

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 **October 21, 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
Richard L. Benjamin, Jr., Highway Superintendent
David Bunce, Water & Sewer Dept. Employee
Keith Rieber, Water & Sewer Dept. Employee

PUBLIC HEARING: PROPOSED LOCAL LAW #5 – SICK TIME ACCRUAL & REDUCTION FOR NEW EMPLOYEES & CLARIFICATION FOR RETURNING EMPLOYEES

Supervisor Rieber announced that the Public Hearing has been cancelled and will not be taking place due to a publication error that occurred resulting in the legal notice for said hearing not being published. The Public Hearing will have to be rescheduled to the November 5th, 2014 Town Board meeting at 7:30 PM. The Town Board will take action to reschedule said hearing during the meeting.

BUDGET WORK-SESSION: WAS HELD AT 5:30 P.M. PRIOR TO MEETING.

REGULAR MEETING – CALL TO ORDER

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

APPROVAL OF MINUTES:

On a motion made by Councilman Briggs and seconded by Councilman Mace the minutes of the October 6th, 2014 Special Town Board Meeting/Work-Session and the minutes of the October 7th, 2014 Reconvened Special Town Board Meeting/Work-Session and Regular Town Board Meeting were approved as presented.

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

PUBLIC COMMENT:

Paul Walsh of Rock Hill questioned the status of the guardrail repair along Rock Hill Drive. He also commented on the Scrap Metal Proposal that he submitted on behalf of

Thompson Sanitation Corp. He also thanked the Board for their participation and input regarding the Emerald Corporate Park Changes.

Stephen Kurlander of Monticello questioned the terms of the PILOT Agreement between the Town and the Developer of the Golden Ridge Apartments Project. He has a potential client/developer who might be interested in proposed development with a similar tax abatement agreement. Supervisor Rieber briefly replied to his comment/inquiry.

CORRESPONDENCE:

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

- 1) Notice of Permit Issuance dated 10/06/14 from NYSDEC issued to Emerald Green Property Owners Association for Treasure Lake Dam for the period 10/06/2014-04/01/2015.
- 2) Letter dated 09/23/14 from Melinda Meddaugh of Sullivan County Division of Planning and Environmental Management regarding Agricultural District #4 Inclusion Certification (6) parcels in the Town of Thompson.
- 3) Email dated 10/15/14 from Laura Coruzzi to Supervisor Rieber and Town Board copying them on a letter she sent to Commissioner Eisenberg of Sullivan County Division of Planning and Environmental Management regarding Thompson Education Center Project, SBL #26.-1-6.
- 4) Email dated 10/15/14 from Laura Coruzzi on behalf of Yankee Lake Preservation Association, Inc. to Supervisor Rieber and Town Board regarding Thompson Education Center Project, SBL #26.-1-6 including documents obtained from United States Citizenship and Immigration Services.
- 5) Letter dated 10/15/14 from Toby L. Boritz to Planning Board Members regarding Thompson Education Center- 2 Lot Subdivision Project, SBL #26.-1-6 with attachments.
- 6) News Release dated 10/08/14 from Sullivan County Division of Planning and Environmental Management regarding Sullivan County Agriculture and Farmland Protection Plan Public Workshop to take place Monday, November 3rd, 6PM at Sullivan County Cornell Cooperative Extension. Supervisor Rieber and some of the Town Board members will try to attend.
- 7) Memo dated 10/10/14 from NYC Department of Environmental Protection regarding Notice of Positive Declaration & Lead Agency Declaration (Environmental Review) for the project referred to as In-City Water Supply Resiliency. Public Meeting: Friday, 11/14/14 @ 7PM at the SUNY SCCC.
- 8) Letter dated 10/09/14 from Supervisor Rieber to Robert Gates, Sr. of Eagle Creek Renewable Energy requesting that the water levels of Swinging Bridge be increased.
- 9) Letter dated 10/07/14 from Walter F. Garigliano, Esq. representing Garden Cottages, Inc. to Supervisor Rieber withdrawing the Petition for Annexation.
- 10) Letter dated 10/15/14 from Mrs. Dale Berenson, Executive Secretary of the Monticello Harness Horsemen's Association, Inc. to Supervisor Rieber thanking him for the Shred Day Event.

11) Letter dated 10/06/14 from John F. Lyons, Esq. of Grant & Lyons LLP Counselors at Law on behalf of the Basha Kill Association (BKAA) to Planning Board Chairperson Patrice Chester and Planning Board Members regarding Park Partners LLC Application for Subdivision Approval, SBL # 26.-1-6. The Town Board along with several others was copied on this letter.

AGENDA ITEMS:

1. ACTION: RE-SCHEDULE DATE FOR A PUBLIC HEARING FOR PROPOSED LOCAL LAW #5 – SICK TIME ACCRUAL & REDUCTION FOR NEW EMPLOYEES & CLARIFICATION OF ACCRUAL FOR RETURNING EMPLOYEES

The Following Resolution Was Duly Adopted: Res. No. 251 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 October 21, 2014

RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW

WHEREAS, there has been introduced at a meeting of the Town Board of the Town of Thompson held on October 21, 2014, 2014, a proposed Local Law No. 05 of 2014, entitled "A local law amending Chapter 48 entitled "Personnel Rules and Regulations" of the Town of Thompson Code".

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Town Board of the Town of Thompson on November 05, 2014 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at the Town Hall, 4052 Route 42, Monticello, New York, and at least three (3) days' notice of such public hearing be given by the Town Clerk of the Town of Thompson by due posting thereof on the bulletin board of the Town of Thompson and by publishing such notice at least once in the official newspaper of said Town.

Moved by: Councilman Peter T. Briggs

Seconded by: Councilman Richard Sush

Adopted on Motion October 21, 2014

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 []

2. ESTABLISH DATE FOR PUBLIC HEARING: PROPOSED LOCAL LAW #6-TAX LEVY LIMIT OVERRIDE

Comptroller Gary J. Lasher said that although the proposed budget should come in under the NYS required tax levy limit, however he is recommending that the Town Board still approve a local law to override the tax levy limit just in case it actually comes in higher after all of the chargebacks from the County are figured in. It is not the Towns intention to override the tax levy limit. This law is only being proposed as a precautionary measure. A copy of the proposed local law was presented to the Town Board for consideration. The Town Board took action to establish a date for a public hearing on the said proposed local law as follows:

The Following Resolution Was Duly Adopted: Res. No. 252 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 October 21, 2014

RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW

WHEREAS, there has been introduced at a meeting of the Town Board of the Town of Thompson held on October 21, 2014, a proposed Local Law No. 06 of 2014, entitled "A local law to override the tax levy limit established in General Municipal Law §3-c".

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Town Board of the Town of Thompson on November 05, 2014 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at the Town Hall, 4052 Route 42, Monticello, New York, and at least three (3) days' notice of such public hearing be given by the Town Clerk of the Town of Thompson by due posting thereof on the bulletin board of the Town of Thompson and by publishing such notice at least once in the official newspaper of said Town.

Moved by: Councilman Richard Sush

Town's Allotted Tonnage. There were only (3) property owners that went over the required limit. The event went very well and the Board was happy with the results.

9. REPORT: ENERPATH SERVICES EXECUTION OF AGREEMENT

Supt. Culligan reported that he executed both agreements with EnerPath Services and provided a copy of each to Comptroller Lasher for the file. They are starting to move forward with the projects. They will also be looking at the Emerald Green Plant as well to see if that plant would benefit in the program as well. There was a brief discussion on the subject, which took place between Supt. Culligan, Comptroller Lasher and the Town Board.

10. REPORT: SWINGING BRIDGE CAMPGROUNDS OF NEW YORK, INC. MATTER

Town Attorney Mednick reported on the Court Hearing & Decision regarding the Swinging Bridge Campgrounds of New York, Inc. matter. He appeared before the Supreme Court last week along with the defendant, defendant's counsel, representative from the Attorney General's Office and counsel for the plaintiffs as well. The court issued an order removing the temporary restraining order to preclude the NYSDOH from reissuing new violations. The current NYSDOH closure violation notice was not issued properly, because a hearing was not provided within 15-days. The restraining order was going to preclude them from reissuing the violation, which is the NYSDOH's intent. Their plan is to re-issue the violation provide the property owner with a hearing and then move forward with any corrective actions as necessary. The Court is going to issue an order allowing the NYSDOH to do the re-issue. The Court is also going to issue an order at the request of Attorney Mednick to make sure that when the camp closes down for the end of the season, which is scheduled for October 31st that they take precautions to turn-off all utilities, but are required and responsible and directed to make sure that there is no further occupancy during the off season, which is part of the Court Order. After the property closes for the season they will deal with all of the outstanding violations and issues. The original petition has not been withdrawn even though the NYSDOH has requested that it be withdrawn. It was not withdrawn, because the petition might come back into play once the NYSDOH issues their new closure order. Attorney Mednick is still moving forward with submitting an answer and responses on behalf of the Town regarding the matter, which is still required. They will be provided to the Court by the end of the month as required.

11. REPORT: MELODY LAKE DEVELOPMENT & LOST LAKE DEVELOPMENT SHARED SERVICES

Supervisor Rieber reported on the possibility of providing sewer and water services to the Lost Lake Development. Town Attorney Mednick is in the process of working with Town Engineer Richard D. McGoey of McGoey, Hauser & Edsall Consulting Engineers for the Town to prepare a Memorandum of Understanding between the Town, Melody Lake Sewer/Water Districts and Lost Lake Developers for shared services of sewer and water service to the Lost Lake Development. This Memorandum of Understanding will encompass all of the terms and items required by the Town in order to provide service. Attorney Mednick will have it completed by the next Town Board meeting for Engineer McGoey and the Town Boards review.

provide a container at both the Highway and Sewer Departments. They would also submit quarterly reports for the Town's records. Councilman Mace said that according to the proposals a local business is looking to pay a flat fee upfront for our scrap metal, which appears to be higher than what the Town has been bringing in for the past couple of years. When considering said proposal the Board and its representatives have to determine what's in the best interest of the Town. Highway Supt. Benjamin is recommending that the Town continue using the same policy for the disposal of scrap metal. He said that the Highway Supt. has custody and control of the scrap metal and it is his responsibility to make sure that it is handled in a fair manner. He said that it's in the best interest of the town to continue the same policy, because the materials are delivered directly to the scrap metal yard, a detailed ticket is provided with the driver's name, truck information, date, time, weight of materials, amount to be provided etc. A check is then sent directly to the Town Comptroller along with a copy of the ticket and description. Supt. Benjamin said that the NYS Comptroller's Office has investigated this matter in the past and he recommends keeping the same system since it works and there is a record to refer to, which includes a measure of checks and balances. Paul Walsh of Thompson Sanitation explained the differences between the pricing for him and for the Town and how it's estimated. After further discussion the Board felt that it was Supt. Benjamin's decision and if he is more comfortable keeping the same system/policy currently in place then they would not dispute that decision.

15. REPORT: GUARDRAIL & TRAFFIC CONE MATTERS ON ROCK HILL DRIVE

Councilman Pavese discussed these matters with Highway Superintendent Richard Benjamin. Supt. Benjamin reported that the traffic cone surrounding the drain located in front of Mrs. Sylvia Schwartz's home on Rock Hill Drive has been repaired and removed. He also said that the new piece of guardrail has been ordered to replace the one that has been damaged on Rock Hill Drive near the intersection of Crystal Run Healthcare. The guardrail will be replaced once it has been received.

16. REPORT: NYSDEC COMPLIANCE MEETING-SACKETT LAKE WASTEWATER TREATMENT PLANT

Supervisor Rieber reported on the Compliance Meeting that he attended yesterday with the NYSDEC at their office in New Paltz along with Supt. William D. Culligan and Michael Messenger, Assistant Water/Sewer Plant Operator. The reason for this meeting was due to the notice of violation that was received on the Sackett Lake Wastewater Treatment Plant (WWTP). The Sackett Lake WWTP had a consent order back in 2002, which required annual reports and the prior NYSDEC Representative John Sansalone prior to his retirement recently only required verbal reporting. Supt. Culligan discussed the outcome of the meeting with the Town Board. It appears that the NYSDEC is requiring that the Town get the written documentation/paperwork up to date regarding the consent order. Michael Messenger has already starting on getting the documentation together today so that it can be sent to the DEC for reporting purposes. Engineer Matthew Sickler of McGoey, Hauser & Edsall Consulting Engineers for the Town will be required to complete a narrative report from 2002 to date to submit to the NYSDEC. Further discussion ensued regarding the issues and corrective

Councilman Mace reported that the Rock Hill Business & Community Association and the Rock Hill Fire Department is hosting a Trunk or Treat and Playground Ribbon Cutting Ceremony on Saturday, October 25th, 2014, 12pm-1:30pm at the Rock Hill Fire Department, Rain or Shine.

Councilman Sush reported on the following upcoming events: Monticello Halloween Parade, Saturday, October 25th at 1PM on Broadway; Monticello Rotary's 90th Anniversary Celebration Saturday, October 25th at 5PM at BHR (F/K/A Bernie's Holiday Restaurant); Monticello High School Interact Club Pancake Breakfast, Sunday November 2nd, 7-11am; Monticello School District Hall of Distinction Event following the Pancake Breakfast at 11am, Monticello Kiwanis Club Annual Roast Beef Dinner, Tuesday, November 3rd, 5-7pm at the Monticello Elks Club and Monticello Presbyterian Church Luncheon, November 3rd, 11am-2pm.

Councilman Briggs had nothing new to report on.

Councilman Pavese reported on the Monticello Fire Department's Pancake Breakfast, which took place this past Sunday. There was a good turn-out, it went very well and was a successful event.

Superintendent Culligan reported on the heating system repairs in the Town Hall.

OLD BUSINESS:

JOHN'S ROAD ABANDONMENT

The Following Resolution Was Duly Adopted: Res. No. 262 of the Year 2014.

Resolved, that Resolution No. 228 of the Year 2013 adopted on August 6th, 2013 entitled "Resolution to Abandon a Portion of John's Road in the Town of Thompson" hereby be re-affirmed by the current Town Board and Further Be It Resolved, that the current Town Board and Highway Superintendent be authorized to execute the "Certificate of Abandonment" for filing purposes.

Moved by: Councilman Briggs Seconded by: Councilman Sush

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

Nays 0

DISCUSSION: COLLECTIVE BARGAINING AGREEMENT AMENDMENT – TOWN OF THOMPSON SEWER & WATER DEPARTMENT AND PARK & RECREATION DEPARTMENT EMPLOYEES

Supervisor Rieber recused himself from this discussion since his son Keith Rieber works in the Water & Sewer Department and would be affected by this amendment. He turned the meeting over to Deputy Supervisor Richard Sush and left the meeting room. Deputy Supervisor Sush conducted the meeting regarding this matter. Attorney Mednick stated that the employees met yesterday and agreed to the amendments that this Board has previously discussed. Attorney Mednick briefly noted the changes that were made to the original agreement. All eleven employees executed the amended agreement and it was filed with the Town Clerk. Now that the employees/collective

PUBLIC COMMENT:

Paul Walsh of Rock Hill thanked Superintendent Culligan for working hard to help save the Town money by doing as much repairs/improvements in-house as possible. He also commented on insurance reimbursement for guardrail and sign damage, which he discussed briefly with Highway Supt. Benjamin.

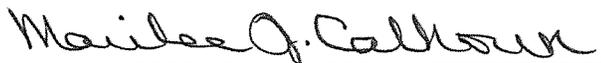
ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- October 23rd: Bid Opening @ 2PM – Replacement/Installation of Existing Trickling Filter System at Sackett Lake WWTP.
- October 25th: Trunk or Treat and Playground Ribbon Cutting Ceremony, 12pm to 1:30pm at the Rock Hill Fire Department, Rain or Shine.
- October 29th: Free Rabies Clinic, Town of Thompson Highway Department, 6 to 7:30 PM.
- November 1st: Sullivan Striders 14th Annual “Fallen Colors Race” Event, 8K Run, 5K Walk held in Rock Hill, New York, Registration will take place at the Emerald Green Entertainment, Rock Hill, New York at 10am.
- November 5th: Regular Town Board Meeting @ 7:30 PM (Note: Change in Meeting Date.)
- November 5th: Public Hearing @ 7:30 PM – Proposed Local Law #5 – Sick Time Accrual & Reduction for New Employees and Clarification for Returning Employees.
- November 5th: Public Hearing @ 7:30 PM – Proposed Local Law #6 – Tax Levy Limit Override.
- November 5th: Preliminary Budget Hearing @ 7:30 PM.
- November 13th: Bid Opening @ 2PM – 1-A Low Abrasion Non-Wappinger Crushed Limestone.
- November 13th: Bid Opening @ 2PM – Vehicle & Equipment Replacement Parts.

ADJOURNMENT

On a motion made by Councilman Sush and seconded by Councilman Pavese the meeting was adjourned at 8:52 PM.

Respectfully Submitted By:



Marilee J. Calhoun, Town Clerk