcels located within the R-1 or R-Ag-1 zoning districts within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they (a) enjoy highway frontage useable for access to and from Route 9W, and (b) are improved within 250 feet of the right of way line of NYS Route 9W by an existing building(s) either currently devoted to commercial, retail, office, or light industrial activities, or if not currently devoted to such uses, the building was predominately devoted to such uses in the past according to land records or other written evidence deemed acceptable and convincing to the Town Board.

(4) Permitted uses. In the event that the Town Board establishes a Business Corridor Overlay District designation,

the principal permitted uses, the permitted accessory uses, and the permitted special uses of the property shall be those uses which are allowable within the HD - Highway Display district, subject to the same lot, height, yard and any supplemental regulations applicable to the subject use of the property in the event that it had been situated within the HD district. However, new and used car sales, and adult entertainment uses, shall be prohibited in a BC district.

(5) Procedure for establishment.

(a) Petitions for the establishment of a Business Corridor Overlay District by amendment of the Zoning Map shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.

(b) Application materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual development plan shall consist, at a minimum, of the following:

- (1) A metes and bounds description of the proposed district;
- (2) A survey of the land prepared and certified by a licensed land surveyor;
- (3) A map drawn to scale showing existing conditions of the parcel, including:

[i] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;

[ii] The name of the person or firm preparing the plan;

[iii] The date, north arrow and scale of the plan;

[iv] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;

[v] The acreage of the parcel and the tax number or numbers;

[vi] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel;

[vii] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;

[viii] The location of any existing storm or sanitary sewers, culverts, water lines, hydrants, catch basins, manholes and other

visible infrastructure as well as other utilities within or adjacent to the parcel;

[ix] The existing zoning of the parcel;

[x] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;

[xi] The approximate boundaries of any areas subject to flooding or stormwater overflows;

[xii] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property);

[xiii] The identification of any other significant natural features.

(4) The conceptual development plan, drawn approximately to scale, shall clearly show the following:

[i] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity;

[ii] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;

[iii] The proposed source of water supply and method of delivery to the site;

[iv] A general plan for the collection and disposal of sanitary waste from the site;

[v] A general plan of proposed stormwater management facilities;

[vi] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.

(5) A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions.

(6) Preliminary architectural treatment of any readapted or new buildings.

(c) Initial Review:

(1) In its review of the application, the Town Board may suggest such changes in the conceptual plan as are found to be necessary or desirable by the Town Board in order to meet the requirements of this section. The Town Board may notify the applicant of such changes and may discuss such changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or deny the rezoning application.

(d) Town Board review.

(1) Upon receipt of a recommendation from the Planning Board, the Town Board may schedule and hold a public hearing. Alternatively, the Town Board may reject the application.

(2) Following completion of the public hearing, the Town Board may act to approve, approve with modifications or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in amendment of the Zoning Map established by this chapter.

(e) Criteria for rezoning to Business Corridor Overlay District. In determining whether or not amend the Zoning Map for a BC district, the Town Board shall consider, together with the intent and objectives of this section, whether the proposed district and conceptual development plan meet the following criteria:

(1) How the site be served by potable water and sanitary sewer facilities, and whether such facilities will be adequate to accommodate any additional demand placed upon them by the proposed development or readaptation;

(2) Whether the site is well drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;

(3) Whether the site is located in an area suitable for the proposed elimination of non-conformity or readaptation of buildings and site development so as to be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;

(4) The site shall be located in a manner that allows access to the site from a public street with adequate site distances and that meets current engineering standards of the Town;

- (5) The architectural style of any proposed readaptation or modification of development and exterior materials, finish and color shall be consistent with the character of nearby properties;
- (6) The readaptation or modification of the site shall not produce undue adverse effects on the surrounding neighborhood;
- (7) The extent to which the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.
- (f) Time limit on validity of rezoning. Any zoning permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial designation on the Zoning Map by the Town Clerk, when directed by the Town Board, unless actual construction, pursuant to an approved site plan and a valid building permit is commenced within two (2) years from the date of adoption by the Planning Board of a resolution of site plan approval following the rezoning.
- (g) Fee. An application fee shall be charged in the amount provided for in the relevant fee schedule prevailing at the time of application. Actual consultant expenses incurred by the Town at all stages of processing a project under this section shall be defrayed by the applicant as provided within this chapter.
- (h) Site plan approval. Following a zoning amendment to create a BC district, site plan and or special use permit review and approval by the Planning Board shall be required prior to the issuance of a building permit for any readaptation or modification of development of the property to the same degree, and to the same extent, that such activity would be subject to site plan or special use permit review if it was located within the HD district.

(i) Conformity to conceptual development plan. The Planning Board shall not approve any site plan or special use permit within a BC district unless said Board finds that the plan is in substantial conformance with the conceptual development plan that was submitted to the Town Board and that served as the basis for the zone change to a BC district.

Section 2. Section 155-12(A)(4)(i) is amended to remove "Professional office" as a special use, and to re-letter subdivisions (4)(j) and (4)(k) to become subdivisions (4)(i) and (4)(j), respectively.

Section 3. Section 155-12(B)(4)(j) is amended to remove "Professional office" as a special use, and to re-letter subdivisions (4)(k) and (4)(l) to become subdivisions (4)(j) and (4)(k), respectively.

Section 4. Section 155-12(B) is amended to add a subdivision (4)(l) designating Multiple dwellings as a special use.

Section 5. Section 155-12(D)(2) is amended to delete subdivision (2)(g) designating one-family or two-family dwellings as a principal permitted use.

Section 6. Section 155-12(D)(4) is amended to delete subdivisions (4)(f) and (4)(g) designating Multiple dwellings and Bed-and-breakfast as special uses.



Section 7. Section 155-12(D)(4)(c) is amended to change the word Motels to Hotels.

Section 8. Section 155-12(E)(4)(a) is amended to change the words "Gasoline service stations" to read "Automobile service, repair and filling stations".

Section 9. Section 155-12(G)(4) is amended to remove subdivisions (4)(f) and (4)(h), Bed-and-breakfast and Multiple dwellings, respectively, as special uses, and to re-letter subdivision (4)(g) to become subdivision (4)(f).

Section 10. Section 155-30(A)(2) is deleted.

Section 11. Section 155-30(A)(3) is deleted.

Section 12. Section 155-30(A) is amended to a new subdivision (2) reading as follows:

(2) R-1 District.

(a) Minimum lot area shall be (10) ten acres.

(b) Lots shall be served by and utilize public water and sewer.

(c) Setbacks for front yard shall be minimum 75 feet, each side yard shall be minimum 75 feet and rear yard shall be minimum 75 feet.

- (d) Maximum density shall be six dwelling units per acre.
- (e) Extension of a public water or sewer service area shall not burden an existing water or sewer district with any cost or debt associated with the extension

Section 13. Article VI of Chapter 155 is amended to add a new section 155-33 entitled “Display of motor vehicles” reading as follows:

“This section shall apply in all zoning districts. No premises may be used for the display for sale of any motor vehicle, unless the premises are covered by current and valid local approvals under the provisions of this Chapter for the commercial display and sale of motor vehicles. Except, however, an owner of premises may display for private sale one motor vehicle which is in the title of an owner of the premises.”

Section 14. The Zoning Map established within Section 155-8 of Chapter of 155 of the Town Code is amended to change the following parcels, identified by Tax Parcel Number, from the C-1 District to the R District:

108.12-1-1.110  
108.12-1-1.120  
108.12-1-2  
108.12-1-3.100  
108.12-1-3.200  
108.12-1-4  
108.12-1-6  
108.12-1-7  
108.12-1-8  
108.12-1-9

108.12-1-10  
108.12-1-11  
108.12-1-12  
108.12-1-13  
108.12-2-47  
108.12-2-48  
108.12-2-50  
108.12-2-51.100  
108.12-2-51.200  
108.12-2-52.200  
108.12-2-53  
108.12-2-56  
108.12-2-57  
108.12-2-58  
108.12-2-59  
108.12-2-60  
108.12-2-61  
108.12-1-1.200

Section 15. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

RESOLVED, that a continued public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall facilities at 1650 Route 9W, Milton, New York on August 11, 2014, at 6:30 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the same or similar following form:

## **NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall facilities at 1650 Route 9W, Milton, New York on August 11, 2014, at 6:30 o'clock, p.m., prevailing time, on proposed Local Law No. 1 of the Year 2014, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 155, "ZONING", OF THE TOWN CODE, INCLUDING ADDING A NEW SECTION 155-12(H) ESTABLISHING A BUSINESS CORRIDOR OVERLAY DISTRICT; AND AMENDING EXISTING SECTIONS 155-12(A) PERTAINING TO PROFESSIONAL OFFICES IN THE R DISTRICT; AND AMENDING 155-12(B) PERTAINING TO PROFESSIONAL OFFICES AND MULTIPLE DWELLINGS IN THE R-1 DISTRICT; AND AMENDING 155-12(D) PERTAINING TO RESIDENTIAL DWELLINGS, MULTIPLE DWELLINGS, BED-AND-BREAKFASTS, MOTELS, AND HOTELS IN THE C-1 DISTRICT; AND AMENDING 155-12(E) PERTAINING TO AUTOMOBILE SERVICE, REPAIR AND FILLING STATIONS IN THE HD DISTRICT; AND AMENDING 155-12(G) PERTAINING TO BED-AND-BREAKFASTS AND MULTIPLE DWELLINGS IN THE C-2 DISTRICT; AND AMENDING SECTION 155-29 PERTAINING TO THE RESIDENTIAL CLUSTER DEVELOPMENTS; AND DELETING SECTIONS 155-30(A)(2) AND 155-30(A)(3) PERTAINING TO MULTIPLE DWELLINGS, AND ADDING A NEW SUBDIVISION 155-30(A)(2), PERTAINING TO THE MULTIPLE DWELLINGS; AND ADDING A NEW SECTION 155-33 PERTAINING TO DISPLAY OF MOTOR VEHICLES FOR SALE; AND AMENDING THE ZONING MAP TO CHANGE

VARIOUS DESIGNATED PARCELS FROM THE C-1 DISTRICT TO THE R DISTRICT,  
WHICH PARCELS ARE AS FOLLOWS:

108.12-1-1.110

108.12-1-1.120

108.12-1-2

108.12-1-3.100

108.12-1-3.200

108.12-1-4

108.12-1-6

108.12-1-7

108.12-1-8

108.12-1-9

108.12-1-10

108.12-1-11

108.12-1-12

108.12-1-13

108.12-2-47

108.12-2-48

108.12-2-50

108.12-2-51.100

108.12-2-51.200

108.12-2-52.200

108.12-2-53

108.12-2-56

108.12-2-57

108.12-2-58

108.12-2-59

108.12-2-60

108.12-2-61

108.12-1-1.200

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 12:30 p.m. and 1:30 p.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York  
July 14, 2014

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COLLEEN CORCORAN, TOWN CLERK

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

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

***Councilman Baker made a motion to adjourn the meeting at 9:14 PM. Motion seconded by Councilman Koenig.***

***Yeas: 4***

***Yeas: 0***

***Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*