

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.

FIRST MEETING OF THE MONTH  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NY  
DECEMBER 9, 2024 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 November 25, 2024 Town Board Meeting  
Motion to approve minutes from the November 25, 2024 Public Hearing

ITEM #5 Authorize payment of bills

ITEM #6 Comments on the agenda

ITEM #7 Report of Departments and Boards

ITEM #8 Presentations

- A). Sheriff Figueroa
- B). Town of Marlborough Outstanding Resident of the Year 2024

ITEM #9 Old Business

ITEM #10 New Business

ITEM #11 Correspondence

ITEM #12 Public Comments

ITEM #13 Resolutions

- A). Resolution #92 To reappoint a Zoning Board Member
- B). Resolution #93 To appoint two Planning Board Members
- C). Resolution #94 To accept bids for additions and alterations to Hamlet of Marlboro Wastewater Treatment Facility
- D). Resolution #95 To authorize the Town Supervisor to sign a Third Amendment to Ground Lease

ITEM # 14 Adjournment

December 9, 2024

A). Resolution #92 To re appoint a Zoning Board Member

Supervisor Corcoran proposes the following:

Whereas, an advertisement was placed in the local paper for a position on the Zoning Board, and

Whereas, the Town did not receive any letters of interest, and

Whereas, Larry Bartolotti wishes to remain on the board.

Be it resolved, that Larry Bartolotti be re-appointed to the Town Zoning Board effective January 1, 2025 with a term date ending December 31, 2029

And moves for its adoption:

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

December 9, 2024

B). Resolution #93 To appoint two Planning Board Members

Supervisor Corcoran proposes the following:

Whereas, the Town of Marlborough Planning Board has two open positions, and

Whereas, an advertisement was placed in the paper for the open positions, and

Whereas, the Planning Board Committee has interviewed for the positions.

Be it resolved, that Cindy Lanzetta be re appointed to the Planning Board effective January 1, 2025 with the term date ending December 31, 2029, and

Be it further resolved that John LaMela be appointed to the Planning Board effective January 1, 2025 with a term date ending December 31, 2029.

And moves for its adoption:

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

December 9, 2024

C). Resolution #94 To accept bids for additions and alterations to Hamlet of Marlboro Wastewater Treatment Facility

Supervisor Corcoran proposes the following:

Whereas, plans and specifications have been completed for “contract TM-241, additions and alterations to the Hamlet of Marlboro Wastewater Treatment Facility, and

Whereas, the General Construction contract was publicly bid on November 14,2024, and

Whereas, the lowest responsible bidder is TAM Enterprises Inc. of Goshen NY in the amount of \$2,298,00.00, and

Whereas, the engineer has recommended the award of the contract to TAM Enterprises, Inc and has further recommended splitting the contract into two parts for funding purposes, and

Whereas TAM Enterprises Inc, is willing to split the work to accommodate the Town funding requirements, and

Whereas, time is of the essence to obligate the Town ARPA Funds by the year end 2024, and

Whereas, the low bid contract is to be divided into two segments as follows:

Contract TM-241 A, in the amount of \$1,358,434.00

Contract TM-241 B. in the amount of \$ 939,566.00

Therefore, be it resolved, that

1. After completion of a SEQRA Environmental Assessment Form and careful review of the potential impact of the project it is determined that this project will not have a significant impact on the environment and that an Environmental Impact Statement is not required
2. Contract TM-241A be awarded to TAM Enterprises, Inc of Goshen NY in the amount of \$1,358,434.00
3. The award of Contract TM-241A shall represent an obligation of funds as it is related to the American Rescue Plan (ARPA)
4. Contract TM-241B be awarded to TAM Enterprises, Inc of Goshen NY in the amount of \$939,566.00 said award be conditioned upon the Town arranging for financing for this portion of the work and this contract will not be signed until said financing is in place

Be I further resolved that the Supervisor be allowed to enter into the construction contracts on behalf of the Town and the Hamlet of Marlboro Sewer Improvement Area

And moves for its adoption:

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

December 9, 2024

D). Resolution #95 To authorize the Town Supervisor to sign a Third Amendment to Ground Lease

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough (the “Town”) and Nexamp Solar, LLC (“Nexamp”) entered into that certain Ground Lease dated February 17, 2021, as assigned by Assignment of Lease between Nexamp and Baileys Gap Solar, LLC (“Tenant”) dated December 1, 2022, as amended by that First Amendment to Ground Lease between the Town and Tenant dated February 15, 2023, as amended by that Second Amendment to Ground Lease between the Town and Tenant dated April 18, 2023, and as evidenced by that Memorandum of Lease and Easements between the Town and Tenant dated April 18, 2023 and recorded in the Ulster County Clerk’s Office on April 27, 2023 in Book 7218 at page 22 (collectively, the “Lease”), pursuant to which the Town has leased to Tenant a certain parcel of land for the development, construction, operation and maintenance of a solar powered electric generation facility and uses ancillary thereto as further described in Exhibit B-1 of the Lease; and

WHEREAS, the Town and Tenant now desire to amend certain provisions of section 4 the Lease which address Development and Construction Period, the Operations Period, and termination rights of the Parties, among other things, as more particularly set forth below.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Capitalized terms used but not defined herein have the meanings set forth in the Lease.

2. Section 4 of the Lease shall be amended as follows:

(A) Section 4(a)(i) of the Lease is deleted in its entirety and the following is inserted in its place and stead:

(i) “Development and Construction Period. The Development and Construction Period shall be deemed to have begun on the Effective Date and will terminate on the earliest of:

- (A) Delivery by Tenant of notice of termination in accordance with Section 4(b);
- (B) April 28, 2027; and
- (C) The day after the Commercial Operation Date.

(B) Section 4(a)(ii) of the Lease is deleted in its entirety and the following is inserted in its place and stead:

(ii) "Operations Period. The Operations Period will commence at 12:01 a.m. on the day after the expiration of the Development and Construction Period and will end at 11:59 p.m. on the 25th anniversary of the Commercial Operation Date. Tenant may extend the Operations Period, first for one (1) ten (10) year term, and then for one (1) additional five (5) year term. At least ninety (90) days prior to the beginning of an extension term, Tenant shall deliver in writing notice to Landlord of Tenant's intent to exercise that extension option, and Tenant and Landlord, at Tenant's expense, shall prepare and record any amendments to the Notice of Lease and/or any other documents necessary to evidence and give effect to the extension."

(C) Section 4(b) of the Lease is deleted in its entirety and the following is inserted in its place and stead:

(b) "At any time prior to the Commercial Operation Date, Tenant may, in its sole discretion, terminate this Lease upon thirty (30) days' written notice to Landlord (the thirtieth day after delivery of the notice shall be the effective date of the termination). Tenant shall execute and deliver to Landlord any amendments to the Notice of Lease and/or other documents reasonably necessary to evidence terminating this Lease. Termination of this Lease in accordance with this Section 4(b) shall not release either Party from any obligations arising prior to the effective date of such termination, but neither Party shall have the obligation to perform any obligations hereunder which, but for such termination, would have arisen after the effective date of such termination."

(D) The following subsection (c) shall be added to the end of Section 4 of the Lease:

"(c) If Tenant has not obtained a building permit for the construction of the Facility by July 1, 2025, Landlord may terminate the Lease upon thirty (30) days' written notice to Tenant. Termination of the Lease in accordance with this Section 4(c) shall not release either Party from any obligations arising prior to the effective date of such termination, but neither Party shall have the obligation to perform any obligations hereunder which, but for such termination, would have arisen after the effective date of such termination."

2. The Town Supervisor is authorized to sign the Third Amendment to Ground Lease which reflects the provisions of section 2 of these Resolutions.

WHEREUPON, the following vote was taken:

Supervisor Corcoran \_\_\_\_\_

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

Councilwoman Sessa \_\_\_\_\_

Councilman Cauchi \_\_\_\_\_

Councilman Zambito \_\_\_\_\_

Dated: Milton, New York

December 9, 2024

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COLLEEN CORCORAN,  
TOWN CLERK