

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
2024 PRELIMINARY BUDGET
OCTOBER 10, 2023 7:00 PM

FIRST MEETING OF THE MONTH
TOWN BOARD TOWN OF MARLBOROUGH
UPSTAIRS CONFERENCE ROOM
21 MILTON TURNPIKE, MILTON NY
OCTOBER 10, 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 September 25, 2023 Town Board Meeting minutes

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

A) BUILDING INSPECTOR - THOMAS CORCORAN

B) POLICE CHIEF - GERALD COCOZZA

C) HIGHWAY SUPERINTENDENT – JOHN ALONGE

D) WATER SUPERINTENDENT - CHARLIE MUGGEO

E) TOWN CLERK - COLLEEN CORCORAN

F) WASTEWATER TREATMENT FACILITY- JULIAN FALCO

G) DOG CONTROL OFFICER - ANDREW MCKEE

H) ASSESSOR - CINDY HILBERT

I) 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

- A). NY Electrical Inspectors Inc., DBA Inspections on Time

ITEM #12 Correspondence

ITEM #13 Public Comments

ITEM #14 Resolutions

- A). Resolution # 98 To reduce the commercial portion of Bayside's bond
- B). Resolution # 99 To appoint part time police dispatcher
- C). Resolution # 100 To authorize the Supervisor to sign an agreement for donation/transfer of property
- D). Resolution # 101 To authorize the supervisor for the Town of Marlborough to enter into a memorandum of understanding with the ulster county sheriff's office pertaining to the transfer of custody of arrestees for arraignment before the ulster county centralized arraignment part located at the ulster county law enforcement center
- E). Resolution # 102 To accept the bid for Milton Landing North Pier Repairs

ITEM #15 Adjournment

October 10, 2023

Supervisor Corcoran proposes the following:

A). Resolution # 98 To reduce the commercial portion of Bayside's bond

WHEREAS, the Town of Marlborough Planning Board (the "Planning Board") granted site plan approval to Bayside Construction, LLC, as property owner (the "Applicant"), for the Bayside Mixed-Use Development Project on May 7, 2018; and

WHEREAS, as a condition of such approval, the Applicant was required to post four performance bonds and security acceptable to the Town for the completion of the development and execute a performance bond agreement; and

WHEREAS, by a resolution dated February 8, 2021, the Town of Marlborough Town Board approved the following amounts for the four performance bonds:

Stormwater Performance Bond - \$ 671,832.00
Construction Performance Bond - \$ 1,896,748.00
Landscape Performance Bond - \$ 168,882.00
Town Road Performance Bond - \$ 747,852.85; and

WHEREAS, the Applicant provided the required security for each bond to the Town; and

WHEREAS, in a deed recorded in the Ulster County Clerk's Office on June 13, 2022, as Deed Liber 7080 at page 288, the Applicant, Bayside Construction LLC, conveyed title to two of the four parcels to Bayside Marlboro, LLC, ("Bayside") specifically (109.1-4-29.1 and 109.1-4-29.4); and

WHEREAS, the Applicant, Bayside Construction, LLC retained titled to the remaining parcels that were devoted to commercial use (109.1-4-29.2 and 109.1-4-29.3), as described in a deed recorded in the Ulster County Clerk's Office as Deed Liber 7080 at page 288; and

WHEREAS, because the above referenced parcels are now owned by separate entities: Bayside Construction, LLC, and Bayside Marlboro, LLC, and the commercial component of the project is not currently under construction, with the exception of portions containing combined utilities, the Town Board approved Bayside's request that the performance security be split between the two entities; and

WHEREAS, by a resolution of the Town Board dated May 8, 2023, the Town Board of the Town of Marlborough set new amounts for the four performance bonds to be split between the two entities as recommended by the Town Engineer; and

WHEREAS, by a letter dated July 27, 2023, the Applicant requests that the performance security for the Commercial component be reduced accordingly; and

WHEREAS, the Town Engineer has determined that the original total security amount as set forth by the Town Engineer and as stated herein will remain in place, though new bond amounts shall be reduced and allocated as follows:

	Original Amount	Bayside	Commercial
Stormwater Performance Bond -	\$ 671,832.00	\$ 642,252.00	\$ 29,580.00
Construction Performance Bond -	\$ 1,896,748.00	\$ 1,625,268.00	\$ 271,480.00
Landscape Performance Bond -	\$ 168,882.00	\$ 149,096	\$ 19,786.00
Town Road Performance Bond -	\$ 747,852.85	\$ 747,852.85	\$ 0.00

WHEREAS, the Town Engineer has determined that Bayside will be responsible for the entire roadway security, and although inspection fees were posted by the Applicant, it is recommended that inspection fees be worked out as a private matter between the two entities; it is hereby

RESOLVED, that the original amounts of the performance bonds and performance security is hereby apportioned between the two entities as follows:

	Original Amount	Bayside	Commercial
Stormwater Performance Bond -	\$ 671,832.00	\$ 642,252.00	\$ 29,580.00
Construction Performance Bond -	\$ 1,896,748.00	\$ 1,625,268.00	\$ 271,480.00
Landscape Performance Bond -	\$ 168,882.00	\$ 149,096	\$ 19,786.00
Town Road Performance Bond -	\$ 747,852.85	\$ 747,852.85	\$ 0.00

This is conditioned upon (a) the establishment of an escrow fund with the Town to defray the Town's cost of engineering and attorneys' services in connection herewith and (b) the execution and delivery of performance bonds and security in form and substance to the Town Supervisor and the attorney to the Town and in compliance with the Town Code of the Town of Marlborough.

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

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

DATED: Milton, New York
October 10, 2023

COLLEEN CORCORAN, TOWN CLERK

October 10, 2023

B). Resolution # 99 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 to appoint Brandon Compasso

Be it resolved, that Brandon Compasso be appointed effective immediately.

And moves for its adoption:

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

October 10, 2023

C). Resolution # 100 To authorize the Supervisor to sign an agreement for donation/transfer of property

Supervisor Corcoran proposes the following:

Whereas, there is a piece of property on 18 Sands Ave that the Town of Marlborough wishes to obtain, and

Whereas, said piece of property is owned by Maribeth Wooldridge-King, and Daniel King, and

Whereas, Maribeth Wooldridge-King and Daniel King shall convey to the Town of Marlborough a portion of 18 Sands Ave, and

Whereas, the donated piece of property has an appraised value of \$20,000.00

Whereas, an agreement for the transfer of property and donation has been received, and

Whereas, the donation policy adopted by the Town Board of the Town of Marlborough on October 10, 2006 states all donations must be accepted by the Town Board.

Be it resolved, that the Town Board of the Town of Marlborough hereby accepts said donation, and

Be it resolved, , that the Town Board of the Town of Marlborough hereby authorizes the Town Supervisor to sign the agreement.

And moves for its adoption:

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

October 10, 2023

D). Resolution # 101 To authorize the supervisor for the Town of Marlborough to enter into a memorandum of understanding with the ulster county sheriff's office pertaining to the transfer of custody of arrestees for arraignment before the ulster county centralized arraignment part located at the ulster county law enforcement center

Supervisor Corcoran proposes the following:

WHEREAS, New York State law allows counties to create off-hours, centralized arraignment parts ("CAP courts") to facilitate timely court processing and an individual's right to counsel at first appearance after arrest; and

WHEREAS, CAP courts aim to foster efficiency and ease logistical and administrative burdens by assigning off-hours arraignments to local criminal court judges according to a rotating, predetermined schedule; and

WHEREAS, CAP courts ensures that a judge within the county is always available to handle an arraignment; and

WHEREAS, the Ulster County Magistrate's Association ("UCMA") has approved the creation of a CAP court in Ulster County ("Ulster CAP court") and submitted a proposal to the Hon. Gerald W. Connolly, Administrative Judge New York State Third Judicial District for approval; and

WHEREAS, the Third Judicial District is in the process of approving both the plans and the protocol for the Ulster CAP court to be located at the Ulster County Law Enforcement Center ("UCLEC"); and

WHEREAS, the Ulster County Legislature has approved the funding for the assignment of Court Clerks and a public defender to be available for the Ulster CAP court; and

WHEREAS, a Memorandum of Understanding, ("MOU"), attached as Exhibit A, is now required to be executed between each municipality with a police agency located in Ulster County ("police agency") and the Ulster County Sheriff's Office ("UCSO"); and

WHEREAS, the MOU has been reviewed and approved by the Ulster County Attorney's Office and will be presented to the Ulster County Legislature for formal approval; and

WHEREAS, the MOU will permit the UCSO to take custody of the arrestees of a police agency and temporarily house the arrestee within the UCLEC; and

WHEREAS, the USCO agrees to safely, and securely, maintain custody of these individuals under the terms and conditions of MOU; and

WHEREAS, the Ulster County CAP court shall assure consistency in representation as well as the afterhours schedules of the city, town and village justices; and

WHEREAS, the Ulster County CAP court will result in a more efficient and effective police agency by removing the burdensome and time-consuming task of attempting to recruit a local Judge and public defender to perform an afterhours arraignment; and

WHEREAS, the Ulster County CAP court will allow the members of a police agency to more quickly return to other duties once the arrestee has been processed and transferred to the UCSO; now

THEREFORE, BE IT RESOLVED, that the Town of Marlborough hereby authorizes the Supervisor to execute the MOU.

And moves for its adoption:

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

October 10, 2023

E). Resolution # 102 To accept the bid for Milton Landing North Pier Repairs

Supervisor Corcoran proposes the following:

Whereas, Tighe and Bond had prepared bid documents for the Milton Landing North Pier repairs

Whereas, the Town of Marlborough Town Clerks office at the discretion of the Town Board advertised for bids, and

Whereas, bids were received and opened on September 27, 2023 and

Whereas, the following bids were received:

Madeline Marine Inc-	\$339,000.00
Senco Metals	\$429,000.00

Whereas, Tighe and Bond and the Town of Marlborough are familiar with the low bidder and found them to be qualified and competent, and

Whereas, it is the recommendation that the bid be awarded to the lowest bidder Madeline Marine Inc.

Be it resolved, that the Town Board of the Town of Marlborough accepts the bid from Madeline Marine Ince in the amount of \$339,000.00

And moves for its adoption:

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