

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

OCT 13 2021

DEPARTMENT OF STATE

Local Law No. 5 of the year 2021

A local law "NYSTRETCH"
(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.)



Town of Marbletown

Local Law 5 of 2021

Chapter 99, Building Construction ; “NYStretch”

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Local Law #4, 2021 is Repealed.

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alterations, and additions) submitted on or after **December 31, 2021** in the Town of Marbletown unless superseded by more restrictive or conflicting provisions adopted by the Town of Marbletown or by New York State. Section R403.6.2 of the NYStretch shall be severed from this local law.

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. 5 of 2021 of the ~~(County)(City)(Town)(Village)~~ of MARBLETOWN was duly passed by the TOWN BOARD on SEPTEMBER 21 20 21, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* 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.

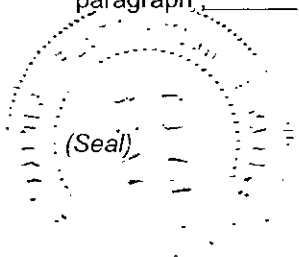
(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

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.

Heather Moody

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

Date: 10/6/2021

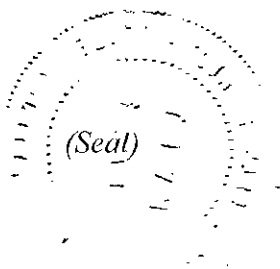


Effective Date of this Local Law

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.

I hereby certify that the local law annexed hereto, designated as Local Law No. 5 of 2021 of the Town of Marbletown, was duly passed by the Town Board on September 21, 2021 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.



Heather Moody, Town Clerk

Heather Moody, Town Clerk

Date: 10/6/2021

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 public session at the Town Hall, 1925 Lucas Ave Cottekill, New York on September 7, 2021, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Richard Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Tim Hunt, Daisy Foote and Eric Stewart

ABSENT: Don LaFera

The following Resolution was offered by Councilman Stewart, seconded by Councilman Hunt:

RESOLUTION#78-2021, SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER 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 repeal **Local Law #4 of 2021, Stretch Energy Code**, and replace it with **Local Law # Stretch Energy Code** in order to achieve the purposes and objectives set forth in the Local law, and

WHEREAS, following **Local Law #4 of 2021** adopting the NYSTRETCH Energy Code it was determined by NYS DOS that modification needed to be made to the Local Law language that was provided, creating exemptions for certain sections of the NYS Energy Code and Building Code.

NOW THEREFORE, BE IT RESOLVED as follows:

1. A public hearing shall be held at the Town Hall or Zoom at 6:00 p.m. on Tuesday September 21, 2021, by interested persons, upon passage of this resolution, to hear all interested parties on the proposed repeal of **Local Law #4 of 2021** and its replacement "**A Local Law # , 2021 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 repeal **Local Law #4, 2021** and replace it with **A Local Law # , 2021 Stretch Energy Code** that will go into effect upon filing with the Secretary of State but will not impose the change in the code until **December 31, 2021**.

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

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

Resolution #78-2021 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: September 7, 2021



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on September 21, 2021, 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, Don LaFera, Daisy Foote and Eric Stewart

ABSENT:

The following Resolution was offered by Councilwoman Foote, seconded by Councilman Hunt:

RESOLUTION#81-2021 STRETCH ENERGY CODE

WHEREAS, to prevent a statewide patchwork of stricter energy codes, the New York State Energy Research and Development Authority (NYSERDA) developed the NYStretch Energy Code – 2020 (NYStretch);

WHEREAS, a stretch energy code is simply an energy code that is more stringent than the minimum base energy code that can be voluntarily adopted by local jurisdictions. NYStretch is a voluntary supplement to the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY) improves its efficiency an average of ten to twelve percent (10-12 %) more efficient than the minimum requirements of the base energy code, the 2020 Energy Conservation Construction Code of New York State (2020 ECCCNY);

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 September 21, 2021, 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. 5 of 2021 is hereby adopted as follows:

LOCAL LAW NO. 5 OF 2021

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

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

See attached

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

Councilman Stewart	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 #81-2021 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: September 21, 2021



TOWN OF MARBLETOWN

HEATHER MOODY

TOWN CLERK-TAX COLLECTOR-REGISTRAR

P.O. Box 217, STONE RIDGE, NEW YORK 12484
845-687-7500

CERTIFICATION

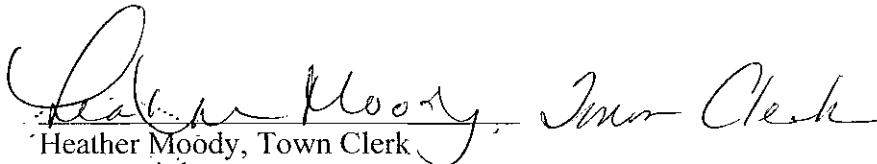
State of New York)

County of Ulster)

I, Heather Moody, Town Clerk, Tax Collector, Registrar of the Town of Marbletown, Ulster County, New York, DO HEREBY CERTIFY, that I have compared the attached: **Town Board RESOLUTION#81-2021: STRETCH ENERGY CODE** which was approved at the regularly scheduled Town Board Meeting held on September 21, 2021 with the original of said document on file in the office of the Town Clerk of the Town of Marbletown and that the copy is a true, complete and accurate copy of the original of said document.

I, FURTHER CERTIFY, that all members of said Board had due notice of said meeting.

IN WITNESS WHEREOF, I have signed this certification and affixed the SEAL of the Town of Marbletown this 6th of October 2021.


Heather Moody, Town Clerk

Town of Marbletown, Ulster County, NY

(SEAL)