

**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 **November 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  
Gary J. Lasher, Town Comptroller  
William D. Culligan, Water & Sewer Superintendent (Arrived Late)

**CHANGE OF MEETING DATE:** This meeting was originally rescheduled from Tuesday, November 4<sup>th</sup> to Wednesday, November 5<sup>th</sup> due to Election Day. Town Clerk Marilee J. Calhoun advised that notice of this change was duly published in the Sullivan County Democrat on October 28, 2014 with the same being posted at the Town Hall on October 22, 2014. Notice was also sent to the news media and posted on the Towns website.

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

Supervisor Rieber 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 October 28, 2014 with same being posted at the Town Hall on October 22, 2014.

Supervisor Rieber explained that the proposed local law is to clarify that new employees up to the first year working for the Town will get credited with (7) sick days instead of (14) and they shall be accrued on a monthly basis so that the employee can use a sick day in the first year of employment should they get sick. After the first year of employment the number of sick days will return to (14). The law also clarifies how the (14) sick days for returning employees shall be accrued as well.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There was no public comment made.

After an opportunity for all persons to be heard Supervisor Rieber entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:34 PM was made by Councilman Briggs and seconded by Councilman Sush.

**PUBLIC HEARING: PROPOSED LOCAL LAW NO. 06 OF 2014 TAX LEVY LIMIT OVERRIDE ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.**

Supervisor Rieber opened the Public Hearing at 7:35 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 October 28, 2014 with same being posted at the Town Hall on October 22, 2014.

Supervisor Rieber explained the proposed local law. This law is being approved as a precaution in the event that the budget comes in over the required tax levy limit upon the recommendation of the NYS Comptroller's Office. The Town does not expect to exceed the tax levy limit, however if there are chargebacks beyond our control then the tax levy limit could be exceeded and the Town would then be in violation under NYS Law without this local law in place.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There was no public comment made.

After an opportunity for all persons to be heard Supervisor Rieber entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:36 PM was made by Councilman Briggs and seconded by Councilman Sush.

**PUBLIC HEARING: 2015 FISCAL YEAR PRELIMINARY BUDGET**

Supervisor Rieber opened the Public Hearing at 7:37 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 October 28, 2014 with same being posted at the Town Hall on October 22, 2014.

Supervisor Rieber provided an overview of the Proposed Preliminary Budget. A copy of his presentation can be found appended to these minutes.<sup>1</sup>

Supervisor Rieber asked if the Board had any comments. The Board had no comments.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. The following comments were made:

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<sup>1</sup> ATTACHMENT: SUPERVISOR'S 2015 PRELIMINARY BUDGET PRESENTATION.

Roger Betters of Monticello on behalf of the Columbia Hill Neighborhood Alliance asked if Consolidation of Services Options have been considered for the future between the Town and the Village. Supervisor Rieber replied to his comment.

Richard Rohan of Rock Hill asked if there will be a significant increase in the NYS Retirement System Town Contribution and if so, is it included in this budget. Comptroller Gary J. Lasher said that there is no change from last year. Mr. Rohan asked about the Health Insurance and Comptroller Lasher said the same if there is a small increase it has already been budgeted. Supervisor Rieber said that there might be a slight decrease in the Retirement Contribution, but the Town will have to wait and see what the final determination is.

After an opportunity for all persons to be heard Supervisor Rieber entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:46 PM was made by Councilman Pavese and seconded by Councilman Mace.

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

Supervisor Rieber opened the meeting at 7:46 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

#### **MONTHLY REPORTS FOR OCTOBER 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 Sush and seconded by Councilman Mace the minutes of the October 20<sup>th</sup> & 21<sup>st</sup>, 2014 Budget Work-Sessions, October 21<sup>st</sup>, 2014 Regular Town Board Meeting and the minutes of the October 27<sup>th</sup>, 2014 Special Town Board Meeting/Budget Work-Session were all approved as presented.

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

#### **PUBLIC COMMENT:**

Pamela Zaitchick of Glen Wild questioned the penalty percentages and due dates on the Monticello Central School District Bill. Supervisor Rieber and Attorney Mednick provided clarification of the collection due dates and penalty percentages.

Roger Betters of Monticello on behalf of the Columbia Hill Neighborhood Alliance express their continued opposition to the Gan Eden/Kelli Woods project. He questioned whether or not the applicant would have to re-apply in order to begin the planning process. He feels that a lot of time has past since initially proposed and he is recommending that the applicant have to start-over from the beginning of the planning

process rather than start from where they left-off since a lot has changed during the time period that has elapsed. Supervisor Rieber responded to his comment advising that this would be a Planning Board issue. However it has already been determined at a recent meeting with the applicant that they must start the planning process over by submitting a new application along with all other documents and plans for consideration. The applicant was advised that the density in the Town has changed since originally considered. To the Boards knowledge nothing new has been submitted to date.

**CORRESPONDENCE:**

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

- 1) Letter dated 10/29/14 from Jonathan J. Stercho, Division of Environmental Permits of NYSDEC to SDTC – The Center for Discovery, Inc. regarding Wetland Disturbance Permit Notice of Complete Application.
- 2) Email dated 10/21/14 from Elliot Levi of Melody Lake to the Planning Board regarding the use of a public address (PA) system and digital/electronic view of plans at Planning Board Meetings. This information has been forwarded to the Planning Board for consideration in the near future.
- 3) Letter dated 10/27/14 from Al Etkin, Master of Ceremonies to Supervisor Rieber and Town Board, inviting them to attend Veteran’s Day Services on Tuesday, 11/11/14 @ 10:30 AM to be held at the Sullivan County Government Center. Traditionally the American Legion, Jewish War Veterans and the Veterans of Foreign Wars all Monticello-Based Organizations host the ceremonies. Refreshments following the ceremony at the Monticello Elk’s Lodge.
- 4) Letter dated 10/16/14 from Mary Paige Lang-Clouse, Director of the Ethelbert B. Crawford Public Library to Supervisor Rieber providing the Town with the 2015 Budget and Trustee Election Results. Library Trustee Sari Rosenheck was newly elected and Library Trustee Marcia Raponi was re-elected.
- 5) Letter dated 10/25/14 from Mary Paige Lang-Clouse, Director of the Ethelbert B. Crawford Public Library to Supervisor Rieber providing a copy of the 2015 Library Budget that was approved as presented.
- 6) Letter dated 10/24/14 from Glenn Pontier, Executive Director of Sullivan Renaissance to Councilman Richard Sush regarding notice of award for the Technical Assistance Matching Grant of up to \$2,500.00 to complete a Master Plan at the Town Park. Councilman Sush reported on later during the meeting.
- 7) Letter dated 10/24/14 from Town Clerk Calhoun to Ms. Lauren Fisher of Lender Consulting Services, Inc. regarding FOIL Response for property records at 334 Rock Hill Drive, Rock Hill.
- 8) Letter dated 10/21/14 from Town Clerk Calhoun to Mr. Stephen Schmid, Environmental Scientist, AKRF, Inc. Environmental and Planning Consultants regarding FOIL Response for property records on (8) Tax Parcels owned by EPT Concord Properties in Kiamesha Lake.
- 9) 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.

- 10) Letter dated 10/28/14 from Jamie McGee, Accounting Time Warner Cable to Supervisor Rieber enclosing check for the franchise fee payment including the calculation report for the 3<sup>rd</sup> Quarter, 2014 period of July 1<sup>st</sup> – September 30<sup>th</sup>, 2014. Check # 0004190622 dated 10/17/2014 made payable to the Town of Thompson in the amount of \$39,408.99.
- 11) Letters dated 10/20/14 from Patrick H. Dollard, President/CEO, The Center for Discovery, Inc. (SDTC) to Supervisor Rieber and Town Board regarding establishment of an Individual Residential Alternative (IRA) program on properties currently owned by The Center for Discovery located at 1007 & 1034 County Route 107 (Old Liberty Road), Monticello, NY 12701, SBL # 2.-1-12.2 (consisting of 129.3 acres) & SBL # 2.-1-31.3 (consisting of 5.37 acres). Further discussion ensued regarding this subject and the "Padavan Act".
- 12) Letter dated 10/20/14 from Joseph R. Murray, Division of Environmental Permits, Region 3 of NYSDEC to Supervisor Rieber regarding Stream Disturbance Permit Notice of Complete Application for applicant EPT Concord II LLC at the proposed EPT Concord Resort project site.

**AGENDA ITEMS:**

**1. ACTION: PROPOSED LOCAL LAW # 5- SICK TIME ACCRUAL & REDUCTION FOR NEW EMPLOYEES AND CLARIFICATION FOR RETURNING EMPLOYEES**

**The Following Resolution Was Duly Adopted: Res. No. 266 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 November 05, 2014

**RESOLUTION TO ENACT LOCAL LAW NO. 05 OF 2014**

**WHEREAS**, proposed Local Law No. 05 of the year 2014 entitled, 'A local law amending Chapter 48 entitled "Personnel Rules and Regulations" of the Town of Thompson Code' was introduced to the Town Board at a meeting held on October 21, 2014, 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. 05 for the year 2014, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by: Councilman Peter T. Briggs

Seconded by: Councilman John A. Pavese

Adopted on Motion November 05, 2014

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	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"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Town of Thompson

Local Law No. 05 of the year 2014

A local law amending Chapter 48 entitled "Personnel Rules and Regulations" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

1. Chapter 48 of the Code of the Town of Thompson entitled "Personnel Rules and Regulations" is hereby amended as follows:

§48-11 A. (1) (a) shall be added as follows:

(a) All employees hired on or after January 1, 2015 shall be allowed 7 paid sick days during their first year of employment. After one year of continuous employment with the Town, said employees shall be allowed 14 sick days per year with pay consistent with §48-11 A. (1) of this section. Newly hired employees shall accrue sick days at a rate of one-half day per month with an extra full day credited at the end of six months for the first year of employment and thereafter accruing sick leave pursuant to §48-11 C. after the first anniversary date of employment with the Town.

§48-11 C. shall be replaced with the following:

C. Sick days shall accrue and be credited to each employee at the rate of one day per month, with an extra day at the end of six months, thereby allowing 14 days of sick leave to be accrued and credited to each employee per year. An employee shall accrue and be credited with the first sick day after one month of employment, and days will continue to accrue pursuant to this section each month thereafter.

2. That this local law is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 64(17) and 90 of the Town Law.
3. Except as herein specifically amended, the remainder of Chapter 48 of such code shall remain in full force and effect.
4. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
5. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
6. This local law shall take effect immediately upon filing with the Secretary of State.

**2. ACTION: PROPOSED LOCAL LAW NO. 06 OF 2014 TAX LEVY LIMIT OVERRIDE ESTABLISHED IN GENERAL MUNICIPAL LAW §3-C.**  
**The Following Resolution Was Duly Adopted: Res. No. 267 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 November 05, 2014

**RESOLUTION TO ENACT LOCAL LAW NO. 06 OF 2014**

**WHEREAS**, proposed Local Law No. 06 of the year 2014 entitled, "A local law to override the tax levy limit established in General Municipal Law §3-c" was introduced to the Town Board at a meeting held October 21, 2014, 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. 06 for the year 2014, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by: Councilman Richard Sush

Seconded by: Councilman Scott Mace

Adopted on Motion November 05, 2014

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	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"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Town of Thompson

Local Law No. 06 of the year 2014

A local law to override the tax levy limit established in General Municipal Law §3-c

Be it enacted by the Town Board of the

Town of Thompson

1. Legislative Intent. It is the intent of this local law to allow the Town of Thompson to adopt a budget for the fiscal year commencing 2015 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law §3-c.
2. Authority. This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.
3. Tax Levy Limit Override. The Town Board of the Town of Thompson, County of Sullivan, is hereby authorized to adopt a budget for the fiscal year commencing 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.
4. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined



Councilman Sush reported on the Technical Assistance Matching Grant that was awarded by Sullivan Renaissance for completion of a Master Plan for the Town Park. He provided the information to Attorney Mednick who is working on preparing the Request for Proposals (RFP's) for Professional Architectural Services in order to engage in the services to hire a Landscape Architect to complete a Master Plan. Councilman Sush said that according to the award letter Sullivan Renaissance is expecting a completion date by 02/01/2015. He is not sure if there is sufficient time to complete the Master Plan that the Town is intending. He will contact Sullivan Renaissance to make sure that the scope of work to be completed is the same that the Town is intending. This will help to know the correct direction that the Town needs to be going. If the intended scope is the same then he will confirm if an extension would be granted if needed. Councilman Sush will report back at the next Town Board Meeting at which time Attorney Mednick should have the RFP's completed so that the Town can move forward depending upon the direction the Town needs to proceed in. A Master Plan is necessary to qualify for and increase our chances of receiving certain types of grant funding for the future.

**5. MELODY LAKE AND LOST LAKE SHARED SERVICES – MEMORANDUM OF UNDERSTANDING**

Attorney Mednick prepared a (4) page Memorandum of Understanding between the Town and Lost Lake, Inc. regarding shared sewer services with the Melody Lake Sewer District a Wastewater Treatment Facility. A draft copy of the agreement was provided to the Board Members and the Town Engineer Richard D. McGoey for their review and recommendation. Town Engineer McGoey said that he will review it and get back to Attorney Mednick so that he can review it before proceeding. Attorney Mednick will report back once Engineer McGoey has had an opportunity to review and gets back to him with his recommendations.

**6. TAX CERTIARI SETTLEMENT: IDRIZ MUSOVIC, SBL# 111.-5-3 & 17**

Attorney Mednick provided a Resolution on the above named property tax settlement proceeding being presented. Attorney Mednick and Assessor Van B. Krzywicki recommended 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. 270 of the Year 2014.**

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

WHEREAS, Idriz Musovic has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcels Section 111, Block 5, Lot 3 and Section 111, Block 5, Lot 17, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 1726-2014; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Michael D. Altman, 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 2014 assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 111-5-3** from \$100,000.00 to \$98,000.00; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's 2014 assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 111-5-17** from \$151,000.00 to \$131,000.00

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 Van B. Krzywicki, 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 Van B. Krzywicki, 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 Scott Mace

and a roll call vote thereon as follows:

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

## **8. DISCUSSION: PROPOSED LOCAL LAW TO UPDATE PARK & RECREATION FEES**

The proposed local law seeks to amend §52-3 E to include fees for park and recreational purposes for new larger sized development unit that cannot provide suitable park(s) or outdoor recreational facilities of adequate size. These fees would be

**Town Board Meeting**

**November 05, 2014**

**Page 11 of 20**

imposed and set by the Town Board. The fees collected would go towards a Park and Recreation Fund to be utilized for Park and Recreation purposes in the Town. This local law has already been in place in the Town Code, but it is just being updated. Supervisor Rieber explained the proposed local law in great detail, a copy of the proposed local law is attached for review as follows:

Town of Thompson

Proposed Local Law No. 07 of the year 2014

A local law amending Chapter 52 entitled "Planning Board and Zoning Board of Appeals" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

4. §52-3 E. is hereby amended to read as follows:

E. If the Planning Board determines that a suitable park or parks or other outdoor recreational facilities of adequate size cannot be properly located in any subdivision plot; cluster development plan; mobile home park plan; PUD; hotel/motel plan; dormitories or other housing for educational facilities plan; or any other type of housing development where more than 5 dwelling units are proposed, or is otherwise not practical, the applicant shall remit a fee for recreational purposes in an amount as set by Resolution of the Town Board, per lot, per dwelling unit, per dormitory room unit, or per site units for each new lot, dwelling unit or site unit or hotel/motel or dormitory room unit, created as a result of the Planning Board's approval of said subdivision; cluster development; mobile home park plan; PUD; hotel/motel plan; dormitories or other housing for educational facilities plan, or other housing development of any type that contains more than 5 dwelling units.

(1) The aforesaid recreation fees shall be payable to the Town and designated specifically to be used for park and recreational purposes for the Town of Thompson.

(2) No final approval of site plan/subdivision plan shall be issued by the Planning Board until any designated park and recreation fees are paid by the applicant.

2. Except as herein specifically amended, the remainder of Chapter 52 of such Code shall remain in full force and effect.

3. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have

been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

- 4. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
- 5. This local law shall take effect immediately upon filing with the Secretary of State.

**The Following Resolution Was Duly Adopted: Res. No. 271 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 November 05, 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 November 05, 2014, a proposed Local Law No. 07 of 2014, entitled "A local law amending Chapter 52 entitled 'Planning Board and Zoning Board of Appeals' 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 18, 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

Seconded by: Councilman John A. Pavese

Adopted on Motion November 05, 2014

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Councilman SCOTT MACE  
Councilman JOHN A. PAVESE

Yes [X ]      No [ ]  
Yes [X ]      No [ ]

**9. NYSDOH NOTICE OF VIOLATION – DILLON FARMS WATER DISTRICT**

Attorney Mednick reported on the Notice of Violation that was issued by the New York State Department of Health (NYSDOH) regarding annual disinfection byproduct sample test results, which were not taken or submitted to the NYSDOH in the Dillon Farms Water District. Notification of said Violation has been mailed out to all users in the District as required by the NYSDOH. Proof that all notifications have been sent has been provided to the NYSDOH to advise them that the Town has complied as requested. The collection testing is required to take place next August, which will be submitted once completed. A letter of response is being prepared to submit to the NYSDOH, but further testing will be required next August. Attorney Mednick is not sure if a fine will be imposed for a first offense or not.

**10. DELAWARE RIVER BASIN COMMISSION NOTICE OF VIOLATIONS – MELODY LAKE & SACKETT LAKE WWTP'S**

Attorney Mednick reported on the two Notices of Violation that were issued by the Delaware River Basin Commission on both the Melody Lake and Sackett Lake Wastewater Treatment Plants (WWTP's) regarding monthly monitoring requirements that the Town failed to conduct. Attorney Mednick said that according to Supt. Culligan this monitoring is based on new regulations set forth back in 2013. Supt. Culligan said that he does not recall the Town ever receiving notification regarding such new regulations, which is the reason why said monitoring was not conducted. Attorney Mednick is working on preparing a response to both matters and districts, which will be submitted as soon as possible and prior to the December 9<sup>th</sup>, 2014 public hearing that Supervisor Rieber, Supt. Culligan and himself will be present for. Attorney Mednick said that his appearance at this hearing is necessary since this is a more serious issue.

**11. DESIGNATE SEASONAL LIMITED HIGHWAY USE MAINTENANCE & SIGNS**

Supervisor Rieber reported on a letter dated 10/29/2014 from Town of Thompson Highway Superintendent Richard Benjamin requesting that the Town Board designate certain Town Roads/Highways as Seasonal Limited Use Highways and authorizes the placement of seasonal maintenance signs on those Town Roads/Highways pursuant to Section 205 of the Town Highway Law.

**The Following Resolution Was Duly Adopted: Res. No. 272 of the Year 2014.**

Resolved, that the Town Board hereby designates the following roads Seasonal Limited Use Highways in the Town of Thompson, and Further Be Resolved, that the Town Highway Department be permitted to place seasonal maintenance signs on those roads that are Seasonal Limited Use Highways for the time period of December 1<sup>st</sup>, 2014 to April 1<sup>st</sup>, 2015 as follows:

1. Gravel Section of Town Park Road
2. Gravel Section of Big Woods Road



**PURCHASE REQUEST: (10) TUFTED BACK OFFICE ARM CHAIRS FROM KRISTT COMPANY**

Supervisor Rieber was offered (10) Tufted Back Office Arm Chairs to replace the current chairs at the Conference Table in the Supervisor's Office by the Kristt Company for \$175.00 each. The current chairs in the Supervisor's Office are in need of replacement. Karen Schaefer obtained (5) other price quotes on comparable chairs to compare pricing and the cheapest cost she received was \$279.00 each. The chairs were purchased for another local office and then returned they are practically brand new and well worth the cost being offered. The Town Board had an opportunity to see the chairs and agreed that they are worth the cost and agreed to authorize the purchase.

**The Following Resolution Was Duly Adopted: Res. No. 274 of the Year 2014.**

Resolved, that the Supervisor William J. Rieber, Jr. hereby be authorized to purchase (10) Tufted Back Office Arm Chairs for the Conference Table in the Supervisor's Office from the Kristt Company, Monticello at a price of \$175.00 per chair for a total cost of \$1,750.00 for all (10) Chairs.

Motion by: Councilman Pavese                      Seconded by: Councilman Mace  
Vote: Ayes 5              Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**AUTHORIZE THE SCREENING FOR PATIO HOMES PUMP STATION FENCE**

After continued discussion from the last meeting Supervisor Rieber was provided with two sample graphic design screening options for the Patio Homes Pump Station Fence. Both options were acceptable by the Patio Homes HOA members. The Town Board agreed with the nature scenic view graphic design for the screening. The samples were both provided by Gozza Graphics LLC.

**The Following Resolution Was Duly Adopted: Res. No. 275 of the Year 2014.**

Resolved, that the scenic view graphic design for the screening installed along the Patio Homes Pump Station Fence from Gozza Graphics LLC at a cost not to exceed \$1,250.00 hereby be approved.

Motion by: Councilman Briggs                      Seconded by: Councilman Pavese  
Vote: Ayes 5              Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

**7. AWARD BIDS: TRICKLING FILTER SYSTEM REPLACEMENT AT SACKETT LAKE WASTEWATER TREATMENT PLANT**

Supt. Culligan provided the Town Board with the bid results on the replacement and installation of a new trickling filter system at the Sackett Lake WWTP that were opened on October 23<sup>rd</sup> at 2PM. He reported that (2) bids were received in as follows: Tam Enterprises, Inc. in the amount of \$336,000.00 and Blue Heron Construction Co. in the amount of \$376,684.00. Supt. Culligan said that the needed improvement cost fell well below the Birchwood Agreement of \$365,000.00. He is recommending that the Board award the bid to Tam Enterprises, Inc. in the amount of \$336,000.00 since they are the





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

**The Following Resolution Was Duly Adopted: Res. No. 279 of the Year 2014.**

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

WHEREAS, Alan Madnick, has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 11, Block 1, Lot 35.3, and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 1515-2014; and

WHEREAS, the parties herein have appeared through counsel, to wit, Michael B. Mednick, Esq., on behalf of respondents, and Stoloff & Silver, LLP by Richard A. Stoloff, 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 **2014** assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 11-1-35.3** from \$350,000.00 to \$275,000.00.

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 Van B. Krzywicki, 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 Van B. Krzywicki, 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 John A. Pavese

and a roll call vote thereon as follows:

Supervisor William J. Rieber, Jr.      voting      Aye

Councilman Peter T. Briggs	voting	Aye
Councilman Richard Sush	voting	Aye
Councilman Scott Mace	voting	Aye
Councilman John A. Pavese	voting	Aye

**PUBLIC COMMENT:**

Elliot Levi of Melody Lake, Monticello asked why the Memorandum of Understanding between the Town and Lost Lake Development only included the Melody Lake Sewer Service and not the Water Service. Attorney Mednick, Supervisor Rieber and Supt. Culligan all replied to his question regarding the reason why it does not include the Water Service. The main reason it does not include the Water Service at this time is because the Melody Lake Water Company is not a Town Water District. Under the Public Service Commission Order the Town is only the "Receiver" to operate the System the Town does not have authorization to extend such services. If a district is formed in the future sometime then it might be possible to provide water service, but not at this particular time. Further discussion ensued on the subject.

**ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- November 7<sup>th</sup>: Grand-Opening of DeFlippis Bakery/Café on Broadway @ 3PM.
- November 8<sup>th</sup>: Forestburgh Fire Department Annual Roast Beef Dinner, 5PM to 8PM, Tickets are \$12.00 for Adults and \$6.00 for Children under 12.
- November 11<sup>th</sup>: Veterans' Day Services, 10:30 AM at Sullivan County Government Center Lobby.
- November 13<sup>th</sup>: Bid Opening @ 2PM – 1-A Low Abrasion Non-Wappinger Crushed Limestone.
- November 13<sup>th</sup>: Bid Opening @ 2PM – Vehicle & Equipment Replacement Parts.
- November 15<sup>th</sup>: Rock Hill Fire Department Ladies Auxiliary Penny Social, Doors Open 6PM, Calling 7PM.
- November 18<sup>th</sup>: Regular Town Board Meeting @ 7:30 PM.
- November 18<sup>th</sup>: Public Hearing @ 7:30 PM – Proposed Local Law #7 – Park & Recreation Fees.
- November 22<sup>nd</sup>: Free Community Thanksgiving Meal presented by the Food Pantry Committee of the Monticello Interfaith Council from 12 Noon to 4PM at the Monticello High School Cafeteria.

**ADJOURNMENT**

On a motion made by Councilman Sush and seconded by Councilman Pavese the meeting was adjourned at 8:53 PM.

**Respectfully Submitted By:**

  
Marilee J. Calhoun  
 Marilee J. Calhoun, Town Clerk