

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 **May 21, 2013.**

ROLL CALL:

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

APPROVED

Absent: Councilman Sharon Jankiewicz

Also Present: Marilee J. Calhoun, Town Clerk
Logan E. Ottino, Code Enforcement Officer
Gary J. Lasher, Comptroller

REGULAR MEETING – CALL TO ORDER

Supervisor Cellini opened the meeting at 7:30 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

APPROVAL OF MINUTES:

On a motion made by Councilman Briggs and seconded by Councilman Mace the minutes of the May 7th, 2013 regular meeting was approved with (1) correction as follows:

Page 8 – Shredding/Prescription Drug Disposal & Electronic Equipment Recycling Day Event Report – Should read 300 cases of shredding materials not 300lbs.

Vote: Ayes 4 Cellini, Briggs, Sush and Mace
 Nays 0
 Absent 1 Jankiewicz

On a motion made by Councilman Briggs and seconded by Councilman Mace the minutes of the May 15th, 2013 special informational meeting was approved as presented.

Vote: Ayes 4 Cellini, Briggs, Sush and Mace
 Nays 0
 Absent 1 Jankiewicz

RESOLUTION AUTHORIZING THE HIRING OF MARTHA TULLY PART-TIME CLERK BUILDING DEPARTMENT

The Following Resolution Was Duly Adopted: Res. No. 156 of the Year 2013.

Resolved, that Martha Tully hereby be hired in the Building Department as a Part-Time Clerk at an hourly rate of \$15.00.

Motion by: Councilman Mace

Seconded by: Councilman Sush

**Town Board Meeting
May 21, 2013
Page 1 of 11**

Vote: Ayes 4 Cellini, Briggs, Sush and Mace
 Nays 0
 Absent 1 Jankiewicz

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

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

- 1) Letter dated 05/09/2013 from Joan McDonald, Commissioner (NYSDOT) Region 9 to Supervisor Cellini, Town Board and Highway Superintendent Benjamin regarding Transportation Enhancement Projects through the federally funded Transportation Enhancement Program (TEP).
- 2) Letter dated 05/10/2013 from Ann Culligan to Supervisor Cellini with a question pertaining to GML-239 review regarding the Monticello Motor Club. This letter was copied to the Planning Board, Sullivan County Division of Environmental Management and all of the Sullivan County Legislators
- 3) Letter dated 05/17/2013 from Supervisor Cellini to Ms. Ann A. Culligan regarding his response pertaining to her question on the GML-239 review for the Monticello Motor Club.
- 4) Letter dated 05/13/2013 from Al Etkin, Master of Ceremonies to Supervisor Cellini and Town Board regarding Annual "Memorial Day" Services, Monday, May 27th at 10:30 AM at the Veterans Monument, front lawn of the Sullivan County Government Center. Sponsored by the American Legion, Jewish War Veterans and The Veterans of Foreign Wars all from Monticello.
- 5) News Release: dated 05/07/2013 from NYSEG entitled "NYSEG Rolls Out \$2 Million Program to Assist Specific Groups of Customers with Hurricane Sandy Recovery".
- 6) Letter dated 05/01/2013 from Jerome M. Hauer, Commissioner, NYS Division of Homeland Security and Emergency Services Office of Interoperable and Emergency Communications to Mr. David Fanslau, Sullivan County Manager regarding the award of \$799,000 funding from the Public Safety Answering Point (PSAP) Consolidation, Improvements and Enhancements Grant.
- 7) Email dated 05/08/2013 from the NYS Office of Real Property Tax Service to Supervisor Cellini regarding the tentative 2013 State Equalization Rate for the Town of Thompson is 86.00. The 2012 State Equalization Rate was 79.39 and the Residential Assessment Ratio is 97.49.
- 8) Letter dated 05/03/2013 from John S. Sansalone, P.E., Environmental Engineer II, (NYSDEC) Region 3, Division of Water to Supervisor Cellini and Town Board regarding a notice of violation at the Dillon Farms WWTP. Superintendent Culligan provided a written response regarding the violation which has been attached and provided for the Boards review.
- 9) Letter dated 04/30/2013 from Richard D. McGoey, P.E., Town Engineer of McGoey, Hauser & Edsall Consulting Engineers for the Town to Mr. Joseph Pfau, P.E., Pietrzak & Pfau Engineering & Surveying regarding the Town of

- Thompson/Golden Ridge Apartments Sanitary Sewage Collection System and Pump Station (NYSDEC) Permit Submittal. This letter was copied to Supervisor Cellini, Superintendent Culligan and Planning Board Chair Patrice Chester.
- 10) Letter dated 05/08/2013 from Deputy Town Attorney Paula E. Kay to Mr. Gerald Orseck, Esq. of Orseck Law Offices PLLC regarding Rodriguez incident No. 2012-0081.
 - 11) Copy of the Sullivan County Fire Advisory Board Rules & Regulations and Previous Meeting Minutes of March 27th, 2013 was provided for the Boards review and informational purposes.
 - 12) Letter dated 05/13/2013 from The Board of Directors of the Hidden Ridge at Kutsher's Country Club Homeowner's Association, Inc. to Planning Board Chairperson Patrice Chester, Planning Board Members and Secretary with concerns and questions regarding the Oster Petting Zoo & Fun Park. This letter was copied to Supervisor Cellini, Town Board, Deputy Town Attorney Paula E. Kay, Town Clerk and Attorney Henri Shawn on behalf of the HOA.
 - 13) Copy of Invoice/Certificate of Recycling from Regional Computer Recycling & Recovery (RCR&R) for the electronic equipment recycling eWaste Program that took place Saturday, May 4th. There was no charge for the service. Councilman Mace removed several items that were not recyclable under the program so that the Town would not be charged.
 - 14) Email dated 05/16/2013 from NYS Public Service Commission (PSC) to Supervisor Cellini regarding the Subsequent Filing on the Petition filed by White Knight Management, LLC to abandon its water system at Melody Lake acknowledging the attached Confirmation Order and Approval.
 - 15) News Article: The NY Times dated 05/17/2013 entitled "Lure of Green Cards Brings Big Investments for Remote Resort in Vermont". This information is being provided, because of its similarities to the China City of America project.
 - 16) News Article: Municipal Insider dated 05/13/2013 entitled "Chinese investors checking out Texas, Austin". This information is also being provided, because of its similarities to the China City of America project.
 - 17) Letter dated 05/15/2013 from Town Clerk Marilee J. Calhoun to Elite Kitchens of the Hudson Valley, Inc. regarding her response to a FOIL request dated 05/06/13 for Building Department Records. Town Clerk Calhoun and Code Enforcement Officer Logan E. Ottino reported on the status. Town Clerk Calhoun explained their reason for the request, which is used as a marketing/advertising strategy. They have advised and stated in their request that the information will not be used for solicitation or fund-raising purposes, so therefore it does not constitute "an unwarranted invasion of person privacy". The same FOIL request was submitted by them two years ago.
 - 18) News Release: dated 05/17/2013 entitled "New Hours for the Rock Hill Farmers Market" sent via email from Melinda Ketcham-Meddaugh to Supervisor Cellini and others. They plan on opening Saturday, June 15th and held every Saturday from 10am to 2pm until September 28th.
 - 19) Email dated 05/20/2013 from Karen Subek a resident of Bungalow City, Inc., 106 Rupp Road, Monticello sent to info@townofthompson.com addressed to

Planning Board Chairperson Patrice Chester with concerns regarding the Monticello Motor Club Expansion Plan.

- 20) Email dated 05/21/2013 from Malle & Lance Whitaker also a resident of Bungalow City, Inc. of 106 Rupp Road, Monticello also sent to info@townofthompson.com addressed to Planning Board Chairperson Patrice Chester with their concerns regarding the Monticello Motor Club Expansion Plan.
- 21) Letter consisting of 7-pages dated 05/20/2013 from Toby L. Boritz to Supervisor Cellini and Town Board regarding her response to Sherry Li's China City of America's May 15th Presentation to Town of Thompson of inflated density calculations proposed for SBL #'s 26.-1-6; 33.-1-28.1 & 33.-1-33 currently owned by Parkwood, LLC. This letter was copied to the Planning Board and others.
- 22) Notice of Petition & Judgment pursuant to Article 78 Proceeding between Concord Associates, LP vs. Town of Thompson Town Board, Planning Board and EPT Concord II, LLC was served to the Town Clerk today. The Town Clerk also received the Notice of Assignment of said case to Justice Hon. Stephan G. Schick today. Copies of both documents have been provided to the Board for their review.

AGENDA ITEMS:

TAX CERTIARI SETTLEMENT: RICHARDSON COURT, LLC, SBL# 116.-2-10.10

Attorney Mednick provided the above property tax settlement proceeding being presented. Attorney Mednick and Assessor Nora J. Hughson are recommending that the settlement be approved as per the presented Resolution. Supervisor Cellini explained the settlement since Attorney Mednick was not present. The Town Board took action on the settlement as follows:

The Following Resolution Was Duly Adopted: Res. No. 157 of the Year 2013.

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING
INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX
LAW AGAINST THE TOWN OF THOMPSON**

WHEREAS, Richardson Court, LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 116, Block 2, Lot 10.10, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2047-2012; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Richard Newberg, Esq., on behalf of petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's 2012 assessment, to wit, a reduction in the assessment

of petitioner's real property, SBL 116-2-10.10 from \$140,000.00 to \$70,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.

2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Nora Hughson, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written stipulation of settlement and to bind the Town thereto, such stipulation to be in form approved by the said attorneys.

3. That said Michael B. Mednick, Esq. and Nora Hughson, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceeding.

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

and a roll call vote thereon as follows:

Supervisor Anthony P. Cellini	voting	Aye
Councilman Peter T. Briggs	voting	Aye
Councilman Sharon Jankiewicz	voting	Absent
Councilman Richard Sush	voting	Aye
Councilman Scott Mace	voting	Aye

TAX CERTIARI SETTLEMENT: TADEUSZ & TEREAS PUZIO, SBL# 18.-1-63.12

Attorney Mednick provided the above property tax settlement proceeding being presented. Attorney Mednick and Assessor Nora J. Hughson are recommending that the settlement be approved as per the presented Resolution. Supervisor Cellini explained the settlement since Attorney Mednick was not present. The Town Board took action on the settlement as follows:

The Following Resolution Was Duly Adopted: Res. No. 158 of the Year 2013.

RESOLUTION AUTHORIZING PARTIAL SETTLEMENT OF A PROCEEDING INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW AGAINST THE TOWN OF THOMPSON

WHEREAS, Tadeusz Puzio and Tereas Puzio have instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcels Section 18, Block 1, Lot 63.12 and Section 18, Block 1, Lot 63.14, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2054-2012; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Marvin Newberg, Esq., on behalf of petitioners; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed partial settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioners' **2012** assessment, to wit, a reduction in the assessment of petitioners' real property, SBL 18-1-63.12 from \$334,200.00 to \$307,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the partial settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.

2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Nora Hughson, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written stipulation of settlement and to bind the Town thereto, such stipulation to be in form approved by the said attorneys.

3. That said Michael B. Mednick, Esq. and Nora Hughson, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceeding.

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

and a roll call vote thereon as follows:

Supervisor Anthony P. Cellini	voting	Aye
Councilman Peter T. Briggs	voting	Aye
Councilman Sharon Jankiewicz	voting	Absent
Councilman Richard Sush	voting	Aye
Councilman Scott Mace	voting	Aye

1. ZONING CODE UPDATES: GARAGES & ACCESSORY BUILDINGS, ETC.

Supervisor Cellini reported on a memo from Deputy Town Attorney Paula E. Kay to Supervisor Cellini and Town Board originally dated 12/12/12 and revised 05/13/13 regarding Zoning Code changes/updates for Garages & Accessory Buildings, Etc. Logan Ottino, Code Enforcement Officer explained the proposed changes/updates, which are as follows: increasing the allowed maximum size, increase height, nicer roof lines/styles, omitting door sizes, omitting reference as garage or shed only as an accessory structure/building. Councilman Mace said that the updates are good, because there are still limits, how big, how close and makes common sense, because

Absent 1 Jankiewicz

6. SPRING CLEANUP: SATURDAY, JUNE 1ST UNTIL SATURDAY, JUNE 8TH

Supervisor Cellini announced that the Spring Cleanup will start Saturday, June 1st until Saturday, June 8th. Permits are available to all Town of Thompson residents, which can be obtained in the Town Clerk's Office. Supervisor Cellini advised that the cleanup materials should go directly to the Sullivan County Landfill. The Town is no longer accepting the cleanup materials at the Highway Department. This is one change the other change is that each permit only allows a maximum of 1-load not to exceed 350lbs.

7. BUILDING DEPARTMENT REPORT: NEW EMPLOYEES, ETC. – SUPERINTENDENT CULLIGAN

Logan Ottino, Building Department Head provided the Board with an update regarding the new employee status in the Building Department. The new secretary/clerk is only part-time until after she can take the civil service test, which is scheduled for June 26th. The Town can then proceed with the process to hire her full-time if she passes the test depending upon how she places. The other clerk position is only part-time at this time, but the Town will be required to create a new job title/description. This matter will come before the Town Board for approval and authorization prior to submittal to the County for consideration under the Civil Service Regulations. Comptroller Lasher and Logan Ottino will look into the possibility to create the title of Violations Officer. They will work with Deputy Town Attorney Paula E. Kay to prepare the necessary documentation. Logan Ottino and Comptroller Lasher both do not believe that this type of job title has ever been created previously, which is the reason that it would be required.

8. STATUS & UPDATE OF TOWN PARK: BUILDING & GROUNDS, ETC. – SUPERINTENDENT CULLIGAN

Supervisor Cellini provided the Board with an update regarding the new community building and the grounds at the Town Park. He provided the update on behalf of Superintendent Culligan who was not present, because he was attending a clean water school/training out of the area. The new community building is complete and ready for use. Supervisor Cellini has setup a meeting with the Monticello Senior Citizens on June 20th at 1PM in the new community building.

The Annual Rotary BBQ, Dedication of "Seeds of Hope" and Opening Dedication of the new Community Building at Thompson Town Park will also take place on Tuesday, July 23rd, 2013.

The new MAFCO Football Field has been top soiled, seeded and hayed, which is now looking to move forward.

10. BILLS OVER \$1,250.00

There were no bills over \$1,250.00 submitted for payment.

OLD BUSINESS:

**JONATHAN & PATRICE GRECO SUNSHINE: ZONE CHANGE REQUEST –
INTRODUCTION OF PROPOSED LOCAL LAW**

Supervisor Cellini reported on the proposed local law and resolutions that have been introduced by the Town Attorney regarding the proposed zone change on the Jonathan & Patrice Greco Sunshine property located at 315 Thompson Road, SBL # 15.-1-20 from the RR-1 zoning district to the CI zoning district. Town Clerk Calhoun said that the zone change request was forwarded to the Planning Board for their review and recommendation at the last Town Board meeting. The matter is scheduled on the next Planning Board meeting agenda for May 22nd to be reviewed and considered. Town Clerk Calhoun said that action should not be taken until after a recommendation from the Planning Board has been received. Supervisor Cellini will re-schedule this matter on the next Town Board meeting agenda for June 4th. A recommendation from the Planning Board should be received by that time and action could be taken.

CLIMATE SMART COMMUNITY STATUS REPORT: COUNCILMAN BRIGGS

Councilman Mace reported on a conversation that he had with Carol Roig from the Sullivan Alliance Office of Sustainable Energy. She is still reviewing the Towns energy bills. The data worksheets have been distributed to all the necessary departments for their completion. He has been working on the Pledge, which is required as part of participation in the energy efficiency program. The Pledge is quite involved, but he has been in contact with several other Towns who have already completed a similar Pledge to see if we can use theirs as a sample to follow. Councilman Mace is still waiting to hear back from the other Towns, but will let the Board know once he does so that we can move forward. Ms. Roig did advise Councilman Mace that the process takes a while to complete. Councilman Mace and Councilman Briggs will let Supervisor Cellini know when to put the matter back on the agenda as things progress further.

NEW BUSINESS:

**REPLACEMENT WINDOWS: MH&E ENGINEERS REPORT – COMPTROLLER
GARY J. LASHER**

Councilman Mace spoke with a friend of his that installs windows to obtain their opinion and estimation regarding costs for the installation of new windows in the Town Hall. The estimated cost would be approximately \$12,000.00 to install new windows and frames. There are many different options and styles available in regards to the windows themselves. The Town will save approximately 12% a year in energy costs. Comptroller Lasher said that McGoey, Hauser & Edsall Consulting Engineers for the Town have been working on the proposals and we should receive something back from them by next week when the Engineer handling it returns from vacation. Once the proposals are completed and received back then the Town Board can take action to proceed further. Hopefully by utilizing some of the Justice Court Administration Grant Funds and by working with the Climate Smart Community Program the Town could install the new windows at an affordable cost, which will be energy efficient and a cost savings to the Town overtime.

PUBLIC COMMENT:

Phil Winograd of Starlight Road, Mongaup Valley said how blessed and fortunate the Town is to have Superintendent William D. Culligan. Supervisor Cellini agreed and said that the Town is very grateful to have him as well as many others. He said that the Town has a good team/staff of Department Heads and Employees.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- June 1st – June 8th: Annual Spring Clean Up Program.
- July 23rd: Annual Rotary BBQ, Dedication of “Seeds of Hope” and Opening Dedication of the new Community Building at Thompson Town Park.

MEETING ADJOURNED

On a motion made by Councilman Sush and seconded by Councilman Briggs the meeting was adjourned at 8:05 PM.

Respectfully Submitted By:



Marilee J. Calhoun, Town Clerk

**TOWN OF THOMPSON - BUDGET TRANSFERS & AMENDMENTS
PRESENTED - TOWN BOARD MEETING MAY 21, 2013
FISCAL YR 12/31/2013**

Prepared by: Gary J. Lasher, Comptroller

5/21/2013

PAGE#1

Be it resolved that the following budgetary transfers and or amendments be made within the following funds, for the purpose of supplementing the items in each account as stated below.

REASON FOR THIS IS AN INCREASE IN THE CHIPS FUNDING AMOUNT AS PER RICH

HIGHWAY FUND DB: BUDGET AMENDMENT

INCREASE			<u>Increase</u>		
<u>Acct #</u>	<u>Description</u>	<u>Amount</u>	<u>Acct#</u>	<u>Description</u>	<u>Amount</u>
DB.3501	HIGHWAY AID CHIPS	\$ 71,188.00	DB.5112.200	IMPROVEMENTS CHIPS PROGRAM	\$ 71,188.00

HARRIS SEWER DISTRICT: SSH BUDGET AMENDMENT

REASON FOR THIS INCREASE IS A LARGE INCREASE IN VILLAGE BUDGET AND CHARGE PER GALLON

INCREASE			<u>FROM</u>		
<u>Acct #</u>	<u>Description</u>	<u>Amount</u>	<u>Acct#</u>	<u>Description</u>	<u>Amount</u>
SSH.8130.401	CONTRACT	\$ 42,553.50	SSH.599	FUND BALANCE	\$ 42,553.50

REASON FOR THIS INCREASE IS A LARGE INCREASE IN VILLAGE BUDGET AND CHARGE PER GALLON

COLD SPRING SEWER DISTRICT: SSC BUDGET AMENDMENT

INCREASE			<u>FROM</u>		
<u>Acct #</u>	<u>Description</u>	<u>Amount</u>	<u>Acct#</u>	<u>Description</u>	<u>Amount</u>
SSC.8130.400	CONTRACT	\$ 6,000.00	SSC.599	FUND BALANCE	\$ 6,000.00