

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
SEPTEMBER 25, 2023 7:00 PM
MINUTES OF MEETING

Present: Supervisor Corcoran
Councilman Zambito
Councilman Cauchi

Danielle Cherubini, Deputy Town Clerk

Absent: Councilman Molinelli
Councilwoman Sessa

Also present: Veronica Evanega, President of Marlboro Art Coalition (MaArCo)
David Diaz, Resident

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilman Cauchi made a motion to approve the agenda. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

ITEM #4 Motion to approve minutes from the September 11, 2023 Town Board Meeting

Councilman Cauchi made a motion to approve minutes from the September 11, 2023 Town Meeting. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

ITEM #5 Authorize payments of bills

Councilman Cauchi made a motion to authorize payment of the abstract in the amount of \$170,147.55. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

ITEM #6 Supervisor Updates

Supervisor Corcoran stated that the windows for the community/rec center should be delivered on the 28th of September. There are resolutions on the agenda to approve the settlement with Arch Insurance and also to accept an estimate for doors. The exterior should be done by winter and the goal is to be open in the spring of 2024.

American Cruise Line is docking at the pier this fall and also gave their 2024 schedule. Seastreak is confirmed and will be docking in October and November.

The kayak launch was installed. The Highway Department poured the concrete foundation and helped the company install it.

Bids are out for the repairs to the Milton Landing North Pier and the Milton Landing Park Revitalization.

The Ulster County Executive is going to hold their budget speech on October 3, 2023 at Town Hall. Trunk or Treat will be October 28, 2023 which will be combined with Community Day; they anticipate about 1,000 people.

The flagpole from TOMVAC will be moved to the park and placed where the old “Christmas Tree” was that died. The plan is to have the town staff install a pulley system to make a lit Christmas Tree on the flagpole. The community/rec center will get a new flagpole.

Supervisor Corcoran and Councilman Zambito thanked the Board and all the staff in the Town Highway and Water Departments and Town Hall for everything they do.

ITEM #7 Presentations

No presentations.

ITEM #8 Comments on the agenda

No comments on the agenda.

ITEM #9 New Business

A). Motion to accept the tentative 2024 Budget

Supervisor Corcoran stated that the Board has to accept the tentative budget which is at about 2.9% right now. It isn’t the final budget; he would like to get it down a little. There was a brief discussion about parks and recreation.

Councilman Cauchi made a motion to accept the 2024 Tentative Budget. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

B). Change Town Board Meeting date from October 9, 2023 (Columbus Day) to October 10, 2023

Councilman Cauchi made a motion to change the Town Board Meeting date from October 9, 2023 (Columbus Day) to October 10, 2023. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

ITEM #10 Workshop topics

A). Open Board discussion

Supervisor Corcoran stated that the agreements are almost finalized for the donation of Young’s Field and the (King’s) property by the Sand Avenue Park. He asked the current owner of Young’s Field to put in the agreement that the property will always remain a town property so the kids always have a place to play baseball. The grant from the county will count toward lighting for Young’s Field.

ITEM #11 Correspondence

Supervisor Corcoran read the following correspondence:

- *A letter from Kathy Sylvester requesting that line dancing be added back to the town budget.*

Supervisor Corcoran stated that he feels that it is working good right now; they use the park at no charge and Mr. Alexander can charge the participants who come from all over.

- A letter from Marlboro Youth Football & Cheer requesting use of the lower field at Cluett Schantz Memorial Park for specific dates between September 25th and November 11th.

Councilman Cauchi made a motion to allow Marlboro Youth Football & Cheer use of the lower field at Cluett Schantz Park for the dates requested.

Yea: 3 Nays: 0 Carried

- A letter from the Marlboro Art Coalition (MaArCo) requesting use of the Train Station at no charge for specific dates to display their art. The dates coincide with the docking of Seastreak and American Cruise Lines.

Supervisor Corcoran made a motion to waive the fees for MaArCo to use the Train Station for the dates they requested. Motion seconded by Councilman Zambito.

Yea: 3 Nays: 0 Carried

ITEM #12 Public Comment

David Diaz, Resident of 15 Mt. Rose Rd. stated that he wanted to support the Town with regard to the recent notification he and his neighbors received about the issues going on with another neighbor on the road. There has been increased traffic on their small road, cars have been blocking private driveways, there have been trespassers on private property, the noise levels are above the ordinance; a blatant disrespect to the Town and its residents.

Supervisor Corcoran stated that the Town is doing what they need to do step by step; they are taking this issue to the supreme court. He is sorry this is happening and hopes to get resolve soon. The people who are causing the disturbance need to go before the Planning Board for a site plan. Councilman Zambito suggested that Mr. Diaz and the other neighbors attend the Planning Board meeting to be heard when the property owner does go before them for a site plan.

Veronica Evanega. President of MaArCo, introduced the idea of an “apple parade”. An apple parade would be local artists designing their type of art into an apple and displaying them repetitively either on the ground or hung. They would like to display them at local farms and also at the Town Park.

Supervisor Corcoran asked for a slideshow presentation of what they are thinking so the Board can understand and see what they are looking to do.

There was a brief discussion about getting photos for the Supervisor’s Office.

ITEM #13 Resolutions

- Resolution # 90 To hold a public hearing on the 2024 budget
- Resolution # 91 To authorize the Town Board to set a Public Hearing and to declare intent to Act as Lead Agency and to Refer to the Planning Board and the Ulster County Department of Planning the Application of SDL Marlborough LLC for a Proposed Petition for a Zoning Text Amendment
- Resolution # 92 To approve and ratify commencement of an action to enjoin code violations
- Resolution # 93 To accept an emergency estimate for the installation of exterior doors
- Resolution # 94 To appoint part time police officer
- Resolution # 95 To appoint part time police dispatcher
- Resolution # 96 To appoint full time police dispatcher
- Resolution # 97 To authorize the Supervisor to sign a settlement agreement

ITEM #14 Adjournment

Councilman Zambito made a motion to adjourn the meeting at 7:45 p.m. Motion seconded by Councilman Cauchi.

Yea: 3 Nays: 0 Carried

Respectfully submitted,

Danielle Cherubini

Deputy Town Clerk

September 25, 2023

A). Resolution #90 To hold a public hearing on the 2024 budget

Supervisor Corcoran proposes the following:

Be it resolved, that consistent with Town Law Section 108, a public hearing on the 2024 Preliminary Budget will be held on October 10, 2023 at 7:00 PM

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

B). Resolution # 91 To authorize the Town Board to set a Public Hearing and to declare intent to Act as Lead Agency and to Refer to the Planning Board and the Ulster County Department of Planning the Application of SDL Marlborough LLC for a Proposed Petition for a Zoning Text Amendment

Supervisor Corcoran proposes the following:

WHEREAS, on or about September 8, 2023, SDL Marlborough, LLC (the “Applicant”) by its Attorney submitted a Petition for a Zoning Text Amendment the Town Board of the Town of Marlborough; and

WHEREAS, the Applicant seeks to amend Chapter 155 Zoning, Article VI, Supplementary Regulations Governing Certain Uses, Section 155-30(B) Design Standards, of the Town of Marlborough Zoning Code; and

WHEREAS, the following amendment is proposed to be added to Article IV, Section 155-30(B) and consists of the following underlined text to be added:

Section 155-30 Multiple Dwellings.

(B) Design Standards.

(4) For properties of twenty acres or more, the minimum distances between structures for multi-family dwellings where there are two or more structures on a single lot devoted to multiple dwellings, the minimum distance between structures (foundations) shall not be less than 15 feet and shall follow the New York State Residential Building Code.

WHEREAS, the Application is classified as a Type I action under the New York State Environmental Quality Review Act and its implementing regulations, 6 NYCRR Part 617, (“SEQRA”); and

WHEREAS, the Town Board shall declare its intent to be lead agency pursuant to 6 NYCRR Part 617 for the review of a petition to amend the zoning code; and

WHEREAS, upon receipt of a petition to amend the zoning code, such as the petition submitted by SDL Marlborough, LLC, the Town Board is required to refer said application to the Planning Board for its review and recommendation pursuant to Section 155-49 of the Town Code; and

WHEREAS, Section 155-49 of the Town Code requires the Planning Board, within a maximum of 30 days of receipt of an application from the Town Board, to issue its report before the required public hearing occurs;

WHEREAS, the Town Board desires to (i) declare its intent to act as Lead Agency for a coordinated review of the Application under SEQRA, (ii) direct the Town to circulate notice of its intent to all involved and interested agencies, and (iii) refer the Application to the Planning Board for its review and recommendation pursuant to Town Code Sections 155-48 and 155-49; and

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares its intent to act as Lead Agency for a coordinated review under SEQRA for SBL Marlborough, LLC's Petition for a Zoning Text Amendment; and
2. The Town is directed to circulate notice of its intent to act as Lead Agency for the Application to all involved and interested agencies pursuant to 6 NYCRR Part 617; and
3. The Town Board refers SBL Marlborough, LLC's Petition for a Zoning Text Amendment to the Planning Board for its review and recommendation pursuant to Town Code Section 155-49; and
4. The Town Board hereby sets a public hearing in relation to the proposed changes as set forth in forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York, on November 13, 2023 at 7:00 p.m. prevailing time; and
5. The Town Board directs 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 ten (10) days before such hearing in the form as provided below; and
6. The Town Board directs the Town Clerk to notify the Town Clerks of each of the surrounding municipalities of the public hearing pursuant to GML 239-nn; and
7. The Town Board directs the Town Clerk to notify the Department of County Planning pursuant to GML 239-m.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall, 21 Milton Turnpike, Milton, New York on **November 13, 2023** at 7:00 o'clock, p.m., on a the proposed changes to be referred to as proposed Local Law of the Town of Marlborough, Ulster County, New York to be known as LOCAL LAW ___ OF 2023 TO AMEND CHAPTER 155 ZONING, ARTICLE VI, SUPPLEMENTARY REGULATIONS GOVERNING CERTAIN USES, SECTION 155-30(B) DESIGN STANDARDS, OF THE TOWN OF MARLBOROUGH ZONING CODE.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of Marlborough, at the Town Hall, 21 Milton Turnpike, Milton, New York, between the hours 8:00 a.m. and 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 persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York
September 25, 2023

COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Corcoran	Yes
Councilman Molinelli	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Councilwoman Sessa	Absent

September 25, 2023

C). Resolution # 92 To approve and ratify commencement of an action to enjoin code violations

Supervisor Corcoran proposes the following:

Whereas, the Town Board of the Town of Marlborough has been advised by the Building Inspector that Adam H.J. Broza owner of 20 Mount Rose Rd, Town of Marlboro New York, Section Block & Lot Number 109.1-4-57 (The Premises) violated Town Code Sections 155-31 and 155-31 (B), and

Whereas, the Town Board has been requested to approve a commencement of an injunction action in Ulster County Supreme Court to enforce the Town of Marlborough Town Code as against the premises owner (the “Action”), and

Whereas, the Town Board of the Town of Marlborough finds that it is in the best interest of the Town to retain the legal services of Van DeWater and Van DeWater, LLP, to provide legal advice and litigation services for this action at the rate of \$285.00 per hour, plus disbursements.

Now therefore be it resolved, that the Town Board approves and ratifies commencement of an action to enjoin code violations by Adam H.J. Broza owner of 20 Mount Rose Road, Town of Marlborough New York and

Be it further resolved, that the Town Board authorizes the Supervisor to retain Van DeWater and Van DeWater, LLP to provide legal services for this action.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

D). Resolution # 93 To accept an emergency estimate for the installation of exterior doors

Supervisor Corcoran proposes the following:

Whereas, Bell Engineering had prepared bid documents for the Town of Marlborough Community/Rec Center Phase 2: Alterations Re-bid General Construction Contract, and

Whereas, the Town awarded a General Construction Contract Bid to WND Construction, LLC by resolution on August 8, 2022, and

Whereas, WND Construction LLC was unable to complete the construction due to unforeseen circumstances, and

Whereas, the Town of Marlborough obtained three emergency estimates according to the requirement in the Town of Marlborough Procurement Policy for the installation of the exterior doors, and

Whereas, the Town received the following estimates:

Nu-Glass and Storefronts	\$36,800.00
Diversified Glass & Mirror	\$41,275.00
MetroGlass and Mirror	\$44,100.00

Whereas, the low bidder, Nu-Glass did not have several items in their estimate including the electronic strikes, wiring harness, center bar, the door closers, and the Automatic door opener, and

Whereas, it is the recommendation of Bell Engineering to accept the second lowest bidder, Diversified Glass in the amount of \$41,275.00

Be it resolved, that the Town of Marlborough accepts the emergency estimate from Diversified Glass to complete the installation of exterior doors.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

E). Resolution # 94 To appoint part time police officer

Supervisor Corcoran 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 Brian Levy as part time police officer.

Be it resolved, that Brian Levy be appointed effective immediately.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

F). Resolution # 95 To appoint part time police dispatcher

Supervisor Corcoran proposes the following:

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

Whereas, it is the recommendation of the Chief of Police and the Police Committee to appoint Daniele Erichsen as part time police dispatcher.

Be it resolved, that Daniele Erichsen be appointed effective immediately.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

G). Resolution # 96 To appoint full time police dispatcher

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Police Department has an open full time dispatcher position, and

Whereas, Emily Aldrich is a current part time dispatcher, and

Whereas, Emily Aldrich has taken and passed the Ulster County Civil Service Exam, and

Whereas, it is the recommendation of the Chief of Police along with the Police Committee to appoint Emily Aldrich as a full-time police dispatcher.

Be it resolved, that Emily Aldrich be appointed as full-time police dispatcher effective immediately.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes

September 25, 2023

H). Resolution # 97 To authorize the Supervisor to sign a settlement agreement

Supervisor Corcoran proposes the following:

Whereas, WND Construction entered into a construction contract with the Town of Marlborough, and

Whereas, WND and the Arch Insurance Company executed and delivered a performance bond number SU1187103 as required, and

Whereas, the Town of Marlborough declared WND in default of their contract and by a letter dated June 7, 2023 terminated WND contract and called upon Arch Insurance Company to perform pursuant to the terms of the bond, and

Whereas, the Town of Marlborough and Arch Insurance Company have agreed upon a settlement amount of \$380,257.91.

Be it resolved that the Town Board of the Town of Marlborough hereby authorizes the Town Supervisor to sign the settlement agreement with Arch Insurance Company.

And moves for its adoption:

Councilman Molinelli	Absent
Councilwoman Sessa	Absent
Councilman Cauchi	Yes
Councilman Zambito	Yes
Supervisor Corcoran	Yes