

Minutes of a Regular Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **March 01, 2016.**

ROLL CALL:

Present: Supervisor William J. Rieber, Jr., Presiding
Councilman John A. Pavese
Councilman Peter T. Briggs
Councilman Scott S. Mace

APPROVED

Absent: Councilman Richard Sush

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
William D. Culligan, Water & Sewer Superintendent
James Carnell, Jr., Building Planning & Zoning Director

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 7:32 PM with the Pledge to the Flag. He welcomed the Participation in Government student to the meeting.

MONTHLY REPORTS FOR FEBRUARY 2016 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 Pavese the minutes of the February 02, 2016 Regular Town Board Meeting were approved as presented.

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

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

- 1) Letter dated 02/16/2016 Re: NYS DEC: Notice of Violation – E. Tetz & Sons, Inc. (Mongaup Valley Quarry)
- 2) Letter dated 02/09/2016 Re: NYS Senator John J. Bonacic: Acknowledging Receipt of State & Municipal Facilities Capital Program Grant Application
- 3) Letter dated 02/12/2016 Re: County of Sullivan IDA: 2016 Distribution of PILOT Payments – Check #4140 \$142,885.88
- 4) Letter dated 02/22/2016 Re: County of Sullivan IDA: 2016 Distribution of PILOT Payments – Check #5547127503 \$5,229.82

- 5) Letter dated 02/03/2016 Re: County of Sullivan IDA: 2016 Distribution of PILOT Payments – Check #4111 \$41,964.55
- 6) Letter dated 02/04/2016 Re: NYS DEC: Updated Engineering Report – Kiamesha Lake Sewer System Evaluation Survey
- 7) Letter dated 02/04/2016 Re: NYS DEC: Updated Inflow and Infiltration Report – Sackett Lake Sewer District
- 8) Letter dated 02/12/2016 Re: NYS DEC: Mined Land Reclamation Permit – Lancaster Development, Inc., Foss Road, Bridgeville, Expiration 06/30/17
- 9) Letter dated 02/05/2016 Re: NYS EFC: Melody Lake WWTP Upgrades – SPDES Permit Change Order Approval
- 10) Letter dated 02/22/2016 Re: Van B. Krzywicki - County of Sullivan IDA: Amendments to EPR/EPT Project & Montreign Project Documents and Agreements
- 11) Letter dated 02/08/2016 Re: Town Clerk Calhoun: Annexation Findings Resolution and Order – Route 17B Hotel Development LLC Property, SBL#12.-1-53
- 12) Letter dated 02/02/2016 Re: Town Clerk Calhoun: Lebaum Co., Inc., Notice of Claim – James Carr vs. County of Sullivan et al, DOL: 07/28/15 & 09/16/15
- 13) Letter dated 02/11/2016 Re: Town Clerk Calhoun: Sworn Affidavit – James Carr vs. County of Sullivan et al, DOL: 07/28/15 & 09/16/15
- 14) Letter dated 02/22/2016 Re: Town Clerk Calhoun: Kenneth Klein, Esq. FOIL Request – Planning Board Records, Taco Bell Restaurant Site Plan Project File
- 15) Letter dated 02/19/2016 Re: NYS DOT: Pavement Improvement Projects – NYS RT 17 Exit 104 & 105 and NYS RT 17B Kaufman Rd & NYS RT 17 WB Ramps
- 16) Letter dated 02/25/2016 Re: Patricia Cocot of 299 Hamilton Road, Monticello – Speed Limit and Signage on Hamilton Road
- 17) Letter dated 02/26/2016 Re: Sullivan Renaissance – Municipal Partnership Grant Award
- 18) Letter dated 02/24/2016 Re: NYS Agriculture & Markets: Municipal Shelter Inspection Report – Humane Society of Middletown, Inc. – Satisfactory

AGENDA ITEMS:

1. YESHIVA VIZNITZ – OFFER OF DEDICATION FOR SEWER EASEMENT

Supervisor Rieber stated that the Town has received a request from Yeshiva Viznitz to dedicate a sewer line and pump station on Gibber Road. Maria Zeno, Esq. on behalf of Yeshiva Viznitz explained that this has been an ongoing project since 2003 when the PUD went into place. One of the agreements was when Phase Two was going to take place her client would dedicate the sewer easement and pump station. Her client obtained conditional approvals from the Planning Board on two separate matters, both of which are conditioned upon the Offer of Dedication of the sewer easement and pump station. She provided Town Attorney Mednick with a Proposed Offer of Dedication, but not the Conveyance documents, because she has to request approval from the Attorney General. It is a lengthy and time-consuming process and without the approval of the Town Board, she does not want to move forward. Superintendent Culligan advised there are two pump stations and the only one that the Town agreed to take over is the

WHEREAS, on July 17, 2015, Monticello Raceway Management, Inc. (“MRMI”), Montreign Operating Company, LLC (“Montreign”), (“MRMI” and “Montreign” are collectively referred to as the “Casino Developer”), EPR Concord II, L.P. (“EPR LP”), EPT Concord II, LLC (“EPT”), Adelaar Developer, LLC (“Adelaar Developer”) (“EPR LP,” “EPT” and “Adelaar Developer” herein collectively referenced as EPR), and the Town of Thompson (the “Town”) (collectively known as the “Parties”), entered into a Security and Escrow Agreement for Site Grading (the “Security Agreement”) for the purpose of guaranteeing the restoration of the Montreign Development Site at Adelaar (the “Montreign Development Site”) in the event a Gaming License (“Gaming License”) is not awarded to Montreign by the New York State Gaming Commission (the “Gaming Commission”) or Casino Developer decides not to pursue development of the Montreign Development Site; and

WHEREAS, the Gaming Commission awarded a Gaming License to Montreign, and the Casino Developer is proceeding with development of the Montreign Development Site as evidenced by a duly issued Building Permit (dated December 30, 2015) for the construction of a foundation for the Montreign Resort Casino; and

WHEREAS, on February 25, 2016, the Casino Developer, through its counsel, Brown Sharlow Duke & Fogel, P.C., submitted a letter requesting the return of its security deposit of \$726,011.00 (“Security”), consistent with the Security Agreement, subject to certain conditions; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Thompson, hereby approves the refund of the \$726,011.00 Security to the Casino Developer, provided that the conditions set forth in counsel’s February 25, 2016 letter are satisfied; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson hereby authorizes the Town Supervisor to do and perform any and all such acts, including execution of any and all documents, as he shall deem necessary or advisable, to carry out the purposes and intent of the foregoing resolution.

Adopted March 1, 2016 by the Town Board of the Town of Thompson

Moved by: Councilman Scott Mace
Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

Supervisor William J. Rieber, Jr.	voting	Aye
Councilman Richard Sush	voting	Absent
Councilman Scott Mace	voting	Aye
Councilman Peter T. Briggs	voting	Aye

2A. ESTABLISH ESCROW BY EMPIRE RESORTS REAL ESTATE I, LLC FOR TREE FELLING AT THE GOLF AT ADELAAR PROJECT

Supervisor Rieber stated that all trees on the proposed golf course re-construction project have to be cut by March 31st because of “Northern Long Eared” Bats. In order to expedite their ability to cut the trees and work on the project through the summer, the Town has agreed that the Developer post a \$110,970.00 bond, which will cover the cost of restoration.

The Following Resolution Was Duly Adopted: Res. No. 113 of the Year 2016.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON APPROVING THE ESTABLISHMENT OF AN ESCROW BY EMPIRE RESORTS REAL ESTATE I, LLC FOR TREE FELLING AT THE GOLF AT ADELAAR PROJECT

WHEREAS, the Empire Resorts Real Estate I, LLC, (the “Golf Developer”) has leased certain portions of land located in the Town from Adelaar Developer, LLC (“Landlord”), for the purposes of developing a golf course (the “Golf Development Site”); and

WHEREAS, the Golf Developer proposes to redevelop the former Monster Golf Course in general accordance with the Preliminary Site Development Plan for Golf at Adelaar adopted by the Town Planning Board on July 22, 2015, and anticipates submitting an application for a Final Site Development Plan in the coming weeks to complete the golf course redevelopment (the “Golf Project”); and

WHEREAS, in anticipation of such application Golf Developer desires to conduct some initial tree felling activities (the “Tree Felling Work”) on certain portions of the Golf Development Site; and

WHEREAS, the Golf Developer has met with the Town Planning Board and McGoey Hauser and Edsall (the “Town Engineer”) to discuss the Tree Felling Work; and

WHEREAS, the Town Planning Board adopted a resolution approving such Tree Felling Work on Wednesday, January 17, 2016, subject to the comments from the Town Engineer; and

WHEREAS, the Town Engineer has provided comments in its memo dated February 8, 2016, which have been addressed by the Golf Developer to the Town Engineer’s satisfaction; and

WHEREAS, the estimated cost to remove the felled trees and temporary erosion controls, if any, from the Golf Development Site is \$110,970.00; and

WHEREAS, the Golf Developer will post a financial performance guaranty for the limited purpose of guaranteeing the removal of the felled trees and temporary erosion controls, if any, in the event the Golf Developer does not complete the Golf Project; and

WHEREAS, the Town has requested the establishment of a financial performance guaranty of ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$110,970.00) (the “Security”) as security for the limited purpose of guaranteeing the removal of the felled trees and temporary erosion controls, if any, in the event the Golf Developer does not complete the Golf Project (the “Removal Work”); and

WHEREAS, at the Town’s request, the Golf Developer has agreed to the posting of the Security for the aforesaid cost to complete the Removal Work in the form of a cash deposit; and

WHEREAS, the Town has agreed that the full amount of the Security shall be refunded once a Final Site Development Plan is issued for the Golf Development Site; and

WHEREAS, the Parties desire to establish an Escrow to hold the Security for the purpose of ensuring funding of the Removal Work in accordance with the terms hereof.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Thompson, hereby approves the establishment of a Security escrow in the amount of ONE HUNDRED TEN THOUSAND NINE HUNDRED SEVENTY DOLLARS (\$110,970.00); and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson hereby authorizes the Town Supervisor to do and perform any and all such acts, including execution of any and all documents, as he shall deem necessary or advisable, to carry out the purposes and intent of the foregoing resolution.

Adopted March 1, 2016 by the Town Board of the Town of Thompson

Moved by: Councilman John Pavese

Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

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

2. THE MOSSBERG GROUP - REQUEST FOR EXTENSION OF KIAMESHA LAKE SEWER DISTRICT, SBL# 8.-1-31.1

Supervisor Rieber stated this property is located across the street from Forest Park Estates along Anawana Lake Road, Monticello. The developer would like to connect in the Kiamesha Lake Sewer District for Sewer Service. The developer placed \$16,000 in escrow to cover the cost of a map, plan, and report. The developer is proposing to construct approximately 50 to 60 homes on the site and would like to look into the feasible options for sewer service.

The Following Resolution Was Duly Adopted: Res. No. 114 of the Year 2016.

RESOLUTION PURSUANT TO TOWN LAW FOR THE PROPOSED EXTENSION NO. 11 OF KIAMESHA LAKE-ROUTE 42 SEWER DISTRICT IN THE TOWN OF THOMPSON

WHEREAS, The Mossberg Group has made a request to the Town Board of the Town of Thompson to extend the Kiamesha Lake-Route 42 Sewer District, a Special Improvement District heretofore created in said Town, to include a certain parcel of property, namely SBL 8.-1-31.1; and

WHEREAS, the said area to be included in the proposed Kiamesha Lake-Route 42 Sewer District is totally located within the Town of Thompson and outside any incorporated village; and

WHEREAS, the said Town Board is desirous of preparing a general map and plan for providing sewer facilities in the aforesaid area of said Town and to appropriate a specific amount to pay the cost of preparing said general map and plan, and for other services in connection therewith; the costs of which shall be borne by said applicant, Tree of Life Bungalow Colony.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the Town Board does hereby authorize McGoey, Hauser & Edsall Consulting Engineers, D.P.C. of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553 to prepare a general map and plan for the extension of the sewer facilities and services in the area of the Town of Thompson now serviced by the Kiamesha Lake-Route 42 Sewer District, and for such other services as may be necessary in connection therewith.

2. That the Town Board does hereby appropriate the sum of \$16,000.00 to pay the cost of preparing the general map and plan for the extension of the sewer facilities, as well as all legal expenses incurred by the district to complete any district extension and all costs and disbursements incurred by the district in processing the extension. That all engineering, legal

costs and other disbursements for preparation of a general map, plan and report shall be paid by the applicant. Said monies shall be deposited by the applicant in the Town escrow account prior to preparation of said map, plan and report and will be released to McGoey, Hauser and Edsall Consulting Engineers, D.P.C. upon completion, and other monies held in escrow will be disbursed upon completion of the extension.

3. That McGoey, Hauser and Edsall Consulting Engineers, D.P.C., of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553, be, and they hereby are, retained at a cost not to exceed \$10,000.00, of which said monies are to be paid by the developer, to prepare a general map and plan for the extension of the sewer facilities and services to the area known as the Kiamesha Lake-Route 42 Sewer District.

4. Legal fees incurred by the Town in connection with the extension of the Kiamesha Lake-Route 42 Sewer District are to be paid by the applicant.

5. That all maps and plans prepared by McGoey, Hauser and Edsall Consulting Engineers, D.P.C. shall conform with the requirements of Section 192 of the Town Law, and shall be filed with the Town Clerk.

6. That the map, plan and report shall be prepared once monies are placed in escrow by the applicant.

7. That in the event that the said Kiamesha Lake-Route 42 Sewer District shall be extended as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the maps and plans and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.

8. That this resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.

9. That within ten (10) days from the date of this resolution, the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the resolution, shall contain an abstract of such resolution concisely setting forth the purpose and effect thereof, shall specify that this resolution was adopted subject to a permissive referendum, and shall publish such notice in the Sullivan County Democrat, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Thompson a copy of such notice within ten (10) days after the date of the adoption of this resolution.

Moved by: Councilman Scott S. Mace

Seconded by: Councilman Peter T. Briggs

The Members voted on the foregoing Resolution as follows:

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 type="checkbox"/> No <input type="checkbox"/> Absent
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

3. SOUTHERN TIER ABSTRACT GRANT (COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM)

Supervisor Rieber said that this grant was approved in 2006 when the Southern Tier Abstract Corporation bought the building on West Broadway. They acquired a grant through the Town, which consisted of \$180,000 in loans and \$180,000 in Economic Development Grant Funding. The loan was paid back to the Town and placed in an escrow fund. There were requirements not fulfilled on both Economic Development and proper reporting documentation. Supervisor Rieber contacted the State Office of Community Renewal and requested they come and review the files. There was a full day audit of the entire file. If these requirements are not completed, the Town will have to refund the entire amount of the grant. The Office of Community Renewal issued a letter with two findings and three comments and no recommendations. They want the grant closed out. Supervisor Rieber stated that two items need to be completed. One is a Fair Housing Plan and the second is to appoint a Fair Housing Officer. Attorney Mednick has prepared a response, which includes the passing of two resolutions to establish a Fair Housing Plan and appoint a Fair Housing Officer. Copies of the response and resolutions must be submitted by March 8th. Attorney Mednick explained the proposed resolutions and attached grievance procedures under the Americans with Disabilities Act.

4. APPOINTMENT OF FAIR HOUSING OFFICER

The Following Resolution Was Duly Adopted: Res. No. 115 of the Year 2016.

At a Regular Meeting of the Town Board of the
Town of Thompson held at the Town Hall, 4052
Route 42, Monticello, New York on March 01, 2016

RESOLUTION TO APPOINT JAMES CARNELL AS FAIR HOUSING OFFICER AND DESIGNATED RESPONSIBLE EMPLOYEE TO ACT AS ADA COORDINATOR PURSUANT TO THE AMERICANS WITH DISABILITIES ACT TITLE II REGULATIONS §35.107(a)

WHEREAS, Title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and Sections 104 and 106 of Title I of the Housing & Community Development Act of 1974 prohibits discrimination in the sale, financing, or rental of housing, as well as related brokerage services; and

WHEREAS, municipalities that are recipients of grants for housing renewals must administer said programs and activities related to housing and urban development in a manner that affirmatively promotes fair housing and furthers the purpose of Title VIII; and

WHEREAS, the Town Board of the Town of Thompson wishes to appoint a Fair Housing Officer who shall act as the Town’s ADA coordinator to oversee the Town’s continued and further compliance with all standards, procedures, filing requirements, and general oversight to ensure all due process standards are maintained for those with disabilities; and

WHEREAS, the Town of Thompson is required to name a Fair Housing Officer pursuant to the requirements of the New York State Office of Community Renewals (OCR) to comply with the requirements and regulations of the CDBG as contained in 24 CFR Part 85, as well as the provisions of the contracts executed with the New York State Housing Trust Fund Corporation dated September 19, 2006.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson that the Town of Thompson does hereby appoint James Carnell as the Town of Thompson Fair Housing Officer.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson does hereby appoint James Carnell as the Town’s ADA coordinator pursuant to The Americans with Disabilities Act, Title II Section 35.107(a), with all the rights and duties to conduct investigation of any complaint communicated to it alleging the Town’s non-compliance with the ADA.

Adopted the 1st day of March, 2016.

Moved by: Councilman Scott S. Mace

Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

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 type="checkbox"/> No <input type="checkbox"/> Absent
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

5. ADOPTION OF FAIR HOUSING PLAN

The Following Resolution Was Duly Adopted: Res. No. 116 of the Year 2016.

At a Regular Meeting of the Town Board of the
Town of Thompson held at the Town Hall, 4052
Route 42, Monticello, New York on March 01, 2016

RESOLUTION TO ADOPT GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

WHEREAS, the Town of Thompson wishes to adopt an internal grievance procedure to provide for prompt and equitable resolutions of complaints alleging any actions prohibited by the U.S. Department of Justice regulations implementing Title II of The Americans with Disabilities Act (ADA); and

WHEREAS, Title II requires that no otherwise qualified disabled individual shall solely, by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to, discrimination in the programs or activities sponsored by a public entity; and

WHEREAS, the terms and specific grievance procedure to be adopted by the Town of Thompson are attached to this Resolution and made a part hereof as if repeated herein at length.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson does hereby adopt the attached Grievance Procedure Under The Americans with Disabilities Act as the procedures to be used by any person to protect due process rights of any aggrieved person with disabilities to complain about discrimination in the implementation of any program or activity sponsored by a public entity.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon ratification by the Town Board.

Adopted the 1st day of March, 2016.

Moved by: Councilman Scott S. Mace
Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

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 type="checkbox"/> No <input type="checkbox"/> Absent
Councilman SCOTT S. 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

Grievance Procedure Under The Americans with Disabilities Act

The Town of Thompson has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of The Americans with Disabilities Act of 1990 (ADA).

Title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination" in programs or activities sponsored by a public entity.

The Grievance Procedure is established to meet the requirements of the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Thompson.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation, addressed to Town of Thompson Fair Housing Officer/ADA Coordinator, 4052 Route 42, Monticello, New York 12701, (845)794-2500, who is appointed to coordinate ADA compliance efforts.

The complaint should be in writing and contain information about the alleged discrimination such as the name, address, and telephone number of complainant and the location, date, and description of the circumstances prompting the complaint. Alternative means of filing complaints, such as personal interviews or tape recording of the complaint, will be made available for persons with disabilities upon request.

An investigation, as may be appropriate, shall follow the filing of a complaint. The investigation shall be conducted by the Fair Housing Officer/ADA Coordinator. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.

Within 30 calendar days after receipt of the complaint, the Fair Housing Officer/ADA Coordinator, or his/her designee, will meet with the complainant to discuss the complaint and the possible resolutions. Within 30 calendar days of the meeting, the Fair Housing Officer/ADA Coordinator, or his/her designee, will respond in writing and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Thompson and offer options for substantive resolution of the complaint.

If the response by the Fair Housing Officer/ADA Coordinator, or his/her designee, does not satisfactorily resolve the issue, the complainant and/or his/her designee, may appeal the decision within 15 calendar days after receipt of the response, to the Town of Thompson Town Attorney, or his/her designee, who will meet with the complainant to discuss the complaint and

12. TAX CERTIORI SETTLEMENTS:

ANTHOS HOMES NY LLC SBL # 52.D-1-20 (CLUB LANE, ROCK HILL)

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 provided 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. 120 of the Year 2016.

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

WHEREAS, Anthos Homes NY LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel 52.D-1-20 and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2015-1759; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of respondents, and Drew, Davidoff & Edwards Law Offices, LLP by Michael Davidoff, 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 **2015** assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 52.D-1-20** from \$192,200.00 to \$164,000.00.

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 Scott Mace
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	Absent
Councilman Scott S. Mace	voting	Aye
Councilman John A. Pavese	voting	Aye

12. TAX CERTIORI SETTLEMENTS:

ANTHOS HOMES NY LLC SBL # 52.D-1-22 (CLUB LANE, ROCK HILL)

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 provided 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.121 of the Year 2016.

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

WHEREAS, Anthos Homes NY LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel 52.D-1-22 and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 2015-1758; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of respondents, and Drew, Davidoff & Edwards Law Offices, LLP by Michael Davidoff, 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 **2015** assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 52.D-1-22** from \$158,700.00 to \$145,000.00.

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 Scott Mace

Seconded by: Councilman Peter T. Briggs

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	Absent
Councilman Scott S. Mace	voting	Aye
Councilman John A. Pavese	voting	Aye

13. WATER TEST FEES

On 04/21/2015, the water test fees were increased from \$20.00 to \$25.00. Superintendent Culligan advised that this increase is posing a problem with the NYS DOH. They can get the water tests done for \$18.00 at other labs, but the Town of Thompson is more convenient for them. The NYS DOH is a high volume customer. Supervisor Rieber is recommending that the cost for water testing with the NYS DOH be reduced back down to \$20.00.

The Following Resolution Was Duly Adopted: Res. No. 122 of the Year 2016.

Resolved, that the Town of Thompson Laboratory Water Testing Cost be decreased to \$20.00 effective immediately pertaining to NYS Department of Health.

Motion by: Councilman Pavese Seconded by: Councilman Mace

Vote: Ayes 4 Rieber, Pavese, Briggs, and Mace

Nays 0

Absent 1 Sush

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

The Following Resolution Was Duly Adopted: Res. No. 123 of the Year 2016.

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

Pine Bush Equipment Co., Inc.	\$1,420.00 TOTAL COST
Rental of Mini Excavator	
1 Day Rental – 02/02/2016 (Inv.# R78675)	350.00

Damage Waiver	42.00
Trucking Fee for Delivery of Excavator	300.00
Rental of Mini Excavator	
1 Day Rental – 02/03/2016 (Inv.# R78685)	350.00
Damage Waiver	42.00
Rental of Mini Excavator	
1 Day Rental – 02/04/2016 (Inv.# R78694)	350.00
Damage Waiver	36.00

TOTAL COST= \$1,420.00

(Note: Used to install 300 feet of Water Main and New Water Service line to Melody Lake WWTP for the Melody Lake Acres Water District.)

Schmidt’s Wholesale, Inc. \$1,272.08 TOTAL COST

Pipe, Valves, Couplings & Misc. Items

TOTAL COST = \$1,272.08

(Note: Misc. parts & material to replace approx. 300 feet of 2 inch Water Main on Willow Lane, in the Melody Lake Water System.)

Service Scaffold Company, Inc. \$2,386.16 TOTAL COST

4 Sets - #5062-3 Single Tier Lockers	2,204.00
2 Sets – Bases	50.54
2 Sets – Front Bases	131.62

TOTAL COST \$2,386.16

(Note: New Lockers for Employees Locker Room at the Kiamesha Lake STP.)

Motion by: Councilman Briggs Seconded by: Councilman Pavese
Vote: Ayes 4 Rieber, Pavese, Briggs and Mace
 Nays 0
 Absent 1 Sush

14. BILLS OVER \$1,250.00 – HIGHWAY DEPARTMENT

The Following Resolution Was Duly Adopted: Res. No. 124 of the Year 2016.

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

Vantage Equipment \$1,984.92 TOTAL COST
Invoice # 243125 – Cutting Edge for Loader
TOTAL COST \$1,984.92

Motion by: Councilman Briggs Seconded by: Councilman Pavese
Vote: Ayes 4 Rieber, Pavese, Briggs and Mace

COUNCILMEN & DEPARTMENT HEAD REPORTS

Councilman Mace reported on the opening of Dunkin Donuts in Rock Hill and the Annual Kiwanis Fish Fry on March 11, 2016 from 4:00PM–7:00PM at the Monticello Elks Lodge.

Councilman Briggs reported on the Celebrate Life ½ Marathon Event on Sunday, March 13th, 2016 in Rock Hill and the St. Patrick’s Day Parade in Rock Hill, Saturday March 12th at 2PM.

Councilman Pavese reported on the Monticello Fire Department’s Spring Pancake Breakfast, Sunday, March 20th 7AM to 12PM Noon and Corned Beef Sandwich Luncheon at the Monticello Elks Lodge on St. Patrick’s Day, March 17th.

Director Carnell provided an update regarding the Veria Lifestyles Project including an issue involving the NYS DEC and also said the Building Department truck will be ready shortly.

Supt. Culligan provided an update regarding the Melody Lake Wastewater Treatment Plant Improvement Project.

OLD BUSINESS:

There was no old business reported on.

NEW BUSINESS:

There was no new business reported on.

PUBLIC COMMENT:

Pamela Zaitchick of Monticello commented on the striping to the entrance to Walmart.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- March 8th: Open Bids @ 2PM – Town Hall Roof Replacement Project Re-Bid.
- March 11th: Kiwanis Annual Fish Fry from 4:00PM to 7:00PM at Elks Lodge, Monticello
- March 12th: 6th Annual Rock Hill St. Patrick’s Day Parade, Rock Hill Drive at 2PM.
- March 13th: Celebrate Life ½ Marathon Event in Rock Hill, Commencing as Follows: Walk @ 8:30AM, Run Early Start @ 9:30AM, Run & Relay Official Start @ 10AM.
- March 15th: Public Hearing @ 7:30PM – Proposed Local Law #01 of 2016 – JJCS, LLC Zone Change Request, SBL #1.-1-4.2 from RR-1 & RR-2 to CI, Old Route 17, Ferndale, NY.

EXECUTIVE SESSION

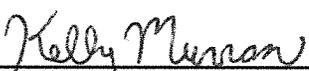
On a motion made by Councilman Pavese and seconded by Councilman Mace the Town Board entered into Executive Session at 8:58 PM with Town Attorney Michael B. Mednick to discuss a personnel matter.

On a motion made by Councilman Briggs and seconded by Councilman Mace the Town Board returned from Executive Session and reconvened the Town Board meeting at 9:18 PM. No further action was taken.

ADJOURNMENT

On a motion made by Councilman Mace and seconded by Councilman Pavese the meeting was adjourned at 9:18PM.

Respectfully Submitted By:



Kelly M. Murran, Deputy Town Clerk

IRREVOCABLE OFFER OF DEDICATION

OFFER OF DEDICATION, made this ____ day of February, 2016, by YESHIVA VIZNITZ D’KHAL TORAH CHAIM (the “Owner”), a New York religious corporation, of P.O. Box 446, Monsey, New York 10952, to the TOWN OF THOMPSON (the “Town”), a municipal corporation organized and existing under the laws of the State of New York, having its offices at 4052 State Route 42 North, Monticello, New York 12701.

W I T N E S S E T H:

1. The Owner hereby irrevocably offers to the Town the dedication of the 25' foot wide easement particularly described in "Schedule A" which is attached to and made a part hereof, including, without limitation, the sewer force main, electrical and access drive easements, and the entire of the pump station area, all as shown on the survey map dated March 26, 2014, prepared by Timothy M. McCabe, L.S., P.C., of Ellenville, New York, entitled "Survey of Proposed Sewerline, Access Drive, and Pump Station Easement Prepared for Yeshiva Viznitz D’Khal, which survey map was last revised December 11, 2015.

2. The Owner shall deliver to the Town the proper conveyance instruments in statutory form for filing and recording, as necessary, so as to convey the easement as described herein to the Town: Once delivered, such conveyance instruments are to be held by the Town until the within dedication is accepted by the Town, and are to be filed and recorded in the Office of the Sullivan County Clerk at such time that the Town decides.

3. The Owner covenants that at the time it delivers the conveyance instruments it will be seized of the premises and shall have the right to convey the same to the Town.

4. At the time of acceptance by the Town, title to such easement shall be good and marketable, and free from all taxes, liens and encumbrances, except the necessary rights of public utility companies and the rights of others to use said lands, and proof thereof shall be provided by the Owner furnishing to the Town, at the Owner's expense, such title searches or a title policy as may be reasonably required by the Town, or its successors or assigns.

5. The Owner, at its sole expense, and as required by the Town's attorney, shall obtain good and valid releases from all owners, mortgagees, lienors and others required to consent to such dedication.

6. This Irrevocable Offer of Dedication shall be binding upon the Owner's heirs, successors and assigns, and shall run with the land.

IN WITNESS WHEREOF, the Owner has executed this Irrevocable Offer of Dedication on the day, month, and year first above set forth.

YESHIVA VIZNITZ D'KHAL TORAH
CHAIM

By:

▶ _____

Timothy M. McCabe, LS, PC
Professional Land Surveyor

December 1, 2015

DESCRIPTION: Access Drive, Utilities and 25' Wide Sewer Easement

ALL THAT TRACT, piece, or parcel of land situated and lying in the Town of Thompson, County of Sullivan and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point in the approximate center of Gibber Road, said point being the most westerly corner of lands herein described;

THENCE along the approximate centerline of Gibber Road for a portion of the way and through the lands Now or Formerly Yeshiva Viznitz D'khal, Liber 1502 of Deeds at Page 82, (1) North $36^{\circ}11'22''$ East, a distance of 427.32 Feet to a point in the southerly line of a 100' wide NYSE&G Easement, Liber 2197 of Deeds at Page 182, said point also being the most northerly corner of lands herein described;

THENCE along the southerly line of said lands Now or Formerly NYSE&G, on the following two (2) courses and distances, (2) North $80^{\circ}36'51''$ East, passing through a 100' wide NYSE&G Easement, Liber 309 of Deeds at Page 1961, for a portion of the way, a distance of 497.32 Feet; and (3) North $72^{\circ}50'01''$ East, continuing through NYSE&G Easement, crossing through Gibber Road Bypass for a portion of the way for a distance of 216.80 Feet to a point, said point also being the most northeasterly corner of lands herein described;

THENCE along the lands Now or Formerly Yeshiva Viznita D'khal, (4) South $59^{\circ}03'40''$ East, a distance of 199.01 Feet to a point in a westerly line of the sewer pump station easement, said point being at an angle point in the northerly line of lands herein described;

THENCE along the lands Now or Formerly Yeshiva Viznita D'khal, and along the northerly line of said sewer easement on the following four (4) courses and distances, (5) North $11^{\circ}24'28''$ East, a distance of 28.47 Feet; (6) South $78^{\circ}35'32''$ East, a distance of 44.89 Feet; (7) North $48^{\circ}05'00''$ East, a distance of 310.43 Feet, and (8) North $40^{\circ}07'00''$ east, a distance of 35.00 Feet to a point in the southerly line of Yeshiva Road, also known as Gibber Road, T.R.#35, said point also being the most northeasterly corner of lands herein described;

(845) 647-4717 • PO Box 747, Ellenville, NY 12428 •
E-mail: tmccabe@mccabelandsurveying.com

Timothy M. McCabe, LS, PC
Professional Land Surveyor

December 1, 2015

THENCE along the southerly line of Yeshiva Road, (9) South 63°08'00" East, a distance of 25.68 Feet to a point, said point being the most easterly corner of lands herein described;

THENCE through the lands Now or Formerly Yeshiva Viznitz D'khal, and along the southerly line of said sewer easement on the following two (2) courses and distances, (10) South 40°07'00" West, a distance of 42.63 Feet and (11) South 48°05'00" West, a distance of 337.19 Feet to a point in the easterly line of said pump station easement, said point being at an angle point in the southerly line of lands herein described;

THENCE continuing through the lands Now or Formerly Yeshiva Viznitz D'khal, and along the southerly line of said sewer easement, generally along and parallel to the northerly line of said sewer easement on the following seven (7) courses and distances, (12) South 11°24'28" West, a distance of 35.00 Feet; (13) North 78°35'32" West, a distance of 50.00 Feet; (14) North 11°24'28" East, a distance of 15.00 Feet; (15) North 59°03'40" West, a distance of 196.72 Feet; (16) South 72°50'01" West, a distance of 207.34 Feet; (17) South 80°36'51" West, a distance of 488.81 Feet, and South 36°11'22" West, a distance of 417.11 Feet to a point being the southwesterly corner of lands herein described;

THENCE through Gibber Road for a portion of the way and perpendicular to the last mentioned course, (18) North 53°48'38" West, a distance of 25.00 Feet to the point or place of beginning.

CONTAINING 1.407± acres of land;

(845) 647-4717 ▪ PO Box 747, Ellenville, NY 12428 ▪
E-mail: tmccabe@mccabelandsurveying.com

_Desc YESHIVA (2)

TOWN OF THOMPSON

Voucher Detail Report

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

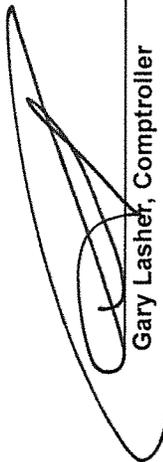
I hereby certify that the vouchers listed on the attached abstracts of prepaid and

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 1st day

of March 2016 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

