

PLEASE TAKE THIS TIME TO PUT ALL ELECTRONIC DEVICES ON PULSE, VIBRATE, OR PLEASE TURN THEM OFF. IF YOU MUST ANSWER A CALL, PLEASE TAKE YOUR CALL OUT OF THE MEETING ROOM. THANK YOU.

AGENDA
SPECIAL MEETING
TOWN BOARD TOWN OF MARLBOROUGH
UPSTAIRS CONFERENCE ROOM
JUNE 3, 2025 7:30 PM

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

ITEM #4 Resolutions

A). Resolution #63 A resolution authorizing Van DeWater & Van DeWater, LLP to file an enforcement action and seek injunctive relief on behalf of the town of Marlborough against defendants listed

June 3, 2025

A). Resolution #63 A resolution authorizing Van DeWater & Van DeWater, LLP to file an enforcement action and seek injunctive relief on behalf of the town of Marlborough against defendants listed

Supervisor Corcoran proposes the following:

WHEREAS, the Town of Marlborough has entered into a Stipulation of Settlement dated March 11, 2025, with certain property owners, and other parties; and

WHEREAS, the Stipulation of Settlement required certain parties to comply with the Town of Marlborough's Zoning Code and refrain from engaging in any activities that would violate said Code; and

WHEREAS, the Town Board has been informed that the parties, including SOMEPLACE UPSTATE LLC, ROSEVINE LLC, BELLFLOWER GROUP LLC, ARI MATITYAHU, ADAM H. J. BROZA, DANIELLE L. BROZA a/k/a DANIELLE L. STEINBERG, and JOHN AND JANE DOE 1-5 (Tenants of the premises located at 20-38 Mount Rose Road, Marlborough, New York 12542, whose true names are unknown), have violated the terms of the Stipulation of Settlement and have continued to operate in violation of the Town of Marlborough's Zoning Code; and

WHEREAS, the Town of Marlborough desires to take prompt legal action to enforce the terms of the Stipulation of Settlement, Town Zoning Code and New York State Regulations to prevent further violations, including the filing of an enforcement action and seeking injunctive relief in the New York State Supreme Court; and

WHEREAS, the Town deems this a Type II Action under the State Environmental Quality Review Act, ("SEQR") and,

WHEREAS, the Town of Marlborough has retained the law firm of Van DeWater & Van DeWater, LLP, to represent the Town in such matters;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Marlborough hereby authorizes Van DeWater & Van DeWater, LLP, to file an enforcement action on behalf of the Town in the New York State Supreme Court, against the defendants listed above, seeking appropriate relief, including but not limited to injunctive relief to compel compliance with the Stipulation of Settlement, Marlborough Town Zoning Code and all other State and local regulations including the Uniform Fire Prevention and Building Code;

BE IT FURTHER RESOLVED that the Town Board authorizes **Van DeWater & Van DeWater, LLP**, to represent the Town in any subsequent legal proceedings related to this matter, including seeking damages, fines, or other remedies available under the law;

BE IT FURTHER RESOLVED that **Van DeWater & Van DeWater, LLP**, is authorized to bill the Town of Marlborough at the rate of **\$295 per hour** for legal services rendered in this matter;

BE IT FURTHER RESOLVED that the Town Board authorizes the Supervisor to sign any documents or agreements necessary to effectuate this resolution.

And moves for its adoption

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

CERTIFICATION:

I, Colleen Corcoran, Clerk of the Town of Marlborough, do hereby certify that the above resolution was duly adopted by the Town Board at a meeting held on the ____ day of June, 2025.

Colleen Corcoran, Town Clerk
Town of Marlborough