

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
21 MILTON TURNPIKE, MILTON NY
MARCH 13, 2023 7:00 PM

LOCAL LAW OF THE YEAR 2023 TO AMEND 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

AND

LOCAL LAW OF THE YEAR 2023 TO AMEND CHAPTER 67 "BUILDING AND 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

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
MARCH 13, 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 the February 27, 2023 Town Board Meeting minutes
Motion to approve the February 27, 2023 Public Hearing minutes

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

- A) SUPERVISOR – SCOTT CORCORAN
- B) BUILDING INSPECTOR - THOMAS CORCORAN
- C) POLICE CHIEF - GERALD COCOZZA
- D) HIGHWAY SUPERINTENDENT – JOHN ALONGE
- E) WATER SUPERINTENDENT - CHARLIE MUGGEO
- F) TOWN CLERK - COLLEEN CORCORAN
- G) WASTEWATER TREATMENT FACILITY- JULIAN FALCO
- H) DOG CONTROL OFFICER - ANDREW MCKEE
- I) ASSESSOR - CINDY HILBERT
- J) PLANNING - CHRIS BRAND

ITEM #8 Report of Committees

- A) RECREATION COMMITTEE
- B) EMERGENCY MANAGEMENT PREPAREDNESS COMMITTEE
- C) CONSERVATION ADVISORY COMMITTEE
- D) IT COMMITTEE
- E) MILTON TRAIN STATION FOUNDATION
- F) MILTON LANDING CITIZENS COMMITTEE
- G) MARLBORO HAMLET ECONOMIC DEVELOPMENT COMMITTEE
- H) MEET ME IN MARLBOROUGH
- I) HAMLET OF MILTON ASSOCIATION COMMITTEE
- J) TRANSFER STATION REVIEW COMMITTEE

ITEM #9 Presentation

ITEM #10 Old Business

- A). Tomvac Rehabilitation Update

ITEM #11 New Business

ITEM #12 Correspondences

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution # 40 To adopt Local Law #2 of the year 2023 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
- B). Resolution # 41 To adopt Local Law #3 of the year 2023 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
- C). Resolution # 42 To adopt a useful life schedule
- D). Resolution # 43 To advertise for Highway Items
- E). Resolution # 44 To advertise for Fuel Items
- F). Resolution # 45 To accept an application for Towing License

ITEM #15 Adjournment

March 13, 2023

A). Resolution # 40 To adopt Local Law #2 of the year 2023 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

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No. 2 of 2023, entitled 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

WHEREAS, a public hearing in relation to said local law was held on March 13, 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 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 entirely 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.

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 _____

Councilwoman Sessa _____

Councilman Zambito _____

DATED: Milton, New York
March 13, 2023

COLLEEN CORCORAN, TOWN CLERK

March 13, 2023

B). Resolution # 41 To adopt Local Law #3 of the year 2023 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

Supervisor Corcoran proposes the following:

WHEREAS, a local law was introduced to be known as Local Law No 3 of 2023, entitled 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

WHEREAS, a public hearing in relation to said local law was held on March 13, 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 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 entirety 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.

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 _____

Councilwoman Sessa _____

Councilman Zambito _____

DATED: Milton, New York
March 13, 2023

COLLEEN CORCORAN, TOWN CLERK

March 13, 2023

C). Resolution # 42 To adopt a useful life schedule

Supervisor Corcoran proposes the following

Whereas, fixed assets are noncurrent assets that have a useful life of over one year, and

Whereas, fixed assets are depreciated over their useful life.

Be it resolved, that the Town Board of The Town of Marlborough hereby adopts the attached useful life schedule for their fixed assets.

And moves for its adoption:

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

Fixed assets useful life schedule

<u>Description</u>	<u>years</u>	<u>months</u>
Computers	5	60
Cameras	10	120
Live Scan	10	120
Snow Plows	15	180
Spreaders	15	180
desks/file cabinets	20	240
Compressor/Generator	15	180
Sheds	20	240
Pumps	15	180
Mower	15	180
Water tank	15	180
Playground	20	240
cars	8	96
Trucks	10	120
buildings	50	600
Fencing	20	240
South Pier	30	360
Trailers	15	180

March 13, 2023

D). Resolution # 43 To advertise for Highway Items

Supervisor Corcoran proposes the following:

Resolved, that the Town Board authorizes the Town Clerk to advertise for the following highway materials

Item#1 Road Materials-washed stone-3/4 stone, Item 4-delivered per New York State Specs
Item#2 Material Hauling-specs available at the Town Clerks Office

Now therefore be it resolved, that the Town Board authorizes the Town Clerk to place a legal notice in the official newspaper for the Town requesting sealed bids on highway items and that all bids must be accompanied by a signed non collusion affidavit, and

Be it further resolved, that all bids be received by the Office of the Town Clerk, 21 Milton Turnpike, Milton NY 12547 until 2:00 PM April 12, 2023 at which time they will be opened and read aloud.

And moves for its adoption:

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

March 13, 2023

E). Resolution # 44 To advertise for Fuel Items

Supervisor Corcoran proposes the following:

Resolved, that the Town Board authorizes the Town Clerk to advertise for the following items

Item#1 Propane

Item#2 Heating fuel

Now therefore be it resolved, that the Town Board authorizes the Town Clerk to place a legal notice in the official newspaper for the Town requesting sealed bids on fuel items and that all bids must be accompanied by a signed non collusion affidavit, and

Be it further resolved, that all bids be received by the Office of the Town Clerk, 21 Milton Turnpike, Milton NY 12547 until 2:00 PM April 12, 2023 at which time they will be opened and read aloud.

And moves for its adoption:

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

March 13, 2023

F). Resolution # 45 To accept an application for Towing License

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Town Code, Chapter 140 Tow Trucks, states that the Town Clerk shall accept applications for permits from persons desiring to tow in the Town of Marlborough, and

Whereas, the Town Board of the Town of Marlborough must approve the application before the Town Clerk can issue a permit.

Be it resolved that, the application from JBV Towing be approved.

And moves for its adoption:

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