

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 **September 17, 2015**.

ROLL CALL:

Present: Supervisor William J. Rieber, Jr., Presiding
Councilman Richard Sush
Councilman Peter T. Briggs
Councilman Scott Mace

APPROVED

Absent: Councilman John A. Pavese

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
William D. Culligan, Water & Sewer Superintendent

CHANGE OF MEETING DATE & TIME: This meeting was rescheduled from Tuesday, September 15th to Thursday, September 17th due to the Rosh Hashanah Holiday. The time for this meeting was also changed from 7:30 PM to 6:30 PM. Notice of said changes was duly published in the Sullivan County Democrat on September 11, 2015 with the same being posted at the Town Hall on September 03, 2015. Notice was also sent to the news media and posted on the Town's website.

PUBLIC HEARING: PROPOSED LOCAL LAW #6 OF 2015 – REPEAL LOCAL LAW #4 OF 2014 – OVERRIDE TAX LEVY LIMIT

Supervisor Rieber opened the Public Hearing at 6:30 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 September 11, 2015 with same being posted at the Town Hall on September 03, 2015.

Supervisor Rieber explained the background of the local law. The State had a 2% limit on tax levy increases. If the Town was to go over that limit last year, the Town passed a law that allowed the Town to go over it if necessary, but the Town did not go over it. Once this law is passed repealing the authorization to go over the tax limit, the State indicated that the Town complied with the Tax Cap Law and our taxpayers will now get a rebate check. Supervisor Rieber does not know how much the check amounts will be, but the Town has done everything required to qualify for the rebate checks.

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. There were no public comments.

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 6:35 PM was made by Councilman Sush and seconded by Councilman Briggs.

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 6:36 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 September 1st, 2015 Special Town Board Meeting for Joint Public Hearing with Village of Monticello were approved as presented.

Vote: Ayes 4 Rieber, Briggs, Sush and Mace
Nays 0
Absent 1 Pavese

On a motion made by Councilman Mace and seconded by Councilman Briggs the minutes of the September 1st, 2015 Regular Town Board Meeting were approved as presented.

Vote: Ayes 4 Rieber, Briggs, Sush and Mace
Nays 0
Absent 1 Pavese

PUBLIC COMMENT:

There was no public comment.

CORRESPONDENCE:

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

- 1) NYS DOH: Sanitary Survey Reports for inspections conducted at the Cold Spring and Lucky Lake Water Systems on 09/09/2015. Superintendent Culligan reported that there were no violations.
- 2) Letter dated 09/04/15 from Shohreh Karimipour of NYS DEC to Abjay Jain of Veria Lifestyles, Inc. regarding approval of plans and specification for sanitary sewage collection system to serve Veria Lifestyles Wellness Center on Bailey's Lake.
- 3) Letter dated 09/10/2015 from Ralph Cheney of Swinging Bridge Property Owner's Association to Bud Cherry and Robert Gates of Eagle Creek Renewable Energy regarding water level impacts.
- 4) Letter dated 09/08/2015 from A. James Forbes, Jr. of New Hope Community to Supervisor Rieber enclosing Padavan information regarding site selection notification at 84 Coopers Corner Road, Mongaup Valley.

- 5) Letter dated 09/14/2015 from Freda C. Eisenberg, Commissioner of Sullivan County Division of Planning and Environmental Management to Supervisor Rieber regarding the GML-239 Review for Proposed Local Law 4 of 2015 Kathryn Fleischer Zone Change SBL # 18.-1-1.

AGENDA ITEMS:

1. ACTION: PROPOSED LOCAL LAW # 05 OF 2015 (ADOPTED AS LOCAL LAW # 04 OF 2015) – KATHRYN FLEISCHER ZONE CHANGE REQUEST

The Following Resolution Was Duly Adopted: Res. No. 300 of the Year 2015.

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 September 17, 2015

RESOLUTION FOR NEGATIVE DECLARATION UNDER SEQR FOR PROPOSED LOCAL LAW NO. 05 OF 2015; ZONING REVISIONS

WHEREAS, the Town Board of the Town of Thompson has conducted an extensive review of the present Zoning Code for the Town of Thompson, including a review of Chapter 250 of the Zoning and Planned Unit Development Code; and

WHEREAS, the Town Board of the Town of Thompson declared itself lead agency pursuant to Resolution dated September 17, 2015 in connection with the review of the local law to amend Chapter 250 of the Town Code; and

WHEREAS, a Short Form Environmental Assessment Form has been filed in connection with the proposed revisions to Chapter 250 of the Town Code; and

WHEREAS, a public hearing was conducted in connection with the revisions to Chapter 250 of the Town Code on September 01, 2015, wherein said public hearing was closed.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson determines that there are no negative environmental impacts that would be caused as a result of the enacting of Local Law 04 of 2015 entitled “A local law to amend Chapter 250 of the Town of Thompson Code relating to zoning and planned unit development”; and

FURTHER BE IT RESOLVED, it is determined that the Town Board of the Town of Thompson makes a negative declaration with regard to any environmental impacts caused as a result of the enacting of Local Law No. 04 of 2015.

Moved by: Councilman Richard Sush
Seconded by: Councilman Scott Mace
Adopted the 17th day of September, 2015.

The members of the Town Board voted as follows:
Supervisor WILLIAM J. RIEBER, JR. Yes [X] No []

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 type="checkbox"/>	No <input type="checkbox"/> Absent

The Following Resolution Was Duly Adopted: Res. No. 301 of the Year 2015.

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 September 17, 2015

RESOLUTION TO ENACT LOCAL LAW NO. 04 OF 2015

WHEREAS, proposed Local Law No. 05 of the year 2015 entitled, "A local law to amend Chapter 250 of the Town of Thompson Code relating to zoning and planned unit development" was introduced to the Town Board at a meeting held August 04, 2015, 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. 04 for the year 2015, 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 September 17, 2015

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 type="checkbox"/>	No <input type="checkbox"/> Absent

Town of Thompson
Local Law No. 04 of the year 2015

A local law to amend Chapter 250 of the Town of Thompson Code
relating to zoning and planned unit development

Be it enacted by the Town Board of the Town of Thompson

1. Chapter 250 of the Code of the Town of Thompson entitled "Zoning and Planned Unit Development", is hereby amended to reclassify the following described real property which is currently classified on the zoning map of the Town of Thompson in the Rural Residential 1 (RR1) district:

The real property currently identified on the Town of Thompson Tax Map as parcel SBL 18-1-1.1 consisting of 7.3 acres, currently zoned as Rural Residential 1 (RR1), shall be reclassified on such zoning map as Highway/Commercial 2 (HC2) and shall hereafter be subject to the schedule of district regulations for such Highway/Commercial 2 (HC2) zone.

(If additional space is needed, please attach sheets of the same size as this and number each)

2. Except as herein specifically amended, the remainder of Chapter 250 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.

2. ACTION: PROPOSED LOCAL LAW # 06 OF 2015 (ADOPTED AS LOCAL LAW # 05 OF 2015) – REPEAL LOCAL LAW #06 OF 2014 – OVERRIDE TAX LEVY LIMIT
The Following Resolution Was Duly Adopted: Res. No. 302 of the Year 2015.

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 September 17, 2015

RESOLUTION TO ENACT LOCAL LAW NO. 05 OF 2015

WHEREAS, proposed Local Law No. 06 of the year 2015 entitled, "A local law repealing Local Law No. 06 of 2014 which allowed the Town of Thompson to override the tax levy established in General Municipal Law §3-c" was introduced to the Town Board at a meeting held on September 01, 2015, 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 2015, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by: Councilman Scott Mace

Seconded by: Councilman Peter T. Briggs

Adopted on Motion September 17, 2015

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 type="checkbox"/> No <input type="checkbox"/> Absent

Town of Thompson
Local Law No. 05 of the year 2015

A local law repealing Local Law No. 6 of 2014 which allowed the Town of Thompson to override the tax levy 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 repeal Local Law No. 6 of 2014 which allowed the Town of Thompson to adopt a budget for the fiscal year commencing 2015 which allowed 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 to repeal said Local Law No. 6 of 2014 which was 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. Repeal of Tax Levy Limit Override. The Town Board of the Town of Thompson, County of Sullivan, has adopted a budget for the year 2015 which was within the statutory tax cap as prescribed in General Municipal Law §3-c and therefore does not require any tax cap limit override authority. The Town Board hereby repeals Local Law No. 6 of 2014.
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. This local law shall take effect immediately upon filing with the Secretary of State.

4. DISCUSSION: WANAKSINK LAKE – DAWN & SEAN MENON AMICUS BRIEF

Attorney Mednick explained the request to do an amicus brief pertaining to the Sean Menon property in Wanaksink Lake. The NYS Department of Health determined that there can be no further construction in Wanaksink Lake on any lot that is one quarter of an acre or less. County Court Judge Michael McGuire reversed this determination. On behalf of Wanaksink Lake property owners, Dawn and Sean Menon, Attorney Marvin Newberg is requesting the Town consider filing an amicus curie brief. Attorney Mednick said it is up to the Board as to whether or not they want to have a brief submitted on behalf of private land owners for their ability to utilize their property. Councilman Mace asked what the downside was. Attorney Mednick said that the Town would be in opposition to the Department of Health and you open up a door that can do this for one group and you might be obliged to do it for other groups. This appeal is not perfected and most likely will not be submitted until the spring. Attorney Newberg gave them a

COUNCILMEN & DEPARTMENT HEAD REPORTS

Superintendent Culligan said Adelaar was installing the force main through the Town's property, which was agreed on. Also, there will be a Mr. Manhole demonstration.

Councilman Sush commented on the YMCA of Sullivan County event at 98 Wild Turnpike at 4 PM tomorrow evening, September 18th and the Ethelbert B. Crawford Public Library Budget Vote 09/24/2015, 3pm-8pm.

Councilman Mace commented on Shred Day, which is being co-sponsored by NBDC Bank on October 17th, 9am to 12pm, Fall Clean Up taking place September 26th – October 3rd. The Assessor's Office will be closed October 5th, 6th and the morning of the 7th for the NYS Assessor's Conference. He also reported on correspondence received from James R. Garrett regarding the Bridgeville Cemetery, which is maintained nicely by our Highway Department. A copy of the correspondence was provided.

Councilman Briggs commented on the Rock Hill Fire Department's Annual Golf Tournament on Sunday, September 20th, 2015.

PUBLIC COMMENT:

There was no public comment.

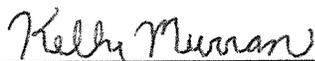
ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- September 18 – YMCA of Sullivan County Opening Event, 4PM.
- September 20 – Rock Hill Fire Department's Annual Golf Tournament.
- September 24 – Ethelbert B. Crawford Public Library Budget Vote, Thursday, 3PM – 8PM.
- September 26 – October 03, 2015: Fall Clean Up Program.
- October 17th – Shred Day Event, Saturday, 9:00AM to 12:00 PM in Town Hall Parking Lot.

ADJOURNMENT

On a motion made by Councilman Briggs and seconded by Councilman Sush the meeting was adjourned at 7:06PM.

Respectfully Submitted By:



Kelly M. Murrán, Deputy Town Clerk