

WORKSHOP MEETING  
TOWN BOARD TOWN OF MARLBOROUGH  
(ZOOM VIDEO MEETING DUE TO THE  
CORONAVIRUS PANDEMIC)  
MAY 26, 2020 7:00 PM  
MINUTES OF MEETING

Present: Supervisor Lanzetta  
Councilman Molinelli  
Councilman Corcoran  
Councilman Baker  
Councilman Koenig

Danielle Cherubini, Deputy Town Clerk  
Thomas Corcoran, Building Inspector/Ulster County Legislator  
Gerald Coccozza, Police Chief  
Christina Wilklow, Budget Officer  
Michael Cucchiara, Nexamp  
Dallas Manson, Nexamp

ITEM #1 Call to order - Pledge of Allegiance

ITEM #2 Moment of Silence

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

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

ITEM #3 Motion to approve agenda

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

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

ITEM #4 Motion to approve minutes from the May 11, 2020 Town Board Meeting

***Councilman Molinelli made a motion to approve minutes from the May 11, 2020 Town Board meeting. Motion seconded by Councilman Koenig.***

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

Motion to approve minutes from the April 13, 2020 through May 11, 2020 Public Hearing – Chapter 98

***Councilman Corcoran made a motion to approve minutes from the April 13, 2020 through May 11, 2020 Public Hearing – Chapter 98, Harbor Management Law. Motion seconded by Councilman Koenig.***

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

Motion to approve minutes from both the April 27, 2020 and May 11, 2020 Public Hearing - Chapter 99

***Councilman Koenig made a motion to approve minutes from the April 27, 2020 and May 11, 2020 Public Hearing – Chapter 99, Consistency Review Law. Motion seconded by Councilman Molinelli.***

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

ITEM #5 Authorize payments of bills

***Councilman Corcoran made a motion to authorize payment of the abstract in the amount of \$400,460.88. Motion seconded by Councilman Molinelli.***

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

ITEM #6 Presentations

A). Michael Cucchiara from Nexamp

*Michael Cucchiara, Nexamp Solar, LLC explained that Nexamp won the RFP in 2019 to add a solar photovoltaic energy system to the Marlboro landfill on Bailey's Gap Road. He gave a background on the company and stated that they will own the whole life cycle of the project. Mr. Cucchiara gave a presentation for the project with the following information:*

*Project Description*

*Size - 1632 kW DC*

*Total Year 1 Production - 2,022,295 kWh*

*(28% allocated to Marlborough)*

*Discount - 18%*

*Central Hudson Rate - \$0.0931/kWh*

*They will likely begin the project in the first quarter of 2021.*

*Savings Opportunity*

*Estimated 1<sup>st</sup> Year Annual Value of Credits - \$52,717*

*Value of Distributed Energy Resources Credit Purchase Price - \$43,228*

*Year 1 Savings - \$9,489*

*20 Year Savings (1.25% credit inflation)*

*(Billing would be monthly)*

*40% of the project can go out to the town's accounts (demand meters) and 60% can go out to residential meters. Mr. Cucchiara stated that they would also like to work with the town to get the residents involved so they can receive a 10% discount. Ms. Manson and Mr. Cucchiara explained the construction of the system which will be on a 9 acre fenced in area and also how stormwater may be managed.*

**ITEM #7 Comments on the agenda**

*No comments on the agenda.*

**ITEM # 8 New Business**

*No new business.*

**ITEM #9 Workshop topics**

**A). COVID-19**

*Supervisor Lanzetta stated that Phase I opened up in our region and Tom Corcoran explained what industries are now open and that Phase II will be in about two weeks. Supervisor Lanzetta stated that the town is talking with the school about when the building can reopen.*

**B). Christian Hill Trail**

*Supervisor Lanzetta stated that a Greenway grant application for \$70,000.00 was going to be submitted at the time New York pulled money out of their budget. Tony Falco and others cleared out and cleaned up the trail. Councilman Baker ordered a dumpster and Gary Lazaroff is going to remove stumps. Tilcon gave the town permission to get Item 4 to spread at the entrance and parking area. The trail head is at the south end of St. Mary's parking lot. There was a discussion with regard to purchasing a kiosk for the trail. Supervisor Lanzetta received a quote from Milton Hardware for Elliot Cash to build.*

***Councilman Molinelli made a motion to spend up to \$350.00 to build a kiosk for the Christian Hill Trail. Motion seconded by Councilman Koenig.***

***Yeas: 5***

***Nays: 0***

***Carried***

*There was a brief discussion about awarding a couple of people with a Pride of Marlborough Certificate.*

ITEM #10 Correspondence

*No correspondence.*

ITEM #11 Public Comment

*Councilman Koenig stated that all of the planters have been placed out in Milton and they are all self watering now.*

*Supervisor Lanzetta and the Board thanked John Alonge for putting together the drive by Memorial Day Parade.*

ITEM #12 Resolutions

A). Resolution # 61 To accept Highway Items Bid

B). Resolution # 62 To accept Fuel items

C). Resolution # 63 A proposed Lease Option Agreement and Ground Lease for a solar photovoltaic system on the Landfill site

ITEM #13 Adjournment

*Councilman Koenig made a motion to adjourn the meeting at 8:08 p.m. Motion seconded by Councilman Molinelli.*

*Yeas: 5*

*Nays: 0*

*Carried*

*Respectfully submitted,*

*Danielle Cherubini*

*Deputy Town Clerk*

May 26, 2020

A). Resolution # 61 To accept Highway Items Bid

Supervisor Lanzetta proposes the following:

Whereas, a legal notice appeared in the official newspaper of the Town of Marlborough requesting bids on materials for the Town of Marlborough Highway Department, and

Whereas, May 11, 2020 all bids were open and read aloud, and

Whereas, the Superintendent of Highway has recommended the following items

Item #1 Material Hauling-**JKN Trucking** –  
Item #2 Asphalt and Material Hauling-**JKN Trucking**  
**There were no other bids**

Item # 3 Washed Stone and Hauling

Item 4 at \$20.50/ton –material and delivery-**E.TETZ AND SONS**  
**JKN TRUCKING \$24.75**

$\frac{3}{4}$  stone at \$25.75/ton material and delivery-**JKN TRUCKING**  
**E.TETZ AND SONS \$28.00**

And moves for its adoption

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

May 26, 2020

B). Resolution # 62 To accept Fuel items

Supervisor Lanzetta proposes the following:

Whereas, a legal notice appeared in the official newspaper for the Town of Marlborough requesting bids for the Towns fuel needs, and

Whereas, May 11, 2020 all bids were opened and read aloud

Now therefore be it resolved that, the following bids are awarded

**Mirabito-Heating oil at .1850/gal over Journal of Commerce Albany reseller tank Car**  
No other bids received

**Mirabito- Propane will be donated to the Town**  
No other bids received

And moves for its adoption

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

May 26, 2020

C). Resolution # 63 A proposed Lease Option Agreement and Ground Lease for a solar photovoltaic system on the Landfill site

Supervisor Lanzetta Proposes the following:

WHEREAS, Landlord owns real property located at 20 Baileys Gap Road, Marlborough, New York, containing approximately 82.33 acres (the "Property"); and

WHEREAS, the Property is or was formerly operated as a solid waste management facility authorized by the New York State Department of Environmental Conservation and other applicable Government Authority ("Landfill"); and

WHEREAS, the Town Board has negotiated a proposed Lease Option Agreement and proposed Ground Lease with NEXAMP SOLAR, LLC, for the lease of a portion of the Property as shown on a map attached to the proposed Ground Lease to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto (the "Facility"); and

WHEREAS, copies of the proposed Lease Option Agreement and Ground Lease are on file with the Town Clerk; and

WHEREAS, the execution of the proposed Ground Lease requires a Public Hearing; and

WHEREAS, if the Town is duly authorized to execute the Lease Option Agreement and the Ground Lease and applicable permissive referendum requirements are satisfied, and further, if NEXAMP SOLAR, LLC exercises its option to proceed, NEXAMP SOLAR, LLC will file with the Town an application seeking Town approval for the Facility; and

WHEREAS, pursuant to 6 NYCRR 617.5, the contemplated action is a Type II action; and

WHEREAS, the Town Board intends to assess, after public hearing, whether the establishment of this Facility on the Property owned by the Town of Marlborough should be exempt from the Town's local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town Board shall conduct the review of such application and issue any approvals deemed necessary;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board will consider the aforesaid proposed Lease Option Agreement and Ground Lease at a public hearing to be held on June 22, 2020.
2. The Town Board hereby classifies the contemplated action as a Type II action under the State Environmental Quality Review Act (SEQRA) and its implementing regulations (6 NYCRR 617.5).
3. The Town Board shall also review, at the above referenced public hearing, whether the establishment of the Facility on the Property owned by the Town of Marlborough should be exempt from the Town's local land use regulations under the standards set forth in Matter of Monroe

County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town Board shall conduct the review of any application submitted and issue any approvals deemed necessary.

4. The Town Board hereby solicits recommendations from the Town of Marlborough Planning Board regarding this subject matter and directs the referral of the matter to the Ulster County Planning Board.

5. The Town Clerk is hereby authorized and directed to cause the notice of said public hearing to be published once in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days before the date of public hearing, in the following form:



NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of Marlborough will meet for the purpose of conducting a public hearing on June 22, 2020 at Marlborough Town Hall, 21 Milton Turnpike, Milton, New York, at 7:00 p.m., prevailing time, relating to a proposed Lease Option Agreement and proposed Ground Lease for a portion of Town-owned real property at the 20 Baileys Gap Road which is the site of the former solid waste management facility (Landfill), to develop, construct, operate and maintain a solar powered electric generation and energy storage facility and any uses necessary or ancillary thereto (the "Facility"); and whether the establishment of the Facility should be exempt from the Town's local land use regulations under the standards set forth in Matter of Monroe County (72 N.Y.2d 338; 533 N.Y.S.2d 702) and subsequent case law and/or whether the Town Board shall conduct the review of any application submitted and issue any approvals deemed necessary.

TAKE FURTHER NOTICE, that copies of the proposed Lease Option Agreement and proposed Ground Lease are on file with the Town Clerk.

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

PLEASE TAKE FURTHER NOTICE THAT, given the new coronavirus pandemic and resulting Executive Orders issued by the Governor, it is possible that this public hearing will be held remotely via Zoom without in-person attendance in which case the meeting ID and password, as well as a call-in phone number, will be posted on the Town website at least ten days before the public hearing.

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

(Balance of page intentionally left blank.)

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

The resolution was thereupon declared duly adopted.

DATED: Milton, New York

May 26, 2020

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Colleen Corcoran, Town Clerk