

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
NOVEMBER 12, 2018 7:00 PM

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig

Also Present: Scott Woebse, President and CEO of Mobile Life Support Services  
Celeste Ricciardone, 1000 Book Program

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

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

*Yea*s: 5                    *Nay*s: 0                    *Carried*

ITEM #4 Motion to approve minutes from the October 22, 2018 Town Board Meeting

*Councilman Corcoran made a motion to approve the minutes from the October 22, 2018 Town Board Meeting. Motion seconded by Councilman Baker.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

Motion to approve minutes from the October 22, 2018 Public Hearing

*Councilman Koenig made a motion to approve minutes from the October 22, 2018 Public Hearing. Motion seconded by Councilman Baker.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

ITEM #5 Authorize payment of bills

*Councilman Corcoran made a motion to authorize payment of the abstract in the amount of \$172,280.65. Motion seconded by Councilman Molinelli.*

*Yea*s: 5                    *Nay*s: 0                    *Carried*

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

ITEM #7 Presentations

A) Scott Woebse-Mobile Life

*Scott Woebse presented information regarding Mobile Life and its services and also gave some statistics. Mobile Life is the primary ambulance for Marlborough. Mobile Life started out in 1981 and has grown a lot. They are now offering classes to teach how to stop a bleed out from a gunshot wound. They have 26 stations in 4 counties and respond to many calls and are very busy. Some statistics for Marlborough: From September 1, 2017 through August 31, 2018 they responded to 966 calls from 911 calls to standbys for example being present at a football game. 301 of the calls did not need transport and he explained what types of calls there were in the Town, at what times, and also response times. The contract with the Town includes 1 ambulance staffed with a paramedic and an EMT from 7:00 a.m. to 10:00 p.m. If an ambulance is needed during the off hours then they are dispatched from one of the surrounding stations.*

*There was a discussion with the public with regard to hospital choice, what area the ambulance covers, and traffic flow on the roads.*

*Mr. Woebse explained that the contract with the Town of Marlborough is up for renewal. It is a two year contract which will be renewed for the years 2019 and 2020. Mobile Life Support is asking for a 2% increase. He will email the contract to the Supervisor for review.*

B) Celeste Ricciardone-Presentation of the 1000 Book Program

*Celeste Ricciardone on behalf of the 1000 Book Program presented information regarding an event at the Milton Train Station. First, she explained that the 1000 Book Program is a program where families with children ages 3-6 can sign out at the library, bags of 10 books at a time to read and if they do it 100 times they will have read 1000 books. The event at the Train Station will be on December 8<sup>th</sup> from 10:00 a.m. – 2:00 p.m. for children ages 3-6 and their families. There will be “stations” for crafts and books and two local authors will be in attendance. There will also be music and refreshments. The event will be free to attend. Ms. Ricciardone asked if the fee could be waived for use of the Train Station.*

***Councilman Koenig made a motion to waive the fee for the use of the Train Station for the 1000 Book Program event on December 8, 2018. Motion seconded by Councilman Molinelli.***

**Yees: 5**

**Nays: 0**

**Carried**

ITEM #8 Report of Departments and Boards

A) SUPERVISOR - ALPHONSO LANZETTA

**Supervisor's Report November 2018**

Met with Brett Buggein from Tarpon Tower in regard to cell tower siting at Highway Department

Attended Ulster County Transportation Council meeting in Rosendale

Attended Mid Hudson Water Infrastructure funding event, with Councilman Baker, at Marist College

Met with representatives of St. Mary's and Councilman Baker to discuss Rt. 9W Parking lot

Met with Milton Train Station Park engineer, Highway Superintendent Gael Appler and representatives of the Milton Train Station Foundation to look at engineering for placement of pavers at Train Station

Attended Trunk or Treat at the Elementary School

Attended, with Councilman Corcoran and Chief Cocozza, meeting with PBA

Met with Councilman Baker and Central Hudson representative, Jessica Caserto, to discuss potential site Central Hudson project

Met with Councilman Baker and Mike Cucchiara, from Nexcamp, to discuss potential for solar panels at Transfer Station

Attended the Purple Heart Dinner in New Windsor

Attended Marlboro Middle School Assemble given by the Bruderhoff Community, on forgiveness

Attended, with Councilman Corcoran, the Annual Veterans Day Memorial Service

Met with Jacob Repke, Eagle Scout candidate, about the horse shoe pits at the Park

Respectfully,

Al Lanzetta, Supervisor

*Supervisor Lanzetta added that DASNY sent the contracts for the sewer project on Route 9W. He also thanked Steve Adamshick and Dave Pulliam for holding a Veterans Celebration at Weeds Farms.*

*Councilman Baker added that Nexcamp has experience with putting solar panels at landfill sites. They met with Nexcamp at the Transfer Station and it seems possible that they can do something there.*

B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN/BUILDING INSPECTOR  
MONTHLY REPORT/BUILDING DEPARTMENT  
MONTH OF: OCTOBER 2018**

CERTIFICATE OF OCCUPANCY 2 STOP WORK ORDER 2  
REQUEST FOR INFORMATION 18 ZBA APPLICATION 0  
TRAILER PARK RENEWALS 0 ORDER TO REMEDY 16  
BUILDING EXTENSIONS 1 COMPLAINTS 39  
FIRE INSPECTIONS 35 BURN PERMITS ISSUED 19  
FIRE CALLS 1 CLOTHING BIN RENEWALS 0

**BUILDING PERMITS 40**

<u>3</u> ONE FAMILY	<u>1</u> FIREWORKS
<u>0</u> TWO FAMILY	<u>1</u> SIGNS
<u>6</u> ELECTRICAL/GENERATOR	<u>2</u> BARN
<u>5</u> FURNACE/BOILER (INDOOR)	<u>3</u> ADDITIONS/RENOVATIONS
<u>2</u> DEMOLITION	COMMERCIAL STRUCTURE
<u>5</u> TANK INSTALLATION/REMOVAL	<u>3</u> DECKS/STAIRS
<u>1</u> STOVES (WOODSTOVE, PELLET)	WIRELESS COMMUNIATION
<u>1</u> POOL/HOT TUB	MOBILE HOME
<u>2</u> SHED	<u>2</u> CARPORT/GARAGE
<u>2</u> ROOF	<u>1</u> SOLAR PANELS

**ESTIMATED COST OF BUILDINGS \$ 1,783,875.00**

CERTIFICATE OF OCCUPANCY	\$ <u>300.00</u>
REQUEST FOR INFORMATION	\$ <u>1,800.00</u>
BUILDING EXTENSIONS	\$ <u>100.00</u>
TRAILER PARK RENEWALS	\$ <u>0</u>
BUILDING PERMITS	\$ <u>9,192.90</u>
FIRE INSPECTION FEES	\$ <u>1,880.00</u>
ZBA ESCROW FEES	\$ _____
ZBA APPLICATION	\$ _____
BURN PERMIT FEES	\$ <u>90.00</u>
TOTAL MILEAGE: 1092 MILES	
TOTAL GAS USAGE 85 GALLONS	
TOTAL MONTHLY RECEIPTS	\$ <u>13,362.90</u>

C) POLICE CHIEF - GERALD COCOZZA

Police Department  
Town of Marlborough

**MEMORANDUM**

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: November 12, 2018  
Subject: Activity Summary for the Month of October 2018



Following is a summary of the activity of the Police Department for the month of October 2018

<u>MOTOR VEHICLE ACCIDENT</u>	Oct. 18	Yr. Date 18	Oct. 17	Yr. Date 17
Personal injury	3	28	4	39
Fatal	0	0	0	0
Property Damage	18	121	11	126
Report Not Required	8	45	4	27
Total	29	194	Total 19	192

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	92	1024	97	1428
Parking	3	26	2	29

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	393	3316	344	3334
Total Arrests	27	249	22	286

<u>TOTAL TELEPHONE CALLS</u>	1701	18750	1710	17285
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POLICE DEPARTMENT OVERTIME HOURS payroll 21 & 22

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	4 (\$168) 62	0(\$0) 8
Part Time Dispatchers Overtime	24(\$523) 72	24 (\$513) 82

<u>Police Mileage</u>	11966	117913	12488	96982
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## D) HIGHWAY SUPERINTENDENT - GAEL APPLER, SR.

### **HIGHWAY SUPERINTENDENT**

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



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

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

*Supervisor Lanzetta  
Town Clerk Colleen Corcoran  
Town Board Members*

#### **Monthly Report for October 2018**

**ROADS:** We started installing 15 in. PVC pipe and c.b.s up Old Indian Road from Rt. 9W to Hudson River Fruit Distributors. This ditch line was getting quite deep from erosion and large trucks were breaking up the road edges and forcing cars into the ditch. We finished this around 10/21 due to a large amount of ledge rock that had to be hammered and the weather. We crack sealed numerous roads around the Township in the first two weeks of the month. We milled out bad spots on Hampton and repaved these with hot asphalt. We milled out and repaved the end of Conte Terrace. On 10/10 we started reclaiming the east end of Old Indian from South Rd. to Indian Trail. It rained on 10/11 and we finished this on 10/12. We are awaiting the black top crew to finish this. On 10/22 we started finishing Old Indian, Mohawk, Seneca and Cherokee and finished this on 10/23. We cleaned a ditch line on Highland Ave. We replaced a 20 ft. length of cmp pipe with a new one on Bingham Rd. We also repaired ditch lines on Ridgecrest and Cross Rd.

**SIDEWALKS:** On 10/31 we finished forming and pouring 3 sections of sidewalk on Grand St. as Verizon had finished their repairs there.

**TREES/BRUSH:** On 10/25 we cut up and chipped 2 large pines that had fallen. We also cut and chipped brush on Hillside and Penny Lane. We also cut up and chipped a leaning tree on Reservoir Rd.

**WATER DEPARTMENT:** On 10/18 we assisted WD with a water main break on Dock Rd., Milton.

**FUEL USEAGE:** Gas: 351.284 gallons      Diesel: 638.079 gallons.

*Gael R. Appler, Sr.  
Highway Superintendent*

*GRA/cw*

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: 11/13/2018**

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

**RE: MONTHLY REPORT FOR OCTOBER**

Water consumption totaled 16.021 million gallons, which is a daily usage of 516.8. Compared to last month 14.8 million gallons, which is a daily usage of 494,000. Compared to a year ago water consumption was 14.3 million for the month which is a daily usage of 462,000.

**SUMMARY FOR THE MONTH**

**WATER MAINS:** Repaired 6 inch water mains on Shanghi Hill and Dock Rd. We also paved all road cuts that were caused by breaks.

**HYDRANTS:** We flushed hydrants and had to repair two.

**SEVICE LINES:** Had to repair a service on Hudson Terrace and Sherman Dr.

**VALVES:** Performed maintenance on the 8 pressure pits in the town. We had to adjust and repair valve risers on Old Indian, Cherokee Ln., and Mohawk Dr. because of repaving the road.

**BILLING:** Bills went out. If there are any problems feel free to give us a call.

**TOWN PARK:** We had to winterize the parks bathrooms.

Also, we met with the NYC DEP to calibrate the pump house meters.

**SERVICE LINE INSPECTIONS: 2**

**CLOSINGS: 4**

**MARKOUTS: 45**

**Gallons of Gas: 300**

**Gallons of Diesel: 0**

**Mileage for the month: 1700**



## G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

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

November 9, 2018

Report on The Marlboro Wastewater Treatment Plant for October 2018  
The average flow meter readings to the plant was 119,000 gallons per day.  
The design capacity is 175,000 gallons per day.  
We used 68% of capacity.

The process is meeting all other SPDES requirements.  
Lab results show that we removed 98% of BOD and 89% of Suspended Solids  
during the month.

Milton Wastewater Treatment Plant:  
The Average flow to the Milton plant during October 2018 was 32,000 gallons per  
day.  
This is about 58% of design capacity (55,000 gallons per day).  
We showed 99% of BOD and 99% of TSS removal.  
The process is working well meeting SPDES requirements.

Overall both wastewater treatment plants are in good working order but getting  
older.  
The collection system is being monitored and maintained by Charlie Muggeo & the  
Water Dept.

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

Julian Falco  
845-549-2547  
Water Quality Management, Inc.

*There was concern regarding what the problems are with the treatment plants; some of the Board members discussed a few items and Supervisor Lanzetta said he will remind Mr. Falco to submit the information.*

## H) DOG CONTROL OFFICER - ANDREW MCKEE

21 Milton Turnpike  
Marlborough, New York, 12547

# Town of Marlborough Dog Control

Andrew McKee-Dog Control Officer

Sunday, November 11, 2018

### October 2018 Monthly Report

#### Monthly Report - 10/1/2018 through 10/31/2018

##### Overview:

We received a total of **14** calls this month including 21 calls to service from Marlborough PD, State Police and Ulster County Sheriff

Responded to **4** 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 1 stray dogs which was redeemed by its owner..

There were 0 Dog Bites Reported this month.

We currently have **0** dogs in the kennel

We have **1** case in the Marlborough Justice Court at this time

There have been numerous calls regarding Bears and Coyotes.  
I can't stress enough the importance of us not interfering with the natural life cycles of these animals.  
Please do not leave your pets or children outside unattended and be alert when near trash receptacles especially at night.

I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# Memo

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** November 12, 2018  
**Re:** **November** Report

Our office processed 66 real property sales transfers.

We worked on 4 property tax estimates.

We verified the sales records for the month.

Our office processed the sewer and water reviews for the Town.

Our Data Collector has been working around the Clarke's Lane/Milton Turnpike/Apple Blossom/Bill's Lane area.

We started getting back our exemption renewal applications and processing them.

The Ulster County Clerk's Office has recently updated their recording and processing system to the IQS Data System and we recently attended a training session on the new software.

We started collecting our new construction and verifying our splits and mergers.

J) PLANNING - CHRIS BRAND

Town of Marlborough

# Planning Board Review

## October 2018

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**Meeting: October 1, 2018 / 7:30 PM / Town Hall**

### ATTENDEES

Chris Brand, Manny Cauchi, Cindy Lanzetta, Joe Lofaro, Ben Trapani

### AGENDA

**Paul Gladman, 107 South Street, Marlboro: Public Hearing, Lot Line**

- A Public Hearing for this project was opened and closed with limited public participation. A SEQRA Negative Declaration and Notice of Determination on Non-Significance was approved via resolution. Resolution of Conditional Approval was also granted.

**Marlboro on Hudson, Hudson Circle, Marlboro: Public Hearing, Site Plan**

- The Public Hearing was reopened and closed. The engineers for the town and the project reported runoff reported by neighboring landowners was caused by the applicants parcel after completing a site visitation. Other issues raised by the public included the tax assessment of condominiums, NY State Attorney General filings and third party rentals. Board Member Lanzetta questioned the timing and expected completion of the proposed clubhouse and pool. Chairman Brand asked about construction phasing for the project. The applicants will reappear on October 15, 2018.

**Arapahoe Trail, Marlboro: Discussion w/o Attorney, Engineer, and/or Stenographer**

- The applicant had questions regarding converting his seasonal bungalows into homes. He was advised to speak with the Town Code Enforcement Officer regarding the necessary repairs required to bring the homes into compliance.

## **NEXT Deadline**

Friday, October 5, 2018

## **NEXT Scheduled Meeting**

Monday, October 15, 2018

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**Meeting: October 15, 2018 / 7:30 PM / Town Hall**

## **ATTENDEES**

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

## **AGENDA**

### **Marlboro on Hudson, Hudson Circle, Marlboro: Preliminary, Site Plan**

- An amended SEQRA Negative Declaration and Notice of Determination on Non-Significance was approved via resolution. Re-approval of a Special Permit/ Site Plan Approval initially issued March 7, 2005, was also granted.

### **Milton Turnpike Solar Farm, 132 Milton Turnpike, Milton: Sketch, Site Plan**

- The applicant's representatives proposed plans to construct a 2.6 megawatt, direct current solar energy farm on the 87.8 acre site. The farm would use a ground-mounted photovoltaic system. The project site is currently located within an R-1 Zone, but is subject to a zone change subject to review and approval by the Marlborough Town Board. This zone change must be completed prior to any final action by the Planning Board. The project will require approvals from the Ulster County DPW and review by the Ulster County Planning Board. The applicant was requested to confer with the Jurisdictional Fire Department and Code Enforcement Officer with regards to the proposed 15 foot wide access drive. [NY State Fire Codes requires 20 feet.] The applicant submitted a lengthy

Stormwater Pollution Plan due to the identified 12.9 +/- acres of disturbance, which is currently under review by the Town Engineer. Town Engineer Pat Hines also requested additional information regarding the de-compaction of the lay down areas if stumps are not to be removed, details of interconnection with utilities, and clarification of various other technical issues found in the application. The Town may wish to identify to the operator that a pilot agreement will be required and Attorney Ron Blass should provide input thereon. The applicants will return for the second meeting in November.

**Ridge Road, Ridge Road, Marlboro: Preliminary, Site Plan**

- The applicant re-appeared and presented redesigned plans to incorporate the original approved stormwater management facilities located on proposed lot #1 and lot #2. The applicant was requested to evaluate a direct connection to the existing culvert crossing Ridge Road to minimize discharge of stormwater. An easement for operation and maintenance of the stormwater facilities on both lots in favor of the Town of Marlborough was requested. Review of water service connections by the Town of Marlborough Water Department should be received. Approval for proposed subsurface sanitary sewer disposal systems are required by the Ulster County Health Department. This project is subject to the terms and conditions of the drainage district during the original subdivision approval, portions of which were not constructed. The Board requested further clarification of ongoing questions regarding the percentages each lot would contribute to this water district upon completion. The applicant will return for the November 5, 2018, meeting.

**NEXT Deadline**

Friday, October 19, 2018

**NEXT Scheduled Meeting**

Monday, November 5, 2018

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

ITEM #9 Report of Committees

A) RECREATION COMMITTEE

*Councilman Koenig reported that the Halloween Parade in Milton was very successful. He thanked the police department for traffic control, ladies auxiliary for providing refreshments, and his fellow fire fighters for all of their help. They had about 100 people.*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report*

C) CONSERVATION ADVISORY COMMITTEE

*Supervisor Lanzetta reported that they will meet in January. The design guidelines that they worked on have been submitted to the county and they are waiting for comments.*

D) IT COMMITTEE

*Supervisor Lanzetta reported that they are currently using the Chromebooks and TV screens and should soon have the monthly reports on the screen as well.*

E) MILTON TRAIN STATION FOUNDATION

*Sherman Sitrin, President of the Milton Train Station Foundation, reported that it was suggested that the foundation pay \$4,800.00 for the engineering for the work for the pavers. It will likely be discussed in more detail at their board meeting. He also reported that the celebration they had for their donors went very well.*

F) MILTON LANDING CITIZENS COMMITTEE

*Councilman Koenig reported that CSX is replacing the railroad ties on the east and west tracks and they are working on the existing pedestrian crossing. He goes down there frequently and will keep an eye on the progress. They are also going to get another 5-6 hundred yards of dirt for the upper landing. Councilman Baker stated that they should hear something in December about the three grants that were submitted.*

G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*Councilman Baker reported that there will be a meeting on November 20, 2018 at 7:00 p.m. at John DeMarco's office. They will continue to discuss the St. Mary's parking lot. There is also a potential access point next to the parking lot that they are looking into.*

H) MEET ME IN MARLBOROUGH

*There was a brief discussion about the moving of the Camp Young building; Meet Me in Marlborough would like to move it and restore it and Bayside needs to have it moved before they begin construction on their project.*

I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilman Koenig reported that the Christmas tree lighting will be December 2<sup>nd</sup> at 2:00 p.m. Santa is available to attend.*

J) TRANSFER STATION REVIEW COMMITTEE

*No new information.*

ITEM #10 Old Business

A) Sale of TOMVAC property

*Supervisor Lanzetta stated that the referendum for the sale of TOMVAC will be on December 4<sup>th</sup> from 12:00 p.m. to 9:00 p.m. at the two usual polling places. Postcards will soon be mailed as a reminder.*

B) Design Standards for RT 9W Corridor Overlay District

*The design standards are at the county for review.*

C) LWRP

*Councilman Baker stated that the Cornell students are coming back to the Train Station to give their results of the scenic resource inventory on December 1<sup>st</sup>.*

D) Route 9W Corridor study

*Supervisor Lanzetta stated that the study is done.*

E) Zoning Changes

***Councilman Koenig made a motion to remove Letter E) Zoning Changes from Old Business on the agenda. Motion seconded by Councilman Molinelli.***

**Yea: 5**

**Nays: 0**

**Carried**

F) Water District Improvements (Milton Turnpike/Cross Rd)

*Councilman Baker stated that Mr. Muggeo is working on getting the Board the information.*

ITEM #11 New Business

A) State Comptroller report of examination

*Supervisor Lanzetta stated that the Board received the report and the Town is rectifying one of the issues and all is well. There were over charges to some sewer bills and the accounts are being credited. Overall it was a very good report.*

B) Motion to advertise for open positions on the Planning Board, Zoning Board, and Ethics Board

***Councilman Molinelli made a motion to advertise for open positions on the Planning Board, Zoning Board, and Ethics Board. Motion seconded by Councilman Koenig.***

**Yea: 5**

**Nays: 0**

**Carried**

ITEM #12 Correspondences

*Supervisor Lanzetta stated that he received correspondence and a check for \$2,500.00 from West Rac Contracting Corporation (Pods Storage project on Route 9W) as a donation to the Town to use toward the inclusive playground at the park. Under Town Law, Section 64 it states the Town can accept this gift; he asked for a motion.*

***Councilman Koenig made a motion to accept the \$2,500.00 donation from West Rac Contracting Corporation to use toward the inclusive playground at the park. Motion seconded by Councilman Molinelli.***

**Yea: 5**

**Nays: 0**

**Carried**

*Supervisor Lanzetta read a resignation letter from Police Officer Michael Rizzo. His resignation is effective November 5, 2018.*

*Supervisor Lanzetta stated that he asked for another bid for timber; he received a quote of about \$38,000.00 for the reservoir and the landfill. The company may be able to give a better quote in February.*

*Supervisor Lanzetta explained that the Town did not get the tree grant that Rosemary Wein and John and Cynthia Behan worked on. Councilman Baker stated that they are going to request a meeting to find out why it was not awarded.*

#### **ITEM #13 Public Comments**

*Tim Lawton thanked the Board for their help and the town for voting yes to increase the budget for the Sarah Hull Hallock Library; the increase should get them through the year 2020. Mr. Lawton also stated that the Meet Me in Marlborough Holiday Extravaganza will be held on November 17, 2018 at the Marlboro Elementary School.*

*James Garofalo stated that this year's Trunk or Treat was the best so far. He asked where Bayside was going to advertise what they have to do to meet their conditions. Mr. Garofalo also stated that it is good that the Town is updating the employee handbook. Supervisor Lanzetta said that Bayside will advertise in a newspaper. Also, the update to the handbook is an unfunded mandate but it is a good one and they are looking at ways to educate employees to complete the process required by the state.*

*Ralph Walters asked if the State Comptroller report is available to view and who has it. He also asked for a copy of the final budget. Mr. Walters also asked if the print can be made bigger on the TV screens.*

*Supervisor Lanzetta said that the report will be in the Clerk's office and gave Mr. Walters a copy of the budget. The only revision was in the highway fund balance which was that \$200,000.00 is earmarked for a new truck and \$200,000.00 is earmarked for paving.*

#### **ITEM #14 Resolutions**

- A) Resolution # 80 To amend the Town Employee handbook
- B) Resolution # 81 To adopt the 2019 Town Budget
- C) Resolution #82 To issue and authorize the filling of a Negative Declaration
- D) Resolution #83 To adopt a Local Law of the year 2018

#### **ITEM #15 Adjournment**

November 12, 2018

A) Resolution # 80 To amend the Town Employee handbook

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough wishes to include an employee sexual harassment section of our Employee Handbook.

Be it resolved that the Town of Marlborough Employee handbook be amended to include the attached sexual harassment policy.

And moves for its adoption

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

## **SEXUAL HARASSMENT PREVENTION**

The Town is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the Town's commitment to a discrimination-free work environment. Sexual harassment is against the law<sup>1</sup> and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the Town. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy:**

1. The Town policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the Town. In the remainder of this document, the term "employees" refers to this collective group.
2. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
3. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Town will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the Town who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees<sup>2</sup> working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, Town Supervisor, Town Board Member or Human Resources Department. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.
4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the Town to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual

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<sup>1</sup> While this policy specifically addresses sexual harassment, harassment because of and discrimination against persons of all protected classes is prohibited. In New York State, such classes include age, race, creed, color, national origin, sexual orientation, military status, sex, disability, marital status, domestic violence victim status, gender identity and criminal history.

<sup>2</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The Town will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The Town will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. All employees are encouraged to report any harassment or behaviors that violate this policy. The Town will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are **required** to report any complaint that they receive, or any harassment that they observe or become aware of, to the Town Supervisor or any member of the Town Board, also to Human Resources Department.
8. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

**What Is “Sexual Harassment”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to

the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### **Examples of sexual harassment**

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

#### **Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent

contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

**Retaliation**

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

**Reporting Sexual Harassment**

**Preventing sexual harassment is everyone's responsibility.** The Town cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or Town Supervisor, Town Board Member or Human Resources Department. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or Town Supervisor, Town Board Member or Human Resources Department.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

**Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Town Supervisor or any member of the Town Board, also to Human Resources Department.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

**Complaint and Investigation of Sexual Harassment**

*All* complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The Town will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, Human Resources Department will conduct, or cause to be conducted an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.

- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported; and
  - The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the Town but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Town, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

**State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Town does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

**Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

November 12, 2018

B). Resolution # 81 To adopt the 2019 Final Budget

Supervisor Lanzetta proposes the following:

Whereas, the Town Board of the Town of Marlborough duly held a public hearing on the 2019 budget on October 22, 2018 and

Whereas, said hearing was duly advertised and held at appointed time and place and all persons interested in the subject thereof were given the opportunity to be heard, and

Whereas, the Town Board of the Town of Marlborough, desires to adopt the 2019 Final Budget.

Now therefore be it resolved that the 2019 final Budget is hereby adopted.

And it moves for adoption

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

November 12, 2018

C) Resolution #82 To issue and authorize the filling of a Negative Declaration

Supervisor Lanzetta proposes the following:

Local Law No. 6 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 155-32.2 OF THE TOWN CODE, "SOLAR ENERGY", TO ADD A NEW SUBDIVISION M. TO EFFECT THE OPT-OUT FROM THE REAL PROPERTY TAX EXEMPTION PROVISIONS FOUND WITHIN SECTION 487(2) OF THE REAL PROPERTY TAX LAW ("RPTL") FOR SOLAR FARMS, WIND ENERGY FACILITIES, FARM WASTE ENERGY SYSTEMS, MICRO-HYDROELECTRIC ENERGY SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY STORAGE SYSTEMS.

**SEQRA NEGATIVE DECLARATION AND  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

**WHEREAS**, the Town of Marlborough Town Board proposes to adopt Local Law No. 6 of 2018, a local Law of the Town of Marlborough, Ulster County, New York, amending Section 155-32.2, Solar Energy of the Town Code; and

**WHEREAS**, this determination of non-significance, i.e. negative declaration, is prepared in accordance with Article 8 of the Environmental Conservation Law: the NY State Environmental Quality Review Act ("SEQRA") and its implementing regulations set forth in 6 NYCRR Part 617 ("Regulations"); and

**WHEREAS**, the Town Board is directly undertaking the Action and is the only involved agency and is therefore the lead agency for the environmental review of the Action pursuant to SEQRA and its implementing Regulations; and

**WHEREAS**, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Milton, NY 12547 and the Responsible Officer is Al Lanzetta, Town of Marlborough Town Supervisor, with a telephone number at (845) 795-5100; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency, has classified this Action as an unlisted action pursuant to 6 NYCRR of the SEQRA Regulations; and

**WHEREAS**, the Town of Marlborough Town Board has caused the preparation of a Short Environmental Assessment Form (EAF) for review of the Action, including Parts 1 and 2 of the EAF; and

**WHEREAS**, the Town of Marlborough Town Board, as lead agency for the environmental review of the Action, has reviewed the Action and all relevant supporting information and documentation, has identified the relevant areas of environmental concern, has compared the reasonably expected results of the Action with the criteria set forth in 6 NYCRR § 617.7 and has determined that there will be no significant adverse environmental impacts associated with the Action; and

**WHEREAS**, this negative declaration is supported and substantiated by the following conclusions of the Lead Agency:

The proposed code changes entail Marlborough's exercise of the invitation provided by state statute to opt-out of a real property tax exemption for the value of the following types of alternative energy improvements: solar farms, wind energy facilities, farm waste energy systems, micro-hydroelectric energy systems, fuel cell electric generating systems, micro-combined heat and power generating equipment systems, and electric energy storage systems. They do not rise to the level of creating any adverse physical impacts in those areas of the Town for which they are intended to be implemented. In the policy judgment of the Town Board, the proposed code amendments will create positive and beneficial impacts to those areas of Town for which they are intended, particularly the opportunity for lower energy costs for Town customers who elect to participate, without the corresponding sacrifice of real property tax revenue. This is a policy decision extended by statute as-of-right to the Marlborough Town Board. It is consistent with the alternative energy policies of the State of New York.

The proposed local law does not, of itself, cause any new action to occur.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Marlborough Town Board makes the following findings based upon the conclusions identified above:

1. The Action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems;

2. The Action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources;

3. The Action will not create a material conflict with the community's current plans or goals as officially approved or adopted;

4. The Action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character;

5. The Action will not create a hazard to human health;

6. The Action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses;

7. The Action will not result in the creation of a material demand for other actions that would result in one of the above consequences; and

8. The Action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board, acting as lead agency, has examined the impacts which may be reasonably anticipated to result from the Action, and has determined that it will not have any significant adverse impact on the environment and that therefore a Draft Environmental Impact Statement need not be prepared; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby issues this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and its implementing Regulations; and

**BE IT FURTHER RESOLVED**, that the Town of Marlborough Town Board hereby authorizes the filing this Negative Declaration and notice thereof pursuant to the requirements of SEQRA and 6 NYCRR § 617.12 of its implementing Regulations.

The foregoing resolution was voted upon with all councilmen voting as follows:

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

This Negative Declaration is adopted this 13<sup>th</sup> day of November, 2018 and is ordered into the record of the Town of Marlborough Town Board with respect to the adoption of Local Law No. 6 of 2018.

Contact Person:

Colleen Corcoran, Town Clerk  
Town of Marlborough  
P.O. Box 305  
21 Milton Turnpike  
Milton, NY 12547  
845-795-5100

November 12, 2018

D) Resolution #83 To adopt a Local Law of the year 2018

Supervisor Lanzetta proposes the following:

Councilman Molinelli offered the following resolution, which was seconded by Councilman Koenig, who moved its adoption:

WHEREAS, a local law was introduced entitled Local Law No. 6 of 2018, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 155-32.2 OF THE TOWN CODE, "SOLAR ENERGY", TO ADD A NEW SUBDIVISION M. TO EFFECT THE OPT-OUT FROM THE REAL PROPERTY TAX EXEMPTION PROVISIONS FOUND WITHIN SECTION 487(2) OF THE REAL PROPERTY TAX LAW ("RPTL") FOR SOLAR FARMS, WIND ENERGY FACILITIES, FARM WASTE ENERGY SYSTEMS, MICRO-HYDROELECTRIC ENERGY SYSTEMS, FUEL CELL ELECTRIC GENERATING SYSTEMS, MICRO-COMBINED HEAT AND POWER GENERATING EQUIPMENT SYSTEMS, AND ELECTRIC ENERGY STORAGE SYSTEMS; and

WHEREAS, a public hearing in relation to said local law was held on November 12, 2018 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 as corrected 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:

Section 1. Section 155-32.2 of Town Code of the Town of Marlborough is hereby amended to add a new Subdivision M. reading as follows:

M. Notwithstanding the provisions of RPTL Section 487(2), the Town of Marlborough provides that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any solar or wind energy system or farm waste energy system which began construction subsequent to January 1, 1991 or the effective date of this local law, whichever is later, and/or that no real property tax exemption under RPTL 487(2) shall be applicable within its jurisdiction with respect to any micro-hydroelectric energy system, fuel cell generating system, micro-combined heat and power generating system or energy electric storage equipment or electric energy storage system constructed subsequent to January 1, 2018 or the effective date of this local law, whichever is later.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

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, such certified copy to have attached thereto a certificate executed by the attorney for the Town of Marlborough that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

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

DATED: Milton, New York  
November 12, 2018

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## COLLEEN CORCORAN, TOWN CLERK

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*Councilman Koenig made a motion to adjourn the regular meeting at 8:37 p.m. Motion seconded by Councilman Molinelli.*

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*