

**Minutes of a Regular Meeting** of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **November 06, 2013.**

**ROLL CALL:**

**Present:** Supervisor Anthony P. Cellini, Presiding  
Councilman Richard Sush  
Councilman Sharon Jankiewicz  
Councilman Peter T. Briggs  
Councilman Scott Mace

**APPROVED**

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
Logan E. Ottino, Building Dept./Code Enforcement Officer  
Richard Benjamin, Jr., Highway Superintendent  
Gary J. Lasher, Comptroller

**CHANGE OF MEETING DATE:** This meeting was originally rescheduled from Tuesday, November 5<sup>th</sup> to Wednesday, November 8<sup>th</sup> due to Election Day. Town Clerk Marilee J. Calhoun advised that notice of this change was duly published in the Sullivan County Democrat on October 08, 2013 with the same being posted at the Town Hall on October 03, 2013. Notice was also sent to the news media and posted on the Town's website.

**PUBLIC HEARING: 2014 FISCAL YEAR PRELIMINARY BUDGET**

Supervisor Cellini opened the Public Hearing at 7:30 PM.

Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on October 29, 2013 with same being posted at the Town Hall on October 23, 2013.

Supervisor Cellini called upon Comptroller Gary J. Lasher to explain the 2014 Fiscal Year Preliminary Budget. Comptroller Lasher explained that the Preliminary Budget falls under the tax cap requirement consisting of approximately 4%. However he said that the paper work to override the tax cap percentage was filed with the State of New York in the event that the budget came in over the tax cap requirement. He said that there were no additional changes made to the current Preliminary Budget at this time. Supervisor Cellini said that the budget is available for review in the Town Clerk's Office and on the Town's website.

Supervisor Cellini asked if the Board had any comments. The Board had no comments. Supervisor Cellini asked if anyone from the public would like to be heard on this matter. There were no public comments made.

After an opportunity for all persons to be heard Supervisor Cellini entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:32 PM was made by Councilman Briggs and seconded by Councilman Sush.

**REGULAR MEETING – CALL TO ORDER**

Supervisor Cellini opened the meeting at 7:33 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

**MONTHLY REPORTS RECEIVED AND FILED:**

Building Department & Code Enforcement Officer's Report – October 2013  
Comptroller's Budgetary Report – October 2013  
Dog Control Officer's Report – October 2013

**APPROVAL OF MINUTES:**

On a motion made by Councilman Briggs and seconded by Councilman Mace the minutes of the October 15<sup>th</sup>, 2013 regular meeting and budget work-session were approved as presented.

Vote: Ayes 5      Cellini, Jankiewicz, Briggs, Sush and Mace  
      Nays 0

**PUBLIC COMMENT:**

There was no public comment given.

**AGENDA ITEMS:**

**3. CONSENT TO FORM A SEWAGE-WORKS CORPORATION – SULLIVAN INFRA WEST, INC.**

Attorney Gary D. Silver of Stoloff & Silver, LLP Attorneys and Counsellors at Law on behalf of their client the prospective purchasers of the Kutsher's property provided a presentation regarding the Old Liberty Road Sewage Co., Inc. sewer system. In connection with the property purchase his client will also be purchasing assets of the Old Liberty Road Sewage Co., Inc. sewer system and the permit would be transferred over to the new owners. However pursuant to Section 117 of the Transportation Corporations Law a company must form a sewage-works corporation, which requires the consent of the Town in which the sewer company is located and is the reason that he is present this evening. He completed the consent order and proposed certificate of corporation for the Town Boards consideration. They are requesting that the Town consent to the approval of the Sullivan Infra West, Inc. as a sewage-works corporation. Attorney Mednick said that the property owner would provide the Town with a guarantee in connection with operating this sewage-works corporation for the next five-years going forward. Attorney Silver said that the guarantee will provide upon their acquisition of assets that they agree from that point forward that they will operate the system for at least five-years. They will also provide a copy of their stock certificate for this corporation, which is required by law.

Councilman Jankiewicz felt that bonding should be required and questioned why it is not being required. Attorney Silver said that bonding appears to be more for new companies to make sure that they stay in business and that they would operate and

develop the sewer system, but obviously all of the lines and sewer system already exists, which is why the property owner is providing a guarantee. This system was previously operated by Old Liberty Sewage Co., Inc. for many years. Attorney Silver said at one point the purchaser was going to buy the company, however it turns out that they are only purchasing the assets of the company and will operate the system that way. Otherwise they would not have to come before the Town Board, but since they will be taking over that company and forming a new one they require the consent of the Board. Councilman Jankiewicz feels that based on what just happened recently with the Melody Lake Water Works Company the Town should require a bond be posted. The Town is not taking over Melody Lake as a result of their failure to operate it properly and if a bond were in place then the Town would not be in the situation we are in right now. She suggested that the Town Engineer and Superintendent Culligan provide their recommendations regarding the requirement and amount of a bond prior to consenting. Attorney Silver respectively disagreed, he said that this company is putting \$91 Million Dollars into the Town and is already an operating company and not a new company. The Town does not have to worry about whether or not it will fly or not. It already has its customers, the residents of Hidden Ridge and them self. The company has a vested interest to make this system work, because it takes away its own waste and not just serving other customers it serves itself. The sewer system has been in operation since 1984. Attorney Silver said this is why Attorney Mednick feels that a guarantee is appropriate as opposed to additional expense of this venture as bonds are required to be renewed every year and for five years. Attorney Silver does not see the necessity for a bond, but obviously it is the Boards decision. The Town Board further discussed the matter involving bonding and it was the consensus of the Board that bonding would not be necessary. Attorney Mednick explained the reason that a bond is required, which is similar in nature to the guarantee. Highway Superintendent Richard Benjamin said that if the system failed then the property owners would have to take the sewer system over and all of the costs would be borne by them regardless. Councilman Jankiewicz said that is what she is afraid will happen, which will result in the same situation as the Melody Lake Water System is in, which was further discussed. The Town Board said that the only way that this development will have success is if they have sewer so since they have a vested interest in the operation of the sewer system they decided to act as follows:

**The Following Resolution Was Duly Adopted: Res. No. 297 of the Year 2013.**

At a Regular Meeting of the Town Board of the  
Town of Thompson held at the Town Hall, 4052  
Route 42, Monticello, New York on November 06,  
2013

**RESOLUTION TO CONSENT TO THE FORMATION OF THE SULLIVAN INFRA  
WASTE, INC. AS A SEWAGE WORKS CORPORATION PURSUANT TO §117 OF THE  
TRANSPORTATION CORPORATIONS LAW**

**WHEREAS**, there presently is a private sewer company that services all of the Kutsher's

properties in the Town of Thompson called Old Liberty Road Sewage Co., Inc.; and

**WHEREAS**, the Old Liberty Road Sewage Co., Inc. has been in existence for over three decades providing all sewage utilities to all Kutsher’s property interests; and

**WHEREAS**, there presently is a deal to sell the Kutsher’s properties to a development group which plans on renovating the Kutsher’s properties into a world-class destination resort; and

**WHEREAS**, in connection with this property purchase, the development group will be acquiring the assets of the Old Liberty Road Sewage Co., Inc., requiring that the established private sewer system and permits would be transferred to the new owners; and

**WHEREAS**, upon that transfer, pursuant to §117 of the Transportation Corporations Law, the new owners must form a sewage works corporation and receive the consent of the Town of Thompson to do so; and

**WHEREAS**, the developers propose to establish Sullivan Infra West, Inc. to take over and run the former Old Liberty Road Sewage Co., Inc. which will act to service all the current properties and any newly developed properties, including the new resort building; and

**WHEREAS**, the developers will provide a guarantee to operate the sewage works corporation for at least five (5) years from the date it is established.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson does hereby consent to the formation of Sullivan Infra West, Inc. as a sewage works corporation in the Town of Thompson; and

**BE IT FURTHER RESOLVED**, that the Board Members are authorized to sign the Consent Order attached hereto consenting to the formation of the aforesaid sewage works corporation, conditioned upon the submittal of a signed guarantee by the principals in lieu of filing a bond.

Adopted the 6<sup>th</sup> day of November, 2013.

Motion by: Councilman Richard Sush  
Seconded by: Councilman Peter T. Briggs

Discussion: Councilman Jankiewicz felt that a bond should be required.

The members of the Town Board voted as follows:

Supervisor ANTHONY P. CELLINI	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SHARON JANKIEWICZ	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

**CORRESPONDENCE:**

Supervisor Cellini reported on correspondence that was sent or received as follows:

- 1) Letter dated 10/15/13 from Jennifer C.S. Brylinski, Executive Director, Sullivan County IDA to Joshua Potosek, Acting Sullivan County Manager, Supervisor Cellini, Monticello Central School District Superintendent, Logan Ottino, Code Enforcement & Nora J. Hughson, Town Assessor regarding Veria Lifestyle, Inc. (Kutsher's Property) Public Hearing for proposed IDA assistance. Public Hearing to be held on 11/06/13 at 2PM in the Town of Thompson, Hearing Room. A copy of the Notice of Public Hearing was provided.
- 2) Letter dated 10/11/13 from Mary Paige Lang-Clouse, Director of the Ethelbert B. Crawford Public Library to Supervisor Cellini providing the Town with the 2014 Budget and Trustee Election Results. Library Trustees Robert D. Norris and Lynn Skolnick were re-elected. The 2014 Budget was approved as presented. A copy of the approved 2014 Library Budget was also provided.
- 3) 12-Page Letter dated 10/15/13 from Toby L. Boritz to Supervisor Cellini and Town Board with comments regarding typesetting corrections to portions of RR-1&2, SR, HC-1&2 and CI Schedules of District Regulations. After the last Town Board meeting a copy of these comments were provided to the Planning Board for review and recommendation and the Town Board is still waiting for the Planning Board to address and provide a response.
- 4) Letter dated 10/16/13 from Laura A. Coruzzi and Robert J. Schneider to NYS DEC Commissioner Joseph Martens regarding China City of America project request to be Lead Agency. Copies of the Subdivision/Site Plan Application and Environmental Assessment Form were provided for review.
- 5) Letter dated 10/18/13 from Supervisor Cellini to Hon. Martin Brand, Regional Director, NYS DEC regarding Demolition Debris from the Village of Monticello Justice Court Building.
- 6) Letter dated 10/09/13 from Jennifer CS Brylinski, Executive Director, Sullivan County IDA to Supervisor Cellini regarding the 2014 Distribution of the PILOT Payment along with Check # 3519 dated 10/09/13 made payable to Town of Thompson in the amount of \$80,243.22 for one project. The project is as follows: CRH Realty I, LLC. The Distribution Calculation forms for the project were provided.
- 7) Letter dated 10/16/13 from Robert F. Rogers, Vice President, Yankee Lake Preservation Association, Inc. to Town of Thompson Planning Board Chairperson Patrice Chester regarding China City of America Subdivision/Site Plan Application and Environmental Assessment Form. Request for NYS DEC to be Lead Agency.
- 8) Letter dated 10/15/13 from James V. Galvin, Esq. of Bonacic & McMahon, LLP Attorneys at Law to Marcia Heller, Esq. regarding Marcia and Edward Heller vs. Town of Thompson, Date of Loss: 07/01/13 with a request for documents. Bonacic & McMahon, LLP has been retained by HCC Public Risk Claim Service to represent the Town of Thompson in regards to said matter. A copy of said





## RESOLUTION

Declaring the month of November “Pancreatic Cancer Awareness Month” in the **Town of Thompson, County of Sullivan, State of New York** WHEREAS in 2013, an estimated 45,200 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS approximately 2500 deaths will occur in New York in 2013;

WHEREAS the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;

WHEREAS the U.S. Congress passed the *Recalcitrant Cancer Research Act* last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the **Town of Thompson, County of Sullivan, State of New York** and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the **Town of Thompson, County of Sullivan, State of New York** support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the **Town of Thompson, County of Sullivan, State of New York** are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the **Town of Thompson, County of Sullivan, State of New York** designate the month of November 2013 as “Pancreatic Cancer Awareness Month” in **Town of Thompson, County of Sullivan, State of New York**.

Dated: November 06, 2013

Motion by: Councilman Richard Sush                      Seconded by: Councilman Scott Mace

Vote: Ayes 5                      Cellini, Jankiewicz, Briggs, Sush and Mace

Nays 0

**5. ASSESSOR: RESUME'S & APPLICATIONS – CRAIGSLIST**

Supervisor Cellini and other Board Members recommended that the appointment for this position be made after January 1<sup>st</sup> by the new Town Board once they have taken office. Supervisor Cellini will make arrangements for the new Board Members to meet with the existing Board to discuss and setup interviews for this position. Supervisor Cellini is recommending that when the interviews are conducted the new Board Members be included. The Town has received (5) applications for the position to date.

**6. TAX CERTIARI SETTLEMENT: HALIL CENOVIC, SBL# 10.-12-2 & 6.-1-1.1**

This Resolution was previously approved at the last Town Board meeting on 10/15/2013. There is no further action required, so no action was taken.

**7. PETITION FOR ANNEXATION – LAS PAPAYAS, INC., SBL #'S 31.-1-13 (110 EAST BROADWAY, MONTICELLO)**

Attorney Sergio A. Saravia on behalf of Las Papayas, Inc. the property owner of 110 East Broadway, Monticello, New York, SBL #'s 31.-1-13 filed a Petition with the Town Clerk for Annexation into the Village of Monticello for the purpose of obtaining water and sewer services. The Town Clerk spoke with the Village Clerk and they are recommending that a Joint Public Hearing be scheduled for December 3<sup>rd</sup> at 6:45 PM. The Town Board took action to schedule a Joint Public Hearing as follows:

**The Following Resolution Was Duly Adopted: Res. No. 300 of the Year 2013.**

Resolved, that the Town of Thompson hold a joint Public Hearing with the Village of Monticello on Tuesday, December 3<sup>rd</sup>, 2013 at 6:45 P.M. to be held at the Town Hall, 4052 Route 42, Monticello NY for the purpose of considering the annexation petition of Las Papayas, Inc. of 110 East Broadway, Monticello presently located in the Town of Thompson, SBL #'s 31.-1-13. Notice of the said hearing will be published in the official newspapers for the Town, which the Village will be required to publish as well.

Moved by: Councilman Jankiewicz                      Seconded by: Councilman Briggs

Vote: Ayes 5                      Cellini, Jankiewicz, Briggs, Sush and Mace

Nays 0

**BUILDING DEPARTMENT – CHANGES TO FEES, FINES AND PROCEDURES**

A breakdown of the current and proposed fees, fines and procedures for the Building Department was provided. Councilman Mace has been working diligently with the Building Department to come up with the provided proposal. There was a brief discussion on the proposed fees.

**The Following Resolution Was Duly Adopted: Res. No. 301 of the Year 2013.**

Resolved, that the proposed fees, fines and procedures for the Building Department hereby be approved effective January 1<sup>st</sup>, 2014 as presented, which can be found appended to these minutes.<sup>2</sup>

Motion by: Councilman Briggs

Seconded by: Councilman Mace

Discussion: Councilman Jankiewicz said that she is abstaining from voting on this matter since she has not had an opportunity to review the proposed information.

Vote: Ayes 4      Cellini, Briggs, Sush and Mace

Nays 0

Recused 1      Jankiewicz

**AWARD BIDS: VEHICLE AND EQUIPMENT REPLACEMENT PARTS – HIGHWAY SUPERINTENDENT RICHARD BENJAMIN**

Superintendent Benjamin provided the Town Board with a (14) page schedule of the Vehicle and Equipment Replacement Parts Bid Results. He explained that the bid is to be awarded to all vendors and the purchasing of parts/items will be based upon availability and pricing. This schedule is in the same format as last year's bid results. He is recommending that the Board approve the bid to all of the vendors as per the submitted schedule.

**The Following Resolution Was Duly Adopted: Res. No. 302 of the Year 2013.**

Resolved, that the bids for Vehicle & Equipment Replacement Parts hereby be accepted to the following list of vendors at various prices for each item as per the attached schedule:<sup>3</sup>

- 1) American Hose & Hydraulics
- 2) Arthur Glick Truck Sales
- 3) Arkel Motors, Inc.
- 4) Cambell Freightliner of Orange County
- 5) Cook Brothers Truck Parts
- 6) FleetPride, Inc.
- 7) Interstate Battery Systems
- 8) M&M Auto Group
- 9) Roches Garage, Inc.
- 10) Shakelton Auto & Truck (NAPA)
- 11) Trans Axle LLC

Further Be It Resolved that the Town Clerk be, and hereby is, directed to notify the successful bidders of the award thereof.

Moved by: Councilman Jankiewicz

Seconded by: Councilman Sush

Vote: Ayes 5      Cellini, Jankiewicz, Briggs, Sush and Mace

Nays 0

**8. BILLS OVER \$1,250.00 – WATER & SEWER DEPARTMENT**

**The Following Resolution Was Duly Adopted: Res. No. 303 of the Year 2013.**

<sup>2</sup> ATTACHMENT: CURRENT AND PROPOSED BUILDING DEPARTMENT FEES, FINES & PROCEDURES, WHICH HAVE BEEN ADOPTED AS PER THE PROPOSED INFORMATION.

<sup>3</sup> ATTACHMENT: VEHICLE & EQUIPMENT REPLACEMENT PARTS BID SCHEDULE.

Resolved, that the following bills over \$1,250.00 for the Water & Sewer Department be approved for payment as follows:

**GOTTADO CONTRACTING** **\$5,170.01 TOTAL COST**  
**(FOR: WE CARE TRANSPORTATION, LLC.)**  
58.09 TONS OF DRIED SLUDGE TRANSPORTED & DISPOSED OF PROCESSED  
SLUDGE @ \$89.00/TON.

**TOTAL COST = \$5,170.01**

(For: Removal of Sludge from Kiamesha Lake Sewer Treatment Plant.)  
Motion by: Councilman Sush Seconded by: Councilman Mace  
Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace  
Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 304 of the Year 2013.**

Resolved, that the following bills over \$1,250.00 for the Water & Sewer Department be approved for payment as follows:

**WOODARDS CONCRETE PRODUCTS, INC.** **\$1,585.00 TOTAL COST**  
1 – ST 1500 Gallon Concrete Tank \$1,395.00  
1 – 24” Lockable Manhole Cover \$165.00  
1 – Delivery Fuel Surcharge \$25.00  
**TOTAL COST = \$1,585.00**

(Note: Replacement of concrete tank for the Mongaup Road Sewage Pump Station located in the Sackett Lake Sewer District.)

Motion by: Councilman Briggs Seconded by: Councilman Sush  
Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace  
Nays 0

**6. HUMANE SOCIETY OF MIDDLETOWN: 2014 DOG SHELTER CONTRACT**

Received the annual contract between the Town of Thompson and the Humane Society of Middletown for 2014 dog shelter services. The contract is similar to last year’s contract with a rate increase due to increased operating expenses. The rates are as follows: \$200.00 per dog, \$75.00 per dog DOA, \$25.00 per diem, per dog held beyond legal holding time and \$100.00 additional fee for seizure assistance by shelter due to unavailability of DCO. Dog Control Officer Nancy Marinchak, Supervisor Cellini and Councilman Briggs, Dog Control Liaison is recommending that the Town approve this contract. Action to approve the contact was taken by the Town Board as follows:

**The Following Resolution Was Duly Adopted: Res. No. 305 of the Year 2013.**

Resolved, that the Town Board of the Town of Thompson hereby approve and authorize the execution of the agreement between the Town of Thompson and the Humane Society of Middletown, Inc. for the period beginning January 1<sup>st</sup>, 2014 through



preparation of a Map, Plan and Report. Superintendent Culligan after the last meeting was going to contact Town Engineer Richard D. McGoey to obtain the necessary agreement so that the Town could move forward. Superintendent Culligan was not present to report on and the Town Board has yet to receive the agreement to hold off on payment until after the District is formed. Supervisor Cellini will re-schedule the matter on the next Town Board Meeting Agenda for further discussion and Attorney Mednick will obtain the agreement from Engineer McGoey's Office so that the necessary Resolution to order the Map, Plan and Report can be presented and considered.

#### **ANNUAL FALL CLEANUP REPORT**

Town Clerk Marilee J. Calhoun briefly reported on the Fall Cleanup results. There were a total of approximately 160-180 permits issued and approximately 100 permits used at the landfill. The Town used approximately 17 tons and came in way under the allotted amount. The total tonnage used for both fall and spring was approximately 42 tons.

#### **NEW BUSINESS:**

There was no new business reported on.

#### **PUBLIC COMMENT:**

There was no public comment given.

#### **ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- November 19<sup>th</sup>: Public Hearing @ 7:30 PM – Proposed Local Law No. 5 of 2013: Zoning Code Updates Pertaining to Accessory Buildings.
- November 19<sup>th</sup>: Public Hearing @ 7:30 PM – Proposed Local Law No. 8 of 2013: To Amend Chapter 172 of the Town Code Entitled "Outdoor Furnaces & Boilers" to Change Operational Time Period.
- December 3<sup>rd</sup>: Joint Public Hearing @ 6:45 PM with Village of Monticello – Proposed Annexation Request for Las Papayas, Inc., SBL#'s 31.-1-13, 110 East Broadway, Monticello.

#### **MEETING ADJOURNED**

On a motion made by Councilman Briggs and seconded by Councilman Sush the meeting was adjourned at 8:10 PM.

**Respectfully Submitted By:**

  
\_\_\_\_\_  
**Marilee J. Calhoun, Town Clerk**