

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
MAY 13, 2019 7:00 PM

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran (Arrived at 7:33 p.m.)  
Councilman Koenig (Arrived at 7:14 p.m.)  
Councilman Baker

Colleen Corcoran, Town Clerk

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 amend the agenda to include Resolution #'s 53-55 and approve the agenda as amended. Motion seconded by Councilman Baker.*

*Yea*s: 3                    *Nay*s: 0                    *Carried*

ITEM #4 Motion to approve minutes from the April 22, 2019 Town Board Meeting

*Councilman Baker made a motion to approve minutes from the April 22, 2019 Town Board Meeting. Motion seconded by Councilman Molinelli.*

*Yea*s: 3                    *Nay*s: 0                    *Carried*

ITEM #5 Authorize payment of bills

*Councilman Baker made a motion to authorize payment of the abstract in the amount of \$179,928.62. Motion seconded by Councilman Molinelli.*

*Yea*s: 3                    *Nay*s: 0                    *Carried*

ITEM #6 Comments on the agenda

*Mark Reynolds questioned the resolution regarding the assessment reduction. Supervisor Lanzetta explained that the home is in very bad shape.*

ITEM #7 Presentations

*No presentations.*

ITEM #8 Report of Departments and Boards  
A) SUPERVISOR - ALPHONSO LANZETTA

**Supervisor's Report May 2019**

Attended NYSDOT workshop, in Sugar Loaf, on Towns with a State Highway for a Main Street

Met Adam Grannick about doing a film in Marlborough

Participated, along with Councilman Corcoran and Town staff, in Town Easter Egg Hunt at Sports Dome in Milton

Went to Kingston to attend the Governor's signing event to ban single use plastic bags

Attended meeting of TOMVAC Rehabilitation Committee along with Councilmen Baker and Councilman Corcoran

Met with Matt Mahan and Highway Deputy Supervisor Alonge to discuss sidewalks on DuBois St.

Attended the Founder's Day Celebration at the Sarah Hallock Library in Milton

Went to the Spring Fling at Buttermilk Falls to raise money for Milton beautification

Met with Mickey Jamal & Scott Parker to discuss Chestnut Petroleum project and timing on Phase 1 sewer extension

Met with Jim & Chip Kent to discuss Milton Main Street

Attended Marlboro Middle School Health Fair

Met with Michelle Hook (representative from Danskammer Project)

Met with Historic Trails Committee members and Councilman Baker, at the Falcon

Met with Newburgh Town Supervisor Piaquadio to discuss Danskammer Project

Met with Gerry Wein and Councilman Baker to discuss South Pier Presentation Project

Met with Chief Cocozza and Scott Wosley (Mobile Life) to discuss emergency response

Went to Mid Hudson Region Economic Development Council Meeting on CFA Grants with Marlborough residents and Councilman Baker

Met with Milton Train Station Foundation to discuss drainage & improvements for parking

Respectfully submitted, Al Lanzetta, Supervisor

B) BUILDING INSPECTOR - THOMAS CORCORAN

**THOMAS CORCORAN - BUILDING INSPECTOR  
MONTHLY REPORT - BUILDING DEPARTMENT  
MONTH OF: APRIL 2019**

CERTIFICATE OF OCCUPANCY	6	STOP WORK ORDER	1
REQUEST FOR INFORMATION	12	ZBA APPLICATION	0
TRAILER PARK RENEWALS	5	ORDER TO REMEDY	16
BUILDING EXTENSIONS	10	COMPLAINTS	37
FIRE INSPECTIONS	8	BURN PERMITS ISSUED	0
FIRE CALLS	1	CLOTHING BIN RENEWALS	3
 TOTAL MILEAGE	 1456	 TOTAL GAS USAGE	 90 GAL

**BUILDING PERMITS**

ADDITION / RENOVATION	5	POOL / HOT TUB	1
BARN	1	ROOF	2
BLASTING	1	SHED	1
CARPORT / GARAGE	0	SIGNS	1
DECK/STAIRS	7	SINGLE FAMILY	2
DEMOLITION	0	SOLAR PANELS	3
ELECTRICAL / HVAC	3	TANK INSTALL / REMOVAL	3
FURNACE / BOILER	1	WIRELESS COMMUNICATION	0
GENERATOR	0	WOOD / PELLET STOVE	1
 TOTAL PERMITS	 32	 EST. COST OF BUILDINGS	 \$911,495.00

**FEES COLLECTED**

CERTIFICATE OF OCCUPANCY	\$1,000.00
PERMIT EXTENSIONS	\$1,840.00
BUILDING PERMITS	\$9,761.70
REQUEST FOR INFORMATION	\$1,200.00
<b>TOTAL BUILDING FEES</b>	<b>\$13,801.70</b>
 FIRE INSPECTIONS	 \$605.00
TRAILER PARK RENEWALS	\$2,125.00
<b>TOTAL FIRE FEES</b>	<b>\$2,730.00</b>
 BURNING PERMITS	 \$0.00
ZBA APPLICATIONS	\$0.00
ZBA ESCROW	\$0.00
<b>TOTAL FEES</b>	<b>\$16,531.70</b>

C) POLICE CHIEF - GERALD COCOZZA

**Police Department  
Town of Marlborough**

**MEMORANDUM**

To: Town Board of the Town of Marlborough

From: Chief Cocozza

Date: May 13, 2019

Subject: Activity Summary for the Month of April 2019



Following is a summary of the activity of the Police Department for the month of April 2019

<u>MOTOR VEHICLE ACCIDENT</u>	April 19	Yr. Date 19	April 18	Yr. Date 18
Personal injury	4	21	0	13
Fatal	0	0	0	0
Property Damage	10	66	15	48
Report Not Required	7	20	0	13
Total	21	107	Total 15	74

<u>SUMMONSES ISSUED</u>				
Vehicle and Traffic	52	217	125	309
Parking	5	32	0	13

<u>COMPLAINT ACTIVITY</u>				
Total Blotter Entries	282	1150	297	1208
Total Arrests	20	55	37	97

TOTAL TELEPHONE CALLS 1718 7029 1697 6873

POLICE DEPARTMENT OVERTIME HOURS payroll 8 & 9

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	11 (\$475) 27	8 (\$271) 8
Part Time Dispatchers Overtime	48 (\$1067) 48	48 (\$1025) 122.5

Police Mileage 11298 47613 11643 44712

Police Department  
Town of Marlborough



**MEMORANDUM**

Activity Summary for the month of April 2019

Page 2.

**Police Department Payroll 8 & 9 Regular Hours**

	<b>April 19</b>	<b>Yr. Date</b>	<b>April 18</b>	<b>Yr. Date</b>
Full Time Police Officer	980	5038	1146	4607.5
Part Time Police Officer	1097.5	4283.25	1013.25	3834.5
Full Time Dispatcher	320	1440	320	1280
Part Time Dispatcher	439	1903.5	422.5	1611
Traffic Officer	78	306	76	204

**Police Department Fuel Consumption**

Police	983.454	4160.137	1010.832	3917.478
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Police Department  
Town of Marlborough

**MEMORANDUM**

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: May 13, 2019  
Subject: Year to date overtime expenditures



Following is a summary of the overtime expenditures of the Police Department year to date.

Line Item	Yr. to Date	Budgeted
Admin	\$465	\$4000
DARE	\$1413	\$3825
F/T Court	\$213	\$4385
F/T Holiday	\$8141	\$39407
F/T Investigations	\$1666	\$8712
F/T Shift Cover	\$5349	\$18000
F/T Training	\$105	\$5196
P/T Court	\$0	\$6216
P/T Holiday	\$10256	\$741
P/T Investigations	\$1580	\$7650
P/T Shift Cover	\$6720	\$23817
P/T Training	\$428	\$4896
F/T Firearms training	\$200	\$3464
P/T Firearms training	\$1476	\$4080
FT Special detail	\$0	\$4278
PT Special Detail	\$0	\$1530

**Town of Marlborough  
Police Department**  
21 Milton Tpk. PO Box 305  
Milton N.Y. 12547  
Tel : 845-795-2181  
Fax : 845-795-2199



**Town of Marlborough Police Participate in  
State wide Click it or Ticket Campaign**

Town of Marlborough Police will be joining with numerous other law enforcement agencies across the state in renewing a pledge to save lives by intensifying efforts to enforce vehicle restraint laws during the 2019 Click it or Ticket mobilization. This campaign will begin May 20, 2019 and run through June 1, 2019.

The Town of Marlborough Police Department will have extra officers on duty conducting enforcement during the upcoming Click it or Ticket campaign. Our officers will continue to actively enforce vehicle safety regulations throughout the year. Please drive carefully and be sure that all of your vehicle occupant's utilize proper vehicle restraints.

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Our department offers free certified child seat installations and safety inspections for town residents. Please call 845-795-2181 for more information.

## 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

Supervisor Lanzetta  
Town Clerk Colleen Corcoran  
Town Board Members

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

#### **Monthly Report for April 2019**

**ROADS:** We are flail mowing road sides throughout the month. We repaired lawns damaged by winter plowing operations. We started sweeping all streets and will continue this all month. We also swept out all the gutters throughout the Township. We hauled 35 loads of rubble from B & K Construction (future Dunkin Donuts site) to the train station, screened it and stock piled for future use. We rebuilt a c.b. on Main St., Milton. We replaced 40 ft. of driveway pipe on Breezy Heights and 60 ft. x 12" PVC pipe on Breezy Heights/Conte Terrace. We removed two large maples on West Street by the library and ground up the stumps. We replaced 110 ft. of galvanized cmp with 12" PVC plastic on Old Post Rd. We did extensive tree trimming on Mt. Zion Rd. We continued to do cold patch patrols throughout the month.

**BRUSH/WEEDS:** We cut and chipped all the brush on the hillside by the Train Station. We cut, chipped 4 trees down on Briarwood.

**TRAINING:** On 4/25 we had 2 men attend a Cornell Local Roads Program in Ulster County on Asphalt Paving Principles.

**LANDFILL:** We excavated the dirt floor in the storage barn, leveled it, compacted it and then put in  $\frac{3}{4}$ " stone in preparation to pouring a new concrete floor.

**FUEL USEAGE:** Gas: 378.689 gallons Diesel: 1,087.628 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: 5/13/2019**

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

**RE: MONTHLY REPORT FOR APRIL**

Water consumption totaled 15.3 million gallons, which is a daily usage of 510,000. Compared to last month 15.246 million gallons, which is a daily usage of 491,000. Compared to a year ago water consumption was 14.1 million gallons for the month, which is a daily usage of 470,000.

**SUMMARY FOR THE MONTH**

**HYDRANTS:** We started and finished flushing. Total time was 10 days. Moved 2 hydrants on West St. with the help of the Highway, for the future sidewalk project.

**CURB BOXES:** Had to repair a curb box and valve on South Rd.

**VALVES:** We had to repair 3 Valve Boxes on Riverview Dr.

**TOWN PARK:** We opened the bathrooms at the park. We also assisted the Highway Dept. in repairing the catch basin between Round Pound and Long Pond.

**SEWER:** We had to repair a manhole cover in front of 1290 Rt. 9W because of plow damage.

**SERVICE LINE INSPECTIONS:**

**CLOSINGS:** 5

**MARKOUTS:** 35

**Gallons of Gas:** 270

**Gallons of Diesel:** 0

**Mileage for the month:** 1750

## F) TOWN CLERK - COLLEEN CORCORAN

05/01/2019

Page 1  
**Town Clerk Monthly Report Monthly Report**  
**April 01, 2019 - April 30, 2019**

Account Description	Fee Description	Account#	Qty	Local Share
building Dept/ Burn permits	Burn Permits	00-2110	1	25.00
			<b>Sub-Total:</b>	<b>\$25.00</b>
Conservation	Conservation	A1255	15	28.18
			<b>Sub-Total:</b>	<b>\$28.18</b>
Dog Licensing	Female, Spayed	A2544	11	55.00
Dog Licensing	Female, Unspayed	A2544	5	50.00
Dog Licensing	Male, Neutered	A2544	13	65.00
Dog Licensing	Male, Unneutered	A2544	2	20.00
			<b>Sub-Total:</b>	<b>\$190.00</b>
General Fund	Water Service	2144SW	1	200.00
			<b>Sub-Total:</b>	<b>\$200.00</b>
LANDFILL FEES	T/s Permits	00-2130	3	90.00
LANDFILL FEES	T/s Punch Cards	00-2130	26	945.00
			<b>Sub-Total:</b>	<b>\$1,035.00</b>
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	3	52.50
			<b>Sub-Total:</b>	<b>\$52.50</b>
Misc Fees	Building Fees\Building Dept	00-2110	1	11,456.50
Misc Fees	Fire Fees/Building Dept	00-2110	1	385.00
Misc Fees	YRP Zumba	00-2025	1	400.00
			<b>Sub-Total:</b>	<b>\$12,241.50</b>
MISC. FEES	Accident Reports	00-1255	15	75.00
MISC. FEES	Certified Copies	00-1255	6	230.00
MISC. FEES	Clerk Fees	00-1255	1	200.00
MISC. FEES	Dog Warden	00-2611	1	190.00
MISC. FEES	Foi Requests	00-1255	5	18.75
MISC. FEES	Junkyard Licenses	00-2590	5	1,250.00
MISC. FEES	Minor Sales	00-2655	2	20.00
MISC. FEES	Park Fees	00-2001	5	1,800.00
			<b>Sub-Total:</b>	<b>\$3,783.75</b>
Permit Fees	Sewer	00-212255	1	200.00
			<b>Sub-Total:</b>	<b>\$200.00</b>

Account Description	Fee Description	Account#	Qty	Local Share
			<b>Total Local Shares Remitted:</b>	<b>\$17,755.93</b>
Amount paid to: NYS Ag. & Markets for spay/neuter program				45.00
Amount paid to: NYS Environmental Conservation				481.82
Amount paid to: State Health Dept. For Marriage Licenses				67.50
<b>Total State, County &amp; Local Revenues:</b>	<b>\$18,350.25</b>			<b>Total Non-Local Revenues:</b> <b>\$594.32</b>

To the Supervisor:

Pursuant to Section 27, Sub 1, of the Town Law, I hereby certify that the foregoing is a full and true statement of all fees and monies received by me, Colleen Corcoran Town Clerk, Town of Marlborough during the period stated above, in connection with my office, excepting only such fees and monies, the application of which are otherwise provided for by law.

## G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

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

May 3, 2019

Report on The Marlboro Wastewater Treatment Plant for April 2019.  
The average flow meter readings to the plant was 118,000 gallons per day. The design capacity is 175,000 gallons per day. We used 67% of capacity.

The process is meeting all other SPDES requirements.  
Lab results show that we removed 98% of BOD and 98% of Suspended Solids during the month.  
Milton Wastewater Treatment Plant:  
The Average flow to the Milton plant during April 2019 was 29,000 gallons per day. This is about 53% of design capacity (55,000 gallons per day).

We showed 99% of BOD and 95% of TSS removal.  
The process is working well meeting SPDES requirements.  
Overall both wastewater treatment plants are in good working order but getting older.

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

Julian Falco  
Water Quality Management, Inc.

## H) DOG CONTROL OFFICER - ANDREW MCKEE

21 Milton Turnpike  
Marlborough, New York, 12547

### Town of Marlborough Dog Control

Andrew McKee-Dog Control Officer Bethany Wager-McKee-Deputy Dog Control Officer

Wednesday, May 1, 2019

#### April 2019 Monthly Report

#### Monthly Report - 4/1/2019 through 4/30/2019

##### Overview:

We received a total of 19 calls this month including 8 calls to service from Marlborough PD, State Police or Ulster County Sheriff.

Responded to 5 active complaints and/or cases which are now closed or resolved

We currently have 3 open case that has been addressed but is ongoing or un-resolved.

We Impounded 2 stray dog this month

both dogs were redeemed by their owner.

We issued 2 appearance tickets citing numerous counts of Town Code and Agriculture and Markets violations

We currently have no dogs in the kennel

We had 0 Dog Bites reported this month.

We have no Dangerous Dog Complaints under investigation at this time.

End of Report.

*Supervisor Lanzetta read correspondence from Dog Control Officer, Andrew McKee addressing anonymous complainants. In order for a complaint to be handled properly they must be reported to the proper department in person and/or in writing and signed.*

I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# **Memo**

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** May 10, 2019  
**Re:** **May** Report

We prepared 9 property tax estimates.

We filed our Tentative Assessment Roll on May 1, 2019. All change of assessment notices were mailed out on May 1, 2019.

The Board of Assessment Review will be meeting on Tuesday, May 28, 2019 between the hours of 10:00–12:00 pm, 1:00-4:00 and 6:00-8:00. Grievance day appointments are being held by appointment only and we are scheduling the appointments up to Friday, May 24, 2019.

J) PLANNING - CHRIS BRAND

Town of Marlborough

# Planning Board Review

## April 2019

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**Meeting: April 1, 2019 / 7:30 PM / Town Hall**

**Approval of Stenographic Minutes for 3/4/2019**

Approval for the above minutes was granted unanimously.

### ATTENDEES

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

### AGENDA

**Milton Turnpike Solar Farm, 132 Milton Turnpike, Milton: Public Hearing, Site Plan**

- The project's SEQRA Negative Declaration and Notice of Determination of Non-Significance and Approval of a Special Permit / Site Plan were all approved unanimously.

**Rhodes, Michael & Josephine, 557 Route 44/55, Marlboro: Sketch, Site Plan**

- The applicant's representative presented revised plans to build a 36 x 40 building on site in addition to the existing building. A new or modified DEC permit will be required. NYS DOT entrance details, site development details, and the source of graded material and/or status of its removal should all be indicated on the plans. The Planning Board voted unanimously to issue a Notice of Intent for Lead Agency for the project.

**Brooklyn Bottling, 9 Riverview Drive, Marlboro: Sketch, Site Plan**

- The applicant appeared to present plans for the construction of a large addition to their facility at the above address. Several technical issues need to be addressed, including: a Stormwater Pollution Prevention Plan, detailed parking areas for trailers on site, proposed water, sewer, drainage and utility lines, accessible parking locations, paving, lighting, directional signage, and comments from the jurisdictional Fire Department. The applicant will reappear at the next meeting.

**NEXT Deadline**

Friday, April 5, 2019

**NEXT Scheduled Meeting**

Monday, April 15, 2019

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**Meeting: April 15, 2019 / 7:30 PM / Town Hall**

**Approval of Stenographic Minutes for 3/18/2019**

Approval for the above minutes was granted unanimously.

\*Board Member Cindy Lanzetta accrued 2 hours of Professional Development for attending Main Streets and State Highways with the NYS DOT.

**ATTENDEES**

Joel Truncali [Acting Chair], Manny Cauchi, Steve Clarke, Cindy Lanzetta, Joe Lofaro, Ben Trapani, Joel Truncali

**AGENDA**

**Brooklyn Bottling, 9 Riverview Drive, Marlboro: Sketch, Site Plan**

- The applicant reappeared to have the Planning Board consider sending the project application to the Ulster County Planning Board for review in

order to expedite the approval process. However, there are still several remaining outstanding issues which need to be addressed. The Board did agree to allow Town Engineer Pat Hines review a revised application to determine if it was ready for UCPB submission , if completed, before their next meeting date.

**Proposed Cell Phone Tower on Town Property**

- At the request of Town Engineer Pat Hines, the Planning Board discussed and approved the Town Board to act as Lead Agency to review a proposed cell phone tower on property owned by the Town of Marlborough.

**\*Reminder: Joint Meeting with Ulster County Planning Board**

- There will be a group workshop training training with representatives from the Ulster County Board on May 30th, 2019, at 6:30 PM, at Town Hall for members of all boards.

**NEXT Deadline**

Friday, April 19, 2019

**NEXT Scheduled Meeting**

Monday, May 5, 2019

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board

ITEM #9 Report of Committees

A) RECREATION COMMITTEE

*Councilman Molinelli reported that bocce started last week.*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report.*

C) CONSERVATION ADVISORY COMMITTEE

*Supervisor Lanzetta reported that Dennis Doyle will be doing a workshop and they will likely discuss the design guidelines and move on them shortly after.*

D) IT COMMITTEE

*No report.*

E) MILTON TRAIN STATION FOUNDATION

*Supervisor Lanzetta reported that there was a special meeting with the Train Station Board and the engineering for the pavers is finished and everyone seems to be in favor of moving forward with the project.*

F) MILTON LANDING CITIZENS COMMITTEE

*No report.*

G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*Councilman Baker reported that the trail committee met and is going to start contacting property owners along the proposed trail. They are also going to go through the information they received from the National Park Service. The committee is still working on the waterfall trail (by the Falcon) and trail by St. Mary's.*

H) MEET ME IN MARLBOROUGH

*Councilman Baker reported that MMiM would like to apply for a grant to help improve their marketing strategies.*

I) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilman Koenig reported that the association held their Spring Fling and will soon hold the planting party.*

J) TRANSFER STATION REVIEW COMMITTEE

*Councilman Baker reported that the committee is still working on getting the tires and brush removed.*

ITEM #10 Old Business

A) Plans for TOMVAC-Phil Bell Engineering

*Councilman Corcoran stated that Mr. Bell should be getting the plans back by the next Town Board meeting.*

B) Design Standards for RT 9W Corridor Overlay District

*Discussed above.*

C) LWRP

*No new information.*

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

*No new information.*

E) Metal building at transfer station

*Supervisor Lanzetta stated that the Highway Department prepared the ground for a new concrete floor.*

## ITEM #11 New Business

#### A) 284 Highway Agreement

*Supervisor Lanzetta read the 284 Highway Agreement.*

*Councilman Molinelli made a motion to remove Letter A) 284 Highway Agreement from New Business. Motion seconded by Councilman Corcoran.*

## B) Bond resolution

*Supervisor Lanzetta asked for a motion to draft a bond resolution with the town attorney for the purpose of securing 1.2 million dollars for the reconstruction of the south pier in Milton.*

*Councilman Baker made a motion to allow the Supervisor to contact legal to draft a bond resolution for the purpose of securing a 1.2 million dollar bond for the reconstruction of the south pier in Milton. Motion seconded by Councilman Corcoran.*

*Yeas: 5 Nays: 0 Carried*

C) Proposal for guide wire and anchor at Cluett Schantz Memorial Park

Supervisor Lanzetta stated that he has a proposal from Dave Pulliam for about \$900.00 for work (guide wire and anchor) at the town park; if he hits rock the price will be higher.

*Councilman Corcoran made a motion to approve the bill as submitted by Dave Pulliam for a guide wire and anchor at Cluett Schantz Memorial Park. Motion seconded by Councilman Molinelli.*

*Yeas: 5 Nays: 0 Carried*

#### D) May 27 Meeting date change

**The Town Board agreed to hold the (Memorial Day) May 27<sup>th</sup> meeting on Tuesday May 28, 2019 at 7:00 p.m. at Town Hall.**

## ITEM #12 Correspondences

*Councilman Corcoran read correspondence from Celeste Ricciardone regarding her thoughts on the TOMVAC committee and project.*

*Supervisor Lanzetta stated that he received correspondence from the Boys Scouts Pack 73 requesting use of the park and at no charge.*

*Councilman Corcoran made a motion to waive the fee for Boy Scout Pack 73 to use the pavilion at Cluett Schantz Park on June 7<sup>th</sup>-9<sup>th</sup> for their end of year campout. Motion seconded by Councilman Molinelli.*

*Supervisor Lanzetta read correspondence from Highway Superintendent Gael Appler informing the Board that he has hired a summer intern, Anthony Primavera, at the rate of \$15.00 per hour.*

## ITEM #13 Public Comments

*Ralph Walters suggested that the Board speak to a bond attorney regarding the bond resolution and special elections; it may be possible to have a special election that would only cost a few hundred dollars if paper ballots are used because village law allows for that.*

*There was a brief discussion regarding the time frame in which the bond resolution is passed and a referendum would need to take place if the bond is petitioned.*

*Mr. Walters also stated that there should be two shelves in the stove at the pavilion and asked if they can be ordered.*

*Councilman Corcoran stated that they can try to locate the shelves or use the shelves from the old stove if they fit.*

*Ellen Mann, Sands Avenue, Milton, stated that Sands Avenue and Church Street have a drainage problem and something needs to be done. She briefly explained what is happening.*

*Supervisor Lanzetta stated that he spoke with Mr. Appler and will go with him to see the area.*

*Councilman Corcoran presented photos of Cluett Schantz Park. Matthew Jennison built park benches and placed eight around the park. The Highway and Water Departments fixed a pipe sticking out of the ground which was a hazardous drainage issue. Councilman Corcoran also presented photos of items at the park that need to be addressed.*

*The Board briefly discussed them and agreed to meet with Dave Zambito and Gael Appler to discuss what can be done.*

*Councilman Corcoran presented the new Facebook page for the Town and is already getting a lot of likes and followers.*

#### ITEM #14 Resolutions

- A) Resolution #47 To update audit process on voucher certification
- B) Resolution #48 To adopt a minimum threshold value for fixed assets
- C) Resolution #49 To enter into a Consent Judgment

D) Resolution #50 To authorize Supervisor to submit State and Municipalities Program Preliminary Application for TOMVAC building

*Supervisor Lanzetta stated that the TOMVAC committee recommended that the town proceed with the preliminary application for the \$250,000.00 member item. This resolution will show DASNY that the town is committed to the project.*

*Councilman Corcoran added that it was recommended whether or not the entire rehabilitation is done.*

E) Resolution #51 To authorize the project, **Contract No. TM-191, Route 9W Sewer Extension** for the Town of Marlborough, to be publically bid in accordance with the General Municipal Law and that the precise bid date be established by the Town Supervisor in conjunction with the engineers.

F) Resolution #52 To authorize the supervisor to sign an inter municipal agreement with the Town of Lloyd for shared services of Board of Assessment Review

G) Resolution #53 To exempt Tarpon Towers II, LLC, from local land use review and approvals under the Marlborough Town Code, including but limited to Chapter 152

H) Resolution #54 NEGATIVE DECLARATION - NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

I) Resolution #55 Approval of Application submitted by Tarpon Towers II, LLC

ITEM #15 Adjournment

May 13, 2019

A) Resolution #47 To update audit process on voucher certification

Supervisor Lanzetta proposes the following:

Be it resolved that, the following list of payments are not required to go through the audit process with vendor signed certification.

Utilities: gas, electric, water, sewer, phone, internet

Health Insurance: medical, vision, dental

Bond Payment: Principal and Interest payments

Lease and or contract agreements: copiers, printers, web, time clock, mailing machine, credit account

And moves for its adoption

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

May 13, 2019

B) Resolution #48 To adopt a minimum threshold value for fixed assets

Supervisor Lanzetta proposes the following:

Whereas, the accountants stated that we needed to have a minimum threshold for fixed assets for departmental inventory control.

Be it resolved, that the Town Board adopts a minimum value of \$5,000.00 for assets to be tracked for departmental inventory control

And moves for its adoption

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

May 13, 2019

C) Resolution #49 To enter into a Consent Judgment

Supervisor Lanzetta proposes the following:

WHEREAS, a real property tax assessment review proceeding was commenced by KENNETH S. TAFOYA, regarding the premises known as and by 50 Hidden Acres Road, Marlboro, New York (SBL 108.2-2-41) to review its tax assessment for the tax year 2018, and

NOW THEREFORE BE IT RESOLVED, that Mackey, Butts & Wise, LLP, Ian S. MacDonald, Esq., of counsel, is authorized to enter into a Consent Judgement in the form attached, settling the tax certiorari proceedings brought by KENNETH S. TAFOYA against the Town of Marlborough for the tax year 2018 and to sign such other and further papers as are necessary to effectuate the settlement.

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

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

DATED: Milton, New York  
May 13, 2019

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COLLEEN CORCORAN, TOWN CLERK

At an IAS Part of the Supreme Court of the State of New York held in and for the County of Ulster, at 285 Wall Street, Kingston, New York on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ULSTER

-----X

In the Matter of the Application of  
KENNETH S. TAFOYA,

CONSENT JUDGMENT

Petitioner,  
- against -

Index No.: 18-2524  
RJI No.: 55-18-01086

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

Respondents.

Assigned Justice:  
Hon. Julian D. Schreibman, JSC

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

-----X

The above petitioner having heretofore served and filed a Petition and Notice to review the tax assessment fixed by the Town of Marlborough for the assessment roll of 2018, upon certain real property located in the Town of Marlborough, Ulster County, New York, and designated as tax map No.: 108.2-2-41 (50 Hidden Acres Road), on the Official Assessment Map of the Town of Marlborough, and

The petitioner having appeared by Stenger, Roberts, Davis & Diamond, LLP, Karen E. Hagstrom, Esq., and the respondents having appeared by Mackey, Butts & Wise LLP, Ian S. MacDonald, Esq., Attorneys for the Town of Marlborough, and the parties having made their settlement, it is hereby

ORDERED, that the assessment on the property referred to herein, be and the same is hereby reduced, corrected and fixed for the 2018 assessment roll as follows:  
DESCRIPTION (Tax Map No.) 108.2-2-41 (50 Hidden Acres Road)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2018	130,600	70,000	60,600

, and it is further

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

ORDERED, that there shall be audited, allowed and paid to the petitioner by the ULSTER COUNTY COMMISSIONER OF FINANCE, for tax map No: 108.2-2-41 (50 Hidden Acres Road), the amounts of Ulster County taxes and ad valorem Special District Taxes, if any, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that there shall be audited, allowed and paid to the petitioner by the MARLBORO CENTRAL SCHOOL DISTRICT, for tax map No: 108.2-2-41 (50 Hidden Acres Road), the amount of School taxes, and Library taxes if applicable, paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid year been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Ulster County Commissioner of Finance or the Town of Marlborough, for tax map No.: 108.2-2-41 (50 Hidden Acres Road) the amount of Town, Special District and any other ad valorem taxes paid by the petitioner as taxes against the said erroneous assessment in the excess of what the taxes would have been had the said assessment made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

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

ORDERED, that all tax refunds hereinabove directed to be made by respondent, the Ulster County Commissioner of Finance, the Town of Marlborough, Marlboro Central School District, and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Roberts, Davis & Diamond, LLP, as attorneys for the petitioner, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

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

ORDERED, that the parties have agreed to a reduction of the 2019 assessed value for the subject property to \$50,000, by Stipulation on a grievance complaint, and the reduction for the 2019 tax roll to an assessed value of \$50,000 is a condition of the settlement of the 2018 proceeding herein, and it is further

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

Dated: \_\_\_\_\_, New York  
\_\_\_\_\_, 2018

E N T E R,

---

HON. JULIAN D. SCHREIBMAN, J.S.C.

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

**MACKEY BUTTS & WISE LLP**

BY: \_\_\_\_\_

IAN S. MACDONALD, ESQ.  
Attorneys for Respondents  
319 Mill Street  
Poughkeepsie, NY 12601  
Telephone: (845) 452-4000

**STENGER, ROBERTS, DAVIS & DIAMOND, LLP**

BY: \_\_\_\_\_

KAREN E. HAGSTROM, ESQ.  
Attorneys for Petitioner  
1136 Route 9  
Wappingers Falls, NY 12590  
Telephone: (845) 298-2000

May 13, 2019

D) Resolution # 50 To authorize Supervisor to submit State and Municipalities Program Preliminary Application for TOMVAC building

Supervisor Lanzetta proposes the following:

Whereas the State of New York, with the nomination by the late Assemblyman Frank Skartados, has awarded the Town of Marlborough a grant for \$250,000 to be used for capital costs associated with the reconstruction of a community recreation center, and

Whereas, the Town has appointed a Citizen Committee and a Town Engineer to oversee the rehabilitation of that building.

Be it resolved that, the Town Board authorizes the Supervisor to submit the necessary information requested in the Preliminary Application and moves for its approval:

And moves for its adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	No
Councilman Baker	Yes
Supervisor Lanzetta	Yes

May 13, 2019

E) Resolution # 51 To authorize the project, **Contract No. TM-191, Route 9W Sewer Extension** for the Town of Marlborough, to be publically bid in accordance with the General Municipal Law and that the precise bid date be established by the Town Supervisor in conjunction with the engineers.

Supervisor Lanzetta proposes the following:

**Whereas**, the Town Board has previously approved the extension of sanitary sewer service along Route 9W in the Hamlet of Marlboro; and

**Whereas**, Plans and Specifications for the extension have been prepared by Brinnier and Larios, P.C., Professional Engineers, of Kingston, NY; and

**Whereas**, plans and specifications for “**Contract TM-191, Route 9W Sewer Extension**” are now completed, and

**Whereas**, time is of the essence.

**Therefore Be It Resolved** that the Town Board of the Town of Marlborough authorizes the project, **Contract No. TM-191, Route 9W Sewer Extension** for the Town of Marlborough, to be publically bid in accordance with the General Municipal Law and that the precise bid date be established by the Town Supervisor in conjunction with the engineers.

By Order of the Town Board, Town of Marlborough, this 13<sup>th</sup> day of May, 2019.

And moves for its adoption

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

May 13, 2019

F) Resolution # 52 To authorize the supervisor to sign an intermunicipal agreement with the Town of Lloyd for shared services of Board of Assessment Review

Supervisor Lanzetta proposes the following:

Whereas, a need has existed for coverage of the parties respective Boards of Assessment Review due to possible conflicts of interest when individual members of each Board wish to file a grievance and appeal the respective assessment of their own property.

Be it resolved that the Town Board of the Town of Marlborough hereby authorizes the Town Supervisor to sign an intermunicipal agreement with the Town of Lloyd.

And moves for its adoption

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

**INTERMUNICIPAL CONTRACT FOR SHARED SERVICES  
OF BOARDS OF ASSESSMENT REVIEW**

This agreement by and between the Town of Lloyd, a municipal corporation in the County of Ulster, with offices at Thomas Shay Square, 12 Church Street, Highland, New York 12528, and the Town of Marlborough, a municipal corporation in the County of Ulster, with offices at 21 Milton Turnpike, P.O. Box 305, Milton, New York 12547,

WHEREAS, a need has existed, as between the parties, for coverage of the parties' respective Boards of Assessment Review due to possible conflicts of interest when individual members of each Board wish to file a grievance and appeal the respective assessment of their own property and should not hear such cases; and

WHEREAS, any agreement between the towns should be in writing and approved by the Town Boards of both municipalities.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The parties shall share the services of their Board of Assessment Review on Grievance Day each year, hearing of any grievance from a Board member who grieves his or her own property or any property in which such member or a family member has an interest.

2. Pursuant to this contract, members of the Board of Assessment Review of each town be, and they hereby are, appointed as temporary members of the Board of Assessment Review of each other's town for all purposes when this contract is approved by the resolution of each municipality. The temporary member's decision shall be final and binding as if the decision of the other Town's Board.

3. There would normally be no remuneration to either town or the Board of Assessment Review for matters referred for a hearing and decision in the place and stead of the other town's Board of Assessment Review.

4. The Board of Assessment Review of each town shall be considered as a temporary appointee when working on a specific grievance, and all insurance and

liability requirements would be covered by the municipality whose grievance was being heard.

5. A Board of Assessment Review acting for a town in this agreement may borrow the Assessor's and other relevant files of the other town for purposes of working on the grievance or case, and it is agreed that the said file shall be returned to the home town when the grievance hearing is completed and a decision reached. At the Board's discretion, it may travel to the other town's office and hear the grievance or review documents there, if the file is too voluminous to move. Records shall be kept of the shared services by each municipality and the provider of the service shall send a memorandum identifying the time and date of the hearing and decision on each grievance. Records shall be available for inspection by either of the municipalities which are a party to this agreement.

6. Any party to this contract may revoke the same by sending a notice of such revocation to the Town Board of the participating municipality. Upon the revocation of this contract, any outstanding records shall be returned within thirty (30) days of such revocation, unless the parties agree in writing to extend such date of return.

7. Any actions taken by the Board of Assessment Review of the affected municipalities hereunder shall be consistent with all the duties delegated to such officials by law.

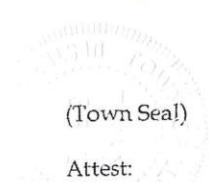
8. If any provision of this agreement is deemed to be invalid or inoperative for any reason, that part shall be deemed modified to the extent necessary to make it valid and operative or, if it cannot be so modified, then severed and the remainder of the contract shall continue in full force and effect.

9. This contract shall be approved by the Town Board of each municipality and shall expire five (5) years from the date of its signing by its chief fiscal officer on behalf of its Town Board. The Town Board may extend or renew this contract at the termination thereof for another five (5) year period.

IN WITNESS WHEREOF, the Towns of Lloyd and Marlborough, Ulster County, New York, each has, by order of its respective Town Board, caused these presents to be

subscribed by each of its respective Supervisors, and the seal of the Town to be affixed and attested by its Clerk thereof, on the dates affixed next to their respective signatures.

Dated: 5/20, 2019



(Town Seal)

TOWN OF LLOYD

By:

Paul J. Hausut, Supervisor

Attest:

Wendy Rosinski  
Wendy Rosinski, Town Clerk

Dated: 5/20, 2019

TOWN OF MARLBOROUGH

By: Alphonso Lanzetta, Supervisor

(Town Seal)

Attest:

Colleen Corcoran  
Colleen Corcoran, Town Clerk

May 13, 2019

G) Resolution # 53 To exempt Tarpon Towers II, LLC, from local land use review and approvals under the Marlborough Town Code, including but limited to Chapter 152

Supervisor Lanzetta proposes the following:

**WHEREAS**, the Town of Marlborough Town Board adopted a Resolution on April 8, 2019 related to

(i) a proposed Land Lease Agreement with Tarpon Towers II, LLC, for the lease of approximately two thousand five hundred (2,500) square feet of Town-owned real property at the Town Highway Department yard and offices located at 7 Woodcrest Lane, Town of Marlborough, County of Ulster, State of New York, Tax Parcel ID# 103.3-3-66.10, for purposes of installation and maintenance of a wireless telecommunications facility including 150± foot monopole tower, with antennas and related equipment (herein, the “Project”), a copy of which proposed Lease is on file with the Town Clerk; and

(ii) an application submitted by Tarpon Towers, II, LLC seeking approvals for such wireless telecommunication facility, which application included a Full EAF; and

**WHEREAS**, the Town Board duly noticed and conducted a public hearing on April 22, 2019, which hearing was then adjourned to May 13, 2019, re-opened on May 13, 2019 and then closed on May 13, 2019, for various purposes including whether the Project should be exempt from local land use review and approvals under the Town of Marlborough Town Code;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Town Board makes the following findings that local land use approvals are not required for the Project, because this transaction is deemed exempt from local land use and related regulations under standards identified by the courts of this State in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law:

1. The nature and scope of the instrumentality seeking immunity from the Town's local zoning laws and regulations is, in effect, the municipality itself. In seeking to lease a portion of the subject real property, the Town Board is acting in its governmental proprietary capacity for the benefit of its residents in terms of enhanced cell phone service and revenue from a source other than real property taxes.

2. There is no “encroaching government” proposing to make use of lands within the municipality.

3. The kind and function or land use involved is the placement of a wireless telecommunications facility on the existing site of the Town Highway Department yard and offices. The existing use of the real property involves the storage of highway materials and vehicles, and the operation of the Highway Department from the site. The addition of a wireless communications facility is consistent with the existing use by the Town and is not in discord with the mixed uses of surrounding properties.

4. The effect which local land use regulation would have upon the Project was addressed extensively in the application and plans submitted by the applicant. The application is consistent with Town policies, especially as provided in Town Code Chapter 152. The local land use regulations, if applied, would not be more protective of town land use policies or the environment, given the existing use of the site.

5. There are no reasonable or relevant alternative locations for the Project, since the Project meets the preferences provided in Town Code Section 152-7.

6. The impact on legitimate local interests is positive, since cell service will be enhanced, revenue will be generated from a source other than real property taxes and emergency services will also be able to use space on the cell tower rent-free.

7. Alternative methods of providing the proposed improvement are not available, since the Project is being located on Town-owned land in an area in need of improved cell phone coverage and since the Project generates revenue from a source other than real property taxes.

8. The extent of the public interest to be served by the Project is the same as stated above. There will be improvements in cell phone coverage, revenue from a source other than real property taxes, and the provision of enhanced communication for emergency services.

9. There is no inter-governmental aspect to the Project. There has been opportunity for public comment in the form of the aforesaid public hearing.

**AND BE IT FURTHER RESOLVED**, that the Town Board approves of the Land Lease Agreement between the Town and Tarpon Towers II, LLC, a copy of which has been and is on file with the Town Clerk and will be appended to the Minutes of this meeting, and the Town Board authorizes the Supervisor to sign said Land Lease Agreement.

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

Supervisor Lanzetta Yes

Councilman Molinelli Yes

Councilman Corcoran Yes

Councilman Baker Yes

Councilman Koenig Yes

DATED: Milton, New York  
May 13, 2019

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COLLEEN CORCORAN, TOWN CLERK

Contact Person:  
Colleen Corcoran, Town Clerk  
21 Milton Turnpike, Suite 200  
Milton, NY 12547  
845-795-5100

May 13, 2019

**H) Resolution # 54 NEGATIVE DECLARATION - NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough Town Board adopted a Resolution on April 8, 2019 related to

(i) a proposed Land Lease Agreement with Tarpon Towers II, LLC, for the lease of approximately two thousand five hundred (2,500) square feet of Town-owned real property at the Town Highway Department yard and offices located at 7 Woodcrest Lane, Town of Marlborough, County of Ulster, State of New York, Tax Parcel ID# 103.3-3-66.10, for purposes of installation and maintenance of a wireless telecommunications facility including 150± foot monopole tower, with antennas and related equipment, a copy of which proposed Lease is on file with the Town Clerk; and

(ii) an application submitted by Tarpon Towers, II, LLC seeking approvals for such wireless telecommunication facility, which application included a Short EAF; and

WHEREAS, said Resolution classified the Action as an unlisted action, declared the Town Board's intent to serve as Lead Agency, authorized the circulation of the application to involved and interested agencies, as appropriate, and set a public hearing for April 22, 2019 for various purposes; and

WHEREAS, such circulation has occurred and said public hearing was duly noticed; and

WHEREAS, the Resolution also provided that the Town Board intended to review, at the above referenced public hearing, whether the establishment of the proposed wireless telecommunication facility on said real property owned by the Town of Marlborough should be exempt from the Town's local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town Board shall conduct the review of such application and issue any approvals deemed necessary; and

WHEREAS, said public hearing was held on April 22, 2019, adjourned to May 13, 2019, re-opened on May 13, 2019 and then closed on May 13, 2019; and

WHEREAS, this negative declaration is prepared in accordance with Article 8 of the Environmental Conservation Law; and

WHEREAS, the name and address of the lead agency is: Town of Marlborough Town Board, 21 Milton Turnpike, Suite 200, Milton, New York, 12547; and

WHEREAS, the Town of Marlborough Town Board has caused the completion of the Short Environmental Assessment Form (SEAF); and

WHEREAS, the Town of Marlborough Town Board has reviewed the action and all relevant supporting documentation and has compared the action with the criteria set forth in 6 NYCRR Part 617 and has determined that no significant adverse environmental impacts associated with the proposed action have been identified and the Board offers the following information supporting and substantiating this determination:

ACCORDINGLY, the Town Board finds as follows:

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. The action will occur at the Town-owned real property at the Town Highway Department yard and offices, a site which is already substantially developed. Following completion of construction, the action will result in almost no use of ground water, no generation of solid waste, no generation of noise and no generation of traffic. Drainage and erosion issues were adequately addressed in the application.
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. As above stated, the action will occur at the Town-owned real property at the Town Highway Department yard and offices, a site which is already substantially developed. There was no record of state-listed threatened or endangered species for the site.
3. The action does not involve the impairment of any designated critical environmental area.
4. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted. The action complies with the provisions of Town Code Section 152-7 expressing a preference for location of such facilities on Town-owned property.
5. 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.
6. The action will not result in a major change in the use of either the quantity or type of energy.
7. The action will not create a hazard to human health. The FCC has previously addressed the issue of the effects of cell towers on human health.
8. 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. As above stated, the action will occur at the Town-owned real property at the Town Highway Department yard and offices, a site which is already substantially developed.

9. The Action will not encourage or attract a large number of people to a place or places from more than a few days, compared to the number of people who would come to such place absent the Action. In fact, the site will not be open to the public and, following construction, will be accessed only for maintenance purposes and possible eventual removal of improvements.

10. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.

11. 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.

12. The action does not involve two or more actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in 6 NYCRR 617.7(c).

NOW, THEREFORE, BE IT RESOLVED, that the Town of Marlborough Planning Board has examined the reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other possible simultaneous actions and subsequent actions which may be reasonably anticipated to result from the action, and has determined that the action 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 pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of Marlborough Town Board hereby authorizes the filing of this Negative Declaration.

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

DATED: Milton, New York  
May 13, 2019

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COLLEEN CORCORAN, TOWN CLERK

Contact Person:

Colleen Corcoran, Town Clerk  
21 Milton Turnpike, Suite 200  
Milton, NY 12547  
845-795-5100  
May 13, 2019

I) Resolution # 55 Approval of Application submitted by Tarpon Towers II, LLC

Supervisor Lanzetta proposes the following:

**WHEREAS**, the Town of Marlborough Town Board adopted a Resolution on April 8, 2019 related to

(i) a proposed Land Lease Agreement with Tarpon Towers II, LLC, for the lease of approximately two thousand five hundred (2,500) square feet of Town-owned real property at the Town Highway Department yard and offices located at 7 Woodcrest Lane, Town of Marlborough, County of Ulster, State of New York, Tax Parcel ID# 103.3-3-66.10, for purposes of installation and maintenance of a wireless telecommunications facility including 150± foot monopole tower, with antennas and related equipment (herein, the “Project”), a copy of which proposed Lease is on file with the Town Clerk; and

(ii) an application submitted by Tarpon Towers, II, LLC seeking approvals for such wireless telecommunication facility, which application included a Full EAF; and

**WHEREAS**, the Town Board duly noticed and conducted a public hearing on April 22, 2019, which hearing was then adjourned to May 13, 2019, re-opened on May 13, 2019 and then closed on May 13, 2019, for various purposes including whether the Project should be exempt from local land use review and approvals under the Town of Marlborough Town Code; and

**WHEREAS**, the Town Board has issued a “Negative Declaration” Resolution for this Project and a Resolution which found that local land use approvals are not required for the Project, because this transaction is deemed exempt from local land use and related regulations under standards identified by the courts of this State in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves the application of Tarpon Towers II, LLC, as above identified, including the plans submitted therewith by Tectonic Engineering & Surveying Consultants, P.C., last revision date of March 26, 2019, specifically including pages T-1, SU-101, AD-1, SB-1, C-1, C-2 and C-3.

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

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

DATED: Milton, New York  
May 13, 2019

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## COLLEEN CORCORAN, TOWN CLERK

### Contact Person:

Colleen Corcoran, Town Clerk  
21 Milton Turnpike, Suite 200  
Milton, NY 12547  
845-795-5100

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

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*