

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
21 MILTON TURNPIKE, MILTON NEW YORK  
NOVEMBER 25, 2019 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli (Arrived at 7:05 p.m.)  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig

Colleen Corcoran, Town Clerk

Also Present: Brandee Nelson, Tighe & Bond Engineering  
Patricia Brooks, Brooks & Brooks Land Surveyors

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 amend the agenda to add December 23<sup>rd</sup> Meeting to New Business on the agenda. Motion seconded by Councilman Baker.***

***Yeas: 4                      Nays: 0                      Carried***

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

***Yeas: 4                      Nays: 0                      Carried***

ITEM #4 Motion to approve minutes from the November 12, 2019 Town Board Meeting

***Councilman Koenig made a motion to approve minutes from the November 12, 2019 Town Board meeting. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #5 Authorize payments of bills

***Councilman Baker made a motion to authorize payment of the abstract in the amount of \$191,724.57. Motion seconded by Councilman Corcoran.***

***Yeas: 5                      Nays: 0                      Carried***

ITEM #6 Presentations

A). Brandee Nelson-Tighe & Bond (South Pier)

*Brandee Nelson, Tighe & Bond Engineering, read the base bid information from the three bidders who bid on the south pier project which is as follows:*

*Arben Group LLC - \$1,479,648.00*

*D.A. Collins Construction Co., Inc. - \$2,386,278.00*

*C.D. Perry, LLC General Contractors - \$2,527,819.58*

*Ms. Nelson explained that since the Arben Group was substantially lower than the other two bids, Arben Group looked over their bid to make sure that they didn't miss anything; they did not. Tighe & Bond checked and verified references which were good and they recommend that Arben Group is awarded the bid. The base bid includes 1- 4' by 80' gangway. Alternate #1 adds an additional 4' by 80' gangway, Alternate #2 deducts the 2 – 4' by 80' gangways, Alternate #3 is for 1 – 8' by 80' gangway. Alternate #4 is subject to change orders based on field conditions with a contingency that has already been approved.*

*There was a brief discussion regarding how and when the piles would be replaced/installed.*

*Ms. Nelson stated that if the bid is awarded, then Arben Group can begin work soon (weather permitting) and the pile driving will put off until next September/October.*

*The Board briefly discussed how the extra costs beyond the bond and grant money would be covered.*

B). Patricia Brooks- Royal Energy Resolution # 86

*Patricia Brooks, Brooks & Brooks Land Surveyors, stated that there have been some site plan changes to the Royal Energy project based on comments from the Board at the meeting she presented at in September. The 72,000 square foot building will now be fitted with a sprinkler system with a hookup for the fire department. Also, the three propane tanks on the original plan will be replaced with one larger tank to meet code.*

*Councilman Koenig explained that a wet or pre-charged sprinkler system has water in it at all times; the water would come from a water main or a tank with a pump.*

*There was a brief discussion about municipal water versus an underground water tank.*

*Tom Corcoran explained that when Royal Energy submits their building permit then he can determine whether or not the sprinkling is required under fire code. An open 72,000 square foot building requires sprinkling; if the building is partitioned into thirds or more then it is not required.*

ITEM #7 Comments on the agenda

*Mark Reynolds, Southern Ulster Times, asked if the expenses can be explained regarding the pier when the Board gets to the resolution.*

ITEM #8 New Business

A). December 23<sup>rd</sup> Meeting

*The Board discussed whether or not to hold the December 23, 2019 Town Board meeting.*

***Councilman Molinelli made a motion to cancel the December 23, 2019 Town Board meeting. Motion seconded by Councilman Koenig.***

***Yeas: 5***

***Nays: 0***

***Carried***

ITEM #9 Workshop topics

A). Removal of tires from transfer station

*Councilman Baker stated that the Ulster County Sheriff's Office contacted him to see if the Town had any indoor work for them to do.*

*The Board had a brief discussion to see if they could use the help.*

B). TOMVAC

*Supervisor Lanzetta stated that all of the paperwork is completed for the member items.*

C). Conservation Advisory Committee update

*Supervisor Lanzetta explained that the Town is implementing Design Guidelines and asked Ms. Brooks her opinion.*

*Ms. Brooks stated that she agrees with Design Guidelines; they are helpful and provide more consistency.*

*Councilman Koenig suggested that Planning Board applicants have a gateway meeting with the Planning Board first to present ideas and the Design Guidelines before the engineers and architects are involved. There was a disagreement with how long the Planning Board process can be and the cost to the applicant associated with changes during the process. The majority of the Board members discussed making reference of the Design Guidelines in the Town Code and also having the guidelines be worded to be suggestive and not mandatory.*

*Councilman Corcoran stated that he disagrees with the part of the guidelines that suggests putting gas pumps behind a building.*

*There was a discussion about the part of the guidelines that suggests that parking lots should go in the back of buildings. Supervisor Lanzetta explained that it is suggested that parking lots go in the back of buildings.*

*Tom Corcoran suggested changing the wording in the guidelines to say Route 9W Corridor and not the Business Corridor (BC) District.*

*Supervisor Lanzetta stated that the part about the gas pumps behind a building can be omitted and he can ask the Town attorney about where to reference the guidelines in the Town Code.*

D). Milton Landing South Pier

*Discussed under Presentations*

E). Employee Benefits

*The Board discussed the three options that were introduced at the last meeting for benefits for non union and non elected official employees. The first option was a fifth week vacation buyout which would exclude newer employees. The second and third options were longevity pay after 10 years of service. The second option was \$1,000.00 longevity pay with \$100.00 annual increments with a maximum of \$2,000.00. The third option was \$500.00 longevity pay with \$100.00 annual increments with a maximum of \$1,500.00. Supervisor Lanzetta read off which employee each option would affect and when.*

***Councilman Corcoran made a motion to implement a longevity benefit for non union, non elected official employees beginning on the eligible employee's anniversary date in the year 2020 which will be as follows: \$500.00 longevity pay after 10 years of service with \$100.00 increments annually with a maximum benefit of \$1,500.00. The current annual cost will be \$8,700.00. The longevity benefit will need to be added to the Town's Personnel Policy. Motion seconded by Councilman Koenig.***

***Yeas: 5***

***Nays: 0***

***Carried***

*There will also be a resolution with regard to employee benefits.*

ITEM #10 Correspondence

*Supervisor Lanzetta stated that the Census Bureau is looking for help with the 2020 Census. The public is invited to call 1-855-JOB-2020 if they are interested.*

ITEM #11 Public Comment

*James Garofalo wished all a Happy Thanksgiving. He suggested the Board look at appointed employees with regard to the benefits. Mr. Garofalo explained why he agrees with an eight foot gangway for the pier and also gave his opinion on the wording in the Design Guidelines. He also suggested putting elected official information on the website.*

*Tom Corcoran, Building Inspector, asked the Board to look at the budget and see if they can pay someone to schedule, collect the money, and monitor the recreation at the TOMVAC building. There have been scheduling issues and the renters are drilling holes in the rafters and storing items in the electrical room and have been asked not to.*

*The majority of the Board discussed some of the scheduling issues and how it can be controlled better and also the possibility of hiring someone to monitor the recreation and use of the building. Councilman Koenig stressed that anything that is hung from the ceiling must come down because of the safety issue. Councilman Corcoran suggested that they can use the part of the building where Mobile Life was for storage since they are no longer there. Councilman Corcoran and Supervisor Lanzetta stated that the concerns will be addressed.*

ITEM #12 Resolutions

**A). RESOLUTION #86 TO INTRODUCE A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING THE ZONING MAP OF**

THE TOWN OF MARLBOROUGH TO ESTABLISH A BUSINESS CORRIDOR OVERLAY DISTRICT UNDER TOWN CODE SECTION 155-12(H) COVERING PROPERTY AT 1666 ROUTE 9W, MILTON, NEW YORK, MORE PARTICULARLY DESCRIBED AS TAX PARCEL SECTION 103.3, BLOCK 3, LOT 68 LOCATED IN THE R-Ag-1 ZONING DISTRICT.

*Supervisor Lanzetta asked the Board for a motion to allow him to complete a Short Environmental Assessment Form with regard to Resolution #86.*

***Councilman Molinelli made a motion to allow the Supervisor to complete a Short Environmental Assessment Form with regard to the Business Corridor Overlay in Resolution #86. Motion seconded by Councilman Koenig.***

***Yeas: 5                      Nays: 0                      Carried***

B). RESOLUTION #87 AUTHORIZING THE AWARD OF BID FOR TOWN OF MARLBOROUGH MILTON LANDING PIER RESTORATION PROJECT

ITEM #13 Adjournment

***Councilman Koenig made a motion to adjourn the meeting at 8:39 p.m. Motion seconded by Councilman Molinelli.***

***Yeas: 5                      Nays: 0                      Carried***

*Respectfully submitted,  
Danielle Cherubini  
Deputy Town Clerk*

November 25, 2019

A). RESOLUTION #86 TO INTRODUCE A LOCAL LAW OF THE TOWN OF MARLBOROUGH, ULSTER COUNTY, NEW YORK, AMENDING THE ZONING MAP OF THE TOWN OF MARLBOROUGH TO ESTABLISH A BUSINESS CORRIDOR OVERLAY DISTRICT UNDER TOWN CODE SECTION 155-12(H) COVERING PROPERTY AT 1666 ROUTE 9W, MILTON, NEW YORK, MORE PARTICULARLY DESCRIBED AS TAX PARCEL SECTION 103.3, BLOCK 3, LOT 68 LOCATED IN THE R-Ag-1 ZONING DISTRICT.

Supervisor Lanzetta proposes the following:

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

Section 1. The zoning map of the Town of Marlborough established within Town Code Section 155-8 of the Town Code is amended to establish a Business Corridor Overlay District for property at 1666 Route 9W, Marlborough Tax Parcel 103.3-3-68.

Section 2. This local law is enacted subject to the condition that use and development of the subject property shall be limited to and in accordance with the site plan approved by Resolution of the Marlborough Planning Board dated November 18, 2019.

Section 3. This local law is based on findings by the Town Board that the subject property is located in an eligible area pursuant to Town Code Section 155-12(H)(2) and (3) and that the standards set forth in Town Code Section 155-12(H) (5)(f) (1) through (7) are satisfied.

Section 4. The Town Board hereby establishes that the lot, height, yard, bulk, and area requirements for the use of the parcel shall be as they appear within the site plan approved by Resolution of the Marlborough Planning Board dated November 18, 2019.

Section 5. Pursuant to Town Code Section 155-12(H) (5)(g), this establishment of the Business Corridor Overlay District and amendment of the Zoning Map shall be null and void and the zoning of the subject property 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 is commenced within two years from November 18, 2019, which is the date of the adoption of the subject Resolution by the Planning Board.

Section 6. 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.

Section 7. This local law shall take effect immediately upon filing with this state's Secretary of State.

Supervisor Lanzetta advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law.

WHEREAS, on November 25, 2019, Supervisor Lanzetta has introduced this local law for the Town of Marlborough, to be known as “Town of Marlborough Local Law; a local law of the Town of Marlborough, Ulster County, New York amending the Zoning Map of the Town of Marlborough to establish a Business Corridor Overlay District under Town Code Section 155-12(H)

covering property at 1666 Route 9W, Milton, New York, more particularly described as Tax Parcel Number 103.3-3-68;

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 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 December 9, 2019, at 7:00 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 notice shall be in the following form:



**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 9, 2019 at 7:00o'clock, p.m., on a proposed Local Law of the Town of Marlborough, Ulster County, New York, amending the zoning map of the Town of Marlborough to establish a Business Corridor Overlay district under Town Code Section 155-12(H) covering property at 1666 Route 9W, Milton, New York, more particularly described as Tax Parcel Number 103.3-3-68.

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. 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 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 25, 2019

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COLLEEN CORCORAN, TOWN CLERK

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

Supervisor Lanzetta	Yes
Councilman Molinelli	Yes
Councilman Corcoran	Yes
Councilman Baker	Yes
Councilman Koenig	Yes

DATED: Milton, New York  
November 25, 2019

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COLLEEN CORCORAN, TOWN CLERK

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November 25, 2019

**B). RESOLUTION # 87 AUTHORIZING THE AWARD OF BID FOR  
TOWN OF MARLBOROUGH MILTON LANDING PIER RESTORATION PROJECT**

Supervisor Lanzetta proposes the following:

**WHEREAS**, the Town issued a notice of public bid dated September 25, 2019 for the acceptance of sealed bids for the “Milton Landing Pier Restoration”, Contract No. 22-1783-002, in the Town (the “Project”), to be opened at 11:00 a.m. on October 22, 2019 at Town Hall; and

**WHEREAS**, specifications for the Project were prepared by T&B Engineering, P.C. (Tighe & Bond), a professional corporation organized under the laws of the State of New York; and

**WHEREAS**, sealed bids for the Project were publicly opened and read on October 22, 2019, after due notice pursuant to Section 103 of the General Municipal Law, with bids received as set forth on the tabulation included in the engineer’s recommendation letter on file with the Town Clerk; and

**WHEREAS**, the bid of Arben Group LLC in the amount of \$1,479,648.00 for the base bid plus the following alternate(s):

- #2 a deduct alternate, in the amount of \$33,000.00, and
- #3 an add alternate, in the amount of \$90,000.00, and
- #4 an add alternate, with a contingency amount of \$42,000.00

for a total contract price of \$1,578,648.00 for the Project has been determined to be the lowest responsible bid for such work as specified in the specifications on file with the Clerk; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Marlborough does hereby authorize the Supervisor to accept the foregoing bid for the Project and execute a contract in such the form provided by the specifications, subject to the provision of a certificate of insurance and bonds and such further documentation as required by the bid specifications.

EXTRACT OF MINUTES

A regular meeting of the Town Board of the Town of Marlborough, Ulster County, New York was convened in public session at the Town Hall, 21 Milton Turnpike, Suite 200, Milton on November 25, 2019 at 7:00 p.m., local time.

The meeting was called to order by Supervisor Alphonso Lanzetta, and, upon roll being called, the following members were:

PRESENT:

- Supervisor Alphonso Lanzetta
- Councilmember Howard Baker
- Councilmember Scott Corcoran
- Councilmember Allan Koenig
- Councilmember Ed Molinelli

ABSENT:

The following persons were ALSO PRESENT:

The following resolution was offered by Councilman Koenig, seconded by Councilman Baker, to wit;

**TOWN OF MARLBOROUGH  
RESOLUTION NO 87**

**DATED: NOVEMBER 25, 2019**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR  
TOWN OF MARLBOROUGH MILTON LANDING PIER RESTORATION PROJECT**

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

Supervisor Alphonso Lanzetta	VOTING	YES
Councilmember Howard Baker	VOTING	YES
Councilmember Scott Corcoran	VOTING	YES
Councilmember Allan Koenig	VOTING	YES
Councilmember Ed Molinelli	VOTING	YES

The foregoing resolution was thereupon declared duly adopted.

CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Marlborough, Ulster County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a meeting of the Town Board held on the 25th day of November, 2019 and entitled:

**TOWN OF MARLBOROUGH  
RESOLUTION NO. 87**

**DATED: NOVEMBER 25, 2019**

**RESOLUTION AUTHORIZING THE AWARD OF BID FOR  
TOWN OF MARLBOROUGH MILTON LANDING PIER RESTORATION PROJECT**

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Board was present throughout said meeting, and a legally sufficient number of members voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of the resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 25th day of November, 2019.

-SEAL-

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Colleen Corcoran  
Town Clerk