

**AGENDA  
WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
(ZOOM VIDEO MEETING DUE TO THE  
CORONAVIRUS PANDEMIC)  
MAY 26, 2020 7:00 PM**

**ITEM #1 Call to order - Pledge of Allegiance**

**ITEM #2 Moment of Silence**

**ITEM #3 Motion to approve agenda**

**ITEM #4 Motion to approve minutes from the May 11, 2020 Town Board Meeting**

Motion to approve minutes from both the April 13, 2020 through May 11, 2020 Public Hearing Chapter 98

Motion to approve minutes from both the April 23, 2020 and May 11, 2020 Public Hearing Chapter 99

**ITEM #5 Authorize payments of bills**

**ITEM #6 Presentations**

A). Michael Cucchiara from NexAmp

**ITEM #7 Comments on the agenda**

**ITEM #8 New Business**

**ITEM #9 Workshop topics**

A). COVID-19

B). Christian Hill Trail

**ITEM #10 Correspondence**

**ITEM #11 Public Comment**

**ITEM #12 Resolutions**

A). Resolution # 61 To accept Highway Items Bid

B). Resolution # 62 To accept Fuel items

C). Resolution # 63 A proposed Lease Option Agreement and Ground Lease for a solar photovoltaic system on the Landfill site

**ITEM #13 Adjournment**

May 26, 2020

A). Resolution # 61 To accept Highway Items Bid

Supervisor Lanzetta proposes the following:

Whereas, a legal notice appeared in the official newspaper of the Town of Marlborough requesting bids on materials for the Town of Marlborough Highway Department, and

Whereas, May 11, 2020 all bids were open and read aloud, and

Whereas, the Superintendent of Highway has recommended the following items

**Item #1 Material Hauling-JKN Trucking**

**Item #2 Asphalt and Material Hauling-JKN Trucking**

**There were no other bids**

Item # 3 Washed Stone and Hauling

Item 4 at \$20.50/ton –material and delivery-**E.TETZ AND SONS**  
**JKN TRUCKING \$24.75**

**¾ stone at \$25.75/ton material and delivery-JKN TRUCKING**  
**E.TETZ AND SONS \$28.00**

And moves for its adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	_____

May 26, 2020

B). Resolution # 62 To accept Fuel items

Supervisor Lanzetta proposes the following:

Whereas, a legal notice appeared in the official newspaper for the Town of Marlborough requesting bids for the Towns fuel needs, and

Whereas, May 11, 2020 all bids were opened and read aloud

Now therefore be it resolved that, the following bids are awarded

**Mirabito-Heating oil at .1850/gal over Journal of Commerce Albany reseller tank Car**  
No other bids received

**Mirabito- Propane will be donated to the Town**  
No other bids received

And moves for its adoption

Councilman Corcoran	-----
Councilman Molinelli	-----
Councilman Koenig	-----
Councilman Baker	-----
Supervisor Lanzetta	-----

May 26, 2020

C). Resolution # 63 A proposed Lease Option Agreement and Ground Lease for a solar photovoltaic system on the Landfill site

Supervisor Lanzetta Proposes the following:

WHEREAS, Landlord 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 Ground Lease are on file with the Town Clerk; and

WHEREAS, the execution of the proposed Ground Lease requires a Public Hearing; and

WHEREAS, if the Town is duly authorized to execute the Lease Option Agreement and the Ground Lease and applicable permissive referendum requirements are satisfied, and further, if NEXAMP SOLAR, LLC exercises its option to proceed, NEXAMP SOLAR, LLC will file with the Town an application seeking Town approval for the Facility; and

WHEREAS, pursuant to 6 NYCRR 617.5, the contemplated action is a Type II action; and

WHEREAS, the Town Board intends to assess, after public hearing, 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/or whether the Town Board shall conduct the review of such application and issue any approvals deemed necessary;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board will consider the aforesaid proposed Lease Option Agreement and Ground Lease at a public hearing to be held on June 22, 2020.

2. The Town Board hereby classifies the contemplated action as a Type II action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR 617.5).

3. The Town Board shall also review, at the above referenced public hearing, 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/or whether the Town Board shall conduct the review of any application submitted and issue any approvals deemed necessary.

4. The Town Board hereby solicits recommendations from the Town of Marlborough Planning Board regarding this subject matter and directs the referral of the matter to the Ulster County Planning Board.

5. The Town Clerk is hereby authorized and directed to cause the notice of said public hearing to be published once in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days before the date of public hearing, in the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of Marlborough will meet for the purpose of conducting a public hearing on June 22, 2020 at Marlborough Town Hall, 21 Milton Turnpike, Milton, New York, at 7:00 p.m., prevailing time, relating to a proposed Lease Option Agreement and proposed Ground Lease for a portion of Town-owned real property at the 20 Baileys Gap Road which is the site of the former solid waste management facility (Landfill), 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 whether the establishment of the Facility 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 any application submitted and issue any approvals deemed necessary.

TAKE FURTHER NOTICE, that copies of the proposed Lease Option Agreement and proposed Ground Lease are on file with the Town Clerk.

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

PLEASE TAKE FURTHER NOTICE THAT, given the new coronavirus pandemic and resulting Executive Orders issued by the Governor, it is possible that this public hearing will be held remotely via Zoom without in-person attendance in which case the meeting ID and password, as well as a call-in phone number, will be posted on the Town website at least ten days before the public hearing.

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

(Balance of page intentionally left blank.)

Supervisor Lanzetta \_\_\_\_\_

Councilman Molinelli \_\_\_\_\_

Councilman Corcoran \_\_\_\_\_

Councilman Baker \_\_\_\_\_

Councilman Koenig \_\_\_\_\_

The resolution was thereupon declared duly adopted.

DATED:      Milton, New York  
                  May 26, 2020

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Colleen Corcoran, Town Clerk