

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.

AGENDA
WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NY
SEPTEMBER 25, 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 September 11, 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). Motion to accept the tentative 2024 Budget

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

ITEM #10 Workshop topics

A). Open Board discussion

ITEM #11 Correspondence

ITEM #12 Public Comment

ITEM #13 Resolutions

- A). Resolution # 90 To hold a public hearing on the 2024 budget
- 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
- C). Resolution # 92 To approve and ratify commencement of an action to enjoin code violations
- D). Resolution # 93 To accept an emergency estimate for the installation of exterior doors
- E). Resolution # 94 To appoint part time police officer
- F). Resolution # 95 To appoint part time police dispatcher
- G). Resolution # 96 To appoint full time police dispatcher
- H). Resolution # 97 To authorize the Supervisor to sign a settlement agreement

ITEM #14 Adjournment

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

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 of 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 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	_____
Councilman Molinelli	_____
Councilman Cauchi	_____
Councilman Zambito	_____
Councilwoman Sessa	_____

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

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	_____
Councilwoman Sessa	_____
Councilman Cauchi	_____
Councilman Zambito	_____
Supervisor Corcoran	_____

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

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

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

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