

November 23, 2015

WORKSHOP MEETING
TOWN BOARD TOWN OF MARLBOROUGH
21 MILTON TURNPIKE, MILTON NEW YORK
NOVEMBER 23, 2015 7:00 PM
MINUTES OF MEETING

Present: Supervisor Osborn
Councilman Molinelli
Councilman Corcoran (Arrived at 7:17 p.m.)
Councilman Koenig
Councilman Baker

Danielle Cherubini, Deputy Town Clerk

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

ITEM #3 Motion to approve agenda

Councilman Koenig made a motion to add Resolution #97 To accepts the offer of dedication of Cameron Court as a town road and Resolution #98 A resolution calling for public hearing before the Town Board (on minimum 10 days notice by publication) to the agenda. Motion seconded by Councilman Baker.

Yeas: 4 Nays: 0 Carried

Councilman Koenig made a motion to add Transfer Station to New Business. Motion seconded by Councilman Molinelli.

Yeas: 4 Nays: 0 Carried

Councilman Molinelli made a motion to approve the agenda as amended. Motion seconded by Councilman Koenig.

Yeas: 4 Nays: 0 Carried

ITEM #4 Motion to approve minutes from the November 9, 2015 meeting

Councilman Koenig made a motion to approve minutes from the November 9, 2015 meeting. Motion seconded by Councilman Molinelli.

Yeas: 4 Nays: 0 Carried

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ITEM #5 Authorize payment of bills

***Councilman Koenig made a motion to pay the abstract in the amount of \$129,671.55.
Motion seconded by Councilman Baker.***

Yeas: 4

Nays: 0

Carried

ITEM #6 Presentations

No presentations

ITEM #7 Executive Session

Supervisor Osborn commented that the Board will enter into executive session when Councilman Corcoran arrives.

ITEM #8 Comments on the agenda

Mark Reynolds asked if Resolution #92 for the corridor overlay is different than the one that was already done.

Supervisor Osborn explained that this resolution is an amendment to the last resolution.

The Town Board would currently have to do the SEQOR and go to the Ulster County

Planning Board; Resolution #92 amends that so the Planning Board does those steps then the overlay happens after Planning Board approval.

ITEM #9 Workshop topics

A). Design Standards for the overlay district

Supervisor Osborn said the Town Board met with the Planning Board to discuss design standards last week. The Town Board agreed to allow Pat Hines and Barton & Loguidice look at the guidelines that the Board has put together.

B). Sign Law

A lot of work was done in the past for a sign law; the majority of the Board agreed that it was too restrictive and they think it can be loosened up.

ITEM #10 Old Business

A). TOMVAC

Supervisor Osborn said that there is more recreation at the TOMVAC building and there is no movement on the sale of the building.

B). Survey of St. Andrews property for purchase

No new information

C). Municipal Parking

The Town Board contemplated a parcel for sale next to Perch Restaurant but decided it wouldn't be useful to the Town.

D). Proposed agreement with Newburgh

No new information

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E). Milton Sewer Expansion 9W

Resolution #96 is in regard to the Milton Sewer Expansion.

F). Bayside

Councilman Koenig said he and Councilman Corcoran met with Bayside and had asked Bayside to make a few revisions.

G). Local Waterfront Revitalization Program Grant

Supervisor Osborn said the Town should get a reply soon if they got the grant.

H). Design Standards for Overlay District

Already discussed

I). Fueling System for the Town

Supervisor Osborn said there was a meeting this week on how to operate the system. Tanks will go in tomorrow.

J). Milton Playground

No new information

K). Drainage District Maintenance Agreement bid

Waiting for Pat Hines to put together a bid package.

L). Annual Maintenance for the Town Park bid

Supervisor Osborn said the Town rewrote the bid to have experienced landscapers bid the job so the work is done properly.

M). Sign Law

The Board agreed to keep Sign Law on Old Business and it can be decided later if it should be a workshop topic.

ITEM #11 New Business

A). Transfer Station

Councilman Baker stated that they put the Transfer Station bid out a second time because there were no bids the first time. Two people have picked up a bid package but we haven't received any bids. The bid opening is December 3, 2015 and he is concerned that they might not have a private hauler. He suggested writing to the Ulster County Resource Recovery Agency to see if they would let the Town continue to use their service. The Board agreed.

Councilman Corcoran arrived.

ITEM #12 Correspondence

No correspondence

ITEM #13 Public Comment

James Garofalo wished the Board a Happy Thanksgiving.

Mark Reynolds asked for details about Resolution #90.

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Councilman Corcoran stated that Lexis Nexis is a program that the Assessor's Office uses. The school uses it also so the Town and the school are going to share the service for \$290.00 per month. The Town will pay the bill and voucher the school for half.

Mike Dovich asked if there was any way to force the New York State Department of Transportation to repair 9W. He also commented that taxes and gasoline tax should be used to maintain our roads.

Supervisor Osborn stated that DOT seems more responsive to taxpayer calls and complaints than the Town calling. Councilman Koenig stated that they are using monies for the Tappan Zee bridge. Councilman Baker stated that they will say they don't have the funds to repair 9W. James Garofalo said the DOT is required to patch the roads so they are not a safety hazard.

Councilman Corcoran suggested that the Board rescind the resolution from April that states the school donated the playground to the Town. Supervisor Osborn said he could get a legal opinion on whether or not they need to do that. The Board agreed.

ITEM #14 Resolutions

A). Resolution #90 To authorize the supervisor to sign an inter municipal agreement with the Marlboro Central School District

Councilman Molinelli made a motion to amend the last line in Resolution #90 to read "Lexis-Nexis" computer software. Motion seconded by Councilman Baker.

Yeas: 5

Nays: 0

Carried

B). Resolution #91 To support increased state funding for local transportation and parity between the DOT and MTA and five year capital programs

C). Resolution #92 To introduce a Local Law of the year 2015

D). Resolution # 93 To appoint part time police officer

E). Resolution #94 To appoint part time police dispatcher

F). Resolution #95 To appoint part time police dispatcher

G). Resolution #96 To authorized Supervisor to submit an application to the New York State Comptroller's Office for approval to establish Extension No. 1 of the Milton Sewer District in the Town of Marlborough in accordance with the Map, Plan & Report reviewed by the Town Board

H). Resolution # 97 To accepts the offer of dedication of Cameron Court as a town road

I). Resolution #98 A resolution calling for public hearing before the Town Board (on minimum 10 days notice by publication)

ITEM #15 Adjournment

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A). Resolution #90 To authorize the supervisor to sign an inter municipal agreement with the Marlboro Central School District

Supervisor Osborn proposes the following:

Whereas, the Town currently contracts with Lexis-Nexis for the use of computer software for the purpose of allowing it to perform its government functions, and

Whereas, the school district desires to utilize the same Lexis-Nexis computer software for allowing it to perform governmental functions, and

Whereas, the parties desire to utilize the aforementioned software for their respective uses and to share in the costs of the aforementioned software services with Lexis-Nexis which will result in cost savings to both parties, and

Whereas, the parties are allowed to enter into an inter municipal agreement pursuant to the provisions of Article 5-G Section 119-o of the General Municipal Law, to share said software services pursuant to the terms and conditions set forth.

Now therefore be it resolved, that the Town Board authorizes the Town Supervisor to sign the agreement to share the costs of Lexis-Nexis computer software.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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B). Resolution #91 To support increased state funding for local transportation and parity between the DOT and MTA and five year capital programs

Supervisor Osborn proposes the following:

Whereas, a reliable transportation infrastructure is vital for the safety of New York's travelling public and its economy; and

Whereas, 85 percent of New York's roads and bridges are maintained by local governments; and

Whereas, despite well-timed and targeted preventative maintenance treatments, the age and condition of many of our locally-owned transportation assets means that they are beyond preservation and in need of much more costly rehabilitation and reconstruction; and

Whereas, estimates by the State Comptroller, DOT and independent studies show a large portion of road mileage is deteriorating and many bridges in the state are rated structurally deficient and functionally obsolete; and

Whereas, the State Comptroller estimates that there will be \$89 billion in unmet local infrastructure needs over the next 20 years; and

Whereas, the New York State Association of Town Superintendents of Highways commissioned its own fifteen year analysis that indicates an annual funding gap of \$1.3 billion for the local system (excluding NYC) alone; and

Whereas, funding for our local system has been far short of what is needed and we've fallen further and further behind in maintaining the vast and aging transportation infrastructure over this long period with severe consequences for conditions ratings; and

Whereas, the New York State Consolidated Local Street and Highway Program (CHIPS) provides essential funding for every municipality in the state and is part of the New York State Department of Transportation (NYSDOT) capital program; and

Whereas, in the early 1990's the Governor and Legislature created the Dedicated Highway and Bridge Trust Fund (DHBTF) to pay for the NYSDOT capital program and the Dedicated Mass

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Transit Trust Fund (DMTTF) to assist with the Metropolitan Transportation Authority (MTA) and other transit systems' capital programs; and

Whereas, when the DHBTF was created, it was agreed that the NYSDOT and MTA five-year capital programs would be similar in size and would be negotiated concurrently; and

Whereas, through 2005-09, both five-year capital programs were similar in size and adopted within months of each other; and

Whereas, in 2010 the Executive and Legislature broke traditional parity and enacted a five-year capital program for the MTA but not the DOT;

NOW THEREFORE BE IT RESOLVED, that the Town of Marlborough calls upon the Governor and the state Legislature to make additional state funding and resources available at levels that accurately reflect the critical needs of local roads and bridges; and increase CHIPS funding in the 2016-17 state budget; and

BE IT FURTHER RESOLVED, that the Town of Marlborough calls upon the Governor, and members of the state Legislature to fully fund and submit a new NYSDOT five-year transportation capital plan; and

BE IT FURTHER RESOLVED, that the Town of Marlborough calls upon the Governor and members of the state Legislature to recognize the equality of roads, bridges and transit by restoring funding equality between the MTA and NYSDOT five-year programs and by voting on the plans simultaneously.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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C). Resolution #92 To introduce a Local Law of the year 2015

Supervisor Osborn proposes the following:

Supervisor Osborn introduced the following proposed local law, to be known as Local Law No. 3 of 2015, A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK AMENDING SECTION 155-12(H) OF THE TOWN CODE TO MODIFY THE PROCEDURES FOR ESTABLISHMENT OF A BUSINESS CORRIDOR OVERLAY DISTRICT.

BE IT ENACTED by the Town Board of the Town of Marlborough that the Town Code is amended as follows:

Section 1. Section 155-12(H) of the Town Code of the Town of Marlborough is amended in its entirety to read as follows:

H. BC - Business Corridor Overlay District

(1) Purpose. The Town of Marlborough is bisected along a north to south axis comprising New York State Route 9W which parallels the Hudson River. Historically, the Route 9W corridor has served the Town of Marlborough as both a significant transportation facility and the

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location of mixed residential, commercial, and light industrial land uses. There are various zoning district designations along the Route 9W corridor, including the HD, R, C-1, R-1, and RAG-1 districts. Within the areas of the Route 9W corridor which are zoned R-1 or R-Ag-1, there exist various improved or unimproved parcels with frontage on the state highway and which are currently, or previously have been, devoted to use for commercial or light industrial activities of the type which are currently allowable within the HD zoning district. Some of the existing structures are devoted to commercial or light industrial activities as non-conforming uses in the R-1 or R-Ag-1 zones. Some of these existing structures are not currently put to commercial or light industrial uses, and may be devoted to residential uses which, nonetheless, exist as meaningful opportunities for readaptation to commercial or light industrial uses for the benefit of public commerce and the generation of municipal revenues for the community depending upon the content and nature of a specific concept plan of development. The Town Board concludes that a Business Corridor Overlay District, in the nature of a floating zone, is an appropriate device to encourage readaptation of existing structures, business use of unimproved parcels, or to eliminate non-conformities of active uses, within eligible properties within the Route 9W corridor.

(2) The Business Corridor Overlay District is a floating zone which may be established through the exercise by the Town Board of the procedures stated herein with respect to properties located within eligible areas along the transportation corridor of Route 9W in the Town of Marlborough, as such areas of eligibility are more particularly defined within subsection (3) of this Section 155-12(H).

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(3) Eligible areas. Parcels located within the R-1 or R-Ag-1 zoning districts within the Town of Marlborough are eligible locations for establishment of a Business Corridor Overlay District if they (a) enjoy highway frontage useable for access to and from Route 9W, and (b) are within 250 feet of the right of way line of NYS Route 9W and are currently devoted to, or were previously devoted to, residential, commercial or light industrial use and which are deemed an acceptable site for corridor overlay districting by the Town Board in order to implement a specific concept plan of development for commercial or light industrial activity.

(4) Permitted uses. In the event that the Town Board establishes a Business Corridor Overlay District designation, the principal permitted uses, the permitted accessory uses, and the permitted special uses of the property shall be those uses which are allowable within the HD - Highway Development district. In the exercise of legislative discretion, the Town Board shall be entitled to establish such lot, height, yard, bulk, and area requirements as the Town Board finds to be appropriate to the circumstances of each particular development proposal. In the exercise of legislative discretion, the Town Board may authorize mixed uses on lands to be rezoned to BC in order to allow for the continuation of pre-existing uses which might otherwise become non-conforming as a result of the zoning change. Notwithstanding the foregoing, new and used car sales, and adult entertainment uses, shall be prohibited in a BC district.

(5) Procedure for establishment.

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(a) Petitions for the establishment of a Business Corridor Overlay District by amendment of the Zoning Map shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.

(b) Application materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual development plan shall consist, at a minimum, of the following:

- (1) A metes and bounds description of the proposed district;
- (2) A survey of the land prepared and certified by a licensed land surveyor;
- (3) A map drawn to scale showing existing conditions of the parcel, including:

[i] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;

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[ii] The name of the person or firm preparing the plan;

[iii] The date, north arrow and scale of the plan;

[iv] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;

[v] The acreage of the parcel and the tax number or numbers;

[vi] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel;

[vii] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;

[viii] The location of any existing storm or sanitary sewers, culverts, water lines, hydrants, catch basins, manholes and other visible infrastructure as well as other utilities within or adjacent to the parcel;

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[ix] The existing zoning of the parcel;

[x] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;

[xi] The approximate boundaries of any areas subject to flooding or stormwater overflows;

[xii] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property);

[xiii] The identification of any other significant natural features.

(4) The conceptual development plan, drawn approximately to scale, shall clearly show the following:

[i] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity;

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[ii] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;

[iii] The proposed source of water supply and method of delivery to the site;

[iv] A general plan for the collection and disposal of sanitary waste from the site;

[v] A general plan of proposed stormwater management facilities;

[vi] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.

(5) A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions.

(6) Preliminary architectural treatment of any readapted or new buildings.

(c) Initial Review:

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(1) In its review of the application, the Town Board may suggest such changes in the conceptual development plan as are found to be necessary or desirable by the Town Board in order to meet the standards of 155-12(H). The Town Board may notify the applicant of such changes and may discuss such changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or deny the rezoning application.

The Town Board may reject the application at any time.

(d) Planning Board review.

(1) Upon the Town Board's satisfaction with the conceptual development plan, and upon the receipt of a request from the Town Board, the Planning Board shall review the project for purposes of site plan or special permit approvals, as such approvals may be required for the particular project under the regulations pertaining to the HD-Highway Development district. Upon the filing of complete application documents for site plan or special permit approval as otherwise set forth in this Chapter, the Planning Board may schedule and hold a public hearing. It is anticipated that, as between the Planning Board and the Town Board, the Planning Board may serve as lead agency pursuant to the New York State Environmental Quality Review Act.

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(2) In the event that the Planning Board approves the application for site plan approval or special permit, as the case may be, the Planning Board shall condition the approval upon the Town Board's amendment of the zoning map by local law to establish a business corridor overlay zone designation for the subject property.

(e) Town Board Review.

(1) Following conditional approval by the Planning Board, and after legislative public hearing by the Town Board, the Town Board may act to approve, approve with modifications or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in amendment by local law of the Zoning Map established by this Chapter.

(f) Criteria for rezoning by the Town Board to Business Corridor Overlay District. In determining whether or not amend the Zoning Map to establish a BC district, the Town Board shall consider, together with the intent and objectives of this section, whether the proposed district and development plan meet the following criteria:

(1) How the site be served by potable water and sanitary sewer facilities, and whether such facilities will be adequate to accommodate any additional demand placed upon them by the proposed development or readaptation;

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(2) Whether the site is well drained, and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;

(3) Whether the site is located in an area suitable for the proposed elimination of non-conformity or readaptation of buildings and site development so as to be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;

(4) The site shall be located in a manner that allows access to the site from a public street with adequate site distances and that meets current engineering standards of the Town;

(5) The architectural style of any proposed readaptation or modification of development and exterior materials, finish and color shall be consistent with the character of nearby properties;

(6) The readaptation or modification of the site shall not produce undue adverse effects on the surrounding neighborhood;

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(7) The extent to which the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.

(g) Time limit on validity of rezoning. Any zoning permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial designation on the Zoning Map by the Town Clerk, when directed by the Town Board, unless actual construction, pursuant to an approved site plan and a valid building permit is commenced within two (2) years from the date of adoption by the Planning Board of a resolution of site plan approval following the rezoning.

(h) Fee. An application fee shall be charged in the amount provided for in the relevant fee schedule prevailing at the time of application. Actual consultant expenses incurred by the Town at all stages of processing a project under this section shall be defrayed by the applicant as provided within this chapter.

Section 2. This local law shall take effect upon filing with the New York State Secretary of State.

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Section 3. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on December 14, 2015, at seven o'clock p.m., Prevailing Time, and 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 and that such notice shall be in the same or similar following form:

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NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will hold a public hearing at the Town Hall facilities at 21 Milton Turnpike, Milton, New York on December 14, 2015 at seven o'clock, p.m., prevailing time, on proposed Local Law No. 3 of the Year 2015 for the purpose amending 155-12(H) of the Town Code to modify the procedures for establishment of a Business Corridor Overlay District.

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, 21 Milton Turnpike, Milton, New York, 12547 between the hours of 8:00 a.m. to 12:30 p.m. and 1:30 p.m. to 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 person interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Milton, New York
November 23, 2015

COLLEEN CORCORAN, TOWN CLERK

November 23, 2015

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York
November 23, 2015

COLLEEN CORCORAN, TOWN CLERK

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November 22, 2015

D). Resolution #93 To appoint part time police officer

Supervisor Osborn proposes the following:

Whereas, the Police Committee has interviewed for the position for part time police officer,
and

Whereas, it is the recommendation of the Police Committee as well as the Chief of Police
to appoint Robert Sisco Jr. as part time police officer.

Now therefore be it resolved that Robert Sisico be appointed effective immediately
contingent upon a back ground check.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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E). Resolution #94 To appoint part time police dispatcher

Supervisor Osborn proposes:

Whereas, the Police Committee has interviewed for the position for part time police dispatcher, and

Whereas, it is the recommendation of the Police Committee as well as the Chief of Police to appoint Daniel Rider as part time police dispatcher.

Now therefore be it resolved that Daniel Rider be appointed effective December 1, 2015.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Yes
Councilman Baker	Yes
Supervisor Osborn	Yes

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F). Resolution #95 To appoint part time police dispatcher

Supervisor Osborn proposes:

Whereas, the Police Committee has interviewed for the position for part time police dispatcher, and

Whereas, it is the recommendation of the Police Committee as well as the Chief of Police to appoint Daniele Erichsen as part time police dispatcher.

Now therefore be it resolved that Daniele Erichsen be appointed effective December 1, 2015.

And it moves for adoption

Councilman Corcoran	Yes
Councilman Molinelli	Yes
Councilman Koenig	Abstain
Councilman Baker	Yes
Supervisor Osborn	Yes

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G). Resolution #96 To authorized Supervisor to submit an application to the New York State Comptroller's Office for approval to establish Extension No. 1 of the Milton Sewer District in the Town of Marlborough in accordance with the Map, Plan & Report reviewed by the Town Board;

Supervisor Osborn proposes the following:

BE IT RESOLVED, the Town Board of the Town of Marlborough, Ulster County, New York is hereby authorized Supervisor to submit an application to the New York State Comptroller's Office for approval to establish Extension No. 1 of the Milton Sewer District in the Town of Marlborough in accordance with the Map, Plan & Report reviewed by the Town Board; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marlborough has reviewed the application, in the form presented together with further typical costs data, and affirms that the application was prepared at the direction of the governing Town Board; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marlborough believes the contents of the application to be accurate; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Marlborough has determined that the District Extension for which permission is sought is in the public interest and will not constitute an undue burden on the properties which shall bear the cost thereof; and

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BE IT FURTHER RESOLVED, that the cost of the proposed District Extension is to be assessed in whole in part against the benefited area, that all real property to so assessed will be benefitted by the proposed improvement and that no benefitted property has been excluded.

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York
November 23, 2015

COLLEEN CORCORAN, TOWN CLERK

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H). Resolution # 97 To accepts the offer of dedication of Cameron Court as a town road

WHEREAS, the Developer of the Prospect Ridge Subdivision requests that the Town Board accepts dedication of Cameron Court; and

WHEREAS, the Highway Superintendent has signed an order laying out Cameron Court as a highway; and

WHEREAS, the Town Engineer has signed off on the as built plans for the road.

NOW, THEREFORE, IT IS HEREBY RESOLVED, as follows:

1. The Town Board accepts the offer of dedication of Cameron Court as a town road, and authorizes the Town Supervisor to sign a consent to that outcome, subject to the following conditions, all of which must be satisfied to the satisfaction of the Town attorney by noon on November 24, 2015:

(a) filing of a corrected Developer's Dedication and Release, which includes appropriated dating of the Developers signature, dating of the notaries acknowledgment, and attaching corrected metes and bounds; and

(b) filing of a corrected notarized Maintenance Bond which fills in all missing references to local law; and

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(c) providing a letter of credit securing the maintenance bond in a form acceptable to the Town; and

(d) providing a deed and drainage basin easement with corrected metes and bounds, and corrected Ulster County Clerk recording documentation; and

(e) filing for original as-built instruments with the Highway Superintendent; and

(f) providing corrected metes and bounds for the Town Board's Consent instrument, and the Highway Superintendent's Order.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

The resolution was thereupon declared duly adopted.

DATED: Milton, New York
November 23, 2015

Colleen Corcoran, Town Clerk

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I). Resolution #98 A resolution calling for public hearing before the Town Board (on minimum 10 days notice by publication)

Supervisor Osborn proposes the following:

WHEREAS, the Town of Marlborough has received a proposed Agreement with Verizon Wireless, for lease of space on a water tower of the Marlborough Water District on real property of the Town located at Milton Turnpike near Walnut Lane in the Town of Marlborough and bearing Marlborough tax parcel number 103.1-4-18 (the "Property"); and

WHEREAS, the purpose of the lease is to co-locate telecommunication antennae on the water tower as an existing tall structure in accordance with preferences identified within Chapter 152 of the Town Code dealing with wireless telecommunication facilities; and

WHEREAS, the Town Board intends to assess after public hearing whether the transaction's establishment of these telecommunication facilities on an existing tall structure owned by the Town of Marlborough should be exempt from the Town's local land use regulations under the standards set forth in the law of this State in the Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702).

NOW, it is hereby resolved as follows:

1. The Town Board shall review at public hearing whether the establishment for the Verizon Wireless telecommunication facilities on an existing tall structure of the Town should be exempt from the Town's local land use regulations, including but not limited to Chapter 152 of the Town Code, under the standards set forth in the law of this State.

2. The Town Board intends to solicit recommendations from the Town of Marlborough Planning Board regarding the subject matter.

3. The Town Clerk is requested to publish and post the following Notice of Public Hearing at least ten (10) days prior to the date scheduled for public hearing, which shall be December 14, 2015.

November 23, 2015

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 December 14, 2015 at seven fifteen o'clock, p.m., prevailing time, whether the lease of space by the Town of Marlborough to Verizon Wireless and co-location of telecommunication antennae on a water tower of the Marlborough Water District on real property of the Town located at Milton Turnpike near Walnut Lane in the Town of Marlborough and bearing Marlborough tax parcel number 103.1-4-18 (the "Property") shall be exempt from the Town's local land use regulations, including but not limited to Chapter 152 of the Town Code, under the standards set forth in the law of this State in the Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702).

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
November 23, 2015

Colleen Corcoran, Town Clerk

November 23, 2015

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

Supervisor Osborn	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York
November 23, 2015

COLLEEN CORCORAN, TOWN CLERK

Councilman Koenig made a motion to enter executive session for a legal discussion regarding the DiBlanca lawsuit at 7:37 p.m. Motion seconded by Councilman Molinelli.

Yeas: 5 Nays: 0 Carried

Councilman Molinelli made a motion to end executive session at 8:03 p.m. Motion seconded by Councilman Baker.

Yeas: 5 Nays: 0 Carried

No decisions were made.

Councilman Molinelli made a motion to adjourn the meeting at 8:03 p.m. Motion seconded by Councilman Corcoran.

Yeas: 5 Nays: 0 Carried

*Respectfully submitted,
Danielle Cherubini
Deputy Town Clerk*

November 23, 2015

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