

**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 **August 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  
William D. Culligan, Water & Sewer Superintendent  
Logan E. Ottino, Building Dept./Code Enforcement Officer  
Richard Benjamin, Jr., Highway Superintendent  
Gary J. Lasher, Comptroller  
Gerald Fielding, Town Historian

**PUBLIC HEARING: PROPOSED LOCAL LAW NO. 04 OF 2013 – ZONE CHANGE  
REQUEST FOR JONATHAN & PATRICE GRECO SUNSHINE, THOMPSON ROAD,  
MONTICELLO, SBL # 15.-1-20, 3.15 ACRES FROM RR-1 TO CI**

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 July 23, 2013 with same being posted at the Town Hall on July 19, 2013.

Supervisor Cellini explained the proposed local law. He said that this is a parcel of land that is surrounded by the "PRD" Planned Resort Development that EPT/Empire Resorts are proposing to develop. The property owners are limited to what is permitted on their property due to the RR-1 designation and the property owners Jonathan and Patrice Sunshine are requesting that the property be re-zoned.

Supervisor Cellini advised that the Town sent a copy of this law to the Sullivan County Division of Planning & Environmental Management for GML-239 Review. The GML-239 County Review was received back dated 06/14/2013 advising that this action would have some adverse intercommunity impacts and recommend disapproval due to spot zoning. Supervisor Cellini read the comments and a copy was provided for the Boards review.

Supervisor Cellini asked if the Board had any comments. The Board members had the following comments:

Councilman Mace said that as this was discussed prior regarding the spot zoning issue and how it sets a bad precedent. The property owners have other options such as obtaining a use variance, which is where the Town should start first.

Councilman Jankiewicz said that she does not see this as spot zoning simply because they do not have other options. The Town surrounded them by the "PRD" when it was formed without taking into consideration of their parcel of property. The way that Councilman Jankiewicz sees it the Town created this condition. The Town created it when the "PRD" was created and she does not necessarily see this as your typical spot zoning issue.

Councilman Briggs said that he agrees with Councilman Jankiewicz, because it is a special circumstance and not spot zoning.

Town Attorney Michael B. Mednick explained and provided his recommendation. The County recommended that the property owner obtain a special use permit/variance. Originally he recommended that option, however a special use permit/variance would only apply to them and not the land. This would not run with the land if the property was to be sold. This is the reason why they decided to go this route instead. He always thought that spot zoning was an issue, which he said from the beginning. Certainly changing the zoning does open the parameters of what is permitted. The Town is aware of what the property owners proposed to do with the land that is appropriate and fitting. However the problem with changing the zoning classification is that you are not limited, which is what the County is concerned with. That would not be limited, but limiting it to a special use permit it would be limited to that use and would be a continuation that they could not change the specific use. Certainly some of the hard criteria for obtaining a use variance would be overcome. So obtaining the special use permit/variance would not be an issue, however the problem is that it does not run with the land.

Supervisor Cellini is concerned that if the Board changes the zoning they are setting a precedent for spot zoning throughout the Town.

Attorney Mednick said that this is a unique situation and the Board is taking in special consideration when doing something of this nature, because this is not something that the Town has ever done or would do except for the unique circumstances of the "PRD" zone. There are no other "PRD" zones in the Town and likelihood the Town will not have other "PRD" zones in our community. So there are very unique distinguishing circumstances for those purposes. He is not sure if this law could survive if it was challenged due to spot zoning.

Councilman Mace said that he can see it both ways, but if the Town can get the property owners what they are looking for to allow them to use the property without spot zoning is the better way to go.

Councilman Sush said that he does not believe that the Town Board is concerned with what the owners planned to use the property for. He said that they are concerned for the future and the precedent that it sets. This is what he is not comfortable with.

Councilman Jankiewicz said that as per Town Attorney this is a unique situation that was not created by the property owners. The Town created this situation when the "PRD" was established by not including them within the "PRD" zone. The option to allow them into the "PRD" zone was pursued, but never agreed upon.

Supervisor Cellini asked if anyone from the public would like to be heard on this matter. Public Comment was made as follows:

Mr. & Mrs. Sunshine the property owners were both present and asked if they would like an opportunity to be heard.

Patrice Greco Sunshine said that they did not choose to be surrounded by a casino or live by a casino. Her area is a residential area, which has always been residential. Now all of a sudden according to the "PRD" this can change. She explained some of the changes that they could be faced with if and when the casino is developed. EPT/Empire Resorts could do many things to change the area while the Sunshine property located on a little 3-acre parcel is limited. What could they possibly do on those 3-acres that would hurt anyone? Also she thinks that the unique thing is that they are surrounded by the "PRD" by all 4-sides. The only way that this would be permitted is to have it because they are surrounded by all 4-sides. If this language is made part of the local law then only properties that are surrounded by all 4-sides could be permitted to have the same change. This would be that specific. They are the only property that is surrounded by all 4-sides.

Supervisor Cellini asked Mrs. Sunshine if she would object to applying for a variance for a special use permit?

Mrs. Sunshine said that they tried that option before, but it does not run with the land. What if down the road they want to sell and leave the property who would want to buy a home in the middle of a casino resort development. The special use would be limited to their store and real estate office. She said that EPT is the property surrounding them and they do not have an objection to this change so she does not understand why there is a problem.

Supervisor Cellini said that the County objects, which is the problem.

Mrs. Sunshine does not know what else to say, because they need that property to live on without restrictions. This is not going to be a residential area anymore and they are not privy to what's going to be across the street from them. EPT has only discussed the section that they are changing. When they ask the developer what they are planning across the street they are told that is another phase of the project and they are not provided with any answers. She said that they have to tell what they are going to do, but EPT does not. They are only 3-acres and whatever EPT develops will be on top of them. They have a right to know what is planned. They live in this area and she is a Real Estate Broker and does not want to rock the boat for any growth in our area and all they want to do is ensure that they can do what they can should we want to. She thinks

that the County should understand that since they did not choose this situation. All the same things can happen to them and all they are asking is that the Town gives them the same opportunity that the Town has given EPT. She thought that they had all come to an agreement regarding this issue. She has no intention of leaving her property that she loves, but her land is changing. Her life is going to change and all they are asking for is some lenience from the County and the Town to help them live on that property the best that they can.

Councilman Mace asked what happens if the EPT proposed development does not come to fruition? Would this zone change remain?

Councilman Jankiewicz said that the "PRD" does not change unless the Town changes the "PRD" zone they are always going to be surrounded by the "PRD" whether EPT builds or not. The zoning will still remain the same. They cannot be part of the "PRD" because the "PRD" will not let the property in otherwise they would be controlled by the Master Developer and told what they can do with their property. It is understandable that they would not want to become part of the "PRD".

Councilman Jankiewicz said that the Town Board can override the Counties recommendation if the law is approved by super majority. It is up to the Town Board what we zone property as. The County makes a recommendation, but if the Town Board votes by super majority then it's our vote.

Councilman Sush does not believe that they have all the votes for a super majority. He recommends contacting the Commissioner of the County Planning & Environmental Management Division to discuss this matter further before acting.

Town Attorney Mednick recommended that the Town Board close the public hearing and not take action on this matter this evening. He said that the Town Board has 60-days to take action on this law. This will allow them sufficient time to close the hearing and go back and speak with the Acting Commissioner to discuss this matter further. We could see if the County would consider any leniency or possible changes that could be made to their recommendation before proceeding with action.

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 7:45 PM was made by Councilman Mace and seconded by Councilman Briggs.

#### **REGULAR MEETING – CALL TO ORDER**

Supervisor Cellini opened the meeting at 7:46 PM with the Pledge to the Flag.

#### **MONTHLY REPORTS RECEIVED AND FILED:**

Building Department & Code Enforcement Officer's Report – July 2013  
Comptroller's Budgetary Report – July 2013

Dog Control Officer's Report – July 2013

**APPROVAL OF MINUTES:**

On a motion made by Councilman Jankiewicz and seconded by Councilman Mace the minutes of the July 16<sup>th</sup>, 2013 regular meeting was approved as presented.

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

On a motion made by Councilman Jankiewicz and seconded by Councilman Mace the minutes of the July 22<sup>nd</sup>, 2013 reconvened meeting was approved as presented.

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

**PUBLIC COMMENT:**

There was no public comment given.

**SPECIAL PRESENTATION: EPT CONCORD II, LLC – FOR THE ESTABLISHMENT OF A SEWER AND WATER DISTRICT**

Attorney Helen C. Mauch of Zarin & Steinmetz Attorneys-at-Law on behalf of EPT Concord II, LLC regarding the Concord Resort Development formation of Town Improvement Districts. She explained the Petitions for the Establishment of a Sewer and Water District that have been filed with the Town. She thanked the Town Board for putting this matter on the agenda for this evening. This is an important point in EPT's project to form the special utility districts. They will continue to work with the Town Attorney and Staff regarding the formation process including the completion of the Map, Plan and Report. The Developer/Applicant is anxious to get to the Public Hearing to move the process along. They also plan to return to explain the formation of additional utility districts such as lighting, drainage and roadways. However they wanted to start out with the formation of the sewer and water districts first. She thanked the Town Board again and said that they look forward to working with our staff in the future.

Attorney Mednick explained the Resolutions before the Town Board this evening. The Town Board took action to approve those Resolutions as follows:

**The Following Resolution Was Duly Adopted: Res. No. 215 of the Year 2013.**

Resolved, that the Town Board of the Town of Thompson hereby accepts the Petition from EPT Concord II, LLC for the establishment of a sewer district to be known as the Concord Resort Sewer District.

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

**The Following Resolution Was Duly Adopted: Res. No. 216 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 August 06, 2013

**RESOLUTION PURSUANT TO TOWN LAW FOR THE PROPOSED FORMATION OF THE CONCORD RESORT SEWER DISTRICT IN THE TOWN OF THOMPSON**

**WHEREAS**, EPT Concord II, LLC has made a request to the Town Board of the Town of Thompson for the Concord Resort Sewer District, a Special Improvement District, to be created in said Town; and

**WHEREAS**, the said area to be included in the Concord Resort Sewer District is totally located within the Town of Thompson and outside any incorporated village; and

**WHEREAS**, the said Town Board is desirous of preparing a general map and plan for providing sewer facilities in the aforesaid area of said Town to be serviced by the Concord Resort Sewer District, and to appropriate a specific amount to pay the cost of preparing said general map and plan, and for other services in connection therewith; the costs of which shall be borne by said applicant, EPT Concord II, LLC.

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

1. That the Town Board does hereby authorize McGoey, Hauser & Edsall Consulting Engineers, PC of 45 Quassaick Avenue, New Windsor, New York 12553 to prepare a general map and plan for the formation of the sewer facilities and services in the area of the Town of Thompson to be serviced by the Concord Resort Sewer District, and for such other services as may be necessary in connection therewith.

2. That the Town Board does hereby appropriate the sum of \$10,500.00 to pay the cost of preparing the general map and plan for the sewer facilities, as well as all legal expenses incurred by the district to complete any district creation and all costs and disbursements incurred by the district in processing the creation. That all engineering, legal costs and other disbursements for preparation of a general map, plan and report shall be paid by the applicant. Said monies shall be deposited by the applicant in the Town escrow account prior to preparation of said map, plan and report and will be released to McGoey, Hauser and Edsall Consulting Engineers, P.C. upon completion, and other monies held in escrow will be disbursed upon completion of the creation.

3. That McGoey, Hauser and Edsall Consulting Engineers, P.C., of 45 Quassaick Avenue, New Windsor, New York 12553, be, and they hereby are, retained at a cost not to

exceed \$5,000.00, of which said monies are to be paid by the developer, to prepare a general map and plan for sewer facilities and services to the area to be known as the Concord Resort Sewer District.

4. Legal fees incurred by the Town in connection with the formation of the Concord Resort Sewer District are to be paid by the applicant.

5. That all maps and plans prepared by McGoey, Hauser and Edsall Consulting Engineers, P.C. shall conform with the requirements of Section 192 of the Town Law, and shall be filed with the Town Clerk.

6. That the map, plan and report shall be prepared once monies are placed in escrow by the applicant.

7. That in the event that the said Concord Resort Sewer District shall be created as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the maps and plans and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.

8. That this resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.

9. That within ten (10) days from the date of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the Sullivan County Democrat, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Thompson a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Moved by: Councilman Peter T. Briggs

Seconded by: Councilman Richard Sush

The Members voted on the foregoing Resolution as follows:

Supervisor ANTHONY P. CELLINI	Yes [X ] No [ ]
Councilman PETER T. BRIGGS	Yes [X ] No [ ]
Councilman SHARON JANKIEWICZ	Yes [X ] No [ ]
Councilman RICHARD SUSH	Yes [X ] No [ ]
Councilman SCOTT MACE	Yes [X ] No [ ]

**The Following Resolution Was Duly Adopted: Res. No. 217 of the Year 2013.**

Resolved, that the Town Board of the Town of Thompson hereby accepts the Petition from EPT Concord II, LLC for the establishment of a water district to be known as the Concord Resort Water District.

Motion by: Councilman Jankiewicz                      Seconded by: Councilman Sush

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

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 218 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 August 06, 2013

**RESOLUTION PURSUANT TO TOWN LAW FOR THE PROPOSED FORMATION OF THE CONCORD RESORT WATER DISTRICT IN THE TOWN OF THOMPSON**

**WHEREAS**, EPT Concord II, LLC has made a request to the Town Board of the Town of Thompson for the Concord Resort Water District, a Special Improvement District, to be created in said Town; and

**WHEREAS**, the said area to be included in the Concord Resort Water District is totally located within the Town of Thompson and outside any incorporated village; and

**WHEREAS**, the said Town Board is desirous of preparing a general map and plan for providing water facilities in the aforesaid area of said Town to be serviced by the Concord Resort Water District, and to appropriate a specific amount to pay the cost of preparing said general map and plan, and for other services in connection therewith; the costs of which shall be borne by said applicant, EPT Concord II, LLC.

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

1. That the Town Board does hereby authorize McGoey, Hauser & Edsall Consulting Engineers, PC of 45 Quassaick Avenue, New Windsor, New York 12553 to prepare a general map and plan for the formation of the water facilities and services in the area of the Town of Thompson to be serviced by the Concord Resort Water District, and for such other services as may be necessary in connection therewith.

2. That the Town Board does hereby appropriate the sum of \$10,500.00 to pay the cost of preparing the general map and plan for the extension of the sewer facilities, as well as all legal

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expenses incurred by the district to complete any district extension and all costs and disbursements incurred by the district in processing the extension. That all engineering, legal costs and other disbursements for preparation of a general map, plan and report shall be paid by the applicant. Said monies shall be deposited by the applicant in the Town escrow account prior to preparation of said map, plan and report and will be released to McGoey, Hauser and Edsall Consulting Engineers, P.C. upon completion, and other monies held in escrow will be disbursed upon completion of the creation.

3. That McGoey, Hauser and Edsall Consulting Engineers, P.C., of 45 Quassaick Avenue, New Windsor, New York 12553, be, and they hereby are, retained at a cost not to exceed \$5,000.00, of which said monies are to be paid by the developer, to prepare a general map and plan for water facilities and services to the area to be known as the Concord Resort Water District.

4. Legal fees incurred by the Town in connection with the formation of the Concord Resort Water District are to be paid by the applicant.

5. That all maps and plans prepared by McGoey, Hauser and Edsall Consulting Engineers, P.C. shall conform with the requirements of Section 192 of the Town Law, and shall be filed with the Town Clerk.

6. That the map, plan and report shall be prepared once monies are placed in escrow by the applicant.

7. That in the event that the said Concord Resort Water District shall be created as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the maps and plans and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.

8. That this resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.

9. That within ten (10) days from the date of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the Sullivan County Democrat, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Thompson a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Moved by: Councilman Sharon Jankiewicz

Seconded by: Councilman Richard Sush

The Members voted on the foregoing Resolution 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 checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT MACE	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 07/22/2013 to Mr. Jose A. Figueroa, Esq., Director of State & Local Government, LexisNexis from Town Clerk Marilee J. Calhoun regarding a response to a FOIL request for online legal research providers and contracts.
- 2) Letter dated 07/26/2013 to Mr. Israel Oster from Town Clerk Marilee J. Calhoun regarding a response to a FOIL request for property information on the Breezeway Farms/Petting Zoo located on Anawana Lake Road, Monticello, NY 12701, SBL # 13.-1-9.
- 3) Letter dated 07/29/2013 to Ms. Danielle Lindemann from Town Clerk Marilee J. Calhoun regarding a response to a FOIL request for information on Public Access Pool Facilities located within our Jurisdiction.
- 4) Letter dated 08/01/2013 to Ms. Carol DellaPenta from Town Clerk Marilee J. Calhoun regarding a response to a FOIL request for information on NYS Building Code pertaining to Dryer Vents.
- 5) Letter dated 07/01/2013 to County and Local Officials from NYS DOT, Region 9 regarding an update to small urban area boundaries Town of Fallsburg, Town of Liberty, Town of Thompson, Sullivan County, Village of Liberty, Village of Monticello, Village of Woodridge. Copies of Urban Area Boundary Maps were provided.
- 6) Letter dated 07/25/2013 to Mr. Robert Meyer, P.E., Commissioner, Sullivan County DPW from Tony Signorelli, P.E., Acting Traffic Safety & Mobility Engineer, NYS DOT, Region 9 regarding request to designate access highways NYS Route 97, 17B, 52, 55, 42 and 52A and Old Route 17, Sullivan County. Highway Superintendent Richard Benjamin briefly explained the request.
- 7) Letter dated 07/16/2013 to Hon. Perry E. Meltzer, Justice, Town of Thompson Justice Court from Deputy Town Attorney Paula E. Kay regarding People of the State of New York vs. Snowden, Incident No.: 2013-0003, Case No.: 13060161. Attorney Mednick believes that this matter will be assigned to another judge in a different court.



**The Following Resolution Was Duly Adopted: Res. No. 221 of the Year 2013.**

Resolved, that Agenda Item No. 3 pertaining to Proposed Local Law No. 04 of 2013 for the Sunshine Property Zone Change hereby be tabled until the 08/20/2013 Town Board Meeting pending further information from the Sullivan County Division of Planning & Environmental Management.

Moved by: Councilman Mace

Seconded by: Councilman Sush

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

Nays 0

**4. TAX CERTIARI SETTLEMENT: JOSEPH HELLER, SBL# 1.-1-76.3**

Attorney Mednick provided a Resolution on the above named 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.

Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

**The Following Resolution Was Duly Adopted: Res. No. 222 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, Joseph Heller, has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 1, Block 1, Lot 76.3 and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 1999-2012; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondent, and Bruce Perlmutter, 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 **1-1-76.3** from \$80,000.00 to \$30,000.00.

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

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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 Scott Mace

and a roll call vote thereon as follows:

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

#### **4. TAX CERTIARI SETTLEMENT: DOMS RESORTS, INC., SBL# 105A.-1-1**

Attorney Mednick provided a Resolution on the above named 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. Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

#### **The Following Resolution Was Duly Adopted: Res. No. 223 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, Doms Resorts Inc. has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 105A, Block 1, Lot 1, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2001-2011; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Goldman Attorneys PLLC, 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 2011 assessment, to wit, a reduction in the assessment

of petitioner's real property, SBL 105A-1-1 from \$2,637,000.00 to \$1,991,550.00.

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's **2012 and 2013** assessment, to wit, a reduction in the assessment of petitioner's real property, SBL 105A-1-1 from \$2,637,000.00 to \$1,945,055.00.

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 Richard Sush

Seconded by: Councilman Peter T. Briggs

and a roll call vote thereon as follows:

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

#### **5. REQUEST FOR CONTRIBUTION TOWARDS NEW REFRIGERATION UNIT FOR MONTICELLO SENIOR LUNCH PROGRAM**

Supervisor Cellini reported on a letter dated 07/22/2013 that he received in from Deborah E. Allen, Director of the Sullivan County Office for the Aging Services. The Monticello Seniors are in need assistance. The refrigerator in the Ted Stroeble Recreational Building is beyond repair and in need of replacement. This refrigerator is used for the senior lunch program and without the refrigerator the lunch program would not be able to take place. The County is looking for some assistance from the Town financially towards the purchase of a new refrigeration unit. They obtained two price quotes for the replacement as follows: B & G Foodservice Equipment & Supplies \$2,625.00 and Resnick Supermarket Equipment Corp. \$3,665.00. The Town Board agreed to share in 50% of the cost of the lower price quote. Comptroller Lasher said that he could transfer monies out of the publicity fund to cover the expense. The Town





**WHEREAS**, the Town of Thompson and the region like the rest of New York State and the Country, has suffered significant negative economic impacts as a result of the recent global economic downturn; and

**WHEREAS**, the Town of Thompson has sought the legalization of Class III Casino Gaming for more than four decades; and

**WHEREAS**, gaming, as a single component within a destination resort, will provide the much needed catalyst to stimulate further economic growth in Sullivan County and support of our local community; and

**WHEREAS**, the development of destination gaming resorts would bring thousands of much needed quality jobs to the Town of Thompson; and

**WHEREAS**, the establishment of destination gaming resorts will stop the flow of revenues for tourism and gaming from crossing our borders into neighboring states and keep those dollars in New York State; and

**WHEREAS**, it is vital to people of the Town of Thompson and Sullivan County and the entire State of New York that the referendum appearing on the November, 2013 ballot authorizing Class III Gaming be approved.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Thompson and Sullivan County enthusiastically supports the enactment of the constitutional amendment authorizing Class III Gaming in New York State, and asks that all municipalities of New York State join in expressing support for the amendment.

Motion by: Supervisor Anthony P. Cellini  
and Seconded by: Councilman Richard Sush

Supervisor Anthony P. Cellini	AYE
Councilman Richard Sush	AYE
Councilman Peter T. Briggs	AYE
Councilman Scott Mace	AYE
Councilman Sharon Jankiewicz	AYE

Adopted on this 6<sup>th</sup> Day of August 2013.

**9. TAX CERTIARI SETTLEMENT: UNITED BOBOV INTERNATIONAL, SBL# 16.-1-5.1**

Attorney Mednick provided a Resolution on the above named 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. Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

**The Following Resolution Was Duly Adopted: Res. No. 227 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, United Bobov International has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 16, Block 1, Lot 5.1, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2177-2011 and 1930-2012; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Stephen L. Oppenheim, 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, petitioner will discontinue the action pending under Index No. 2177-2011 in connection with petitioner's 2011 assessment; 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, granting tax exemption status of petitioner's real property, SBL 16-1-5.1, with a refund of any tax monies previously paid.

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's **2013** assessment, and going forward, to wit, granting tax exemption status of petitioner's real property, SBL 16-1-5.1, with a refund of any tax monies previously paid.

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 Sharon Jankiewicz

Seconded by: Councilman Peter T. Briggs

and a roll call vote thereon as follows:

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

#### **10. REQUEST TO ABANDON JOHNS ROAD: ASHER ZELIG GOLDMAN & FALLSBURG RANCH LLC**

At the June 18<sup>th</sup>, 2013 Town Board meeting a request was submitted and reported on from a Mr. Asher Zelig Goldman and Fallsburg Ranch LLC to abandon Johns Road located in Thompsonville, NY. This matter was discussed and action was taken to deny the request until the above pending litigation between the property owner and the Town was resolved. The litigation has now since been settled and the Town is considering the request for the above road abandonment again. Highway Superintendent Benjamin said that the roadway is approximately 500ft and consists of a driveway type roadway. Superintendent Benjamin said that he is okay with the abandonment since the roadway only services two properties, which are both owned by the same owner and is being requested by them. Attorney Mednick has the legal description and he will prepare the necessary documents if the Town Board approves the abandonment.

#### **The Following Resolution Was Duly Adopted: Res. No. 228 of the Year 2013.**

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

#### **RESOLUTION TO ABANDON A PORTION OF JOHN'S ROAD IN THE TOWN OF THOMPSON**

**WHEREAS**, the Town Board did receive a written request from Asher Zelig Goldman and Fallsburg Ranch, LLC, the owners of certain properties that encompass both sides of John's Road in the Town of Thompson for the abandonment of said road known as "John's Road"; and

**WHEREAS**, the Town Highway Superintendent confirms that a portion of John's Road passes through tax map parcels 16-1-8, 16-1-10, 61-1-24 and 61-1-25, more specifically described in the attached map and metes and bounds deed description; and

**WHEREAS**, the request is made by the owners of the properties whose lands encompass both sides of said street for the distance it is proposed to discontinue; and

**WHEREAS**, the discontinuance request is not greater than one thousand feet of the terminus thereof; and

**WHEREAS**, the Town Highway Superintendent has confirmed that said portion of roadway is unnecessary for highway purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Thompson Town Board finds that the portion of John's Road that passes through tax map parcel nos. 16-1-8, 16-1-10, 61-1-24, and 61-1-25, more specifically described in the attached map and deed description, is unnecessary for highway purposes; and

**BE IT FURTHER RESOLVED** that pursuant to Highway Law §207 the Town agrees to discontinue and abandon the above described portion of the street and the Town Board and Highway Superintendent will execute a Certificate of Abandonment which is attached hereto and made a part of this Resolution.

Moved by: Councilman Sharon Jankiewicz

Seconded by: Councilman Peter T. Briggs

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

The members of the Town Board voted as follows:

Supervisor ANTHONY P. CELLINI	Yes [X ] No [ ]
Councilman PETER T. BRIGGS	Yes [X ] No [ ]
Councilman SHARON JANKIEWICZ	Yes [X ] No [ ]
Councilman RICHARD SUSH	Yes [X ] No [ ]
Councilman SCOTT MACE	Yes [X ] No [ ]

**11. FEMA REIMBURSEMENT FOR BENMOSCHE PUMP STATION: \$121,055.18 / \$134,505.76**

Water & Sewer Department Superintendent William D. Culligan reported on the FEMA Reimbursement Monies that they applied for as a result of damages that occurred to the BenMosche Pump Station Pump Failure from Hurricane Sandy. The total reimbursement approved is \$134,505.76. The federal share is \$121,055.18 and the balance is the state share of the reimbursement. Copies of the project completion and certification reports were provided. The Town Board thanked Superintendent Culligan for his assistance in applying and helping to receive these funds. Superintendent



their time in our community. The five volunteers are: Melinda Meddaugh, Kathy Fielding, Barbara Sush, Terry VanderMeulen and Josh Mace. Some of the projects that each of the volunteers have worked on were mentioned and discussed. Supervisor Cellini said that if there is other volunteers that should be included to please let him know so that they can be added. Supervisor Cellini also provided a copy of the informational/flyer/program from the Dedication of the Seeds of Hope Gardens project at the Town Park. He said that the dedication event went very well, which is one of the other reasons why these volunteers should be recognized.

**RESOLUTION TO RESCIND RESOLUTION NO'S 212 & 213 OF THE YEAR 2013**

Supervisor Cellini recommended that the Town Board rescind Resolution No.'s 212 and 213 of the Year 2013 from the July 22<sup>nd</sup>, 2013 Reconvened Town Board Meeting. The matter will be discussed further in Executive Session at the end of this meeting since it involves personnel matters.

**The Following Resolution Was Duly Adopted: Res. No. 230 of the Year 2013.**

Resolved, that Resolution No.'s 212 and 213 of the Year 2013 adopted on July 22<sup>nd</sup>, 2013 entitled "Appointment of Town Assessor & Establishment of Salary" and "Appointment of Town Assessor's Clerk & Establishment of Salary" hereby be Rescinded pending further discussion in Executive Session.

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

**14. BUDGET TRANSFERS**

Comptroller Lasher reported that there are no budget transfers to be made at this time.

**15. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 231 of the Year 2013.**

Resolved, that all regular bills for the course of the month, which have been properly audited be approved for payment. A complete list of the regular bills as identified can be found appended to these minutes as per attached.<sup>1</sup>

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

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

**The Following Resolution Was Duly Adopted: Res. No. 232 of the Year 2013.**

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

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<sup>1</sup> ATTACHMENT: ORDER BILLS PAID



approximately 150 people who attended last week. Both he and Councilman Jankiewicz said that it is a great event and encourages all to attend.

**NEW BUSINESS:**

**DISCUSSION: ISSUANCE OF AN INJUNCTION – MONTICELLO RESORTS, LLC**

Logan E. Ottino, Building Department Head and Code Enforcement Officer is requesting the Town Boards permission to start an injunction for Monticello Resorts, LLC F/K/A Kaufman’s Bungalows for operating without a valid permit or certificate of occupancies. The representatives have been working with the Town to resolve the outstanding issues, however Ms. Ottino is recommending that if further activity is not completed within the next week Attorney Mednick could start the process. Otherwise this would go into the next meeting, which would be two weeks later. The Town Board asked if this matter has been discussed with the Town Attorneys previously to this evening. Attorney Mednick said that this matter is a litigation issue, which should be discussed during Executive Session and not at this time. There was a brief discussion, but the matter would be further discussed during Executive Session at the end of this meeting.

**PUBLIC COMMENT:**

Philip Winograd of Starlight Road, Monticello asked for clarification regarding the proposed local law for Zoning Code Updates for Garages & Accessory Buildings. Code Enforcement Officer Logan Ottino and Town Attorney Mednick both explained the proposed changes and updates. These changes should benefit the residents and make it easier for them.

Jonathan Sunshine of Monticello asked why the local law was sent to the County of Sullivan for recommendation? Supervisor Cellini and Attorney Mednick both explained the local law process. Attorney Mednick said that part of the environmental review requires GML-239 Review by the County Planning Department. This is the reason why that this law was sent for 239 review and the County provided their recommendations based on their review. The Town Board can follow those recommendations or does not have to follow them. The Town Board can overrule the recommendations by super majority vote. The Town Board has ultimate determining jurisdiction over a zone change request. The Town is going through the process and will have to make an ultimate decision with the next 60-days to approval or deny. Attorney Mednick will contact the Acting Commissioner from the Sullivan County Planning & Environmental Management Division to discuss this matter once again and he will report back with the outcome of the discussion.

**ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- August 20<sup>th</sup>: Action Pending – Proposed Annexation Request for County of Sullivan, SBL#’s 31.-1-10.3, 10.2 & 94.
- August 20<sup>th</sup>: Action Pending – Proposed Annexation Request for Garden Cottages, Inc., SBL#’s 18.-1-41.1, 41.2 & 42.
- August 20<sup>th</sup>: Action Pending – Proposed Local Law No. 04 of 2013 to Amend Chapter 250 for Sunshine Property Zone Change from RR-1 to CI, SBL # 15.-1-20.



Nays 0

Martha Tully will continue on a part-time basis with the Building Department as the Town Attorney will draft a job title for Violations Officer.

**MEETING ADJOURNED**

On a motion made by Councilman Jankiewicz and seconded by Councilman Briggs the meeting was adjourned at 9:30 PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**

# TOWN OF THOMPSON

## Voucher Detail Report

Voucher No.	Stub-Description	Req. No.	Req. Date	Batch	Invoice No.	Recur Months	Refund Year	Vendor Code	Vendor Name	PO No.	PO Date	Ref No	Fisc Year	Check ID	Check No.	Check Date	Voucher Amt.	Pay Due	Approved	Cash Account	Disc. Amt.
<b>Grand Total Regular, Prepaid, Wire Transfer and Direct Pay</b>																					
Regular										931,130.43											
<b>Fund</b>																					
A - GENERAL FUND TOWN WIDE	TOWN							71,678.19							130,400.51		0.00	0.00	202,078.70		
B - GENERAL TOWN OUTSIDE	TOWN							51,684.57							20,828.66		0.00	0.00	72,513.23		
DA - HWY#3 / 4 - TOWN WIDE	TOWN							17,606.65							22.67		0.00	0.00	17,629.32		
DB - HWY#1 - TOWN OUTSIDE	TOWN							202,810.70							142,964.72		0.00	0.00	345,775.42		
H - CAPITAL PROJECTS	TOWN							53,216.62							4,273.87		0.00	0.00	57,490.49		
SHW - HARRIS WOODS SEWER	TOWN							0.00							106.30		0.00	0.00	106.30		
SL1 - ROCK HILL LIGHTING	TOWN							0.00							521.29		0.00	0.00	521.29		
SL10 - EMERALD CORP. PARK L/D#10	TOWN							0.00							216.32		0.00	0.00	216.32		
SL2 - LUCKY LAKE LIGHTING	TOWN							0.00							134.74		0.00	0.00	134.74		
SL3 - LAKE LOUISE MARIE	TOWN							0.00							375.91		0.00	0.00	375.91		
SL4 - PATIO HOMES LIGHTING	TOWN							0.00							971.23		0.00	0.00	971.23		
SL5 - KIAMESHA SHORES LIGHTING	TOWN							0.00							116.25		0.00	0.00	116.25		
SL6 - EMERALD GREEN LIGHTING	TOWN							0.00							4,456.47		0.00	0.00	4,456.47		
SL7 - TREASURE LAKE LIGHTING	TOWN							0.00							26.73		0.00	0.00	26.73		
SL8 - CONGERO ROAD LIGHTING	TOWN							0.00							2.38		0.00	0.00	2.38		
SL9 - YESHIVA/KIAM. LIGHTING DISTRICT	TOWN							0.00							666.74		0.00	0.00	666.74		
SRH - ROCK HILL AMBULANCE DIST	TOWN							7,213.91							0.00		0.00	0.00	7,213.91		
SSA - ANAWANA SEWER DISTRICT	TOWN							56.22							1,504.66		0.00	0.00	1,560.88		
SSD - DILLON SEWER DISTRICT	TOWN							139.16							156.42		0.00	0.00	295.58		
SSG - EMERALD GREEN SEWER	TOWN							7,458.34							27,360.69		0.00	0.00	34,819.03		
SSH - HARRIS SEWER DISTRICT	TOWN							3,998.34							9,266.52		0.00	0.00	13,264.86		
SSK - KIAMESHA SEWER DISTRICT	TOWN							7,439.92							34,893.52		0.00	0.00	42,333.44		
SSM - MELODY LAKE SEWER DISTR.	TOWN							506.33							2,289.60		0.00	0.00	2,795.93		
SSR - ROCK HILL SEWER DISTRICT	TOWN							56.22							622.21		0.00	0.00	678.43		
SSS - SACKETT LAKE SEWER DISTR	TOWN							1,748.41							9,557.15		0.00	0.00	11,305.56		
SWC - COLD SPRING WATER	TOWN							33.92							349.77		0.00	0.00	383.69		
SWD - DILLON WATER DISTRICT	TOWN							23.92							189.27		0.00	0.00	213.19		

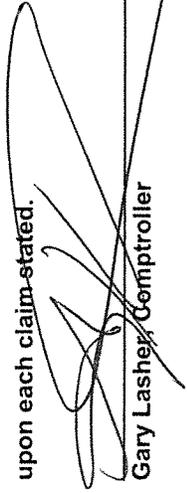


# TOWN OF THOMPSON

## Voucher Detail Report

Voucher No.	Stub- Description	Req. No.	Req. Date	Vendor Code	Vendor Name	Ordered By	Fisc Year	Check ID	Voucher Amt.	Pay Due	Approved
Invoice Date	Batch Invoice No.	Recur Months	Refund Year	PO No. Taxable	PO Date Ref No	Approved By	Period	Contract No.	Check No.	Non Disc.	Cash Account Disc. Amt.

I hereby certify that the vouchers listed on the attached abstracts of prepaid and claims payable have been duly audited and are presented for payment to the Town Board of the Town of Thompson at the regular meeting there of, held on the 6<sup>th</sup> day of Aug 2013 in the amounts respectively specified. Authorization is hereby given and direction is made to pay each of the claimants in the amount as specified upon each claim-stated.

  
 Gary Lasher, Comptroller

  
 Anthony Cellini, Supervisor