

**Minutes of a Regular Meeting** of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **October 18, 2016**.

**ROLL CALL:**

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

**Absent:** Councilman Richard Sush (Recovering from Surgery)

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
Richard L. Benjamin, Jr., Highway Superintendent  
Michael Messenger, Water & Sewer Superintendent  
Glenn Somers, Parks & Recreation Superintendent  
James Carnell, Jr., Building, Planning & Zoning Director  
Gary J. Lasher, Town Comptroller  
James Barnicle, Planning Board Alternate Member

**APPROVED**  
**DRAFT**

**PUBLIC HEARING: PROPOSED LOCAL LAW #8 OF 2016 – TAX LEVY LIMIT  
OVERRIDE**

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 11, 2016 with same being posted at the Town Hall on October 07, 2016.

Supervisor Rieber explained the purpose for this public hearing, which is to override the tax levy limit of two-percent (2%). This law is being approved as a precaution in the event that the budget comes in over the required tax levy limit upon the auditor's recommendation. The Town does not expect to exceed the tax levy limit, however if there are calculation errors or chargebacks beyond our control then the tax levy limit could be exceeded and the Town would then be in violation.

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

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 7:33 PM was made by Councilman Briggs and seconded by Councilman Pavese.

**REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 7:34 PM with the Pledge to the Flag.

**APPROVAL OF MINUTES:**

On a motion made by Councilman Pavese and seconded by Councilman Briggs the minutes of the October 04, 2016 Regular Town Board Meetings were approved as presented.

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

**PUBLIC COMMENT:**

Kevin McCague of Cimarron Road, Monticello expressed complaint regarding drainage, road surface issues and U-turns occurring near his property as a result of the Interchange 106 and Casino entrance project. Supt. Benjamin was out to inspect the area of concern, which he briefly reported on. He will see what can be done to address the road surface issue and will take care of any drainage issues if they arise as necessary. Once the project has been completed the drainage issues should resolve. As for the U-turn issue he is not sure if anything can be done at this time to eliminate the problem, however it should become less of a problem once the road signs have been posted. Supervisor Rieber will also bring the issues up at the next job meeting to be held next Wednesday.

**CORRESPONDENCE:**

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

- **NYS Assemblywoman Gunther & Town of Bethel Supervisor Sturm:** Letter dated 09/27/16 to Federal Energy Regulatory Commission Re: Toronto Reservoir East Access Area.
- **Eagle Creek Renewable Energy:** Letter dated 09/19/16 to NYS DOH Re: Toronto Reservoir East Access Area.
- **Patrice Chester:** Letter dated 10/07/16 Re: Resignation from the Town of Thompson Planning Board due to her recent employment with the Town.
- **NYS DEC:** Notice of Violation dated 10/03/16 – Melody Lake Wastewater Treatment Facility. Supt. Messenger reported on the subject.
- **NYS DEC:** Letter dated 10/11/16 to Supervisor Rieber Re: Approval of the Process Control Optimization Report for the Kiamesha Lake Sewer Treatment Plant dated 01/15/2016, last revised 09/27/2016, prepared by McGoey, Hauser & Edsall Consulting Engineers DPC.

**AGENDA ITEMS:**

**1. ACTION: PROPOSED LOCAL LAW #8 OF 2016 – TAX LEVY LIMIT OVERRIDE**

**The Following Resolution Was Duly Adopted: Res. No. 309 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 October 18, 2016

**RESOLUTION TO ENACT LOCAL LAW NO. 07 OF 2016**

**WHEREAS**, proposed Local Law No. 08 of the year 2016 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 04, 2016, 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. 07 for the year 2016, 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 Scott S. Mace

Adopted on Motion October 18, 2016

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

Town of Thompson

Local Law No. 07 of the year 2016

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



Nays 0  
Absent 1      Sush

**3. RESOLUTION: AUTHORIZING JUSTICE COURT ASSISTANCE PROGRAM (JCAP) GRANT APPLICATION PARTICIPATION**

Councilman Mace reported on the Justice Court Assistance Program (JCAP) Grant Application, which has been completed and submitted. He provided a brief summary of what the Town Justice Court is applying for in the grant application.

**The Following Resolution Was Duly Adopted: Res. No. 311 of the Year 2016.**

**RESOLUTION TO AUTHORIZE FILING A GRANT APPLICATION TO THE NYS UNIFIED COURT SYSTEM FOR A JUSTICE COURT ASSISTANCE PROGRAM GRANT**

**WHEREAS**, the NYS Unified Court System has requested applications for the next cycle of the Justice Court Assistance Program grants; and

**WHEREAS**, the Town is interested in applying for funds to use at the Justice court; and

**WHEREAS**, the program requires the Town to adopt a resolution authorizing the application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Thompson Town Board authorizes that an application be filed with the NYS Unified Court System; and

**BE IT FURTHER RESOLVED**, that the Town Supervisor be authorized and empowered to certify the application in the name of the Town of Thompson; and

**BE IT FURTHER RESOLVED**, that this resolution is approved Nunc Pro Tunc to be effective as of October 13, 2016.

**Moved by: Councilman Scott S. Mace  
Seconded by: Councilman Peter T. Briggs  
and adopted on motion October 18, 2016.**

The members of the Town Board voted as follows:

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

**4. REVIEW & AUTHORIZE EXECUTION OF ENGINEERING SERVICES AGREEMENT FOR VIERA SITE IMPROVEMENTS CONSTRUCTION REVIEW**

**The Following Resolution Was Duly Adopted: Res. No. 312 of the Year 2016.**





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

**9. APPOINTMENT OF JAY MENDELS, MEMBER TO THE ZONING BOARD OF APPEALS TO REPLACE & FILL UNEXPIRED TERM OF BRIAN SOLLER**

**The Following Resolution Was Duly Adopted: Res. No. 316 of the Year 2016.**

Resolved, that Jay Mendels be appointed as a Member to the Zoning Board of Appeals to fill the unexpired term of Brian Soller with the term to expire December 31, 2018.

Appointee shall attend all necessary training to be able to serve.

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese

Vote: Ayes 4              Rieber, Pavese, Briggs and Mace

      Nays 0

      Absent 1              Sush

Supervisor Rieber said by appointing James Barnicle and Jay Mendels as Members to the Planning Board and Zoning Board of Appeals it creates an Alternate Member Vacancy on both Boards since James Barnicle and Jay Mendels previously served as Alternate Members. The Town Board will consider recommendations for the appointments to be made at the Organizational Meeting.

**10. CONTINUED DISCUSSION: APPOINTMENT OF PROFESSIONAL TOWN PLANNING CONSULTANT**

Supervisor Rieber advised that the County will be interviewing (3) other Professional Planners as part of the USDA Grant filed jointly with the County of Sullivan on behalf of the Town of Thompson and Village of Monticello. He will also be obtaining Requests for Proposals from at least (1) of those firms (from outside of the area) and possibly others on behalf of the Town to retain a Professional Planning Consultant. The one firm that expressed interest is Behan Planning & Design from Rockland County. Supervisor Rieber will advise the Board once the proposal(s) have been received for interviews and further consideration.

**11. BILLS OVER \$1,250.00 – TOWN HALL**

**The Following Resolution Was Duly Adopted: Res. No. 317 of the Year 2016.**

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

Kandel Brothers, Inc.	<b>\$4,805.00 TOTAL COST</b>
Invoice # 1458624-01	
(5) RAB RPA3ALE360 Pole Adaptor	\$130.00
(5) RAB ALED3T360/D10 Area Light	\$4,675.00
<b>TOTAL COST=</b>	<b>\$4,805.00</b>

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(Note: For LED Lighting in Town Hall Parking Lot. There were two other price quotes obtained from Schmidt's Wholesale, Inc. for \$4,785.06 (wrong item quoted) and Yaun Company, Inc. for \$4,942.50.)

Moved by: Councilman Pavese                      Seconded by: Councilman Briggs

Vote: Ayes 4              Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1              Sush

## **12. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 318 of the Year 2016.**

Resolved, that all regular bills for the course of the month, which have been properly audited be approved for payment. A complete list of the regular bills as identified can be found appended to these minutes as per attached. <sup>1</sup>

Motion by: Councilman Mace                      Seconded by: Councilman Briggs

Vote: Ayes 4              Rieber, Pavese, Briggs and Mace

Nays 0

Absent 1              Sush

## **SUPERVISOR REPORT**

- Proposed Local Law to Amend Chapters 52 & 250 Re: Establishment of Recreation Fees, which was sent to the Planning Board for review and recommendation. Further discussion was held regarding the subject.
- Deputy Administrator Patrice Chester started with the Town on October 11<sup>th</sup>, 2016 and is working well. He briefly reported on some of the projects that she has already started working on. He also listed other projects that she is planning on working on as well.
- Working on completion of Phase 1 of the General Code Town Code Re-Codification Project.

## **COUNCILMEN & DEPARTMENT HEAD REPORTS:**

Supt. Benjamin reported on the Casino Road Construction Project and the Cimarron Road issues located near Interchange 106.

Councilman Mace reported that the Rock Hill Business and Community Association will be meeting tomorrow evening at 6PM, Rock Hill Fire Department.

Supt. Messenger reported on the additional Mr. Manhole projects that the Water & Sewer Department have completed. They are helping Town of Fallsburg out with some of their manhole projects.

Supt. Somers reported on the Town Park Structure Sign, which has been ordered and also an A-Frame Sign being obtained to be displayed in the front of the Town Hall to announce special events.

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

Director Carnell reported on the continued review of the Draft Solar Ordinance, which was forwarded to the Town Board for review and comment. Further discussion ensued.

Councilman Briggs inquired about the status of the eyesore properties located along NYS Route 42 located near the intersection of Fraser Road and County Route 109, Kiamesha Lake NY F/K/A Knobby' s Bar and the other graffiti building. Director Carnell reported on the status of that building as well as the other building next to it with graffiti.

**OLD BUSINESS:**

There was no old business reported on.

**NEW BUSINESS:**

**TAX CERTIORARI SETTLEMENT – MARY LOU MULLER, KATRINA FALLS ROAD, ROCK HILL, SBL # 51A.-1-25, YEAR 2016**

Attorney Mednick presented 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. 319 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, Mary Lou Muller has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel Section 51A, Block 1, Lot 25 and which proceeding is pending in the Supreme Court of the State of New York, County of Sullivan, under Index No. 1216-2016; and

WHEREAS, the parties 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, a previous offer to reduce petitioner's assessment from \$166,300.00 to \$92,400.00 was rescinded by the Board of Assessment Review, however, the lowered assessment was inadvertently entered on the 2016 Final Roll; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's 2016 assessment going forward, to wit, a correction in the assessment of petitioner's real property, **SBL 51A.-1-25** from \$92,400.00 to \$110,000.00.



Project would be onsite during the well water testing. Supervisor Rieber and Director Carnell both responded to the comment. They are not sure if representatives of the firm would be present during the actual testing without consulting them to confirm. Director Carnell provided a brief explanation regarding the process of the proposed testing. Mr. Betters wanted to know if the surrounding property owners would be notified of when this testing process commences. Supervisor Rieber said he does not believe so. He said that the Developers submitted a work plan, which was reviewed by Miller Hydrogeologic Incorporated (MHI) and approved. The studies are commencing based on that approved work plan. All comments/concerns recently received regarding this matter have been provided to the developer.

Nancy McCarthy, Esq. a Hurleyville property owner asked if the responses to the proposals for Professional Planners for the Town that are being requested subject to public review or prior to selection of a Planner. Town Attorney Mednick said that he would have to review the proposal responses before a decision could be determined. He advised that if the document is permissible under (FOIL) then it would be provided. Supervisor Rieber said that new proposal(s) have been requested; however none have been received back at this time. Supervisor Rieber provided further clarification regarding this subject.

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

- October 14<sup>th</sup> – October 22<sup>nd</sup>, 2016: Fall Clean Up Program.
- October 19<sup>th</sup>: Free Rabies Clinic, Sponsored by: Sullivan County Public Health Services at Town of Thompson Highway Department from 6 to 7:30 PM.
- November 1<sup>st</sup>: Next Regularly Scheduled Town Board Meeting @ 7:30 PM.
- November 1<sup>st</sup>: Public Hearing – 2017 Preliminary Budget @ 7:30 PM.
- November 15<sup>th</sup>: Joint Public Hearing with Town Board and Village Board @ 6:45 PM – County of Sullivan Annexation Petition (SBL #'s 12.-1-37.7 & 12.-1-43) at Village of Monticello Village Hall.
- November 15<sup>th</sup>: Public Hearing @ 7:30 PM – Proposed Extension No. 7 of Cold Spring Road Sewer District (Leisure Acres Summer Homes LLC F/K/A POFO Realty LLC) SBL #'s 29.-2-13, 29.-2-22 & 29.-2-23.

#### **RECESSED**

On a motion made by Councilman Briggs and seconded by Councilman Pavese the meeting was recessed at 8:19 PM until the Budget Work-Session on Thursday, October 20<sup>th</sup>, 2016 at 5PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**

# 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.	Non Disc.	Cash Account
				Taxable	Ref No				Check Date	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 18 day

of Dec 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 Lasbet, Comptroller

  
 William J. Rieber Jr., Supervisor

# TOWN OF THOMPSON

## Voucher Detail Report

Fund	Voucher No.	Stub- Description	Batch	Invoice No.	Req. No.	Recur Months	Req. Date	Refund Year	Vendor Code	Vendor Name		Fisc Year	Check ID	Check No.	Check Date	Voucher Amt.	Pay Due		Approved	
										PO No.	Taxable						PO Date	Ref No		Ordered By
A - GENERAL FUND TOWN WIDE							TOWN		Regular	99,976.35		0.00	0.00	0.00	0.00	0.00	0.00	0.00	99,976.35	Total
B - GENERAL TOWN OUTSIDE							TOWN		Regular	25,823.04		0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,823.04	
DA - HWY#3 / 4 - TOWN WIDE							TOWN		Regular	111,384.96		0.00	0.00	0.00	0.00	0.00	0.00	0.00	111,384.96	
DB - HWY#1 - TOWN OUTSIDE							TOWN		Regular	175,206.52		0.00	0.00	0.00	0.00	0.00	0.00	0.00	175,206.52	
H - CAPITAL PROJECTS							TOWN		Regular	94,959.67		0.00	0.00	0.00	0.00	0.00	0.00	0.00	94,959.67	
SHW - HARRIS WOODS SEWER							TOWN		Regular	529.45		0.00	0.00	0.00	0.00	0.00	0.00	0.00	529.45	
SL1 - ROCK HILL LIGHTING							TOWN		Regular	639.18		0.00	0.00	0.00	0.00	0.00	0.00	0.00	639.18	
SL10 - EMERALD CORP. PARK L/D#10							TOWN		Regular	268.95		0.00	0.00	0.00	0.00	0.00	0.00	0.00	268.95	
SL2 - LUCKY LAKE LIGHTING							TOWN		Regular	174.22		0.00	0.00	0.00	0.00	0.00	0.00	0.00	174.22	
SL3 - LAKE LOUISE MARIE							TOWN		Regular	472.64		0.00	0.00	0.00	0.00	0.00	0.00	0.00	472.64	
SL4 - PATIO HOMES LIGHTING							TOWN		Regular	1,112.17		0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,112.17	
SL5 - KIAMESHA SHORES LIGHTING							TOWN		Regular	146.76		0.00	0.00	0.00	0.00	0.00	0.00	0.00	146.76	
SL6 - EMERALD GREEN LIGHTING							TOWN		Regular	5,069.63		0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,069.63	
SL7 - TREASURE LAKE LIGHTING							TOWN		Regular	29.81		0.00	0.00	0.00	0.00	0.00	0.00	0.00	29.81	
SL8 - CONGERO ROAD LIGHTING							TOWN		Regular	93.81		0.00	0.00	0.00	0.00	0.00	0.00	0.00	93.81	
SL9 - YESHIVA/KIAM. LIGHTING DISTRICT							TOWN		Regular	796.99		0.00	0.00	0.00	0.00	0.00	0.00	0.00	796.99	
SSA - ANAWANA SEWER DISTRICT							TOWN		Regular	1,543.97		0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,543.97	
SSD - DILLON SEWER DISTRICT							TOWN		Regular	187.65		0.00	0.00	0.00	0.00	0.00	0.00	0.00	187.65	
SSG - EMERALD GREEN SEWER							TOWN		Regular	16,824.40		0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,824.40	
SSH - HARRIS SEWER DISTRICT							TOWN		Regular	8,410.44		0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,410.44	
SSK - KIAMESHA SEWER DISTRICT							TOWN		Regular	25,036.05		0.00	0.00	0.00	0.00	0.00	0.00	0.00	25,036.05	
SSM - MELODY LAKE SEWER DISTRICT							TOWN		Regular	1,446.02		0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,446.02	
SSR - ROCK HILL SEWER DISTRICT							TOWN		Regular	535.97		0.00	0.00	0.00	0.00	0.00	0.00	0.00	535.97	
SSS - SACKETT LAKE SEWER DISTRICT							TOWN		Regular	7,928.85		0.00	0.00	0.00	0.00	0.00	0.00	0.00	7,928.85	
SWC - COLD SPRING WATER							TOWN		Regular	330.33		0.00	0.00	0.00	0.00	0.00	0.00	0.00	330.33	
SWD - DILLON WATER DISTRICT							TOWN		Regular	170.92		0.00	0.00	0.00	0.00	0.00	0.00	0.00	170.92	
SWL - LUCKY LAKE WATER DISTRICT							TOWN		Regular	170.66		0.00	0.00	0.00	0.00	0.00	0.00	0.00	170.66	
T - TRUST & AGENCY FUND							TOWN		Regular	1,454.50		10,290.17	53,254.39	0.00	0.00	0.00	0.00	0.00	64,999.06	
<b>Grand Totals</b>										580,723.91		10,290.17	53,254.39	0.00	0.00	0.00	0.00	0.00	644,268.47	

