

THE MEETING TONIGHT IS FOR THE CONDUCT OF TOWN BUSINESS BY THE TOWN BOARD. THE PUBLIC IS INVITED TO PARTICIPATE AT THE ITEMS MARKED ON THE AGENDA "PUBLIC COMMENT." DURING THAT SEGMENT OF THE MEETING, IF YOU HAVE A QUESTION OR COMMENT FOR THE SUPERVISOR, PLEASE RAISE YOUR HAND AND WAIT TO BE ACKNOWLEDGED. PLEASE STATE YOUR FULL NAME AND LIMIT YOUR REMARKS TO THREE MINUTES. THANK YOU FOR YOUR ANTICIPATED COOPERATION.

PUBLIC HEARING

LOCAL LAW NO. 1 OF 2023 A LOCAL LAW PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION OF CERTAIN REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT SERVING THE TOWN OF MARLBOROUGH PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

FEBRUARY 27, 2023 7:00 PM
21 MILTON TURNPIKE, MILTON NY

AGENDA
WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
FEBRUARY 27, 2023 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 February 13, 2023 Town Board Meeting

ITEM #5 Authorize payments of bills

ITEM #6 Supervisor Updates

ITEM #7 Presentations

ITEM #8 Comments on the agenda

ITEM #9 New Business

A). Red Cross Blood Drive

ITEM #10 Workshop topics

A). Open discussion for Town Board

ITEM #11 Correspondence

ITEM #12 Public Comment

ITEM #13 Resolutions

- A). Resolution # 36 To appoint a part time police officer
- B). Resolution # 37 To adopt Local Law#1 of the year 2023 providing for partial exemption from taxation of certain real property owned by an enrolled member of an incorporated volunteer fire company or fire department serving the Town of Marlborough pursuant to section 466-a of the real property tax law.
- C). Resolution # 38 To introduce a Local Law of the year 2023
- D). Resolution # 39 To introduce a Local Law of the year 2023

ITEM #14 ADJOURNMENT

February 27, 2023

A). Resolution # 36 To appoint a part time police officer

Supervisor Corcoran proposes the following:

Whereas, Justin Pascale retired as a full-time police sergeant effective February 28, 2023.

Now therefore be it resolved, that Justin Pascale be re-appointed as a part time police officer effective March 2, 2023

And moves for its adoption:

Councilman Molinelli	-----
Councilwoman Sessa	-----
Councilman Cauchi	-----
Councilman Zambito	-----
Supervisor Corcoran	-----

February 27, 2023

B). Resolution # 37 To adopt Local Law#1 of the year 2023 providing for partial exemption from taxation of certain real property owned by an enrolled member of an incorporated volunteer fire company or fire department serving the Town of Marlborough pursuant to section 466-a of the real property tax law.

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 1 of 2023, entitled LOCAL LAW NO. 1 OF 2023 A LOCAL LAW PROVIDING FOR PARTIAL EXEMPTION FROM TAXATION OF CERTAIN REAL PROPERTY OWNED BY AN ENROLLED MEMBER OF AN INCORPORATED VOLUNTEER FIRE COMPANY OR FIRE DEPARTMENT SERVING THE TOWN OF MARLBOROUGH PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

WHEREAS, a public hearing in relation to said local law was held on February 27, 2023, 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. Purpose.

This Local Law is enacted for the purpose of exempting from taxation certain real property owned by an enrolled member of an incorporated volunteer fire company or fire department which serves the Town of Marlborough to the extent of ten percent (10%) of the assessed value of such real property, as authorized by Section 466-a of Real Property Tax Law of the State of New York.

Section 2. Amendment.

The Town of Marlborough Code entitled **Chapter 137. TAXATION** shall be and hereby is amended by this Local Law by the addition of a new Article IV Exemption for Volunteer Firefighters, which shall read in its entirety as follows:

Article IV Tax Exemption for Volunteer Firefighters

§ 137-18. Legislative Intent.

The purpose of this Article is to provide a partial exemption from taxation imposed by the Town of Marlborough upon real property situated within the Town of Marlborough owned by persons who voluntarily serve as members of an incorporated volunteer fire company or fire department serving the Town of Marlborough (a “Volunteer Fire Company or Fire Department”) subject to the provisions set forth herein, pursuant to the authority granted to the Town by § 466-a of the Real Property Tax Law of the State of New York.

§ 137-19. Partial Exemption Granted.

- A. Real property within the Town of Marlborough owned by an enrolled volunteer member of a Volunteer Fire Company or Fire Department or by such enrolled member and his or her spouse shall be exempt from taxation to the extent of ten percent (10%) of the assessed value of such property for Town and Special District purposes, exclusive of special assessments, Water District, Water Improvement Area, Sewer District and Sewer Improvement Area ad valorem levies, and assessments for capital improvements, subject to the following requirements.
- B. Such exemption shall not be granted unless:
 1. The enrolled member/applicant of the Volunteer Fire Company or Fire Department resides within the Town of Marlborough;
 2. The real property is the primary residence of the enrolled member/applicant;
 3. The real property is used exclusively for residential purposes; provided however, that in the event any portion of such real property is not used exclusively for the enrolled member/applicant’s residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion used for residential purposes shall be entitled to the exemption provided by this Article; and
 4. The enrolled member/applicant has been certified by the authority having jurisdiction of the Volunteer Fire Company or Fire Department (the “Governing

Authority") as an enrolled member of such Company or Department having served a minimum of (2) two consecutive years of service. Such Governing Authority shall certify eligibility for the exemption utilizing the official service records of each enrolled member/applicant.

§ 137-20. Lifetime Partial Exemption Eligibility.

Eligible real property owned by an enrolled member of the Volunteer Fire Company or Fire Department who accrues more than (20) twenty years of active service and whose enrollment is so certified by the applicable Governing Authority of the Volunteer Fire Company or Fire Department shall be granted the ten percent (10%) exemption as authorized by this Article for the remainder of the enrolled member's life as long as such real property remains his or her primary residence in the Town of Marlborough.

§ 137-21. Line of Duty Death Partial Exemption Eligibility.

Un-remarried spouses of volunteer firefighters from the Volunteer Fire Company or Fire Department killed in the line of duty shall be entitled to continue the partial exemption granted hereunder; provided, however, that:

1. Such un-remarried spouse is certified by the Governing Authority as an un-remarried spouse of an enrolled member of the Volunteer Fire Company or Fire Department who was killed in the line of duty when so enrolled; and
2. such deceased volunteer firefighter had been an enrolled member of Volunteer Fire Company or Fire Department for at least (5) five years; and
3. the eligible real property owned by such deceased volunteer firefighter at the time of his or her death had been receiving the exemption prior to his or her death.

§ 137-22. Deceased Member Partial Exemption Eligibility.

Eligible real property owned by un-remarried spouses of deceased volunteer firefighters of a Volunteer Fire Company or Fire Department shall be entitled to continuation of the partial exemption granted hereunder, provided, however, that:

1. Such un-remarried spouse is certified by the Governing Authority as an un-remarried spouse of a person who was an enrolled volunteer member of a Volunteer Fire Company or Fire Department at the time of his or her death; and

2. such deceased volunteer firefighter had been an enrolled member of a Volunteer Fire Company or Fire Department for at least (20) twenty years; and
3. the eligible real property benefited from the partial exemption prior to his or her death.

§ 137-23. Application Procedure.

A volunteer firefighter must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the assessor responsible for preparing the assessment roll for the Town of Marlborough on a form as prescribed by the New York State Commissioner of Taxation and Finance.

Section 3. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law and Real Property Tax Law §466-a. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

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 Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilman Zambito _____

Councilwoman Sessa _____

DATED: Milton, New York
February 27, 2023

COLLEEN CORCORAN, TOWN CLERK

February 27, 2023

C). Resolution # 38 To introduce a Local Law of the year 2023

Supervisor Corcoran proposes the following:

A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK,
AMENDING CHAPTER 67 “BUILDING CONSTRUCTION” ARTICLE I
“ADMINISTRATION AND ENFORCEMENT” SECTION THREE “CODE ENFORCEMENT
OFFICER; INSPECTORS,” GRANTING THE CODE ENFORCEMENT OFFICER THE
AUTHORITY TO ISSUE SUMMONSES FOR PARKING OFFENSES AS DEFINED UNDER
CHAPTER 145 OF THE TOWN CODE

BE IT ENACTED by the Town Board of the Town of Marlborough, that the Town Code is amended to read as follows:

Section 1. Purpose

This Local Law is enacted for the purpose of amending the code to provide the Code Enforcement Officer with the authority to issue summonses for parking offenses as defined under Chapter 145 of the Town Code.

Section 2. Amendment.

The Town of Marlborough Code entitled Chapter 67 BUILDING CONSTRUCTION, Article I ADMINISTRATION AND ENFORCEMENT, Section Three, CODE ENFORCEMENT OFFICER; INSPECTORS shall be and hereby is amended by this Local Law, which shall read in its entirely as follows:

Article I Administration and Enforcement

§ 67-3 Code Enforcement Officer; Inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this article. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review and approve or disapprove applications for building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy, certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy, certificates

of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;

(3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy, certificates of compliance, temporary certificates and operating permits, fire safety and property maintenance inspections, inspections incidental to the investigation of complaints and all other inspections required or permitted under any provision of this article;

(4) To issue stop-work orders;

(5) To review and investigate complaints;

(6) To issue orders pursuant to § 67-15A, Compliance orders, of this article;

(7) To maintain records;

(8) To collect fees as set by the Town Board of this Town;

(9) To pursue administrative enforcement actions and proceedings;

(10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this article, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this article;

(11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this article; and

(12) To issue summonses for parking offenses as defined in § 145-21 of the Town Code.

B. – E. ... no change

Section 3. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Supervisor Corcoran advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman _____, who moved its adoption:

Whereas, on February 27, 2023, _____ has introduced this local law for the Town of Marlborough, to be known as LOCAL LAW NO. ___ OF 2023 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 67 “BUILDING CONSTRUCTION” ARTICLE I “ADMINISTRATION AND ENFORCEMENT” SECTION THREE “CODE ENFORCEMENT OFFICER; INSPECTORS,” GRANTING THE CODE ENFORCEMENT OFFICER THE AUTHORITY TO ISSUE SUMMONSES FOR PARKING OFFENSES AS DEFINED UNDER CHAPTER 145 OF THE TOWN CODE

THEREFORE BE IT 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, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York, on March 13, 2023, 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 ten (10) 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 at the Town Hall, 21 Milton Turnpike, Milton, New York on **March 13, 2023** at 7:00 o'clock, p.m., on Local Law No. ___ of the Year 2023, on a proposed Local Law of the Town of Marlborough, Ulster County, New York to be known as LOCAL LAW NO. ___ OF 2023 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 67 "BUILDING CONSTRUCTION" ARTICLE I "ADMINISTRATION AND ENFORCEMENT" SECTION THREE "CODE ENFORCEMENT OFFICER; INSPECTORS," GRANTING THE CODE ENFORCEMENT OFFICER THE AUTHORITY TO ISSUE SUMMONSES FOR PARKING OFFENSES AS DEFINED UNDER CHAPTER 145 OF THE TOWN 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
 February 27, 2023

COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilwoman Sessa _____

Councilman Zambito _____

DATED: Milton, New York
February 27, 2023

COLLEEN CORCORAN, TOWN CLERK

February 27, 2023

D). Resolution # 39 To introduce a Local Law of the year 2023

Supervisor Corcoran proposes the following:

A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK,
AMENDING CHAPTER 145 “VEHICLES AND TRAFFIC” ARTICLE VIII “PENALTIES”
PROVIDING THE TOWN BOARD WITH THE AUTHORITY TO SET FINES FOR
PARKING OFFENSES THROUGH THE TOWN OF MARLBOROUGH FEE SCHEDULE,
AND TO PROVIDE THE CODE ENFORCEMENT OFFICER WITH THE AUTHORITY TO
ISSUE PARKING SUMMONSES

BE IT ENACTED by the Town Board of the Town of Marlborough, that the Town Code is amended to read as follows:

Section 1. Purpose

This Local Law is enacted for the purpose of amending the penalties listed for parking tickets to provide for the Town Board to have the ability to set these fines through the Town of Marlborough fee schedule. This Local Law also serves the purpose of giving the Code Enforcement Officer the authority to issue Parking Tickets.

Section 2. Amendment.

The Town of Marlborough Code entitled **Chapter 145. VEHICLES AND TRAFFIC**, **Article VIII PENALTIES** shall be and hereby is amended by this Local Law, which shall read in its entirety as follows:

Article VIII Penalties

§ 145-20 Penalties for offenses. ... no change

§ 145-21 Penalties for parking offenses.

A. Every person accused of a parking offense in violation of the Vehicle and Traffic Law of the State of New York has the option of appearing in Town Court before the presiding Town Justice or may use the mail by filing the official Town of Marlborough traffic summons and remitting the minimum fine set pursuant to ~~this section as follows~~ the Town of Marlborough fee schedule in effect as adopted by the Town Board.

Offense	Fine
Double parking, blocking driveway, parking overtime, parked against traffic, parked in bus stop, no parking or parked on sidewalk	\$20.00
Parked in fire lane	35.00
Blocking fire hydrant or violation of Snow Ordinance	50.00

~~Parking a vehicle on a public highway that is unregistered or improperly registered displays improper or switched license plates, does not display a valid inspection sticker, obstructs the normal flow of traffic or protrudes into an intersection~~ 20.00

Blocking a Fire Hydrant

Parked in Fire Lane

No Parking Any Time

Restricted Parking

Temporary Parking Prohibited

Parking Overtime

Parked in Bus Zone

Parked in Handicapped Parking Area

Violation of Snow Ordinance

Double Parking

Parking on Sidewalk

Blocking Intersection

Blocking Crosswalk

Blocking Driveway

B. Any vehicle that is found in violation of any of the above parking offenses, after been issued a parking ticket for the same, may be towed at the owner's expense, at the direction of any Town of Marlborough Police or ~~traffic officer~~ Code Enforcement Officer.

Section 3. Severability

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase of this Local Law, which shall remain in full force and effect.

Section 4. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section 5. Authority

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

Section 6. Effective Date

This law shall become effective upon filing with the office of the New York State Secretary of State in accordance with the Municipal Home Rule Law.

Supervisor Corcoran advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman _____, who moved its adoption:

Whereas, on February 27, 2023, _____ has introduced this local law for the Town of Marlborough, to be known as LOCAL LAW NO. ___ OF 2023 A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING CHAPTER 145 "VEHICLES AND TRAFFIC" ARTICLE VIII "PENALTIES" PROVIDING THE TOWN BOARD WITH THE AUTHORITY TO SET FINES FOR PARKING OFFENSES THROUGH THE TOWN OF MARLBOROUGH FEE SCHEDULE, AND TO PROVIDE THE CODE ENFORCEMENT OFFICER WITH THE AUTHORITY TO ISSUE PARKING SUMMONSES

THEREFORE BE IT 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, to be held at the Town Hall, 21 Milton Turnpike, Milton, New York, on March 13, 2023, 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 ten (10) days before such hearing and that notice shall be in the following form:

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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
 February 27, 2023

COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Corcoran _____

Councilman Molinelli _____

Councilman Cauchi _____

Councilwoman Sessa _____

Councilman Zambito _____

DATED: Milton, New York
February 27, 2023

COLLEEN CORCORAN, TOWN CLERK