

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
(ZOOM VIDEO MEETING DUE TO THE
CORONAVIRUS PANDEMIC)
FEBRUARY 22, 2021 7:00 PM
MINUTES OF MEETING

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

Also Present: Danielle Cherubini, Deputy Town Clerk
Gerald Cocozza, Chief of Police
Justin Pascale, Police Sergeant
Thomas Corcoran, Building Inspector/Ulster County Legislator
(Arrived at 8:18 p.m.)
Barbara Arindell, Resident
William Weishaupt, Ulster County District Attorney
Richard Kurtz, Resident

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

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

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

ITEM #4 Motion to approve minutes from the February 8, 2021 Town Board Meeting
Councilman Baker made a motion to approve minutes from the February 8, 2021 Town Board meeting. Motion seconded by Councilman Corcoran.

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

ITEM #5 Authorize payments of bills

Councilman Corcoran made a motion to authorize payment of the abstract in the amount of \$1,660,619.29. Motion seconded by Councilman Koenig.

Yea: 5

Nays: 0

Carried

ITEM #6 Presentations

A). Councilman Baker-Police Reform

Councilman Baker presented information regarding the police reform committee and process which is incorporated into the minutes as follows:

*Town of Marlborough
Police Reform Committee
Findings and Recommendations
February 2021*

Committee Members

Barbara Arrindell, Community Member

Howard Baker, Town Council, Police Liaison

*Gerald Cocozza, Police Chief
Stephanie Kaplan, UC Public Defender's Office*

Al Lanzetta, Supervisor

Jeff Magliato, Community Member

Ed Molinelli, Town Council, Police Liaison

Justin Pascale, Police Sergeant

Vincent Porcelli, Deacon, St Mary's Catholic Church

William Weishaupt, UC DA's Office

Police Reform Executive Order

- *Comprehensive review of current policies and procedures*
- *Develop improvement plan*
- *Promote community engagement to foster trust, fairness, and*

- *legitimacy*
- *Address any racial bias or disproportionate policing of communities of color*

Process

Bimonthly video conferences held

Current Policies and Procedures reviewed

Questions formulated and discussed

Arrest data gathered and reviewed

Public input sought and received

Recommendations discussed and itemized

Draft Committee Report written

Public comment to be requested and received

Report to be finalized and ratified by town board

Public Input Received

- *Modify recent bail reform*
- *Assign mental health professionals to calls*
- *Pay police more and all should have Associate's Degree*
- *Address "Use of Force"*
- *Police should live in town*
- *Disproportionate number of people of color pulled over on 9W*
- *Our police are doing a great job*
- *Color of patrol cars does not foster trust*
- *Keep doing the great job you are doing*
- *Police do a lot more than keep the peace and are underappreciated. Systemic racism is BS.*
- *Better training required in use of restraint*
- *Need to provide strong support for our police force and strengthen law and order image.*
- *Need to make sure police force is transparent, strives to eliminate bias, and improves community relations.*
- *Police force is doing a good job. Recommend unmanned cars parked in various locations.*

Recommendations

Use of Force

- *Many changes to several sections of policies and procedures manual addressing use of force protocol to be in line with DJCS, and handling of mental health and EDP calls.*
- *Support funding of body cameras for department*

Hiring

- *Widen pool of part-time applicants. Support reform of current civil service hiring process for full time officers to promote a more diverse workforce.*

Training

- *Expand Crisis Intervention Training, De-escalation, Implicit Bias training to entire force.*

Reinstitute Yearly Performance Evaluations

Complaint Handling

- *Create online form for providing anonymous feedback and complaints.*

Community Relations/Transparency

- *Post Policies and Procedures Manual on town website*
- *Report Use of Force statistics at monthly town board meetings*

Councilman Baker and Supervisor Lanzetta thanked all of the committee members.

Sergeant Pascale stated that with regard to the people pulled over in the town as far as race, the numbers in the study are not true numbers.

Councilman Baker added that the arrest data really can't just be applied to Marlborough.

Chief Cocozza explained his opinion about the committee and how things were handled. He stated that Marlborough is a quaint little town and has not had any major issues that have happened in our nation. There has not been any undue violence with our officers and the administrators of the town will need to provide officers the best training so they can be as good and better than they are now. He also thanked all involved in this task which took a tremendous amount of time.

Sergeant Pascale added a comment that they were dispatched to a 50-year-old man with chest pains earlier that day and worked on him for 40 minutes and he is alive.

Barbara Arindell, resident and reform committee member, thanked Councilman Baker for asking her to be part of the committee and she thanked the police also.

William Weishaupt, Ulster County District Attorney and reform committee member, stated that he enjoyed working with everyone. He commended the police department and explained how they are a blessing to the town.

ITEM #7 Comments on the agenda
No comments on the agenda.

ITEM #8 New Business
No new business.

ITEM #9 Workshop topics

A). STR-Short term rentals application and fee

Supervisor Lanzetta stated that the application fee for STR's is currently at \$550.00 and escrow is \$750.00 and also an annual certificate fee. He explained that the escrow may or may not get used up because that is for the engineer and the lawyer.

There was a disagreement about the fees. Some of the Board members agreed with the fees and some did not. The Board discussed what the fees would be for and gave their opinions as to why it is just right or too high. They seemed to be in agreement to waive the first year's certificate cost which has yet to be determined.

There was also a brief discussion about what to include with the application to show property lines and parking and what types of structures are allowed which was reiterated from prior discussions that it is dwellings only.

B). COVID-19

Tom Corcoran gave a COVID-19 update which is as follows:

Ulster County

Total Cases 10,600

Total Active 1,591

Total Deaths 227

Total Tested 284,000

Marlborough

Total Cases 675

Total Active 105

Total Deaths 6

C). Referendum for four-year term for the Highway Superintendent

The Board agreed to have a referendum for a four-year term for the Highway Superintendent at the November 2, 2021 election.

ITEM #10 Correspondence

No correspondence.

ITEM #11 Public Comment

James Garofalo suggested charging fees by the size (number of rooms or whole house) of a short term rental.

ITEM #12 Resolution

- A). Resolution #30 To appoint a part time Police Officer
- B). Resolution #31 To appoint a part time Police Officer
- C). Resolution #32 To add a return check fee to the Town of Marlborough fee schedule
- D). Resolution #33 To adopt Local Law # 1 of the year 2021 to amend section 2 of the local law No. 2 of 2015-Term dates for Planning Board Members
- E). Resolution #34 To Introduce the recommendations of the Town of Marlborough Police Reform Committee as set forth in the Town of Marlborough Police Reform Committee Report dated February 10, 2021.

ITEM#13 ADJOURNMENT

Councilman Corcoran made a motion to adjourn the meeting at 8:44 p.m. Motion seconded by Councilman Molinelli.

Yea: 5

Nays: 0

Carried

Respectfully submitted,

Danielle Cherubini

Deputy Town Clerk

February 22, 2021

A). Resolution #30 To appoint a part time Police Officer

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough Police Department has an open position for a part time police officer, and

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Gina Kehoe as part time police officer

Be it resolved, that Gina Kehoe be appointed effective immediately.

And it moves for adoption

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

February 22, 2021

B). Resolution #31 To appoint a part time Police Officer

Supervisor Lanzetta proposes the following:

Whereas, the Town of Marlborough Police Department has an open position for a part time police officer, and

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Christopher Hamel as part time police officer

Be it resolved, that Christopher Hamel be appointed effective immediately.

And it moves for adoption

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

February 22, 2021

C). Resolution #32 To add a return check fee to the Town of Marlborough fee schedule.

Supervisor Lanzetta proposes the following:

Whereas, there has been an increase of returned checks for insufficient funds, and

Whereas, the Town of Marlborough would like to add a \$35.00 return check fee to the Town of Marlborough fee schedule.

Be it resolved, that the Town Board of the Town of Marlborough hereby approves adding a \$35.00 return check fee to the fee schedule.

And it moves for adoption

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

February 22, 2021

D). Resolution #33 To adopt Local Law # 1 of the year 2021 to amend section 2 of the local law No. 2 of 2015-Term dates for Planning Board Members

Supervisor Lanzetta proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 1 of 2021, entitled Local Law No. 1 of 2021, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK TO AMEND SECTION 2 OF LOCAL LAW NO. 2 OF 2015.

WHEREAS, a public hearing in relation to said local law was held on February 22, 2021 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 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 2 of Local Law No. 2 of 2015 is amended to read as follows (additions are underscored and deletions are stricken):

Section 2. The purpose of this local law is to increase the membership of the Town of Marlborough Planning Board from five members to seven members each of whom shall serve a term which ends at the end of the calendar year. ~~The two additional members shall be first appointed by resolution of the Town Board. Each Planning Board term shall expire after five years.~~

The terms of office of members of the Planning Board shall re-commence on the effective date of this local law and expire as follows:

The term of one member shall expire on December 31, 2021.

The term of one member shall expire on December 31, 2022.

The term of one member shall expire on December 31, 2023.

The terms of two members shall expire on December 31, 2024.

The terms of two members shall expire on December 31, 2025.

The persons appointed for the foregoing terms shall be designated by the Town Board.

At the expiration of the term of each member, such member shall be re-appointed or his or her successor shall be appointed for a term of five years. Each incumbent member of the Planning Board whose term of office is shortened by the Town Board in accordance with this local law and who has informed the Town Board in writing that he or she wishes to continue in office following the expiration of his or her shortened term and who is in good standing at the time of the expiration of his or her shortened term will be exempt from the provisions of the Town of Marlborough - Appointed Person Interview and Appointment Procedure adopted on September 22, 2008, which Procedure shall be waived in connection with the re-appointment of each such incumbent member for a successive five year term.

Section 2. Supersession.

Pursuant to Section 22 of New York State Municipal Home Rule Law, the provisions of this law are intended to supersede any inconsistent provisions of state or local law, including those of the following sections of New York State Town Law governing Planning Boards: Town Law Section 271.

Section 3. This local law shall be effective upon filing with the Secretary of State.

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 that it contains the correct text of 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	No
Councilman Koenig	Yes

DATED: Milton, New York
February 22, 2021

COLLEEN CORCORAN, TOWN CLERK

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February 22, 2021

E). Resolution #34 To Introduce the recommendations of the Town of Marlborough Police Reform Committee as set forth in the Town of Marlborough Police Reform Committee Report dated February 10, 2021.

Councilman Baker proposes the following:

WHEREAS, by Executive Order 203, issued by Governor Cuomo on June 12, 2020, that requires all local governments in the state to adopt a policing reform plan by April 1, 2021, and

WHEREAS, that same executive order declared that every municipality with a police agency “must perform a comprehensive review of current police force deployments, strategies, policies, procedures and practices for the purposes of addressing the particular needs of communities served by such police agency and promotes community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color”, and

WHEREAS, the Town of Marlborough Town Board has formed a committee of community members, clergy, town board members, and local and county law enforcement experts to develop a report and set of recommendations, and

WHEREAS, a draft report and recommendations dated February 10, 2021, have been presented to the town board for their approval and,

WHEREAS, Councilman Baker advised the Town Board that pursuant to Executive Order 203 it will be necessary to hold a public hearing of this plan. He offered the following resolution which was seconded by Supervisor Lanzetta, who moved for its adoption.

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor’s Executive Order No. 202.1, on March 8, 2021, at 7:00 o’clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Marlborough, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1 on March 8, 2021 at 7:00 o'clock, p.m., prevailing time, on proposed Town of Marlborough Police Reform Committee Draft Report. The public hearing will be held remotely via the video conferencing platform Zoom in accordance with the Governor's Executive Order No. 202.1. All interested parties can join the Public Zoom meeting by contacting the Town Clerk's office for an invitation.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed report and updated sections of the policy and procedure manual will be available for examination on the town's website, www.townofmarlboroughny.org and at the office of the Clerk of the Town of Marlborough, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 4:00 p.m. on all business days between the date of this notice and the date of the public hearing.

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

DATED: Milton, New York
February 22, 2021

COLLEEN CORCORAN, TOWN CLERK

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