

**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 **May 20, 2014.**

**ROLL CALL:**

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

**APPROVED**

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
William D. Culligan, Water & Sewer Superintendent  
Logan E. Ottino, Building Dept. /Code Enforcement Officer  
Gary J. Lasher, Comptroller  
Richard Benjamin, Jr., Highway Superintendent  
Allan S. Wolkoff, Town Historian  
Richard McClernon, ZBA Member

**PUBLIC HEARING: PROPOSED LOCAL LAW NO. 04 OF 2014 – SENIOR AGED EXEMPTION (RPTL SECTION 467)**

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 May 06, 2014 with same being posted at the Town Hall on May 02, 2014.

Supervisor Rieber explained that the proposed local law is to amend Article I entitled "Senior Citizens Exemption" by making an allowance to accept certain applications on Senior Aged Income Exemptions for renewal of exemptions after the taxable status date, but prior to the date for hearing of complaints by the Board of Assessment Review. This Exemption only applies to those property owners that qualify.

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 7:33 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. He welcomed the Participation in Government Students to the meeting.

**APPROVAL OF MINUTES:**

On a motion made by Councilman Sush and seconded by Councilman Mace the minutes of the April 29<sup>th</sup>, 2014 Special Town Board Meeting were approved as presented.

Vote: Ayes 3            Rieber, Sush and Mace  
      Nays 0  
      Abstained 2 Briggs and Pavese (They were not present for the meeting.)

On a motion made by Councilman Mace and seconded by Councilman Pavese the minutes of the May 6<sup>th</sup>, 2014 Regular Town Board Meeting were approved as presented.

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

**PUBLIC COMMENT:**

There was no public comment given.

**PRESENTATION: TOWN’S 2013 FINANCIAL STATEMENTS/AUDIT – ANDREW J. ARIAS, CPA OF COOPER ARIAS, LLP ACCOUNTING & ACCOUNTABILITY**

Mr. Andrew J. Arias, CPA of Cooper Arias, LLP Accounting & Accountability gave a 30-minute presentation regarding the Town’s 2013 Financial Statements/Audit Report, which was recently filed with the NYS Comptroller. A copy of the Report has been filed with the Town Clerk as well as the Town Comptroller. A copy was provided to each Board member for their review. Mr. Arias provided a Power Point printout of his presentation, which will be appended to these minutes as part of the record.<sup>1</sup>

**CORRESPONDENCE:**

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

- 1) Public Notice: U.S. Army Corps of Engineers regarding EPT/EPR Concord II, LLC/LP regarding an application for permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) in connection with the construction of a new Concord Resort Complex. Notice issued 04/29/2014 and expiration date 05/29/2014.
  
- 2) Letter dated 05/09/14 from Senator John J. Bonacic to Town Clerk Calhoun acknowledging receipt of the Town of Thompson Resolution in support of a casino project in Sullivan County.

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<sup>1</sup> ATTACHMENT: COPY OF PRESENTATION BY ANDREW J. ARIAS, CPA OF COOPER ARIAS, LLP ACCOUNTING & ACCOUNTABILITY.

- 3) Email dated 05/13/14 from Office of Real Property Tax Services to Supervisor Rieber, Assessor Krzywicki and Sullivan County regarding the Town of Thompson 2014 Tentative State Equalization Rate, which will be 87.00.
- 4) Letter dated 05/10/14 from residents/homeowners of Winston Drive to Supt. Benjamin and Supervisor Rieber regarding dangerous and ineffective road drainage issues located on the East end of Winston Drive. The Highway Department will address the issues.
- 5) Letter dated 05/08/14 from Christina L. Doughney, P.E., PTOE, Traffic Engineer of Clough Harbor Associates (CHA) to Supervisor Rieber and Town Board regarding Peer Review of Traffic Impact Study for Proposed Stockbridge-Munsee/Trading Cove Casino Project.
- 6) Letter dated 05/06/14 from Peter J. Connery, P.E., Environmental Engineer 2, Dam Safety Section of the NYS DEC, Division of Water Bureau of Flood Protection & Dam Safety to Mr. Michael Hoyt, Manager of Emerald Green Property Owners Association, Inc. regarding a Dam Visual Inspection Report on the Lake Louise Marie Dam.
- 7) Letter dated 05/06/14 from Peter J. Connery, P.E., Environmental Engineer 2, Dam Safety Section of the NYS DEC, Division of Water Bureau of Flood Protection & Dam Safety to Mr. John Konefal, President of Wanaksink Lake Club, Inc. regarding a Dam Visual Inspection Report on the Wanaksink Lake Dam.
- 8) Two letters dated 03/25/14 from Simon Gelb of Kingwood, at el Real Estate & Development and dated 03/14/14 from Irwin Gitlin, Managing Member of WIR Associates, LLC both addressed to Sherry Li, China City Land LLC regarding China City of America Project. Copies of both letters were referenced as attachments in Sherry Li's original letter to the Planning Board dated 04/29/14, which was reported on at the last Town Board Meeting. Supervisor Rieber briefly reported on the status of the project.
- 9) Letter dated 05/19/14 from Al Etkin, Master of Ceremonies to Supervisor Rieber and Town Board regarding Annual "Memorial Day" Services, Monday, May 26<sup>th</sup> at 10:30 AM at the Veterans Monument, Sullivan County Government Center. Sponsored by the American Legion, Jewish War Veterans and The Veterans of Foreign Wars all from Monticello.
- 10) Flyer: 51<sup>st</sup> Annual Rock Hill Fire Department & Antique Automobile Club of America Spring Meet Antique Classic-Custom Car Show & Swap Meet on Sunday, June 1<sup>st</sup>, 2014 at the Rock Hill Firehouse, 9 AM.

11) Check # 2545 dated 05/16/2014 from County of Sullivan made payable to Town of Thompson in the amount of \$65,704.88 for the 2014 1<sup>st</sup> quarter mortgage tax payment.

**AGENDA ITEMS:**

**1. ACTION: PROPOSED LOCAL LAW NO. 04 OF 2014 – SENIOR AGED EXEMPTION (RPTL SECTION 467)**

**The Following Resolution Was Duly Adopted: Res. No. 156 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 May 20, 2014

**RESOLUTION TO ENACT LOCAL LAW NO. 04 OF 2014**

**WHEREAS**, proposed Local Law No. 04 of the year 2014 entitled, "A local law amending Chapter 218 entitled "Taxation" of the Town of Thompson Code" was introduced to the Town Board at a meeting held on April 29, 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. 04 for the year 2014, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.<sup>2</sup>

Moved by: Councilman Richard Sush

Seconded by: Councilman Peter T. Briggs

Adopted on Motion May 20, 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"/>

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<sup>2</sup> ATTACHMENT: A COPY OF ENACTED LOCAL LAW NO. 04 OF 2014.

## **2. CONTINUED DISCUSSION: CEMETERY MAINTENANCE – OLD SAINT JOHN STREET CEMETERY**

Councilman Pavese went to the cemetery for a site visit to inspect the unkempt condition, which he reported on. There are several large trees located on the property line that the Town may want to consider removing. The question is if the trees are located on the property line who owns them. Town Historian Allan S. Wolkoff was present who has a map of the cemetery, which he will provide to see if the Town can determine what trees actually belong to the cemetery. There was also question regarding the condition and ownership of the fence and whether it is required or not. Supervisor Rieber believes that according to law fencing is a requirement. Discussion ensued between the Town Board, Town Attorney, Town Historian, Superintendent Benjamin and Superintendent Culligan regarding how the maintenance should be handled and the cost involved. Councilman Pavese has contacted several contractors who specialize in landscaping to obtain price quotes. He will provide copies of the price quotes once they are received. Cost will definitely be a factor, but the Town Board agreed that basic cleanup, removal of several small trees and repair or replacement of fencing is required at this time. Councilman Pavese will report back with price quotes once received.

## **3. CONSERVATION ADVISORY COUNCIL – DISCUSS APPOINTMENTS TO A (5) MEMBER BOARD**

The Town Board discussed the appointments to the Conservation Advisory Council, which will be reduced down to a (5) member board according to the local law that was adopted at the last Town Board Meeting. There are currently (7) members left on the former board, but the Town Board is not sure who is still interested in serving. Several Town Board Members said that they would reach out to the various (7) members to see if they are still interested in serving before revised appointments are made. Supervisor Rieber will put this matter on the next Town Board Meeting agenda for continued discussion.

## **4. AUTHORIZE CONTRACT EXECUTION WITH MCGOEY, HAUSER & EDSALL CONSULTING ENGINEERS – ENGINEERING SERVICES FOR PREPARATION OF MAP, PLAN & REPORT FOR HOLIDAY MOUNTAIN FUN PARK**

A copy of the agreement for engineering services between the Town and McGoe, Hauser & Edsall Consulting Engineers, P.C. for Professional Services related to the preparation of a map, plan and report for the proposed holiday mountain fun park sewer district was provided for the Boards review and consideration. Attorney Mednick advised that the Map, Plan & Report was authorized by the prior Town Board back on October 1<sup>st</sup>, 2013. He is recommending that Supervisor Rieber execute the necessary documents so that the Map, Plan & Report can be completed.

**The Following Resolution Was Duly Adopted: Res. No. 157 of the Year 2014.**

Resolved, that the Town Board of the Town of Thompson approves the agreement for engineering services between the Town and McGoey, Hauser & Edsall Consulting Engineers, P.C. for professional engineering services related to the preparation of a map, plan and report for the proposed Holiday Mountain Fun Park Sewer District and

Further Be It Resolved, that the Town Supervisor William J. Rieber hereby be authorized to execute said agreement as presented and reviewed by Town Attorney Michael B. Mednick. Resolution is subject to monies being placed in escrow prior to any engineering services being performed.

Moved by: Councilman Sush                      Seconded by: Councilman Briggs

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

Nays 0

**5. GOLDEN RIDGE DEVELOPMENT – AUTHORIZE SUPERVISOR TO SIGN DOCUMENTS RELATING TO EASEMENT, RIGHTS-OF-WAY, ETC. SUBJECT TO PAULA E. KAY, ESQ.**

Attorney Mednick explained that there is a large stack transfer documents for the necessary easements and rights-of-way (conservation and access etc.) on the Golden Ridge Development Property relating to their project, which requires execution by the Town Supervisor. The easements and rights-of-way are being required by the Planning Board as part of the project site plan approval. They have all been reviewed by Town Engineer Richard D. McGoey, Planning Board, Planning Board Attorney Paula E. Kay and Town Attorney Mednick. Attorney Mednick is recommending that the Board authorize the execution in order for the property to close and finalize all documents so that the project can move forward. Further discussion ensued between the Town Board, Attorney Mednick, Supt. Benjamin and Supt. Culligan regarding the easements and the roadway.

**The Following Resolution Was Duly Adopted: Res. No. 158 of the Year 2014.**

Resolved, that the Town Board of the Town of Thompson hereby authorizes the execution of the necessary Real Estate Property Easements, Rights-of-Way and Transfer documents in connection with the Golden Ridge Development Project required by the Town of Thompson Planning Board as presented and reviewed by Town Engineer Richard D. McGoey, Deputy Town Attorney Paula E. Kay and Town Attorney Michael B. Médnick. Further Be It Resolved, that all necessary documents that are required to be filed, be filed with the County of Sullivan.

Moved by: Councilman Mace                      Seconded by: Councilman Sush

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

Nays 0

**6. DISCUSSION: REQUEST BY HIGHWAY SUPT. BENJAMIN FOR RESOLUTION OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT**

Highway Supt. Richard Benjamin presented a Resolution that was approved by the Livingston County Board of Supervisors recently opposing expansion of federal control under clean water act. The Sullivan County Highway Superintendents Association

supports the same Resolution. The Sullivan County DPW Commissioner is also encouraging all towns to adopt a similar Resolution. Supt. Benjamin said that the new regulations would be so restrictive that the Towns would not be able to function. He provided a few examples regarding ditching, drainage issues and normal routine maintenance. He is recommending that the Town Board adopt a similar Resolution that we would send to our Federal and State Representatives. Attorney Mednick said that the Town Board can approve this Resolution, which he will use and just change some of the names of our Local Representatives to the ones representing our District. The Town Board took action as follows:

**The Following Resolution Was Duly Adopted: Res. No. 159 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 May 20, 2014

**RESOLUTION OPPOSING EXPANSION OF FEDERAL CONTROL UNDER CLEAN WATER ACT**

**WHEREAS**, the U.S. Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) have released a 371 page draft regulation for Definition of Waters of the U.S. under the Clean Water Act; and

**WHEREAS**, both agencies are seeking a rule change to give the federal government more authority by expanding the definition of “navigable waters” in the Clean Water Act; and

**WHEREAS**, the rule change proposed by the EPA and the Corps would subject almost all physical areas with a connection to downstream navigable waters – including features such as ditches, natural or man-made ponds, and flood plains – to the jurisdiction of the Clean Water Act; and

**WHEREAS**, the proposed rule change, if adopted, will cause significant harm to local farmers, stall the development of businesses, take control of land used for sustainable food production out of our local providers’ hands, and negatively impact Town-owned and maintained infrastructure such a roadside ditches and flood-control channels; and

**WHEREAS**, the costs to our farms, municipalities and taxpayers will be enormous; and

**WHEREAS**, the New York Farm Bureau, the National Association of Counties (NACo) and the National Association of County Engineers (NACE) oppose the proposed rule change; and

**WHEREAS**, it is impractical for the federal government to regulate every ditch, pond and rain puddle that may have some tenuous connection – miles away – to a body of water currently defined as “navigable”.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Thompson hereby strongly opposes the EPA and Corps expansion of the Clean Water Act, as proposed.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this Resolution to the Environmental Protection Agency, the Army Corps of Engineers, U.S. Senators Schumer and Gillibrand, U.S. Congressman Gibson, N.Y.S. Governor Cuomo, N.Y.S. Senator Bonacic, Assemblywoman Gunther, the National Association of Counties, N.Y.S. Association of Towns, the New York Farm Bureau, and the N.Y.S. County Highway Superintendents Association.

Adopted the 20<sup>th</sup> day of May, 2014.

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.	Yes [X] No [ ]
Councilman PETER T. BRIGGS	Yes [X] No [ ]
Councilman RICHARD SUSH	Yes [X] No [ ]
Councilman SCOTT MACE	Yes [X] No [ ]
Councilman JOHN A. PAVESE	Yes [X] No [ ]

**7. DECLARE SURPLUS EQUIPMENT – BUILDING DEPARTMENT VEHICLE (1998 JEEP CHEROKEE) – LOGAN E. OTTINO, DEPARTMENT HEAD**

Building Department Head Logan E. Ottino is requesting that the Town Board declare 1998 Jeep Cherokee, VIN # 1J4FJ28S8WL226359, for the Building Department as surplus. The Town Board discussed the best means to dispose of the vehicle and it was decided that it should be sold at auction sometime in the near future.

**The Following Resolution Was Duly Adopted: Res. No. 160 of the Year 2014.**

Resolved, that the 1998 Jeep Cherokee, VIN # 1J4FJ28S8WL226359, for the Building Department hereby be declared surplus and that the Building Department Head be authorized to either sell, auction, bid or scrap said vehicle, whichever is best financially.

Moved by: Councilman Mace                                      Seconded by: Councilman Briggs

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

Nays 0

**8. COUNCILMAN BRIGGS REPORT ON DOG CONTROL OFFICER VEHICLE**

Councilman Briggs reported on a meeting that he had with Nancy Marinchak, Dog Control Officer regarding the need to replace her current vehicle. The vehicle is a 2001 Dodge Ram 1500 Pickup Truck with approximately 73,000 miles. He spoke with David Kerber over at the Highway Department who has been performing all of the repair and maintenance on the vehicle and he is recommending that the Town Board consider



replacing the vehicle. The vehicle was purchased new back in 2001 it has a lot of wear and is constantly requiring repairs. Councilman Pavese said he spoke with Nancy and she would like the Town Board to consider a van as a replacement for the Pickup Truck. This would give her more room to get the dogs in and out with the crates and it would also make it easier for her to lift the dogs/crates in and out. After discussion it was decided that the Town would look into purchasing a new van off State Bid. Supervisor Rieber asked Supt. Culligan to check the State Bid List to obtain information regarding these types of vehicles that are being offered. Supt. Culligan said he would go online to obtain the information and will report back with his findings.

#### **9. TIME WARNER CABLE FRANCHISE AGREEMENT RENEWAL – MICHAEL B. MEDNICK, ESQ.**

Attorney Mednick has been trying to contact Brenda Parks, Representative of Government Affairs for Time Warner Cable to discuss the Franchise Agreement, but he has not received a response back. The Town Board is not sure if she is still with Time Warner Cable or not. Councilman Sush said that he might see her in tomorrow evening and he will ask her to contact Attorney Mednick if she is still with Time Warner Cable. If she is no longer with them he will ask her if she knows who the Town should contact regarding this matter. If he is able to speak with Ms. Parks he will let Attorney Mednick know what the status is.

#### **12. CONTINUED DISCUSSION: CABLE SERVICE AT WATER & SEWER DEPARTMENT**

Supervisor Rieber said that there is still an issue regarding the installation of cable service at the Water & Sewer Department. The Town has a signed contract with Time Warner Cable and there was an over estimate on the cost to extend the service. Time Warner Cable has since been trying to negotiate with the Town to obtain additional service for telephone connections with them as an incentive to proceed with the installation. Supervisor Rieber said that the Town is currently under contract with Cornerstone for our telephone service and would not recommend changing at this time. However the Town has a contract with Time Warner for the installation and the Town Board feels that they should honor the contract and install the service to that area. If they extend the service to that area there would be other residents along the roadway that advised they would be interested. Attorney Mednick has not yet had an opportunity to review the contract, but Supervisor Rieber will provide him with a copy so that he can write a letter to Time Warner Cable regarding the issue. A copy of the letter will be provided to Supervisor Rieber and the Town Board once completed.

#### **10. REPORT TO EFC RE: HARRIS SEWER DISTRICT PROJECT**

Matthew Sickler, P.E. of McGoey, Hauser & Edsall Consulting Engineers P.C. provided a copy of the updated application documents regarding the Harris Sewer District Clean Water State Revolving Loan Fund Project update on the Plus System that have been filed with the NYS EFC. The total project cost is estimated to be \$5,952,218.00. Comptroller Gary J. Lasher reported that he is still waiting on the surrounding property owners to negotiate the property purchase for the construction of a new wastewater treatment plant (WWTP) facility located at the site of the current Benmosche Pump



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

<b>REINER PUMP SYSTEMS, INC.</b>	<b>\$5,801.25</b>
1 – MECHANICAL SEAL	\$536.67
1 – SHAFT SLEEVE	\$546.67
1 – WASHER IMPELLER	\$148.33
1 – CAP SCREW	\$11.67
1 – 1 SHAFT KEY	\$26.67
1 – MOTOR MARATHON 20 H.P.	\$3,815.00
2 – PROBE RODS @ \$25.50 EACH	\$51.00
2 – PROBE FITTINGS @ \$215.39 EACH	\$430.78
2 – HEAT SHRINK @ \$13.23 EACH	\$26.46
2 – NUT TERMINALS @ \$0.00	\$0.00
1 – FREIGHT	\$208.00

Total Cost = \$5,801.25 Shipping Included

(Note: Sole Source Procurement for this area. Replacement Parts for the Old Route 17 Sewage Pump Station in the Harris District.)

Motion by: Councilman Briggs                      Seconded by: Councilman Mace

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

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 163 of the Year 2014.**

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

<b>FLEET PUMP &amp; SERVICE GROUP, INC.</b>	<b>\$6,775.00 Shipping Included</b>
1 – FLYGT MODEL 4" NP 3102, 5 HP, 460 VOLT, 3 PHASE, 463 IMPELLER, FLANGE WITH 50 FT. POWER CABLE	

Total Cost = \$6,775.00 Shipping Included

(Note: Sole Source Procurement, Fleet Pump is the Area Representative for Flygt Pump. The Replacement Parts are for the Emerald Green Sewage Treatment Plant.)

Motion by: Councilman Mace                      Seconded by: Councilman Briggs

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

Nays 0

**The Following Resolution Was Duly Adopted: Res. No. 164 of the Year 2014.**

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

<b>KOESTER ASSOCIATES</b>	<b>\$54,645.00 TOTAL COST</b>
1 – FIRST STAGE PUMP – CORNELL HORIZONTAL DRY PIT NON-CLOG 1300	\$24,750.00

GPM PUMP WITH ALL NECESSARY FITTINGS  
 TO COMPLETE INSTALLATION  
 1 – SECOND STAGE PUMP – CORNELL      \$22,900.00  
 HORIZONTAL DRY PIT NON-CLOG 1300  
 GPM PUMP WITH ALL NECESSARY FITTINGS  
 TO COMPLETE INSTALLATION  
 1 – 6" RUBBER EXPANSION PIPE      \$1,495.00  
 1 – LABOR TO INSTALL EQUIPMENT      \$5,500.00  
**TOTAL COST =      \$54,645.00 (SHIPPING INCLUDED)**

(Note: Sole Source Procurement. The Replacement Parts are for the Benmosche Sewage Pump Station.)

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

**15. BUDGET TRANSFERS**

There are no budget transfers to be made at this time.

**OLD BUSINESS:**

**APPROVAL OF INFRARED IMAGING SERVICES LLC PROPOSAL FOR INFRARED INSPECTION OF INSULATED ROOFS**

**The Following Resolution Was Duly Adopted: Res. No. 165 of the Year 2014.**

Resolved, that the Town Board of the Town of Thompson hereby authorize the proposal with Infrared Imaging Services LLC for Infrared Inspection of Insulated Roofs at the Town Hall for a total fixed price of \$1,850.00 according to Proposal/Reference No. 56 and Further Be It Resolved, that the Town Supervisor hereby be authorized to execute said service order agreement.

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

**NEW BUSINESS:**

**REVISED RESOLUTION SUPPORTING THE APPLICATION OF (CONCORD ASSOCIATES, LP.) TO DEVELOP AND OPERATE A GAMING FACILITY IN THE TOWN OF THOMPSON**

The NYS Gaming Facility Location Board is requiring that the Resolutions supporting requests for application to develop and operate a gaming facility in New York State be more specific in nature clearly identifying the sites. They provided guidelines for Acceptable Host Municipality Resolutions in Support of the Location of a Gaming Facility, which included the acceptable resolved clause and unacceptable resolved causes. All three Resolutions will most likely be required, however only one revised Resolution has been prepared and presented at this meeting for action. This Resolution is for the Concord Associates, LP project. If the other two Resolutions are not acceptable then those Resolutions will also be revised and presented for action at the next Town Board Meeting. There is still sufficient time to revise the other two

Resolutions if required since the Resolutions are required to be filed by June 30<sup>th</sup>, 2014. After further discussion Supervisor Rieber said that he would re-schedule this matter on the next Town Board Meeting Agenda. Action on the one revised Resolution was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 166 of the Year 2014.**

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON SUPPORTING THE APPLICATION OF CONCORD ASSOCIATES, L.P. TO DEVELOP AND OPERATE A GAMING FACILITY IN THE TOWN OF THOMPSON**

**WHEREAS**, in April, 2004, the Planning Board of the Town of Thompson first granted site plan approval to Concord Associates, L.P. for the development on the former Concord Hotel site of, among other uses, a gaming casino and related facilities; and

**WHEREAS**, in November, 2006, the Town Board of the Town of Thompson first approved a Comprehensive Development Plan for the development on the former Concord Hotel site of, among other uses, the gaming casino and related facilities previously approved by the Planning Board; and

**WHEREAS**, as most recently amended, the site plan and Comprehensive Development Plan permit the development on the former Concord Hotel site of the “Mohegan Sun at The Concord,” the first phase of which is currently anticipated to consist of the following principal components: an up to 63,000 square-foot casino, 252 hotel rooms, up to 25,000 square feet of meeting and event space, a 3,000 square-foot fitness center, up to four restaurants and a multi-venue food court; and

**WHEREAS**, in September and December, 2008, the Town issued building permits for the construction of certain components of Mohegan Sun at The Concord, and those permits have been duly extended from time to time and are currently in full force and effect; and

**WHEREAS**, Concord Associates, L.P. has informed the Town that in response to the Request for Applications to Develop a Gaming Facility in New York State issued by the New York State Gaming Facility Location Board on March 31, 2014 (the “RFA”), it intends to submit an Application for a license to operate a Gaming Facility at the former Concord Hotel site; and

**WHEREAS**, as a condition of the acceptance of an Application, local support for the Application must be demonstrated through a post-November 5, 2013 resolution of the local legislative body of each Host Municipality; and

**WHEREAS**, the Town of Thompson is the Host Municipality for the Gaming Facility at the former Concord Hotel site; and

**WHEREAS**, the Town Board desires to express its support for the Application of Concord Associates, L.P.

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

1. Capitalized terms used but not defined in this Resolution shall have the meanings given to them in the RFA.
2. The Town hereby supports the Application of Concord Associates, L.P. for a License to operate a Gaming Facility at the former Concord Hotel premises, located on Concord Road in the Town of Thompson.
3. The Town hereby agrees to the location of the Concord Associates, L.P. Gaming Facility at the former Concord Hotel premises, located on Concord Road in the Town of Thompson.
4. The Supervisor is hereby authorized to take such other actions as may reasonably be required to evidence the Town's support for Application by Concord Associates, L.P.
5. This Resolution shall take effect immediately upon adoption.

Motion by: Councilman Richard Sush

Seconded by: Councilman Peter T. Briggs

Adopted on motion on May 20, 2014

The Town Board voted as follows:

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

### **SUPERVISOR REPORT**

The Supervisor reported on various items throughout the meeting, but a specific report was not provided.

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

- 1) Councilman Mace reported that Assessor Van B. Krzywicki is getting ready for his first Tax Grievance Day, which will be coming up on Tuesday, May 27<sup>th</sup>, 2014. This is one of the reasons why Proposed Local Law No. 4 of 2014 for the Senior Aged Exemption has been adopted.
- 2) Councilman Sush reported on the Monticello Rotary Scholarship Dinner awarding Scholarships to Monticello and Fallsburg High School Students. Both he and Attorney Mednick attended the event earlier this evening, which is the reason that they arrive a few minutes late to the meeting. Attorney Mednick's son is one

of the scholarship recipients as well as two other students that were present for Participation in Government, which Councilman Sush identified.

- 3) Councilman Briggs followed up on the PetSmart Grant for Feral Cat Spay/Neuter Program that the Town applied for back in early March. He was advised that the application status is still pending and would be extended for additional 30-days. He will follow up after the 30-days if the Town has not received a response.
- 4) Councilman Pavese commented on the Rock Hill Fire Department's Ball Field Dedication Event, which took place this past Sunday. The project was a joint effort and they all did a great job on the entire project, the Town Board all agreed. There are already (90) Games scheduled by the end of this July. Supervisor Rieber briefly commented on the project, he also advised that they are planning to put a playground on top of the hill with some combined funding sources, which were identified and will be nice for the children. The entire project will be good for the community.

### **PUBLIC COMMENT:**

Mr. Frank Kelly of Melody Lake asked about the status of the movie theater in Thompson Square. Supervisor Rieber, Town Board and Code Enforcement Officer Logan E. Ottino responded to Mr. Kelly's comment. The condition of the roof is still an issue and there is moisture coming in through the walls as well, which requires repair before the developer installs very expensive electronic equipment. The equipment could be damaged due to the moisture and the developer is requiring that the Mall owner correct the issues before proceeding further. However the developer is eager to move forward. The Town could contact the Mall owners to try and encourage them to move forward with the improvements. Other issues involving the Mall ownership and operation were discussed.

Mrs. Pamela Zaitchick of Glen Wild questioned the status of the Sewer Feasibility Study for China City. She questioned whether a new/revised site plan application was ever submitted and received from China City identifying the correct parcels/lots to be developed. She also commented on the former Gildick's property located near James Contrys located off Exit 107. She said that since the bridge construction along NYS Route 17 has commenced this property is now visible from the roadway, which looks unsightly. Discussion ensued regarding the NYS DOT to install fencing reducing the visibility of the surrounding properties. She commented on the Neversink River View Shed issue as well. She also commented on other eyesore issues located in the Village of Monticello. Supervisor Rieber and the Town Board responded to each of her comments including the one regarding the Village of Monticello.

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

- May 31<sup>st</sup> – June 7<sup>th</sup>: Annual Spring Cleanup Program, Permit Required from Town Clerk for all Thompson Residents outside of Village.
- June 1<sup>st</sup>: Annual Antique Classic-Custom Car Show & Swap Meet @ Rock Hill Firehouse commencing at 9 AM.

**EXECUTIVE SESSION**

On a motion made by Councilman Briggs and seconded by Councilman Sush the Town Board entered into Executive Session at 9:10 PM with Town Attorney Michael B. Mednick, Comptroller Gary J. Lasher and Highway Superintendent Richard Benjamin Jr. to discuss a personnel matter and two litigation matters.

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 10:19 PM. Further action was taken as follows:

**STIPULATION OF SETTLEMENT – ISRAEL OSTER AND CHAYA OSTER VS TOWN OF THOMPSON AND PLANNING BOARD OF TOWN OF THOMPSON**

**The Following Resolution Was Duly Adopted: Res. No. 167 of the Year 2014.**

Resolved, that the Stipulation of Settlement between Israel Oster and Chaya Oster and the Town of Thompson and Planning Board of the Town of Thompson hereby be approved and settled as presented and Further Be It Resolved, that the Town Supervisor, Planning Board and Town Attorney hereby be authorized to execute said stipulation, which will be filed in the Office of the Town Clerk.

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

**AUTHORIZATION TO INCREASE STIPEND FOR THE PLANNING BOARD AND ZONING BOARD OF APPEALS SECRETARY – KATHLEEN BRAWLEY**

**The Following Resolution Was Duly Adopted: Res. No. 168 of the Year 2014.**


Resolved, that the stipend for Kathleen Brawley, Town of Thompson Planning Board and Zoning Board of Appeals Secretary hereby be increased to \$450.00 effective June 1<sup>st</sup>, 2014.

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

**ADJOURNMENT**

On a motion made by Councilman Sush and seconded by Councilman Briggs the meeting was adjourned at 10:20 PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**



Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Thompson

Local Law No. 04 of the year 2014

A local law amending Chapter 218 entitled "Taxation" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

1. Article I entitled "Senior Citizens Exemption" of Chapter 218 of the Code of the Town of Thompson entitled "Taxation", is hereby amended to include as follows:
  - A. Pursuant to Real Property Tax Law §467(5) applications for such exemption under §467 and §467(A) shall be made by the owner, or all of the owners of the property, on forms prescribed by the state board, to be furnished by the Town Assessor and shall be filed in the Town of Thompson Assessor's office on or before the taxable status date.
  - B. The Town Assessor is authorized to accept applications for renewal of exemptions pursuant to Real Property Tax Law §467 and §467(A) after the taxable status date. That in the event the owner, or all of the owners, of property which has received an exemption pursuant to RPTL §467 or §467(A) on the preceding assessment roll fail to file the renewal application required on or before taxable status date, such owner or owners may file the renewal application, executed, as if such renewal application had been filed, on or before the date for the hearing of complaints.
  - C. The Town Assessor is also authorized, upon receiving an initial application for exemption under §467 and §467(A) of the Real Property Tax Law after the taxable status date has passed but prior to the date for hearing of complaints by the Board of Assessment Review, to execute and transmit to the Board of Assessment Review a verified statement that such late initial application for exemption has been received. At the meeting of the Board of Assessment Review, said Board shall hear and determine all verified statements and upon such review shall have all of the powers and duties imposed by law to determine and/or make changes to said assessment pursuant to Title 1A of the RPTL and any other law.
2. Except as herein specifically amended, the remainder of Chapter 218 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. 04 of 2014 of the Town of Thompson was duly passed by the Town Board on May 20, 2014 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2014 of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2014 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2014, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2014 of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2014 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 2014, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2014 of the County/City/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2014 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2014 in accordance with the applicable provisions of law.

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\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. 04 of 2014 of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 2014 became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2014 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 2014, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

  
Clerk of the county legislative body, city, town,  
village clerk or officer designated by local legislative  
body


Date: May 22, 2014

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: May 22, 2014

  
Attorney for Town of Thompson