

**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 05, 2014.**

**ROLL CALL:**

**Present:** Supervisor William J. Rieber, Jr., Presiding  
Councilman Richard Sush  
Councilman John A. Pavese  
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  
Gary J. Lasher, Comptroller

**REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 7:09 PM with the Pledge to the Flag. Supervisor Rieber noted that the time for this meeting was changed from 7:30 PM to 7:00 PM, he said that the news media and public have been notified of the meeting. Notice of said meeting was duly published in the Sullivan County Democrat on August 01, 2014 with same being posted on the bulletin board at the Town Hall.

**MONTHLY REPORTS FOR JULY 2014 RECEIVED AND FILED**

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

**APPROVAL OF MINUTES:**

On a motion made by Councilman Briggs and seconded by Councilman Sush the minutes of the July 15th, 2014 Regular Town Board Meeting were approved as presented.

Vote: Ayes 5            Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**PUBLIC COMMENT:**

There was no public comment given.

**CORRESPONDENCE:**

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

- 1) Two Emails dated 06/02/14 from George Duke, Esq. of Brown Sharlow Duke & Fogel, P.C. who represents EPR/EPT regarding EPT/EPR Adelaar Concord Resort Project involving additional view shed analysis and architectural lighting – hotel tower reviews pertaining to their SEQRA proceedings.

- 2) Letter dated 07/30/14 from Jamie McGee, Accounting Time Warner Cable to Supervisor Rieber enclosing check for the franchise fee payment including the calculation report for the 2<sup>nd</sup> Quarter, 2014 period of April 1<sup>st</sup> – June 30<sup>th</sup>, 2014. Check # 0004126796 dated 07/10/14 made payable to the Town of Thompson in the amount of \$34,857.11.
- 3) Letter dated 07/11/14 from Town Clerk Calhoun to Lebaum Company, Inc. regarding Notice of Claim for Claude A. Staten vs. Village of Monticello and Town of Thompson, Date of Loss: 08/29/13 & 12/05/13.
- 4) Letter dated 07/15/14 from HCC Public Risk Claim Service to Attorney Mednick with a notice regarding Claim Acknowledgement/Notice Regarding Coverage for the claim on Claude A. Staten vs. Village of Monticello and Town of Thompson involving Plaintiff alleging race discrimination against Defendants.
- 5) Letter dated 07/11/14 from Town Clerk Calhoun to Lebaum Company, Inc. regarding Notice of Claim for Vincent Reilly vs. Town of Thompson, Date of Loss: 07/01/14.
- 6) Letter dated 07/21/14 from Mr. Ralph Cheney, President of the Swinging Bridge Property Owners' Association to Highway Supt. Richard Benjamin, Jr. thanking him and his department for road repairs along Starlight Road and Starlight Drive, Monticello.
- 7) Letter dated 07/22/14 from Lee E. Reiff, Region 3, Solid Waste Program, NYS DEC to Edward Levine of Fast Eddies Auto Wreckers regarding Notice of Vehicle Dismantling Facility Inspection Report, which had no violations and was attached for reference and review.
- 8) News Release: NYSERDA dated 07/30/14 "Announces Partnership to Bring Clean Energy Financing Program to New York State Businesses and Multifamily Properties".
- 9) Email dated 07/20/14 from NYS Office of Real Property Tax Services to Supervisor Rieber and Assessor Krzywicki advising of the 2014 Final State Equalization Rates, Town of Thompson is 87.00.
- 10) Letter dated 07/22/14 from Nachman C. Caller of the Law Offices of N.C. Caller, P.C. to the Gaming Facility Location Board, NYS Gaming Commission regarding opposition to Empire Resorts/Concord Casino Proposal.
- 11) News Release: Response to Letter of Opposition from Nachman C. Caller entitled "Supervisor Bill Rieber Decries Actions of Brooklyn Rabbi".

12) Letter dated 07/18/14 from Christopher Rizzo, Esq. of Carter Ledyard & Milburn LLP Counselors at Law to Resort Gaming Facility Location Board, NYS Gaming Commission regarding Opposition to Empire Resorts/Concord Adelaar Proposed Resort and Casino Project.

13) Letter dated 07/22/14 from Richard Humleker, VP for Development of The Center for Discovery, Inc. to Supervisor Rieber and Town Board in support of a speed zone change along Old Route 17 (Co. Rte. 174) between Exits 104 and 102. This matter is on the agenda as item no. 7 for further discussion.

14) Letter dated 08/01/14 from Mr. David J. Whalen, Director, Government Relations, CNY Division – Northeast Region of Time Warner Cable to Supervisor Rieber and Town Board advising that the Franchise Agreement between the Town and Time Warner will expire on March 25<sup>th</sup>, 2017.

**AGENDA ITEMS:**

**1. ACTION: ANNEXATION REQUEST – GARDEN COTTAGES, INC., SBL #'S 18.-1-41.1, 41.2 & 42**

This matter was removed from the agenda with no action taken at this time. The matter will be rescheduled for a later date.

**2. TIME WARNER CABLE SERVICE TO WATER & SEWER DEPARTMENT**

Supervisor Rieber reported on a memo that was received from Attorney Mednick dated 07/17/14 regarding his findings upon his review of the full terms and conditions for Time Warner Cable's (TWC) Business Class, which was provided to him from David Whalen, Director of Government Relations from (TWC). According to Sections 2.1, 10.0 and 11.1 of the terms and conditions of the service agreement (TWC) has a strong position to defend any action to demand specific performance of the service order. He is recommending not taking any further action at this time. He is recommending that the Town consider negotiating with (TWC) for installation of the service. However Supervisor Rieber met with the engineers of the Golden Ridge Development who will be researching the possibility of bringing utilities in through Rock Ridge Drive, which could then service the entire area with cable service if possible. The utility service will either be coming from Route 42 or Rock Ridge, but since the development is closer to the Rock Ridge side the Town is hopeful that the utilities will come from Rock Ridge. The Town will have to wait and see what the final decision is based on what is more economically feasible for the development. Hopefully it will be from the Rock Ridge side, which will help the other residents in that area as well including the Water and Sewer Department.

**3. REVIEW BIDS – TELECOMMUNICATIONS SYSTEM FOR TOWN HALL**

Supervisor Rieber reported on two bids that were received in for the Telecommunications System for the Town Hall. The first bid was from Universal TeleConnections, Inc. cost for installation is \$8,997.00 with additional options – 4 port SIP trunk card or VoIP Telephone card is \$525.00 and 8 port SIP trunk Card or VoIP Telephone card is \$1,050.00 both with installation and programming. The second bid

was from Bedik Communications, Inc. cost for installation is \$10,735.00 for 4 ports. The Town Board received both proposals, however they would like additional time to review and possibility contact each bidder with questions. Comptroller Lasher recommended that the Town Board take time to review them and ask questions of both bidders if they have them prior to taking action. Supervisor Rieber said that this matter will be placed on the next Town Board Meeting Agenda for further discussion and consideration for action.

#### **4. CONTINUED DISCUSSION – BID SPECIFICATIONS FOR TOWN HALL WINDOW REPLACEMENT**

Supervisor Rieber discussed the proposal for professional engineering services for replacement of all Town Hall windows that was submitted by William J. Hauser, P.E. of McGoey, Hauser & Edsall Consulting Engineers DPC. The estimated cost to replace all of the windows in the Town Hall would exceed the procurement thresholds, which are over \$20,000.00. Comptroller Lasher said that this would include the windows that have already been replaced even though they would be two separate bids the State looks at it as one for the same, like or similar items, which would put us over the procurement threshold. Comptroller Lasher is recommending that the service be bid out to be safe since combining the two will most likely be over the threshold. A copy of the proposal was provided and the cost would be \$2,200.00 to prepare bid specifications, send out to prospective bidders, review them once received back and provide recommendation. Comptroller Lasher said that most of the work to prepare the bid specifications has already been done. After further discussion it was recommended that the Town have Engineering over site on this matter regardless. Action was taken to accept the proposal for professional engineering services as follows:

#### **The Following Resolution Was Duly Adopted: Res. No. 211 of the Year 2014.**

Resolved, that the Town Board of the Town of Thompson hereby accepts the Proposal for Professional Engineering Services between the Town and McGoey, Hauser and Edsall Consulting Engineers D.P.C. for Professional Services required involving the Window and Front Entry Replacement at the Town Hall. The total cost Professional Services as stipulated in the Proposal will be \$2,200.00. Further Be It Resolved, that the Town Supervisor hereby be authorized to execute said agreement.

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese

Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace

Nays 0

#### **5. REPORT ON SALE OF BUILDING DEPARTMENT JEEP \$1,100.00**

Councilman Mace and Logan Ottino, Code Enforcement Officer reported on the sale of the Building Department Jeep through the online auction sales. The Jeep sold for \$1,100.00 and a check will be sent to the Town by the Auction Company. The purchaser has already contacted the Building Department and will be making arrangements to pick the vehicle up.





Supervisor William J. Rieber, Jr.	Aye
Councilman Richard Sush	Aye
Councilman Peter T. Briggs	Aye
Councilman John A. Pavese	Aye
Councilman Scott Mace	Aye

**10. DISCUSS COMP TIME POLICY – BUILDING DEPARTMENT**

Logan Ottino, Code Enforcement Officer requested permission to use comp time for time used outside of Regular Office Hours when required. Supervisor Rieber said that the work rules do allow for the use of comp time and he and the Town Board have no problem with the use of comp time within reason.

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

**The Following Resolution Was Duly Adopted: Res. No. 215 of the Year 2014.**

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

<b>USA BlueBook</b>	<b>\$1,519.61 TOTAL COST</b>
1 – Benchtop Muffle Furnace	
Model # Thermolyne FB1415M	\$1,479.95
1 – Freight Charge	\$39.66
<b>TOTAL COST =</b>	<b>\$1,519.61</b>

(Note: Replacement Benchtop Muffle Furnace for the Laboratory at the Kiamesha Lake Sewer Treatment Plant.)

Motion by: Councilman Pavese                      Seconded by: Councilman Mace

Vote: Ayes 5              Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**12. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 216 of the Year 2014.**

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 Pavese                      Seconded by: Councilman Briggs

Vote: Ayes 5              Rieber, Pavese, Briggs, Sush and Mace

Nays 0

**SUPERVISOR REPORT**

Supervisor Rieber reported on the following items:

- 1) Drainage Issue on Winston Drive, Discussion ensued between Supervisor Rieber and the Town Board regarding the issue.

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





new Restaurant on Broadway last week, which was very nice and is hopeful that it will be very successful. Councilman Sush was happy to announce that he was re-elected to the Sullivan County Partnership for Economic Development Board of Directors. Councilman Sush also provided the Town Board with a Sullivan Renaissance Judging Schedule for the three projects in the Town. All three projects are different category projects and all three could possibly get awarded. The first project is the gardens at the Thompson Town Park, the second project is the MAFCO project at the Thompson Town Park and the third project is the Rock Hill Ballfield project. The judging will take place this Saturday and the Awards Ceremony will be on Monday at Bethel Woods. The Town Clerk was provided with a copy of the schedule and anyone interested should see the Town Clerk to obtain a copy of the schedule. All are welcome to attend.

Councilman Peter T. Briggs met with Dog Control Officer Nancy Marinchak to discuss the issue regarding the increased work load in the Village with dogs being picked up. From July 2013 to July 2014 there was a total of 81 dogs picked up, 42 Village, 39 Town, 12 of those dogs had to be euthanized with 8 in the Village and 4 in the Town. Recently there have been more in the Village than the Town and Officer Marinchak is looking for ways to save the Town money. Councilman Sush said that the Village is under no obligation to pay additional fees for this service. Supervisor Rieber said that the Village tax payers do pay some for this service. Town Clerk Calhoun said that the Town also collects the Dog License Fees and Boarding and Seizure Fees, which go directly to the Town less the Animal Population Control (APC) Fees that must go to the NYS (APC) Fund. There is not much that the Town can do, but they could ask the Village for additional funding if this becomes a major issue. Officer Marinchak is also thrilled that she will be receiving a much needed new vehicle. The Town Board commended Officer Marinchak for the wonderful job that she does and how grateful they are to have her.

Councilman John A. Pavese reported that he accompanied Highway Superintendent Richard L. Benjamin, Jr. on an inspection of the completed Patio Homes Road Reclamation project, which looks good, the Old Highway Barn property showing the oil and stone process, the Downs Road Improvements and other road repairs. The Highway Superintendent explained the process for several road improvements. The Highway Department has a good group of employees and the Highway Superintendent is definitely trying to look out for the Town and its best interest. He is doing a good job. He also announced that on Saturday, 09/13/2014 the Monticello Fire Department is hosting the Annual Sullivan County Firemen's Parade with other events and festivities to follow. All are welcome to attend.

Comptroller Gary J. Lasher reported that the Budget Worksheets are out to all of the Departments and he is starting to work on the 2015 Fiscal Year Budget.

#### **OLD BUSINESS:**

#### **PURCHASE OF NEW DOG CONTROL OFFICER VEHICLE**

Supt. William D. Culligan reported that he went to order the new Dog Control Officer Vehicle that was approved at the last meeting, but the 2014 bids are out of date and the

2015 bids are coming out and he is unable to order the vehicle until the paper work comes through. The paper work should be available sometime this month. The dealer does not predict the prices to change, but if they do it would most likely be slightly and not drastically. He will let the Board know once he receives the new paper work.

### **DISCONTINUANCE OF TAX CERTIORARI CASES – PINE TREE BUNGALOW COLONY**

Town Attorney Michael B. Mednick reported that the court discontinued and dismissed approximately 7-8 Tax Certiorari Cases for the Pine Tree Bungalow Colony, because there was no movement or action on them.

### **NEW BUSINESS:**

There was no new business reported on.

### **PUBLIC COMMENT:**

Elliot Levi of Melody Lake asked what the effects would be if Water & Sewer service is provided to or merged with the Lost Lake Development. Supervisor Rieber and the Town Board replied stating that this is the reason for the feasibility study to determine the effects and issues this would have on the current systems/service. Supt. Culligan said that the initial study is for sewer service. Discussion ensued regarding the size of the proposed Development.

Roger Betters of Monticello on behalf of the Columbia Hill Neighborhood Alliance commented on the opposition to casino gaming issue and encouraged the Town Board to consider imposing a cap on multi-family units as previously suggested/discussed.

Philip Winograd of Starlight Road, Monticello commented on the good employees that the Town has and how fortunate the Town is to have them. He thanks them for doing such a wonderful job.

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

- August 19<sup>th</sup>: Regular Town Board Meeting Cancelled.
- September 2<sup>nd</sup>: Next Regularly Scheduled Town Board Meeting @ 7:30 PM.
- September 13<sup>th</sup>: Annual Sullivan County Firemen's Parade hosted by Monticello Fire Department.
- September 14<sup>th</sup>: Rock Hill Fire Department's Annual Golf Tournament.

### **EXECUTIVE SESSION**

On a motion made by Councilman Briggs and seconded by Councilman Sush the Town Board entered into Executive Session at 8:30 PM with Town Attorney Michael B. Mednick, Comptroller Gary J. Lasher and Water & Sewer Superintendent William D. Culligan to discuss a personnel matter and a tax certiorari litigation proceeding.

On a motion made by Councilman Briggs and seconded by Councilman Sush the Town Board returned from Executive Session and reconvened the Town Board meeting at 8:57 PM. Further action was taken as follows:

**RESOLUTION AUTHORIZING SETTLEMENT OFFER**

**The Following Resolution Was Duly Adopted: Res. No. 220 of the Year 2014.**

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 05, 2014

**RESOLUTION TO AUTHORIZE TOWN ATTORNEY TO ENTER INTO  
SETTLEMENT NEGOTIATIONS ON TAX CERTIORARI MATTER SCIDA f/b/o  
FRONTIER INSURANCE COMPANY IN LIQUIDATION V. TOWN OF THOMPSON**

**WHEREAS**, there is presently pending a tax certiorari matter in Sullivan County Supreme Court entitled County of Sullivan Industrial Development Agency f/b/o Frontier Insurance Company in Liquidation v. Town Assessor of the Town of Thompson and The Board of Assessment Review of the Town of Thompson, County of Sullivan, New York for the years 2013 and 2014; and

**WHEREAS**, the parties are currently undertaking settlement negotiations and the Town Board would like to set some negotiation parameters for the Town Attorney in an attempt to have the Town Attorney settle the matter.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson authorizes the Town Attorney to resume settlement negotiations and to offer a settlement in the aforementioned matter of \$6.4 million full market value in an attempt to settle the pending tax certiorari proceeding.

Adopted the 5<sup>th</sup> day of August, 2014.

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

The members of the Town Board voted as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes [X ] No [ ]
Councilman PETER T. BRIGGS	Yes [X ] No [ ]
Councilman RICHARD SUSH	Yes [X ] No [ ]
Councilman SCOTT MACE	Yes [X ] No [ ]
Councilman JOHN A. PAVESE	Yes [X ] No [ ]

**ADJOURNMENT**

On a motion made by Councilman Sush and seconded by Councilman Mace the meeting was adjourned at 9:03 PM.

**Respectfully Submitted By:**

*Marilee J. Calhoun*

**Marilee J. Calhoun, Town Clerk**





# TOWN OF THOMPSON

## Voucher Detail Report

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

I hereby certify that the vouchers listed on the attached abstracts of prepaid and

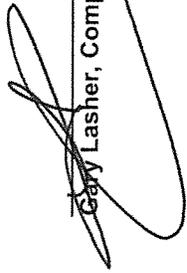
claims payable have been duly audited and are presented for payment to the Town

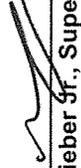
Board of the Town of Thompson at the regular meeting there of, held on the 5<sup>th</sup> day

of Aug 2014 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

  
 William J. Rieber Jr., Supervisor