

FIRST MEETING OF THE MONTH  
(ZOOM VIDEO MEETING DUE TO THE  
CORONAVIRUS PANDEMIC)  
TOWN BOARD TOWN OF MARLBOROUGH  
JULY 13, 2020 7:00 PM  
MINUTES OF MEETING

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

Colleen Corcoran, Town Clerk  
Danielle Cherubini, Deputy Town Clerk  
Thomas Corcoran, Building Inspector/Ulster County Legislator  
Police Chief Gerald Cocozza  
James Garofalo, Resident  
Mark Reynolds, Southern Ulster Times Reporter

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

***Councilman Baker made a motion to amend the agenda to include under New Business the following three items, STR – Short Term Rentals, Request from Sergeant Pascale, and Update on the Senior Picnic. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

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

***Yeas: 5                      Nays: 0                      Carried***

ITEM #4 Motion to approve minutes from the June 22, 2020 Town Board meeting  
***Councilman Corcoran made a motion to approve minutes from the June 22, 2020 Town Board meeting. Motion seconded by Councilman Baker.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #5 Authorize payment of bills  
***Councilman Molinelli made a motion to authorize payment of the abstract in the amount of \$125,679.62. Motion seconded by Councilman Baker.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #6 Comments on the agenda  
*Mark Reynolds asked when the solar project would start at the landfill.  
Supervisor Lanzetta briefly explained the process and stated that the project would likely begin in 2020 or 2021.*

ITEM #7 Presentations  
*No presentations.*

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

**Supervisor's Report July 2020**

Work continued during the COVID pandemic to open parks and encourage the community to abide by latest CDC and NY State requirements

Several meetings with Chief Cocozza regarding enforcement of COVID regulations

Meeting with Town Assessor Cindy Hilbert and Robert Pollock to discuss proposed project assessments

Worked with the new All Inclusive Playground contractors and volunteers, over a couple weeks, building the playground at Schantz Park

Attended groundbreaking of South Pier Project at Milton Landing

Met with a representative of Central Hudson, at Schantz Park, to assess possible lighting for the upper fields at the park

Did a "Ring" conference with Mobile Life, Scott Woebsse, to discuss ambulatory responses in the community

ZOOM Conference call with Planning Board to discuss short term rentals

Conference call with Milton Landing South Pier Committee

Respectfully submitted,  
Al Lanzetta

## B) BUILDING INSPECTOR - THOMAS CORCORAN

### THOMAS CORCORAN - BUILDING INSPECTOR MONTHLY REPORT - BUILDING DEPARTMENT MONTH OF: JUNE 2020

CERTIFICATE OF OCCUPANCY	6	STOP WORK ORDER	1
REQUEST FOR INFORMATION	24	ZBA APPLICATION	0
TRAILER PARK RENEWALS	1	ORDER TO REMEDY	6
BUILDING EXTENSIONS	11	COMPLAINTS	33
FIRE INSPECTIONS	0	BURN PERMITS ISSUED	26
FIRE CALLS	0	CLOTHING BIN RENEWALS	2
TOTAL MILEAGE	1311	TOTAL GAS USAGE	93 Gals.

#### BUILDING PERMITS

ADDITION / RENOVATION	9	POOL / HOT TUB	7
BARN		ROOF	4
BURNING	22	SHED	7
CARPORT / GARAGE	2	SIGNS	0
DECK/STAIRS	6	SINGLE FAMILY	5
DEMOLITION	0	SOLAR PANELS	3
ELECTRICAL / HVAC	5	TANK INSTALL / REMOVAL	0
FURNACE / BOILER	1	WIRELESS COMMUNICATION	0
GENERATOR	0	WOOD / PELLET STOVE	0
TOTAL PERMITS	71	EST. COST OF BUILDINGS	\$2,955,703.00

#### MONTHLY REVENUE

CERTIFICATE OF OCCUPANCY	\$900.00
PERMIT EXTENSIONS	\$3,576.50
BUILDING PERMITS	\$13,018.62
REQUEST FOR INFORMATION	\$2,300.00
<b>TOTAL BUILDING FEES</b>	<b>\$19,795.12</b>
FIRE INSPECTIONS	\$0.00
TRAILER PARK RENEWALS	\$350.00
<b>TOTAL FIRE FEES</b>	<b>\$350.00</b>
<b>BURNING FEES</b>	<b>\$100.00</b>
ZBA APPLICATIONS	\$0.00
ZBA ESCROW	\$0.00
<b>TOTAL FEES</b>	<b>\$20,245.12</b>

C) POLICE CHIEF - GERALD COCOZZA

Police Department  
Town of Marlborough

MEMORANDUM

To: Town Board of the Town of Marlborough  
From: Chief Cocozza  
Date: July 13, 2020  
Subject: Activity Summary for the Month of June 2020



Following is a summary of the activity of the Police Department for the month of May 2020

<u>MOTOR VEHICLE ACCIDENT</u>	June 20	Yr. Date 20	June 19	Yr. Date 19
Personal injury	6	25	5	34
Fatal	0	0	0	0
Property Damage	15	79	13	93
Report Not Required	-	-	4	37
Total	21	104	Total 22	164

<u>SUMMONSES ISSUED</u>	June 20	Yr. Date 20	June 19	Yr. Date 19
Vehicle and Traffic	4	521	119	456
Parking	2	74	4	40

<u>COMPLAINT ACTIVITY</u>	June 20	Yr. Date 20	June 19	Yr. Date 19
Total Blotter Entries	1038	7011	386	1901
Total Arrests	12	80	26	102

<u>TOTAL TELEPHONE CALLS</u>	June 20	Yr. Date 20	June 19	Yr. Date 19
	1839	11062	1701	10418

POLICE DEPARTMENT OVERTIME HOURS payroll 13 & 14

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 Grant O/T	(see attached)	(see attached)		
Full Time Dispatchers Overtime	4 (\$177) 33	0 (\$) 27		
Part Time Dispatchers Overtime	0 (\$) 112	24 (\$711) 72		
<u>Police Mileage</u>	10505	84091	9633	69780

Police Department  
Town of Marlborough

MEMORANDUM



Activity Summary for the month of June 2020

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Police Department Payroll 13 & 14 Regular Hours

	June 20	Yr. Date	June 19	Yr. Date
Full Time Police Officer	1120	7881.5	960	6958
Part Time Police Officer	687.5	4956.25	1105.5	6645.75
Full Time Dispatcher	320	1920	320	2080
Part Time Dispatcher	461	2539	436	2810.25
Traffic Officer	0	193	76	457

Police Department Fuel Consumption

Police	1083.316	4474.772	975.311	6195.066
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**Police Officer Overtime** ( these figures are not exact and are intended for budget use and tracking)  
 Figures are up to date of last payroll

Line Item	Yr. to Date	Budgeted	remaining	% utilized
Admin	\$151	\$4,000	\$3,849	4%
DARE	\$569	\$3,930	\$3,361	14%
F/T Court	\$45	\$4,385	\$4,340	1%
F/T Holiday *	\$1,039	\$40,475	\$39,436	3%
F/T Investigations	\$537	\$8,712	\$8,175	6%
F/T Shift Cover	\$692	\$18,000	\$17,308	4%
F/T Training	\$0	\$6,218	\$6,218	0%
P/T Court	\$22	\$6,216	\$6,194	0%
P/T Holiday *	\$1,486	\$816	(\$670)	182%
P/T Investigations	\$1,543	\$7,650	\$6,107	20%
P/T Shift Cover	\$543	\$27,519	\$26,976	2%
P/T Training	\$0	\$8,070	\$8,070	0%
F/T Firearms training	\$0	\$3,345	\$3,345	0%
P/T Firearms training	\$0	\$4,192	\$4,192	0%
FT Special detail	\$338	\$4,310	\$3,972	8%
PT Special Detail	\$454	\$3,264	\$2,810	14%
<b>Total</b>	<b>\$7,419</b>	<b>\$151,102</b>	<b>\$143,683</b>	<b>5%</b>
*Holiday	\$2,525	\$41,281	\$38,766	6%

Police Officer Grant Overtime ( these figures are not exact and are intended for budget tracking only)  
 Figures are up to date of last payroll

Line Item	Yr. to Date	Budgeted	remaining	% utilized
Grant Funds				
BUNY (buckle up NY)	\$0	\$1,920	\$1,920	0%
DWI (driving while intoxicated)	\$463	\$4,000	\$3,537	12%
PTS (police traffic services)	\$93	\$3,840	\$3,747	2%



## D) HIGHWAY SUPERINTENDENT – JOHN ALONGE

### **SUPERINTENDENT OF HIGHWAYS**

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



#### **John Alonge**

*Highway Superintendent*

*Supervisor Lanzetta  
Town Clerk Colleen Corcoran  
Town Board Members*

**Phone:** 845-795-2272 x 6

**Fax:** 845-795-6037

**Cell:** 845-849-5549

#### **Monthly Report for June 2020**

**COVID-19:** The Marlboro Central School District made a request to have some Highway Department trucks at their graduation on 6/26. The request was to have representation and support from the residents of the Town, so we sent 4 trucks to the event.

**ROADS:** We spent many days doing black top repairs. We repaired all the water main break

**DRAINAGE:** During the month we had crews cleaning ditch lines along Willow Tree Road. We continued cleaning catch basins and pipe ends where needed. We replaced 146' x 36" PVC pipe on Hampton Rd. and Rue De Vin and replace 80' x 12" PVC pipe at the intersection of Hampton and Bingham Roads in preparation of paving.

**BRUSH/WEEDS:** Started mowing all roadsides throughout the Town. On 5/21 we mowed the Landfill cap. We also starting using herbicide along the roads.

**TOWN PARKS:** We sent trucks to Tilcon to pick up donated stone for the Park.

**FUEL USEAGE:** Gas: 119.948 gallons      Diesel: 1,290.810 gallons

**E) WATER SUPERINTENDENT - CHARLIE MUGGEO**

**WATER SUPERINTENDENT  
TOWN OF MARLBOROUGH  
1650 ROUTE 9W, PO BOX 305  
MILTON, NY 12547**

**CHARLES MUGGEO  
WATER SUPERINTENDENT**

**FAX (845) 795-2031  
PHONE (845) 795-5100**

**DATE: 7/13/2020**

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

**RE: MONTHLY REPORT FOR JUNE**

Water consumption totaled 17.130 million gallons, which is a daily usage of 571,000. Compared to last month 13.602 million gallons, which is a daily usage of 453,400. Compared to a year ago water consumption was 16.4 million gallons for the month, which is a daily usage of 546,000.

**SUMMARY FOR THE MONTH**

HYDRANTS: We had to repair a hydrant on Western Ave.

CURB BOXES: We had to repair curb boxes on Rt. 9W, Cross Rd., West St., Walnut Ln. Jackson Ave., Mill Pond Rd., Prospect St., and Hudson Circle.

WATER MAINS: We had to repair a road cut because of a water main break with the help of the Highway Dept.

RESERVOIR: We finished weed whacking and mowed the Reservoir with the help of the Highway Dept.

SEWER: We had to repair a manhole cover on the corner of Bloom St. and Rt. 9W.

SERVICE LINE INSPECTIONS: 1

CLOSINGS: 7

MARKOUTS: 55

Gallons of Gas: 240

Gallons of Diesel: 15

Mileage for the month: 1,850

## F) TOWN CLERK - COLLEEN CORCORAN

07/01/2020

Town Clerk Monthly Report Monthly Report  
June 01, 2020 - June 30, 2020

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Account Description	Fee Description	Account#	Qty	Local Share	
building Dept/ Burn permits	Burn Permits	00-2110	1	80.00	
			<b>Sub-Total:</b>	<b>\$80.00</b>	
Conservation	Conservation	A1255	7	10.22	
			<b>Sub-Total:</b>	<b>\$10.22</b>	
Dog Licensing	Female, Spayed	A2544	15	75.00	
Dog Licensing	Female, Unspayed	A2544	2	20.00	
Dog Licensing	Male, Neutered	A2544	21	105.00	
Dog Licensing	Male, Unneutered	A2544	6	60.00	
			<b>Sub-Total:</b>	<b>\$260.00</b>	
General Fund	Towing Licenses	00-2590	1	250.00	
General Fund	Water Service	2144SW	2	3,150.00	
			<b>Sub-Total:</b>	<b>\$3,400.00</b>	
LANDFILL FEES	T/s Permits	00-2130	3	150.00	
LANDFILL FEES	T/s Punch Cards	00-2130	26	1,795.00	
			<b>Sub-Total:</b>	<b>\$1,945.00</b>	
Marriage Lic.	MARRIAGE LICENSE FEE	00-1255	4	70.00	
			<b>Sub-Total:</b>	<b>\$70.00</b>	
Misc Fees	Building Fees\Building Dept	00-2110	1	8,632.48	
Misc Fees	Fire Fees\Building Dept	00-2110	1	700.00	
Misc Fees	YRP Zumba	00-2025	1	400.00	
			<b>Sub-Total:</b>	<b>\$9,732.48</b>	
MISC. FEES	Accident Reports	00-1255	14	70.00	
MISC. FEES	Burgular Permits	00-2590	1	20.00	
MISC. FEES	Certified Copies	00-1255	7	260.00	
			<b>Sub-Total:</b>	<b>\$350.00</b>	
<b>Total Local Shares Remitted:</b>				<b>\$15,847.70</b>	
Amount paid to:	NYS Ag. & Markets for spay/neuter program			60.00	
Amount paid to:	NYS Environmental Conservation			174.78	
Amount paid to:	State Health Dept. For Marriage Licenses			90.00	
<b>Total State, County &amp; Local Revenues:</b>		<b>\$16,172.48</b>	<b>Total Non-Local Revenues:</b>		<b>\$324.78</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.

Supervisor	Date	Town Clerk	Date
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## G) WASTEWATER TREATMENT FACILITY- ANTHONY FALCO

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

July 7, 2020

For the month of June 2020, both the Marlboro and Milton Wastewater Treatment Plants complied with all SPDES requirements. The following are monthly statistics for both plants;

### **Marlboro WWTP**

- Average Daily Flow = **80,000** gallons per day.
  - (About 46% of design capacity.)
- Average BOD removal = **99%**
- Average Suspended Solids removal = **93%**

### **Milton WWTP**

- Average Daily flow = **26,000** gallons per day.
  - (About 47% of design capacity)
- Average BOD removal = **95%**
- Average Suspended Solids removal = **88%**

Both the Marlboro and Milton plants operated normally during the month of June without any major changes or events. The lower average flow rate was due to the dry weather. Please feel free to contact us at any time for more information or concerns. Stay safe and be healthy.

Thank you,  
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~~

Wednesday, July 1, 2020

### June Monthly Report

#### Monthly Report - 6/1/2020 through 6/30/2020

##### Overview:

We received a total of 21 calls this month including 9 calls to service from Marlborough PD, State Police and Ulster County Sherriff

Responded to 4 active complaints and/or cases which are now closed or resolved

We currently have 2 open cases that have been addressed but are ongoing or un-resolved.

2 appearance tickets were issued this month

We Impounded 1 dogs this month.

There were 0 Dog Bites Reported this month.

We currently have 1 dog in the kennel

We have 0 case in the Marlborough Justice Court at this time

We are still having a higher than usual number of calls for dogs running at large and the number of calls relating to Racoons seems to be getting less as the warmer weather is here.

end of Report.

## I) ASSESSOR - CINDY HILBERT

**Assessor's Office**

# Memo

**To:** Town Board  
**From:** Cindy Hilbert  
**CC:** Colleen Corcoran  
**Date:** July 13, 2020  
**Re:** **July** Report

We prepared 3 property tax estimates.

We processed 5 real property transfers. I think the County has been processing them at a slower rate than usual.

We filed our Final Assessment Roll and our Assessor's Annual Report with the State on July 1, 2020.

We worked reconciling some of the missing information for the Drainage Districts within the Town.

We finishing processing the Department of Tax and Finance STAR renewal/update/removal reports. We are still waiting for the final three reports which should be out the end of July.

## J) PLANNING - CHRIS BRAND

Town of Marlborough

# Planning Board Review June 2020

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Meeting: June 1, 2020 / 7:30 PM / Town Hall

\*\*\*Meeting Cancelled due to No New Activity\*\*\*

### NEXT Deadline

Friday, June 5, 2020

### NEXT Scheduled Meeting

Monday, June 15, 2020

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Meeting: June 15, 2020 / 7:30 PM / Meeting Held via Zoom Video  
Conference

Approval of Stenographic Minutes for 5/18/2020

Approval for the above minutes was granted unanimously.

### ATTENDEES

Chris Brand, Manny Cauchi, Steve Clarke, Cindy Lanzetta, Joe Lofaro, James  
Garofalo

### AGENDA

Marlboro Flats, 8-10 Watson Ave, Marlboro: Public Hearing, Subdivision

- The Public Hearing was opened and closed with several members from the public participating. Questions arose regarding the proposed water and

sewer and water runoff from the site. Town Engineer Pat Hines will conduct a field survey. Several residents questioned the size of the proposed new construction. The Public Hearing was closed with the applicant agreeing to waive the 60 time requirement. The applicant will return at a later date.

**Bayside Mixed Use, 18 Birdsall Ave, Marlboro: Extension, Subdivision**

- A Resolution for an additional extension of the project was approved 4-2.

**Eric Affuso Subdivision, 46 Reservoir Road, Marlboro: Sketch, Subdivision**

- Engineer Pat Hines pointed out several technical issues with the project's application. Board Member Lanzetta raised concerns over segmenting the property and the possible access difficulties should the property be further developed. Board Member Garofalo raised questions regarding a stream on the property and asked the applicant to revise their EAF. . The applicant will return at a later date after addressing these issues.

**\*\*\* Discussion without Lawyer, Engineer, and/or Stenographer\*\*\***

**Rachel Sandri, Glorie Farm Farm Market**

- The applicant discussed plans for a Farmer's Market on site. They were advised to familiarize themselves with the portions of the Town Code regarding these events. They were also advised to apply for a Special Use Permit.

**NEXT Deadline**

Friday, June 19, 2020

**NEXT Scheduled Meeting**

Monday, July 6, 2020 via Zoom

Respectfully Submitted,

Chris Brand, Chairman, Town of Marlborough Planning Board



ITEM #9 Report of Committees

A) RECREATION COMMITTEE

*Work on the new playground has resumed.*

B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE

*No report.*

C) CONSERVATION ADVISORY COMMITTEE

*No report.*

D) IT COMMITTEE

*Supervisor Lanzetta stated that the town is a little over budget but all of the new equipment was needed.*

D) MILTON TRAIN STATION FOUNDATION

*No report.*

E) MILTON LANDING CITIZENS COMMITTEE

*Councilman Koenig reported that the demolition of the pier has begun.*

F) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE

*No report.*

G) MEET ME IN MARLBOROUGH

*Supervisor Lanzetta reported that the farm market opened and is working well.*

H) HAMLET OF MILTON ASSOCIATION COMMITTEE

*Councilman Koenig reported that the self watering planters are working out.*

J) TRANSFER STATION REVIEW COMMITTEE

*There was a brief discussion with regard to the reduced hours.*

ITEM #10 Old Business

A) Tomvac Rehabilitation Update

*No new information.*

B) LWRP

*No new information.*

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

*No new information.*

ITEM #11 New Business

A) COVID 19-Phase 4

*Supervisor Lanzetta stated that the bathrooms at the park should be open soon; the Water Superintendent is waiting for county approvals.*

B) Bocce restart plan

*Councilman Molinelli stated that he will hold a meeting with one person from each team to go over the new rules in order to play the safest way using gloves, masks, and social distancing.*

C) STR - Short Term Rentals

*Tom Corcoran explained that there have been complaints about people running illegal bed and breakfasts (B & B). B & B's must be owner occupied and can use up to 25% of their home for the home occupation. The B & B applicant goes before the Planning Board for approval for a special use permit that also requires a yearly fire inspection.*

*There are 18 people who are running a B & B that have not gone through the process. Mr. Corcoran has contacted the people and they will comply although some want to do short term rentals. He gave his opinion that short term rentals should be 30 days or longer and the owner should live in the town so they have respect for our town and neighbors. Any rental less than 30 days would be considered a commercial hotel/motel use. He explained the policing and violation process. The majority of the Board and Mr. Corcoran discussed their opinions. It was decided to look at some other town codes with regard to short term rentals; Mr. Corcoran will come up with what will work best for Marlborough and meet with the Town Board and the Planning Board to go over it.*

**D) Request from Sergeant Pascale**

*Supervisor Lanzetta stated that Sergeant Pascale wrote a letter to the Board asking for a Memorandum of Agreement to include a grandparent and grandparent in law bereavement day clause. No decisions were made as of yet.*

*Another request was for COVID-19 compensation for full time police officers. The majority of the Board discussed this request with the Chief. There was a disagreement with regard to what the request specifically was and if it should be given.*

**E) Update on the Senior Picnic**

*Supervisor Lanzetta stated that it was decided that the safest option for the senior picnic will be to cook the food at Marlboro High School and distribute and deliver the food to the seniors.*

**ITEM #12 Correspondences**

*Supervisor Lanzetta read the letter from Sergeant Pascale as discussed under new business.*

**ITEM #13 Public Comments**

*There was a brief discussion with regard to an out of state youth football team scheduling games at the town park.*

*Mark Reynolds asked when Chestnut Mobile will open.*

*Supervisor Lanzetta stated that they should be done in August. Tom Corcoran explained the contracting issues that they encountered over the last few months.*

*Mark Reynolds also asked for the bocce schedule.*

*James Garofalo stated his opinion on some items with regard to the bed and breakfast discussion. Supervisor Lanzetta asked Mr. Garofalo to send an email to the Board with his recommendations.*

**ITEM #14 Resolutions**

**A). Resolution # 64 Execution of Lease Option Agreement and Ground Lease and Monroe**

**Analysis for a solar photovoltaic system on the Landfill site**

**ITEM #15 Adjournment**

***Councilman Koenig made a motion to adjourn the meeting at 8:33 p.m. Motion seconded by Councilman Molinelli.***

***Yeas: 5***

***Nays: 0***

***Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*

July 13,2020

A). Resolution # 64 Execution of Lease Option Agreement and Ground Lease and Monroe Analysis for a solar photovoltaic system on the Landfill site

Supervisor Lanzetta proposes the following:

WHEREAS, the Town of Marlborough owns real property located at 20 Baileys Gap Road, Marlborough, New York, containing approximately 82.33 acres (the “Property”); and

WHEREAS, the Property is or was formerly operated as a solid waste management facility authorized by the New York State Department of Environmental Conservation and other applicable Government Authority (“Landfill”); and

WHEREAS, the Town Board has negotiated a proposed Lease Option Agreement and proposed Ground Lease with NEXAMP SOLAR, LLC, for the lease of a portion of the Property as shown on a map attached to the proposed Ground Lease to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto (the “Facility”); and

WHEREAS, copies of the proposed Lease Option Agreement and proposed Ground Lease are on file with the Town Clerk; and

WHEREAS, pursuant to Resolution # 63 dated May 26, 2020, the Town Board authorized a public hearing to be held on June 22, 2020 regarding the execution of the proposed Lease Option Agreement and proposed Ground Lease and regarding whether the establishment of this Facility on the 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 whether the Town Board shall conduct the review of such application and issue any approvals deemed necessary;

WHEREAS, said public hearing was duly noticed and then held on June 22, 2020; and

WHEREAS, the matter was referred to the Ulster County Planning Board, but the Town was informed that the referral was not needed; and

WHEREAS, the Town Board previously classified the contemplated action as a Type II action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR 617.5); and

**NOW, THEREFORE, BE IT RESOLVED** as follows:

A. The Town Board hereby authorizes the execution of the proposed Lease Option Agreement and proposed Ground Lease, subject to permissive referendum requirements.

B. The Town Clerk is directed to publish the required notice of adoption of this Resolution as required by New York State Town Law Section 90 to begin the period for permissive referendum, in the form included at the end of this Resolution.

C. The Town Board has reviewed whether the establishment of the Facility on the 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 whether the Town Board shall conduct the review of any application submitted and issue any approvals deemed necessary. The Town Board makes the following findings and has determined that the application is exempt or immune from local land use regulations and that the Town Board approves the proposal from NEXAMP SOLAR, LLC:

1. The nature and scope of the instrumentality seeking immunity is, in effect, the Town of Marlborough, since it has awarded a bid for the Facility to NEXAMP SOLAR, LLC and will execute a Lease Option Agreement and Ground Lease, subject to permissive referendum requirements, with NEXAMP SOLAR, LLC. The Town of Marlborough Town Board is acting in its governmental proprietary capacity for the benefit of its residents.

2. There is not an “encroaching government” in this matter. The Town Board has historically made all decisions regarding the operation of the Property and is the appropriate Board to consider and approve this matter.

3. The kind of function or land use involved is for NEXAMP SOLAR, LLC to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto. This Facility will result in energy savings to the Town, rental income for the Town and less reliance on fossil fuels for the production of electricity.

4. Exemption from the Town’s land use regulation is appropriate because the Property includes the Town’s former landfill and is subject to a landfill closure plan. The Property also includes the Town’s transfer station. New York State law strongly encourages the development of solar energy systems, especially on landfill properties. The State amended its SEQRA regulations to make solar energy systems on landfills a Type II action in order to expedite review and development of such systems.

5. There are no alternative locations for the Facility in less restrictive zoning areas. This is the only landfill site which the Town owns.

6. The impact upon legitimate local interests is positive, since the Facility will generate solar based power, result in energy savings to the Town and result in rental income which the Town would not otherwise have from this portion of the Property.

7. There are no effective alternative means of providing the proposed improvement. As stated above, this is the only landfill site which the Town owns.

8. The extent of the public interest to be served by the improvements is substantial. The Facility helps to implement the State’s policy encouraging the development of solar energy systems. The Town will receive rental income from land which otherwise would not generate income (the landfill). The Town will also receive savings on its energy bills.

9. Intergovernmental participation in the project development process and an opportunity to be heard have both been available. The Town Board requested comments from the Planning Board and did refer the matter to the Ulster County

Planning Board. It turned out that such referral was not necessary, because of this “Monroe” analysis.

**BE IT FURTHER RESOLVED** that, if the period for permissive referendum expires without the filing of a petition for permissive referendum, the Town Board authorizes the Supervisor and any other appropriate Town official to execute any and all documents reasonably necessary to give effect to this Resolution, including an Agreement with NEXAMP SOLAR, LLC related to the value of distributed energy resources and credits.

## NOTICE OF ADOPTION OF RESOLUTION

TAKE NOTICE that the Town of Marlborough Town Board, Ulster County, New York, has, on the 13th day of July, 2020, duly adopted a Resolution, subject to permissive referendum, an abstract of which follows:

WHEREAS, the Town of Marlborough Town Board has negotiated Lease Option Agreement and proposed Ground Lease with NEXAMP SOLAR, LLC, for the lease of a portion of the property located at 20 Baileys Gap Road, Marlborough, New York, containing approximately 82.33 acres, said portion shown on a map attached to the proposed Ground Lease to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto; an Option and Ground Lease Agreement with, NEXAMP SOLAR, LLC for the lease of real; and

WHEREAS, copies of the proposed Option Agreement and Ground Lease between the Town and NEXAMP SOLAR, LLC, are on file with the Town Clerk; and

WHEREAS, central terms of the said agreements include rental income to the Town, energy savings to the Town, a long term lease with options to renew, and the continued operation of the Town's transfer station on this Property without interference from the solar Facility.

THE ACTION TAKEN by the Resolution was: (1) the authorization of the execution of the Option Agreement and Ground Lease Agreement; (2) publication of a permissive referendum notice as required by NYS Town Law Section 90; (3) the exemption of the Facility from local land use regulation pursuant to a "Monroe" analysis; and (4) the authorization for the Supervisor and any other appropriate Town official to execute any and all documents reasonably necessary to give effect to this Resolution, including an Agreement with NEXAMP SOLAR, LLC related to the value of distributed energy resources and credits.



Dated: Milton, New York  
July 13, 2020

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Colleen Corcoran, Town Clerk  
Town of Marlborough

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

The resolution was thereupon declared duly adopted.

DATED: Milton, New York  
July 13, 2020

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Colleen Corcoran, Town Clerk