

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one.)

of MARBLETOWN

FILED  
STATE RECORDS

AUG 24 2022

Local Law No. 7 of the year 2022

DEPARTMENT OF STATE

A local law A LOCAL LAW KNOWN AS STRETCH ENERGY CODE  
(Insert Title)

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one.)

of MARBLETOWN

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)



**LOCAL LAW NUMBER 7 OF 2022**  
**TOWN OF MARBLETOWN**

**A LOCAL LAW KNOWN AS STRETCH ENERGY CODE**

**BE IT ENACTED**, by the Town of Marbletown Town Board, as follows:

**Section 1. Chapter 99**

“Building Construction” of the Code of the Town of Marbletown, as amended, is further amended as follows:

Local Law #4, 2021 is Amended to remove the language following “**December 31, 2021**” in section **99-1 (A)(2)**.

Chapter 99 of the Building Construction Code shall be amended to include the following provisions:

**99-1 (A)(1) Legislative Intent**

The Town of Marbletown seeks to protect and promote the public health, safety, and welfare of its residents by mandating energy efficient building standards. In 2019, the New York State Energy Research and Development Authority (NYSERDA) developed and published the NYStretch Energy Code 2020 (hereinafter referred to as NYStretch), a more energy efficient building code than the 2020 ECCCNY. This proposed code amendment seeks to modify the Marbletown Town Code to adopt NYStretch and to enact more restrictive regulations as they relate to new or substantially renovated buildings.

**99-1 (A)(2) Adoption of NYStretch Code**

The NYStretch Energy Code-2020 supplement to the Energy Conservation Construction Code of New York State-2020, (hereafter referred to as "NYStretch") published by the New York State Energy Research and Development Authority (hereafter referred to as "NYSERDA"), shall be effective for all building permit applications (applicable to new construction, substantial reconstruction, alterations, and additions) submitted on or after **December 31, 2021**. (A copy of NYStretch is annexed hereto and made part hereof. See Attachment “A” )

**99-1 (A)(3) Authority**

The proposed local law is enacted pursuant to New York Energy Law §11-109(1), and Municipal Home Rule Law §10 and in accordance with the procedures detailed in Municipal Home Rule § 20.

**Section 2. Notice**

This local law shall be filed with the state fire prevention and building code council within thirty days after its adoption.

**Section 3. Severability**

If any section or subdivision, paragraph, clause, phrase of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

**Section 4. Effective Date**

This local law shall take effect upon filing with the Secretary of State pursuant to New York Energy Law §11-109(1) and the Municipal Home Rule Law.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2022 of the (County)(City)(Town)(Village) of MARBLETOWN was duly passed by the TOWN BOARD on AUGUST 2 2022, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

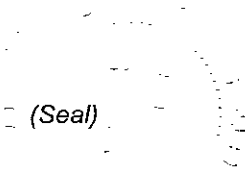
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_ above.



*Leah Moody*  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *August 4, 2022*

(Seal)

**Effective Date of this Local Law**

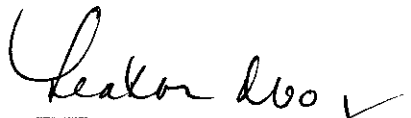
This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

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I hereby certify that the local law annexed hereto, designated as Local Law No. 7 of 2022 of the Town of Marbletown, was duly passed by the Town Board on August 2, 2022 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.

(Seal)



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Heather Moody, Town Clerk

Date: 8.15.2022

STATE OF NEW YORK

COUNTY OF ULSTER



## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on July 19, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Tim Hunt, Daisy Foote, Don LaFera (Via Zoom) and Ken Davenport

**ABSENT:**

The following Resolution was offered by Councilwoman Foote and seconded by Councilman Davenport

**RESOLUTION#74-2022, SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED AMENDMENT TO LOCAL LAW NUMBER 5 OF 2021, A LOCAL LAW KNOWN AS STRETCH ENERGY CODE**

**WHEREAS**, the Town Board found it to be in the best interests of the residents of the Town of Marbletown to amend Local Law #5 of 2021, as it has been determined by NYS DOS and NYSERTA that the NYSTRETCH Energy Code required modification to be made to the Local Law as language that was provided, creating exemptions for certain sections of the NYS Energy Code and Building Code.

**WHEREAS**, Local Law #5 of 2021 was adopted following Local Law #4 of 2021 when it was determined by NYS DOS that the NYSTRETCH Energy Code needed modification.

**NOW THEREFORE, BE IT RESOLVED** as follows:

1. A public hearing shall be held at the Town Hall at 6:00 p.m. on Tuesday August 2, 2022, by interested persons, upon passage of this resolution, to hear all interested parties on the proposed amendment of Local Law # \_\_, 2022 Stretch Energy Code.
2. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required. This shall amend Local Law #5, 2021, Stretch Energy Code that will go into effect upon filing with the Secretary of State.

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

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #74-2022 was thereupon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: July 19, 2022





## TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on August 2, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

**PRESENT:** Rich Parete, Tim Hunt, Daisy Foote, Don LaFera and Ken Davenport

**ABSENT:**

The following Resolution was offered by Councilman Davenport and seconded by Councilwoman Foote

**RESOLUTION#79-2022: ADOPTING LOCAL LAW 7-2022 AN AMENDMENT TO LOCAL LAW NUMBER 5 OF 2021, A LOCAL LAW KNOWN AS STRETCH ENERGY CODE**

**WHEREAS**, the Town Board found it to be in the best interests of the residents of the Town of Marbletown to amend Local Law #5 of 2021, as it has been determined by NYS DOS and NYSERTA that the NYSTRETCH Energy Code required modification to be made to the Local Law as language that was provided, creating exemptions for certain sections of the NYS Energy Code and Building Code.

**WHEREAS**, Local Law #5 of 2021 was adopted following Local Law #4 of 2021 when it was determined by NYS DOS that the NYSTRETCH Energy Code needed modification.

**WHEREAS**, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

**WHEREAS**, some New York State municipalities have adopted stricter energy standards to ensure reduced energy costs for its residents and businesses;

**WHEREAS**, under NY Energy Law § 11-109, the Town of Marbletown is authorized to adopt a local energy code more stringent than the 2020 ECCCNY;

**WHEREAS**, the Town Board is considering **amending provisions of the Town Code Chapter #99 to add provisions for a local energy code “NYStretch”**; and

**WHEREAS**, a public hearing was held on August 2, 2022, at which time all persons either for or against said amendments were heard; and

**WHEREAS**, the Town Board is declared Lead Agency for the purposes of environmental review with respect to the proposed resolution, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR 617 (collectively, “SEQRA”); and

**WHEREAS**, the Marbletown Town Board, as Lead Agency, has advised that the proposed action meets the criteria of a "Type II Action" under SEQRA; now, therefore, be it further

**RESOLVED**, that Local Law No. 7 of 2022 amending Local Law #5 2021 is hereby adopted as follows:

LOCAL LAW NO. 7 OF 2022

A LOCAL LAW amending provisions of the Town Code Chapter #99 to add provisions to a local energy code "NYStrech" of the Marbletown Code;

BE IT ENACTED by the Town Board of Marbletown as follows:

**See attached law**

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

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #79-2022 was thereupon adopted.

*Heather Moody, Town Clerk/Tax Collector*

Dated: August 2, 2022