

**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 **March 05, 2013**.

**ROLL CALL:**

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

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
William D. Culligan, Water & Sewer Superintendent  
Logan E. Ottino, Code Enforcement Officer  
Gary J. Lasher, Comptroller  
Thomas J. Kelly, Deputy Town Clerk & Grants  
Gerald Fielding, Town Historian

**PUBLIC HEARING: PROPOSED LOCAL LAW NO. 03 OF 2013 – TO AMEND  
CHAPTER 48 OF THE TOWN CODE REGARDING PERSONNEL RULES &  
REGULATIONS PERTAINING TO HEALTH INSURANCE**

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 February 22, 2013 with same being posted at the Town Hall on February 15, 2012.

Supervisor Cellini called upon Town Attorney Michael B. Mednick to explain the proposed local law. Attorney Mednick explained that this local law is to amend the Town Code to require that all new employees hired after adoption of this Local Law would contribute towards their health insurance costs for both single and/or family coverage. The costs would be 10% of the monthly premium or \$750.00 single and \$1,500.00 family, whichever is less. He will amend the law slightly to clarify that this applies to all employees hired after March 5<sup>th</sup>, 2013.

Supervisor Cellini asked if the Board had any comments. The Board members were all in favor of the proposed law.

Supervisor Cellini reported on two written comments that he received with concerns regarding this local law. The first comment was received from Dave Colavito of Rock Hill dated 03/04/2013. The second comment was received from Toby Boritz of Rock Hill dated 03/05/2013. Copies of both comments have been filed in the Town Clerk's Office, which will be made part of the file for the record.

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 7:33 PM was made by Councilman Briggs and seconded by Councilman Sush.

**REGULAR MEETING – CALL TO ORDER**

Supervisor Cellini opened the meeting at 7:34 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 – February 2013  
Comptroller's Budgetary Report – February 2013  
Dog Control Officer's Report – February 2013

**APPROVAL OF MINUTES:**

On a motion made by Councilman Jankiewicz and seconded by Councilman Sush the minutes of the February 19<sup>th</sup>, 2013 Regular Town Board Meeting were approved as presented.

Vote: Ayes 4            Cellini, Jankiewicz, Sush and Mace  
      Nays 0  
      Abstained 1 Briggs (He was not present for the meeting.)

**PUBLIC COMMENT:**

Steven Kurlander of Monticello suggested the creation of a Public Informational Officer part-time for the Town. He explained the type of services that this would provide. He presented the Town Board with a proposal for these services. The cost for the services was not discussed, but it was indicated by the Board that the cost was too high. Mr. Kurlander advised that he would be willing to negotiate the fee if the Board was interested. The Board will consider it and get back to him.

**CORRESPONDENCE:**

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

- 1) Letter dated 02/20/2013 from Philip W. Kautz an inmate at the Woodbourne Correctional Facility to Supervisor Cellini regarding suggestions for noise abatements at Monticello Motor Club.
- 2) Letter dated 02/16/2013 from an unidentified individual to Supervisor Cellini regarding John Flowers Projects, Poughkeepsie, NY and also sharing some of their thoughts.
- 3) Letter dated 02/25/2013 from Town Clerk Marilee J. Calhoun to Mr. William D. Bavoso, Esq. of Bavoso, Plotsky & Onofry Attorneys at Law regarding response to FOIL request pertaining to Monticello Motor Club Expansion Project/Site Plan Modification. Town Clerk Calhoun asked that Attorney Bavoso be more specific in regards to the documents that he is requesting. Town Clerk Calhoun reported that Attorney Bavoso has rescinded the above mentioned FOIL request.

- 4) Letter dated 02/20/2013 from Kathy Kreiter of Dillon Road, Monticello to Supervisor Cellini thanking him for his assistance regarding a code issue on their property involving outdoor farm animals.
- 5) Flyer: Monticello Fire Departments Annual Spring Pancake Breakfast – Sunday, March 17<sup>th</sup>, 2013, 7am to 12pm. Proceeds from this year’s breakfast will help defray some medical bills for a member. The costs for the breakfast were also provided.
- 6) Letter dated 02/13/2013 from Eileen Franko, Acting Director, Division of Safety and Health, NYS Department of Labor to Supervisor Cellini regarding the amendment of Section 27a of the Labor Law pertaining to Firefighter Emergency Escape Systems. Supervisor Cellini will provide a copy of this information to both the Monticello and Rock Hill Fire Departments for their review and informational purposes since this matter pertains to them.
- 7) Letter dated 02/27/2013 from Nora J. Hughson, Town of Thompson Assessor to Mr. Newt Brainard of K-Sullivan I-86 Development LLC & Simon Konover Company regarding the tentative assessed values for the proposed hotel, drive-thru fast food and restaurant development on lower East Broadway.
- 8) Letter dated 02/25/2013 from Joshua Potosek, Acting Commissioner, Sullivan County Division of Planning and Environmental Management to Chairperson Patrice Chester, Town of Thompson Planning Board regarding GML-239 County Review for Site Plan Review – Thompson Heights Project. Based on the County review they feel the proposed action may have some adverse intercommunity impacts and recommend disapproval.
- 9) Letter dated 02/22/2013 from Lisa Hunt, Executive Assistant, County of Sullivan IDA to Supervisor Cellini regarding the 2013 Distribution of the PILOT Payments along with Check # 3395 dated 02/22/2013 made payable to Town of Thompson in the amount of \$12,921.18 for the Holiday Mountain, MG Catskill, Regency Manor, RHH Land and Turtlehead Enterprises projects. Copies of the Distribution Calculation forms were provided.
- 10) Letter dated 03/04/2013 from Michael B. Mednick, Town Attorney to Marvin Newberg, Esq. of Newberg Law Offices regarding the Melody Lake Waterworks System. Attorney Mednick briefly reported on his letter. Further discussion ensued regarding the Temporary Operation status as well as the creation of the Water District.

**AGENDA ITEMS:**

**1. ACTION: PROPOSED LOCAL LAW NO. 03 OF 2013 – TO AMEND CHAPTER 48 OF THE TOWN CODE REGARDING PERSONNEL RULES & REGULATIONS PERTAINING TO HEALTH INSURANCE**

Attorney Mednick provided the Board with the amendments to the law making clarification to the effective date in which this law comes into effect. The amendments are as follows: Adding under Section B: For all employees hired prior to March 5<sup>th</sup>, 2013, all costs for any benefits, including family coverage, covered by this section shall be paid directly by the Town, and the employees shall not be required to contribute. Also, adding under Section D: All employees hired prior to March 5<sup>th</sup>, 2013 shall have non-contributory family plan coverage paid for by the Town.

Attorney Mednick said that part of the clarification is based on one of the points that were raised in one of the written comments that were received. Supervisor Cellini briefly addressed the comments. Action on the proposed local law was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 105 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 March 05, 2013

**RESOLUTION TO ENACT LOCAL LAW NO. 03 OF 2013**

**WHEREAS**, proposed Local Law No. 03 of the year 2013 entitled, "A local law to amend Chapter 48 of the Code of the Town of Thompson", pertaining to health insurance, was introduced to the Town Board at a meeting held February 05, 2013, at the Town Hall, Monticello, New York, to consider said proposed local law and notice of public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing deeming to be heard having been heard, and

**WHEREAS**, said local law was duly adopted after a public hearing.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No. 03 for the year 2013, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.<sup>1</sup>

Moved by: Councilman Sharon Jankiewicz

Seconded by: Councilman Richard Sush

Adopted on Motion March 05, 2013

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

**2. REQUEST FOR BUILDING PERMIT EXTENSION: CHARLES & JAMES BRUNTFIELD, SBL # 62.-4-2, PERMIT 09-86**

<sup>1</sup> ATTACHMENT: COPY OF ENACTED LOCAL LAW NO. 03 OF 2013.

Received request from James Bruntfield for a Building Permit Extension for a single-family dwelling, property located on 2 Terrace Drive, Monticello, SBL # 62.-4-2, Permit # 09-86. The request is being made because of financial hardship and 90% of construction completion. The Building Department is recommending that a 6-month extension be granted.

**The Following Resolution Was Duly Adopted: Res. No. 106 of the Year 2013.**

Resolved, that the request of James Bruntfield for a Building Permit Extension for a single family dwelling, property located on 2 Terrace Drive, Monticello, SBL # 62.-4-2, Building Permit # 09-86 issued to Charles & James Bruntfield hereby be renewed and extended for a six-month period.

Motion by: Councilman Briggs                      Seconded by: Councilman Sush

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

Nays 0

**3. AWARD BIDS: (2) 2013 OR NEWER 4WD PICKUP TRUCKS FOR WATER & SEWER DEPARTMENT – SUPERINTENDENT WILLIAM D. CULLIGAN**

Water & Sewer Department Superintendent William D. Culligan provided the Town Board with a memo identifying the bid results for the (5) bids received in on the (2) 2013 or newer 4WD Pickup Trucks. The results are listed as follows:

- |                                     |             |
|-------------------------------------|-------------|
| 1) M&M Ford Lincoln & Mercury, Inc. | \$44,180.00 |
| 2) Robert Green Chevrolet-Olds      | \$50,408.00 |
| 3) Arthur Glick Truck Sales         | \$61,370.00 |
| 4) West Herr Ford/Chevrolet         | \$61,658.00 |
| 5) Rea Ford                         | \$61,990.00 |

Superintendent Culligan explained that when the bids were opened it appeared that M&M Ford Lincoln & Mercury, Inc. was the low bidder, however after reviewing the bids more closely it was discovered that they left out one of the bid specifications of a tool box body built into the trucks, which is one of the options that they are looking for. Therefore M&M Ford Lincoln & Mercury, Inc. does not meet bid specifications. The lowest bidder that does meet the bid specifications would be Robert Green Chevrolet-Oldsmobile. The Town Board discussed the option to re-bid the items. Superintendent Culligan said that they estimated the cost per truck to come in around \$27,000, but came in lower around \$25,000. Supervisor Cellini said that if the items are re-bid they would most likely come in higher. He is recommending that the bids be awarded to Robert Green Chevrolet-Oldsmobile. Superintendent Culligan said that the funding for the purchase is budgeted in the equipment line item and would not be bonded. After further consideration, the Town Board decided to award the bids to Robert Green Chevrolet-Oldsmobile since they are the next lowest bidder that met bid specifications. Action to award the bids was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 107 of the Year 2013.**

Resolved, that the bid of Robert Green Chevrolet-Oldsmobile, for (2) 2013 or Newer 6,800 GVWR Single Rear Wheel, Four Wheel Drive, Six Passenger, Extended Cab/Crew Cab Pickup Trucks for the Water & Sewer Department as per bid specifications, in the amount of \$50,408.00, be, and the same hereby is, accepted, and the Town Clerk be and she hereby is directed to notify the successful bidder of the award thereof.

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

**4. AWARD OF \$6,558.00 (JCAP) GRANT: JUSTICE COURT ASSISTANCE PROGRAM & ALSO STATUS OF NYSERDA ASSISTANCE PROGRAM**

Thomas J. Kelly, Deputy Town Clerk & Grants reported on the Justice Court Assistance Program (JCAP) Grant status. He submitted the grant application to the NYS Unified Court System on behalf of the Town Justice Court for funding in the amount of \$15,202.00 for 3 new windows, security door for clerk, 4 new chairs, 3 chair mats, copier/scanner and sign. He reported that a portion of the grant application was approved. The Town Justice Court has been awarded \$6,558.00 of the requested amount. A decision will have to be made in regards to how the funding is spent. Mr. Kelly did report that NYSERDA has arranged to perform an audit to be combined with the (JCAP) grant specifically regarding the windows.

**5. BREAKDOWN OF TOTAL ASSESSMENTS INCLUDING TAX EXEMPT PARCELS**

Supervisor Cellini provided the Town Board with a spreadsheet including a breakdown of total assessments including tax exempt properties in the Town of Thompson. This was provided to the Board for informational purposes and review.

**6. THOMPSON/YMCA SUMMER YOUTH DAY CAMP: APPLICATIONS AND REGISTRATIONS**

Supervisor Cellini reported on the first Day Camp registration that took place today. There were 130 campers registered today and the total maximum capacity for the camp is 200, so there are 70 camper spots remaining. There will be a second registration day in the near future. It looks like the camp will be filled up again this year.

**7. STATUS: GARDEN COTTAGES SEWER AGREEMENT WITH VILLAGE OF MONTICELLO – MICHAEL B. MEDNICK, ESQ.**

Attorney Mednick said that the status is still the same. He is still waiting to hear back from Attorney Walter Garigliano who is representing Garden Cottages. Attorney Garigliano was meeting with Village officials to discuss and clarify as to how they should proceed with the sewer service request to prevent things from taking place multiple times. They are looking for re-assurance from the Village before proceeding. Attorney Mednick will contact Attorney Garigliano to follow up on the status and he will report back with an update.

**8. ZONE CHANGE STATUS: SUNSHINE PROPERTY – MICHAEL B. MEDNICK, ESQ.**

Attorney Mednick provided his recommendation to the Board. He is trying to get EPR to waive any requirements under the PRD as Master Developer to the Sunshine property if the property were extended into the PRD. This would allow them to stand by themselves without needing any other approvals. Attorney Mednick understands that EPR was reluctant to do this, however he has not had the opportunity to meet with EPR representatives directly to discuss the matter. He will proceed further by contacting EPR representative Robert Drumm to discuss the matter. The waiver would allow them the permitted uses under the PRD without going through the Master Developer. Attorney Mednick said that he does not believe the Town has zoning that would permit multi-use on the same lot. However the PRD would permit this. Regardless whether other Town Zoning permits multi-uses on the same parcel or not, it would be considered spot zoning to just change the zone from one to another without it being contiguous to the other zone. Further discussion ensued between the Board and Attorney Mednick regarding this issue. Jonathan and Patrice Sunshine, Property Owners were present and were also both parties to the discussion.

Mrs. Patrice Sunshine reported on her conversation last week with Robert Drumm a representative of EPR. She advised him that their property consists of 3-acres and they would not be building a casino. They can develop all around them, so why shouldn't they be permitted to do the same. What could they possibly develop that would hurt them. They want to be good neighbors and they have not opposed anything against EPR's project. This project will change their lives, but still have not opposed. All they want is to be in the same category as they are. Mr. Drumm did not appear to have a problem with their request. They want to work together without opposition. Mrs. Sunshine got the feeling that Mr. Drumm was not fully aware of the situation.

Supervisor Cellini said that according to his conversation with Mr. Drumm regarding the matter, Mr. Drumm advised that he would look into it. However, Supervisor Cellini said that according to Attorney Steven Vegliante, EPR was not interested.

Councilman Jankiewicz said that too many people trying to argue the same point might mucky the waters, so she recommends that Attorney Mednick be the one to handle the situation further. Attorney Mednick is aware of what needs to be done, which he will negotiate and take care of.

#### **9. "TOWN OF THOMPSON IS OPEN AND WE WANT YOUR BUSINESS": DEPUTY SUPERVISOR RICHARD SUSH**

Councilman Sush said that he and Supervisor Cellini have been considering different ways to generate our own Economic Development in the Town instead of waiting for other entities to do it for us. Councilman Sush reported on a meeting that was held with (9) local businesses to discuss how to stimulate Economic Development in the Town of Thompson. Bold Gold Media Group/Thunder 102 offered to create a jingle radio ad for the Town including several testimonial ads, which they will air on the radio for the Town. There would most likely be a cost to air the radio ad on other local radio stations as well. The Town may wish to consider creating an advertising budget for these types of expenses in the future. Several copies of the testimonial ads that were received back



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

**John's Truck Parts** **\$3,295.00**  
Invoice # 21209 – To rebuild differential, truck #36.  
(Note: Budgeted expense from 5130.400 DA.)  
Motion by: Councilman Jankiewicz                      Seconded by: Councilman Briggs  
Vote: Ayes 5              Cellini, Jankiewicz, Briggs, Sush and Mace  
      Nays 0

**EAGLE CREEK 4-LOT SUBDIVISION – OFFER OF 25FT ROAD FRONTAGE STIP DEDICATION ALONG STARLIGHT ROAD**

Glenn L. Smith, P.E., Consulting Engineer for Eagle Creek Land Resources, LLC (applicant) submitted a letter dated 02/28/2013 addressed to Supervisor Cellini and Town Board on behalf of the applicant regarding the Eagle Creek 4-Lot Subdivision on Swinging Bridge Reservoir, Starlight Road in the Town of Thompson. The Town Planning Board recently issued Final Site Plan approval regarding the above mentioned subdivision. However one of the conditions of the Planning Board was that the applicant was to make an offer of dedication to the Town of Thompson to dedicate a 25ft wide road frontage strip to the Town in accordance with note #6 indicated on the plan sheet #2, which was provided. The purpose of this letter is to make the formal offer as explained above. Supervisor Cellini said that this is the company taking over the operation and ownership of both dams. A copy of this offer will be provided to Highway Superintendent Richard Benjamin for his recommendation. Supervisor Cellini will re-schedule the matter on the agenda for the next Town Board meeting.

**DISCUSSION: MARCH 19<sup>TH</sup>, 2013 MEETING TO HAVE OR CANCEL**

Supervisor Cellini will not be present for the next Town Board meeting scheduled on March 19<sup>th</sup>, 2013. He said that Deputy Sush would be running the meeting. There was confusion as to when the 1<sup>st</sup> evening of Passover was; it was clarified that the 1<sup>st</sup> evening of Passover is Tuesday, March 26<sup>th</sup>. After further discussion it was decided that there was no need to cancel the March 19<sup>th</sup> meeting and that it would be held. Councilman Sush said he would be present to run the meeting.

**12. BUDGET TRANSFERS**

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

**13. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 110 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>2</sup>

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<sup>2</sup> ATTACHMENT: ORDER BILLS PAID

Motion by: Councilman Jankiewicz

Seconded by: Councilman Briggs

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

Nays 0

**OLD BUSINESS:**

**SHRED/PRESCRIPTION DRUG DISPOSAL & ELECTRONIC EQUIPMENT  
RECYCLING DAY EVENT**

Councilman Mace has two tentative dates for the shred/prescription drug disposal and electronic equipment recycling day event. The dates are Saturday, April 20<sup>th</sup> and Saturday, May 4<sup>th</sup>. The Town Board selected May 4<sup>th</sup>, which is the date that they thought would be best for the event. Councilman Mace will contact the electronic recycling company and the Sheriff's Department to let them know the date selected. Supervisor Cellini will take care of the public service announcement/news release. The event will run from 9am to 1pm. Councilman Mace discussed the collection requirements for the electronic equipment recycling, which will not be a problem.

**CODE ENFORCEMENT AMNESTY PROGRAM**

Councilman Mace is working on coordinating the amnesty program with Code Enforcement Officer Logan E. Ottino. This program would give property owners in the Town the opportunity to close out various open permits and address other outstanding violations/issues during a specific period of time without penalty. They are drafting letters that would be sent out. Once the letters are ready they will be provided to Attorney Paula Kay and Michael Mednick for review and approval. The publication is also being drafted for review and consideration. Supervisor Cellini also provided another suggestion that the Town of Fallsburg is doing regarding seasonal businesses.

**CREATION OF A SULLIVAN COUNTY BUSINESS INCUBATOR PROGRAM**

Councilman Mace has been looking into the creation of an Incubator Program in Sullivan County. He reported on the one that they have in Orange County is very impressive. Councilman Sush reported that when he was working for Sullivan Renaissance they were also looking into creating a business incubator program, but they had a problem securing funding for the project.

**NYS ROUTE 17 CORRIDOR STUDY PUBLIC WORKSHOP III & UPDATE**

Councilman Jankiewicz reported on the NYS Route 17 Corridor Study Workshop by the NYS DOT last week on Tuesday, February 26<sup>th</sup>, 2013 that was held at the Rock Hill Fire Department. There were approximately (40) members from the public present. They discussed the interchanges along NYS Route 17 (A/K/A) Interstate 86 and other changes that this study is proposing for those interchanges. The closing of interchange 110 & 111 was discussed and is undecided. The study is in its final stages and a final study report should be completed by the end of March. There is another workshop scheduled to take place on Thursday, March 7<sup>th</sup>, 2013 at the Orange/Ulster BOCES Building from 6:30PM to 8PM. The main purpose of this workshop is to discuss the Orange County issues, but Sullivan County issues could be discussed as well. In Orange County up until interchange 115 they are considering the construction of a third



- March 19<sup>th</sup>: Award Bids – (1) New 2013 or Newer 16,000 GVWR Dual Wheel 4WD Cab and Chassis Truck with Snowplow for the Highway Department.
- March 19<sup>th</sup>: Award Bids – Asphaltic Paving Mixes (Blacktop) and #1-A Low Abrasion Non-Wappinger Crushed Limestone for the Highway Department.
- April 2<sup>nd</sup>: Award Bids – Hot In-Place Asphalt Recycling for the Highway Department.
- April 13<sup>th</sup>: Monticello & Woodridge Kiwanis Clubs Walk-for-Hunger Event held at the Rails for Trails in Woodridge, NY. For more details contact Councilman Jankiewicz.
- April 20<sup>th</sup>: RISE to the Occasion, 3<sup>rd</sup> Annual Walk-a-Mile in Her Shoes: The international men’s march to stop rape, sexual assault and gender violence to be held at the Sullivan County Government Center, Monticello at 10AM to 11AM. The walk benefits Rape Intervention Services and Education (RISE) Organization of Sullivan County. For more details contact Councilman Sush.

### **ADJOURNMENT**

On a motion made by Councilman Sush and seconded by Councilman Mace the meeting was adjourned at 8:37 PM.

**Respectfully Submitted By:**

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**Marilee J. Calhoun, Town Clerk**