

# TOWN OF THOMPSON

## -Meeting Agenda-

Tuesday, December 20, 2016

7:30 P.M.

### NOTE: SPECIAL TENTATIVE SPECIAL DISTRICT ASSESSMENT HEARING @ 7PM

#### PUBLIC HEARING:

- 1) PROPOSED LOCAL LAW #10: AMEND CHAPTERS 250 – SOLAR POWER ENERGY SYSTEM REQUIREMENTS
- 2) PROPOSED LOCAL LAW #11: ESTABLISHMENT OF SEWER RENTS/RATES FOR 2017

CALL TO ORDER

ROLL CALL

PLEDGE TO THE FLAG

APPROVAL OF PREVIOUS MINUTES: November 15, 2016 Reconvened Town Board Meeting  
November 15, 2016 Special Joint Hearing w/Village  
December 6, 2016 Regular Town Board Meeting

PUBLIC COMMENT:

CORRESPONDENCE:

- **Toby Boritz:** Emails/Letters Dated 12/05/16 & 12/12/16 – Comments Re: Leisure Acres Area Variance Before ZBA
- **Chris Wallace:** Email/Letter – Comments Re: Leisure Acres Area Variance Before ZBA
- **Sylvia Schwartz:** Email/Letter – Comments Re: Leisure Acres Area Variance Before ZBA
- **SC Division of Planning & Environmental Management:** GML-239 Review Proposed Local Law – Zone Change Leisure Acres
- **Kathleen Brawley:** Letter of Resignation from Planning Board & Zoning Board of Appeals Secretary Eff. 01/31/17
- **NYS Senator John J. Bonacic:** Support of NYS Homes & Community Renewal Unified Grant Funding Application of Pathstone Development Corporation for the West Broadway Villas II Project.

AGENDA ITEMS:

- 1) **Action: Resolution to Enact Proposed Local Law #9** - Amend Chapters 52 & 250 – Establishment of Parkland & Recreation Fees
- 2) **Action: Resolution to Enact Proposed Local Law #10** – Amend Chapter 250 – Solar Power Energy System Requirements
- 3) **Action: Resolution to Enact Proposed Local Law #11** – Establishment of Sewer Rents/Rates for 2017
- 4) **Montreign:** Resolve to declare Town Board the lead agency for SEQR regarding a minor amendment to the previously approved site plan for Montreign hotel casino. This is in connection with the addition of a day care facility on the premises and to construct a covered walkway between the Entertainment Village hotel and the Montreign hotel and casino.
- 5) **Gemstar Estates** – Report on Meeting Regarding Enforcement of Restoration Bond & Collection of Unpaid Invoices
- 6) **Continued Discussion: Dog Control Officer Request for Purchase of Dog Kennel** – Report by Councilman Pavese

- 7) **Forest Park Estates: Irrevocable Offer of Roadway Dedication**
- 8) **Authorize 1-Year TextCaster License Agreement with Mobile Media Technologies, LLC**
- 9) **Bernie Weiser: Request Preparation of a Map, Plan & Report for Water & Sewer Service – Cold Spring Road for Tax Parcels 29.-1-22.1 & 25.1.**
- 10) **Resolution to Accept a Portion of Old Ryan Road by Use**
- 11) **Resolution to Accept a Portion of Town Road 102B by Use**
- 12) **Water & Sewer Department – New Hire Discussion for “Sewer Treatment Plant Operator Trainee”**
- 13) **Bills Over \$1,250.00**
- 14) **Order Bills Paid**

**REPORTS: SUPERVISOR, COUNCILMEN & DEPARTMENT HEADS**

**OLD BUSINESS**

**NEW BUSINESS**

**PUBLIC COMMENT:**

**EXECUTIVE SESSION: PERSONNEL MATTERS**

**ADJOURN**

Sullivan County Democrat  
5 Lower Main St., PO Box 308  
Callicoon, NY 12723-0308  
845-887-5200 Fax: 845-887-5386

**Affidavit of Publication**

State of New York

SS:

County of Sullivan

Legal Notice Ad

I, Fred W. Stabbert, III, being duly sworn, Depose and say: That I am the Publisher of Sullivan County Democrat, a twice weekly newspaper of general circulation published in Callicoon, County of Sullivan, State of New York; and that a notice, of which the annexed is a printed copy, was duly published in Sullivan County Democrat 12/9/16

Fred W. Stabbert, III

Sworn to before me this 9<sup>th</sup> day of December, 2016

Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2019

PH

**LEGAL NOTICE**  
TOWN OF THOMPSON  
SPECIAL DISTRICT ASSESSMENT HEARING  
~~PLEASE TAKE~~  
NOTICE that Town Board has filed with the Town Clerk the Special District Assessment Rolls for the Adalaar Sewer District, Anawana Sewer District, Cold Spring Sewer District, Dillon Farms Sewer District, Emerald Green/Lake Louise Marie Sewer District, Harris Sewer District, Harris Woods Sewer District, Kiamesha Lake Sewer District, Melody Lake Sewer District, Rock Hill Sewer District, Sackett Lake Sewer District, Kiamesha Outside User, Adalaar Water District, Cold Spring Water District, Dillon Water District, Kiamesha Route 42 Water District and Lucky Lake Water District for the year 2017. The Special District Assessment Rolls for all Sewer and Water Districts within the Town of Thompson are available for inspection by the Public during the normal work hours of 8:30 AM to 4:30 PM, Monday through Friday. The Town Board has determined that it will meet at the Town Hall, 4052 State Route 42, Monticello, New York at 7:00 PM on December 20, 2016 to hear and consider objections that may be made to the rolls.  
DATED: DECEMBER 06, 2016  
BY ORDER OF THE TOWN BOARD  
MARILEE J. CALHOUN, TOWN CLERK  
46588



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DATED: DECEMBER 06, 2016

**BY ORDER OF THE TOWN BOARD  
MARILEE J. CALHOUN, TOWN CLERK**

## NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE** that the Town Board of the Town of Thompson will hold a public hearing on the 2017 special district assessment roll on December 20, 2016 at 7:00 pm at the Town Hall, 4052 Route 42N, Monticello, New York to hear and consider objections which may be made to the roll. The tax records of the Town indicate you own property which is located in one or more of the following special assessment districts:

**SEWER DISTRICTS:** Adalaar, Anawana, Cold Spring, Dillon, Emerald Green/  
Lake Louise Marle, Harris, Harris Woods, Klamesha, Melody Lake, Rock Hill,  
Sackett Lake, Klamesha Outside User

**WATER DISTRICTS:** Adalaar, Cold Spring, Dillon, Klamesha, Lucky Lake

This hearing is to discuss assessed points only, it is not in regard to specific rates.

The Special Assessment Roll and Schedule of Points are available for inspection by the public during normal work hours of 8:30 am thru 4:30 pm in the Office of the Town Clerk at the Town Hall and are available on the town's website: [www.townofthompson.com](http://www.townofthompson.com)

BY ORDER OF THE TOWN BOARD - Town of Thompson  
Marilee Calhoun, Town Clerk



Sullivan County Democrat  
5 Lower Main St., PO Box 308  
Callicoon, NY 12723-0308  
845-887-5200 Fax: 845-887-5386

**Affidavit of Publication**

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County of Sullivan

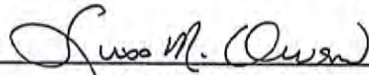
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Fred W. Stabbert, III

Sworn to before me this 13<sup>th</sup> day of December, 2016



Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2019

**LEGAL NOTICE  
TOWN OF THOMPSON**

**NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on November 01, 2016, a proposed Local Law No. 10 of 2016, entitled "A local law adding Chapter 224 entitled 'Solar Energy Systems' to the Town of Thompson Code" which local law has been renamed to "A local law adding Article XIV entitled 'Solar Power Energy System Requirements' to Chapter 250 entitled 'Zoning and Planned Unit Development' to the Town of Thompson Code.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on December 20, 2016 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

The proposed Local Law will establish regulations in connection with the installation of solar energy systems. Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed Local Law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Town Board of the Town of Thompson will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed Local Law described above and, as deemed advisable by said Board, taking action on the enactment of said Local Law.

Dated: November 01, 2016

BY ORDER OF  
THE TOWN BOARD  
TOWN OF THOMPSON

MARILEE J. CALHOUN  
TOWN CLERK  
46587



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Dated: November 01, 2016

BY ORDER OF THE TOWN BOARD  
TOWN OF THOMPSON  
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. 10 of the year 2016

A local law adding Article XIV entitled "Solar Power Energy System Requirements" to Chapter 250 entitled "Zoning and Planned Unit Development" to the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

**1. § 250-155. Purpose.**

The purpose of this chapter shall be to adopt statutory requirements to advance and protect the public health, safety and welfare of citizens of the Town of Thompson, New York; to take advantage of safe, abundant, renewable and nonpolluting energy resources; to decrease the cost of energy to the owners of commercial and residential properties; and to increase employment and business development in the region by furthering the installation of Solar Energy Systems.

**§250-156. Legislative authority.**

This chapter is enacted pursuant to Town Law §§ 261 through 263 and §10 of the Municipal Home Rule Law to adopt zoning provisions that advance and protect the health, safety and welfare of the community and to make provision for, so far as conditions may permit, the accommodation of solar energy systems and equipment and access to sunlight necessary therefor.

**§ 250-157. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ACCESSORY STRUCTURE**

A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto or is located on the same lot or premises as the principal building

**BUILDING INTEGRATED PHOTOVOLTAIC SYSTEM**

A combination of photovoltaic building components integrated into any building envelope system such as vertical facades, including glass and other facade material, semitransparent skylight systems, roofing materials and shading over windows.



### **GROUND-MOUNTED SOLAR ENERGY SYSTEM**

A solar energy system which is anchored to the ground and attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity for onsite consumption.

### **LARGE-SCALE SOLAR ENERGY SYSTEM**

A solar energy system which is ground-mounted and produces a rated power of more than 10 kilowatts (kW) or greater per hour of energy for the purpose of producing electricity for on-site and off-site sale or consumption.

### **SMALL-SCALE SOLAR ROOF-MOUNTED SOLAR ENERGY SYSTEM**

A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for on-site or off site consumption which produces a rated power of 10 or less kilowatts (kW) per hour of energy or solar thermal systems.

### **SOLAR ENERGY COLLECTOR**

A solar photovoltaic cell, panel, array, solar hot air or water collector device which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

### **SOLAR ENERGY EQUIPMENT**

Electrical energy storage devices, material, hardware, inverters or other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.

### **SOLAR ENERGY SYSTEM**

An electrical generating system composed of a combination of both solar panels and solar energy equipment.

### **SOLAR PANEL**

A photovoltaic device capable of collecting and converting solar energy into electrical energy.

### **SOLAR-THERMAL SYSTEM**

Solar thermal systems which directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water and heating pool water. The second sentence is not a definition but an example of use.

### **§250-158. Applicability.**

- A. The requirements of this chapter shall apply to all Solar Energy Systems installed or modified after its effective date.
- B. Solar energy collectors shall be permitted only to provide power for use by owners, lessees, tenants, residents or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit collective solar

installations or the sale of excess power through a net billing or net-metering arrangement in accordance with New York Public Service Law § 66-J or similar state or federal statute.

- C. All Solar Energy Systems shall be designed, erected and installed in accordance with all applicable federal, state and local laws, regulations and standards.

**§250-159. Permit required.**

- A. Building permits shall be required in all zoning districts for installation of all solar energy collectors, stationary or tracking, for rooftop building-mounted, ground or pole-mounted, large-scale standing solar collectors; and building-integrated photovoltaic systems. A plaque identifying the property as containing a Solar Energy System shall be prominently displayed on the property.
- B. A building permit may be waived by the Code Enforcement Officer for portable solar energy collectors which are not permanently installed.

**§250-160. Solar energy-systems as accessory uses or structures.**

A. Roof-mounted solar energy systems.

- (1) Roof-mounted Solar Energy Systems which use the electricity on site or off site are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- (2) Height. Solar Energy Systems shall not extend greater than 10 feet above the building or roof on which they are mounted.

B. Ground-mounted Solar Energy Systems.

- (1) Ground- or pole-mounted Solar Energy Systems which use the electricity on site are permitted as accessory structures in the SR, RR-1, RR-2, HC-1 and HC-2 zoning district(s).
- (2) Height and setback. Ground- or pole-mounted Solar Energy Systems shall not exceed 16 feet in height when oriented at maximum tilt, and adhere to the setback requirements in §250-161 C.(1) of this article.
- (3) Lot coverage. Systems are limited to 1,000 square feet. The surface area covered by ground or pole-mounted Solar Energy Systems shall be included in total lot coverage.
- (4) All systems in residential districts shall be located in the side or rear yard

only.

- (5) Ground or pole-mounted Solar Energy Systems that use the electricity primarily for use off site shall be required to obtain a site plan approval required under the local zoning or other land use local laws.

**§250-161. Approval standards for large-scale solar systems as special uses.**

- A. Large-scale Solar Energy Systems are permitted through the issuance of a special use permit within SR, RR-1, RR-2, HC-1, HC-2 and CI Zoning Districts and are subject to the requirements set forth in this section, including but not necessarily limited to site plan approval. Applications for the installation of a large-scale Solar Energy System shall be reviewed by the Town of Thompson Planning Board, which review may include approval, approval on conditions or denial.
- B. Special use permit applications requirements.
  - (1) If the property of the proposed project is to be leased, a copy of the lease and, if applicable, other documents relating to legal consents between the parties specifying the use or uses of the land for the duration of the project, easements and any other relevant agreements shall be submitted.
  - (2) Blueprints showing the layout of the Solar Energy Systems signed by a professional licensed engineer, licensed land surveyor or registered architect shall be required.
  - (3) The equipment specification sheets shall be documented and submitted for all Solar Energy Systems, significant components, mounting systems and inverters which are to be installed.
  - (4) Property operation and maintenance plan. Such plan shall describe continuing Solar Energy System maintenance and property upkeep such as mowing and trimming.
  - (5) Decommissioning plan. To ensure the proper removal of large-scale solar energy systems, a decommissioning plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of the issuance of a special use permit under this section. The decommissioning plan must specify that after the large-scale solar energy system can no longer be used or is abandoned as defined in §250-159, it shall be removed by the applicant or any subsequent owner. The decommissioning plan shall demonstrate how the removal of all infrastructure and the remediation of soil and vegetation shall be conducted to return the property to its original state prior to construction with photographs of the property prior to construction. The plan shall also include an expected timeline for execution. A cost



estimate detailing the projected cost of executing the decommissioning plan shall be prepared by a professional engineer or contractor. Cost estimations shall take into account inflation. Removal of large-scale solar energy systems must be completed in accordance with the decommissioning plan. If the large-scale solar energy system is not decommissioned after it can no longer be used or is considered abandoned, the Town of Thompson may remove the system and restore the property and impose a lien on the property to cover these costs to the Town of Thompson, pursuant to Sections 250-164 and 250-165.

C. Any application under this section shall meet any substantive provisions contained in the local site plan requirements in the Zoning Law that in the judgment of the Town of Thompson Planning Board, are applicable to the Solar Energy System being proposed. The additional following requirements are applicable.

- (1) Height and setback. Large-scale solar energy systems shall not exceed 16 feet in height when oriented at maximum tilt and minimum setback requirements shall be the following for all zoning districts: front yard: 100 feet from property line, but no less than 125 feet from centerline of any road fronting the parcel; rear yard: 50 feet; side yard: 50 feet one side yard, 100 feet both side yards.
- (2) Lot size. Large-scale solar energy systems shall be located on lots with a minimum lot size of 10 acres.
- (3) Lot coverage. A large-scale solar energy system which is ground mounted shall not exceed 80% of the lot where it is installed. The surface area covered by solar panels shall be included in total lot coverage.
- (4) All large-scale solar energy systems shall be enclosed by fencing to prevent unauthorized access. Warning signs with the owner's contact information shall be placed on the entrance and perimeter of the fencing. The type of fencing shall be determined by the Town of Thompson Planning Board.
- (5) The large-scale solar mounting energy system may, in the discretion of the Town of Thompson Planning Board, be further screened by landscaping or other material as needed for protection and visual effect.
- (6) The Town of Thompson Planning Board may impose conditions on its approval of any special use permit under this section in order to enforce the standards referred to in this section or in order to discharge its obligations under the State Environmental Quality Review Act (SEQRA). [1]

[1] Editor's Note: See Environmental Conservation Law §8-0101 et seq.

- (7) A clearly visible warning sign concerning voltage shall be placed at the base of all

pad-mounted transformers and substations.

- (8) Solar modular panels shall not contain hazardous materials or shall be designed in such fashion that any such materials shall be confined and protected from the possibility of any spills in the event of panel damage from normal wear and tear due to weather.
- (9) There shall be no signs except announcement signs, such as “No Trespassing” signs or signs required to warn of danger. A sign shall be placed at any entrance to the facility that identifies the owner and operator with an emergency telephone number where the owner/operator can be reached on a 24-hour basis.
- (10) The large scale solar energy system owner or operator shall provide a copy of the project summary, electrical schematic and site plan to the local fire department. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan.

**§250-162. Safety inspections, maintenance and standards.**

- A. Any connection to the public utility grid must be inspected by the appropriate public utility body.
- B. Solar Energy Systems shall be maintained in good working order.
- C. Rooftop and building-mounted solar energy collectors shall meet the New York State Uniform Fire Prevention and Building Code standard.
- D. If solar storage batteries are included as part of the Solar Energy System, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used, shall be disposed of in accordance with the laws and regulations of the Town of Thompson and/or other applicable New York State and federal laws and regulations.

**§250-163. Abandonment and decommissioning.**

Solar energy systems are considered abandoned after 180 days without electrical energy generation and must be removed from the property. Applications for extensions shall be reviewed by the Town of Thompson Planning Board, which board shall have the right, but not the obligation, to grant extensions. Extensions may be conditional and/or impose restrictions upon the applicant. Applications for extension shall require a fee of \$250.00 or such other amount as may be established pursuant to Chapter A-255 of the Town of Thompson Code entitled “Fees”.

**§250-164. Failure to Comply – Action by Town.**

In the event of the refusal or neglect of the owner of a large scale solar energy system to comply with the removal process pursuant to the accepted decommissioning plan, the Town of Thompson shall provide written notice to the land owner of the violation of the decommissioning plan and if no action is taken to remove the abandoned large-scale solar energy system, the Town Board shall provide for the demolition and removal of the solar energy system pursuant to the decommissioning plan by Town

Employees or by contract. Any contract for the demolition and removal of the solar energy system in excess of \$5,000 shall be awarded through competitive bidding.

**§250-165. Assessment of Expenses.**

All expenses incurred by the Town in connection with the proceedings to demolish, remove and comply with the decommissioning plan for the abandonment of a large scale solar energy system, including any legal, engineering and the actual removal of such solar energy system, shall be assessed against the land on which such large scale solar energy system is located and shall be levied and collected in the same manner as provided in Article 15 of the Town Law for the levy and collection of a special ad valorem levy.

**§250-166. Enforcement; violations and penalties.**

- A. Any person who violates any provision of this chapter shall be guilty of a violation as defined in Article 10 of the New York State Penal Law and shall, upon conviction, be subject to a fine of not more than \$250 or to imprisonment for not more than 15 days, or both such fine and imprisonment. Each week's violation shall constitute a separate and distinct offense, and after two offenses, the fine shall be raised to no more than \$500.
- B. Compliance with this chapter may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction.

**§250-167.** Town of Thompson Local Law No. 3 of 2016 and the moratorium established thereby with respect to solar energy systems is hereby repealed in its entirety.

- 2. Except as herein specifically amended, the remainder of Chapter 250 of such code shall remain in full force and effect.
- 3. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
- 4. Except as herein otherwise provided penalties for the violation of this local law, any person



committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.

5. This local law shall take effect immediately upon filing with the Secretary of State.

(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. \_\_\_ of 2016 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2016 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2015, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 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 \_\_\_\_\_ 2016, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 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 \_\_\_\_\_ 2016 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 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 \_\_\_\_\_ 2016 became operative.

\* 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.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_ 2016, 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: \_\_\_\_\_, 2016

(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: \_\_\_\_\_, 2016

\_\_\_\_\_  
Attorney for Town of Thompson



Sullivan County Democrat  
5 Lower Main St., PO Box 308  
Callicoon, NY 12723-0308  
845-887-5200 Fax: 845-887-5386

**Affidavit of Publication**

State of New York

SS:

County of Sullivan

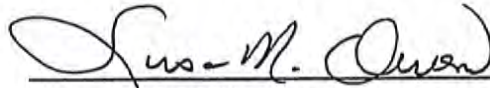
Legal Notice Ad

I, Fred W. Stabbert, III, being duly sworn,  
Depose and say: That I am the Publisher of  
Sullivan County Democrat, a twice weekly  
newspaper of general circulation published in  
Callicoon, County of Sullivan, State of New  
York; and that a notice, of which the annexed  
is a printed copy, was duly published in  
Sullivan County Democrat 12/9/16



Fred W. Stabbert, III

Sworn to before me this 9<sup>th</sup> day of December, 2016



Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2019

**LEGAL NOTICE  
TOWN OF THOMPSON**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that there has been duly presented at a meeting of the Town Board of the Town of Thompson, New York, held on December 06, 2016, a proposed Local Law No. 11 of 2016, entitled "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'".

The proposed Local Law will establish and impose in the various sewer districts of the Town of Thompson, sewer rents for the year 2017.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Thompson will conduct a public hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on December 20, 2016, at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at which time all persons interested will be heard.

Dated: December 06, 2016

MARILEE J. CALHOUN

Town Clerk  
Town of Thompson  
Monticello, New York  
46585

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Dated: December 06, 2016

MARILEE J. CALHOUN  
Town Clerk  
Town of Thompson  
Monticello, New York

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. 11 of 2016

A local law entitled "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'."

Be it enacted by the Town Board of the

Town of Thompson

1. The Town Board of the Town of Thompson, pursuant to the provisions of Article 14-F of the General Municipal Law, entitled "Sewer Rent Law", and in particular Section 452 thereof, does hereby establish and impose sewer rents to be charged in the Harris Sewer District, Harris Woods Sewer District, Dillon Farms Sewer District, Kiamesha Lake Sewer District, Melody Lake Sewer District, Sackett Lake Sewer District, Cold Spring Sewer District, Emerald Green-Lake Louise Marie Sewer District, Anawana Sewer District, and Adelaar Resort Sewer District for the year 2017.
2. The rates to be charged pursuant to Chapter 197 of the Code of the Town of Thompson, Section 197-45, for the year 2017 are as follows:

<u>DISTRICT:</u>	<u>Operation &amp; Maintenance</u>	<u>Capital</u>
Anawana Sewer District:	\$44.07	\$ 0.00
Cold Spring Sewer District:	\$26.59	\$ 0.00
Dillon Farms Sewer District:	\$67.33	\$ 0.00
Emerald Green/Lake Louise Marie Sewer District	\$54.84	\$ 25.01
Harris Sewer District:	\$19.85	\$ 0.00
Kiamesha Lake Sewer District:	\$87.23	\$ 7.15
Melody Lake Sewer District	\$19.97	\$ 83.87
Sackett Lake Sewer District:	\$50.46	\$ 2.13
Harris Woods Sewer District:	\$27.94	\$103.58
Adelaar Resort Sewer District:	\$1,990.52 per lot	\$ 0.00

3. Except as herein specifically amended, the remainder of Chapter 197 of such code shall remain in full force and effect.
4. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined

in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

5. This local law shall take effect immediately.



(Complete the certification in the paragraph which 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. 11 of 2016 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2016 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was approved/not disapproved/repassed after disapproval by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2016, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was approved/not disapproved/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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was approved/not disapproved/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 \_\_\_\_\_ 2016 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 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 \_\_\_\_\_ 2016 became operative.

\* 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.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. 11 of 2016 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.

\_\_\_\_\_  
Town Clerk

Date: December \_\_\_\_, 2016

(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: December \_\_\_\_, 2016

\_\_\_\_\_  
Attorney for the Town of Thompson

November 15, 2016

2017 Proposed sewer rates

Sackett Lake Sewer District Capital	2.13
Sackett Lake Sewer District O & M	50.46
Kiamesha Sewer District Capital	7.15
Kiamesha Sewer District O & M	87.23
Melody Lake Sewer District Capital	19.97
Melody Lake Sewer District O & M	83.87
Harris Woods Sewer District Capital	103.58
Harris Woods Sewer District O & M	27.94
Harris Sewer District Capital	0.00
Harris Sewer District O & M	19.85
Dillion Farms Sewer District Capital	0.00
Dillion Farms Sewer District O & M	67.33
Adelaar Resort Sewer District Capital	0.00
Adelaar Resort Sewer District O & M	1990.52
Anawana Sewer District Capital	0.00
Anawana Sewer District O & M	44.07
Cold Spring Sewer District Capital	0.00
Cold Spring Sewer District O & M	26.59
Emerald Green Sewer District Capital	25.01
Emerald Green Sewer District O & M	54.84

Rock Hill Sewer District Capital	UNK
Rock Hill Sewer District O & M	UNK
Lucky Lake Water District Capital	0.00
Lucky Lake Water District O & M	62.78
Dillon Farms Water District Capital	0.00
Dillion Farms Water District O & M	46.67
Kiamesha Lake Route 42 Water District O &M	.12
Cold Spring Water District Capital	3.44
Cold Spring water District O & M	23.62
Adelaar Resort Water District Capital	0.00
Adelaar Resort Water District O & M	1599.46



C

**marilee (clerk-town of thompson)**

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**From:** toby boritz  
**Sent:** Monday, December 05, 2016 12:21 PM  
**To:** Supervisor (Town of Thompson); rsush@townofthompson.com; Peter Briggs; Scott Mace; JohnPavese@yahoo.com  
**Cc:** marilee (clerk-town of thompson); Michael Mednick Law  
**Subject:** Impt... Re: Leisure Acres Agenda Item 2 of Tues Town Bd Mtg re Cold Spring Sewer Ext... See Attached Letter to ZBA  
**Attachments:** Leisure Acres Request Reprint ZBA Legal Notice 12-5-16.pdf

Bill, Richard, Peter, Scott and John

Attached is my 1-Pg Dec 5th letter to the ZBA requesting that Leisure Acres be removed from the ZBA's Tuesday 12/13 schedule of appeals (and postponed until next month to give 10-day prior notification to neighbors in vicinity) due to incorrect publication of tax map parcels and zoning districts.

Re: Proposed Sewer Extension - As per Agenda Item 2 on tomorrow night's Agenda, the Town Board apparently plans to preliminarily approve a sewer extension into Cold Spring Rd SD for the applicant. But with no determination as yet regarding: (a) how many dwelling units will be built; (b) will they be 2-family duplexes or actual multifamily row houses; (c) will they be granted an RR-1 to SR zone change for 2 of their 3 lots; and (d) the possible postponement of Leisure Acres' ZBA appeal requested in my attached letter due to publication of incorrect data in the local newspaper...

Considering all this uncertainty for a project based on an application and supporting documents that clearly aim to circumvent our longstanding zoning and density laws, why not consider deferring action on Leisure Acres' sewer extension tomorrow night? \*

Thank you for all your hard work on behalf of the community... and thanks for posting those impressive Agenda Packets.

Toby Boritz

\* This Description of Proposed Action on Leisure Acres' 9/20/16 Short EAF makes no sense from a zoning or density perspective: "Proposed *60 unit residential row housing development* on 23.47 acres. *Project will consist of 2 unit buildings with associates amenities include* (sic, associated amenities including) *a community building and pools.*"



To: Thompson ZBA Chair Richard McClernon and Members, and Deputy Attorney Paula Kay  
Re: **Request Reprinting of ZBA Legal Notice - Leisure Acres (SBL 29.-2-13, 29.-2-22 & 29.-2-23)**

Dear Chairman McClernon, Ms. Kay and Members of the Zoning Board of Appeals, 12-5-16

Leisure Acres' appeal for an "area variance," is to be heard at the December 13 Zoning Board of Appeals Meeting "for the purpose of permitting a reduced number of dwelling units of a row house from the required 3 dwelling units to 2 dwelling units." -- from 12/2/16 SC Democrat Legal Notice

Due to the printing of incorrect S/B/L#s & Zoning Classifications in Dec 2 SC Democrat Legal Notice, I respectfully request that Leisure Acres' appeal to the ZBA, scheduled for Dec 13, be removed from the Agenda until the Legal Notice is reprinted correctly, with 10-day prior notification to Planning Bd & to all neighbors with property abutting or w/in 300 ft of the 3 parcels listed below as req'd by §250-47A&D, & with prior notification to neighboring municipality (Village of Monticello) w/in 500 ft of project site & DPEM as stipulated in §250-47C&D. Though a GML-239 Review was done for Sewer Extension, another one is needed for a variance re: this important density issue.

**S/B/L #s were printed incorrectly on Pg 5B of Dec 2 Legal Notice (re: 12/13 ZBA Mtg), as:**

- 29.-2-13.22 and 29.-2-13.23 (No such lots exist in the Town of Thompson!)

**Leisure Acres' 23.54 acre property actually includes the following 3 Tax Map Parcels:**

- S/B/L # 29.-2-13 (15.5 acres located in SR Zoning District)
- S/B/L # 29.-2-22 (4 acres located in RR-1 Zoning District)
- S/B/L # 29-2-23 (4 acres located in RR-1 Zoning District)

**Zoning Districts are also posted incorrectly in Legal Notice ("*Property is located in the SR Zone...*")**

- This posting gives the mistaken impression that all of Leisure Acres' property is SR when only one of the three lots is classified SR (S/B/L 29.-2-13) while the other two parcels are RR-1, as noted above.

Applicant is requesting a so-called "area variance" for 30 two-family duplexes (60 units) by claiming they can calculate density using an inapplicable multifamily formula intended exclusively for row & attached housing. But the duplexes they want to build are NOT row houses since row & attached multifamily houses by definition, must contain "a series of" -- 3 or more -- units per bldg.

I plan to send a follow-up letter re: applicant's appeal for an "area variance" which, if granted, would end up redefining 2-family houses (duplexes) as multifamily row houses & increase density dramatically. But at this time I urge the ZBA to please remove Leisure Acres from your December 13th Agenda until an amended Legal Notice is reprinted in the Democrat accurately listing all 3 tax map parcels with corresponding zoning classifications for this 23.5 acre property... along with required 10-day prior notification to all affected neighboring parcels & the Village of Monticello. A 239 Review is also required, as noted above. Thank you for your attention to this important matter.

*Toby L. Boritz 12-5-16*  
Toby L. Boritz December 5, 2016

cc:: Planning Board, Town Board; Michael Mednick, Esq.; Richard McGoey, P.E.; Director James Carnell; Kathleen Brawley, ZBA & PB Sec'y; CAC; Marilee Calhoun, Town Clerk; Planning Commissioner Freda Eisenberg, AICP

**marilee (clerk-town of thompson)**

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**From:** toby boritz  
**Sent:** Monday, December 12, 2016 10:25 AM  
**To:** Supervisor (Town of Thompson); rsush@townofthompson.com; JohnPavese@yahoo.com; Scott Mace; Peter Briggs  
**Cc:** marilee (clerk-town of thompson); Michael Mednick Law  
**Subject:** Two Leisure Acres Letters Attached - 2-Pg Letter to ZBA re : Area Variance / 1-Pg Letter to PB on Rezoning Request  
**Attachments:** Leisure Acres Opposed to ZBA Area Variance 12-13-16.pdf; Leisure Acres to PB - RR-1 to SR Rezoning 12-12-16.pdf

Bill, Richard, Scott, Peter and John

Leisure Acres is on tomorrow night's 12/13 ZBA Agenda (Appeal for Area Variance) and Wed night's 12/14 Agenda - Requested RR-1 to SR zone change

Please see my two Attached Leisure Acres Letters

- 1) Attachment 1 - 2-Pg Letter to ZBA in Opposition to Leisure Acres' Area Variance Appeal
- 2) Attachment 2 - 1-Pg Letter Asking Planning Board to Defer Recommending an RR-1 to SR Zone Change Until Area Variance Appeal is Decided

Regards,  
Toby



To: Thompson ZBA Chair Richard McClernon and Members, and Deputy Attorney Paula Kay  
Re: **In Opposition to Leisure Acres' ZBA Appeal for "Area Variance" to Build Multifamily Row Houses @ 2 Units per Bldg -- SBL 29.-2-13 (SR) And 29.-2-22 & 29.-2-23 (RR-1, 2 lots, 8 acres)**  
From: Toby L. Boritz email: \_\_\_\_\_  
Date: Prepared 12/12/16 for December 13, 2016 Zoning Board of Appeals Meeting Page 1 of 2

**Dwelling, Multiple** -- *A building or portion thereof containing more than two dwelling units.*  
Town of Thompson Zoning Ordinance, Article 2, August 2, 1971

Dear Mr. McClernon, Ms. Kay and Members of the Zoning Board of Appeals,

In 2014, Leisure Acres (f/k/a POFO Realty) purchased SBL 29.-2-13 (15.47 acres), located in the SR District of Cold Spring Road. At this time, Meyer Silber, the applicant, plans to buy 2 adjacent RR-1 parcels and have them rezoned SR. He wants to build 30 two-family duplexes (60 units) on 17.66 net acres that he is incorrectly calling "row houses." Since multifamily row & attached structures must contain "*a series of*" -- i.e., more than 2 -- units per bldg, he has filed for an area variance seeking to build row houses with 2 (rather than 3 or more) dwelling units per building.

Applicant's area variance appeal, to be heard on Dec 13th, seeks to circumvent and redefine multiple dwelling ordinances §250-28C(2) & 250-2. If granted, it would lead to a doubling of SR and HC density and set an alarming Town-wide precedent. This appeal must be rejected outright and I strongly urge the ZBA to **DENY** applicant's request. Moreover, as far as I can see, Leisure Acres fails to meet all 5 of the criteria your board uses to grant area variances.

#### **Town of Thompson ZBA Criteria for Granting Area Variances**

- 1) Whether the benefit can be achieved by other means feasible to the applicant** - Yes. Pursuant to a zone change, the applicant can build the 60 dwelling units he wants by constructing 20 actual multifamily row houses (rather than 30 duplexes) with 3 dwelling units per bldg @ 4 units an acre on 17.66 SR net acres. Doing so would comply w/ 250-28 regs without undermining the integrity of our zoning laws and without causing a dramatic Town-wide increase in density.
- 2) Whether or not there will be an undesirable change in neighborhood character or to nearby properties** - Definitely. Granting this variance would open the door for any & all SR and HC developers in Thompson to similarly build 2-family houses and call them row houses at more than double allowable density, causing unwanted sprawl & placing added stress on infrastructure.
- 3) Whether or not the request is substantial** - Very substantial. If the ZBA were to grant applicant's request, the Town would be redefining multifamily ordinance §250-28 C(2) & §250-28-2 definitions ("*multiple dwelling*" / "*attached dwelling*"). Such a precedent-setting decision would have a cascading effect whereby SR, HC 1&2 developers (and RR-1, pursuant to a zone change) would likewise propose 2-family duplexes and calculate density w/ multifamily formula for row and attached houses at 2x allowable density (currently 1.9 units an acre for 2-family duplexes w/ cent. sewer or H<sub>2</sub>O vs. 4.0 for multifamily row houses).
- 4) Whether or not the request will have an adverse physical or environmental effect** - Definitely. By setting a precedent allowing SR and HC property owners to build duplexes at double allowable density (see #3), this undermining of multiple dwelling regulations would result in the



proliferation of unwanted sprawl, added pressures on infrastructure and wildlife, and the depletion & degrading of the Town's natural resources.

5) **Whether or not the alleged difficulty is self-created** - Yes. When applicant purchased SR Lot 29.-2-13 in 2014, allowable density for 2-family duplexes was, and still is, 1.9 w/ cent. sewer or H<sub>2</sub>O. And multifamily regs did, and still do, require row houses to contain "a series of" (more than 2) units per building (@ 4 units per acre). If there's any hardship here, it's self-created. Nor is applicant under any obligation to buy the 2 RR-1 lots where row houses are not even an option.

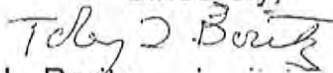
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Since 1971, the Town of Thompson Zoning Ordinance has continually defined **Multiple Dwelling** as "A building or portion thereof containing more than two dwelling units." As noted above, Leisure Acres apparently fails to meet all 5 criteria for being granted an area variance and should not be permitted to build row houses @ 2 rather than 3 units per bldg. I fail to see any hardship here, on a site where the applicant doesn't even own the 2 RR-1 lots yet in a district where multiple dwellings aren't even permitted! If the variance is denied, he can build the 60 units he wants by redesigning the project for 20 actual SR multifamily row houses with 3 units per bldg...

The seriousness of Leisure Acres' challenge to our multifamily zoning ordinance should not be underestimated. Granting this variance would not only allow applicant to build 60 two-family duplex units rather than 34 units on 17.66 net acres, thereby increasing project density by 80%, but would set an alarming precedent by allowing all SR & HC 1&2 property owners to similarly build duplexes @ 4 units an acre rather than 1.9 -- more than doubling permitted density... and would prompt RR-1 property owners to seek a zone change to SR, as Leisure Acres is currently doing, in order to double their density, as well! Also, because the site is within 500 ft of a municipal boundary and a county road, a 239 Review is required for this variance (see §250-47B).

For all the reasons cited here, I appeal to the members of this board to **DENY** Leisure Acres' appeal for an area variance and to uphold the spirit and intent of our longstanding zoning laws on behalf of the community. Thank you for your consideration of this important matter. Please place a copy of my letter in the project file and, if possible, kindly attach a copy of my comments to your December 13th ZBA Minutes.

Sincerely,



Toby L. Boritz

Prepared 12/12/16 for Dec 13, 2016 ZBA Meeting

cc: Thompson Planning Board  
Thompson Town Board  
Michael Mednick, Town Attorney  
Richard McGoey, Town Engineer

Kathleen Brawley, ZBA & PB Sec'y  
Marilee Calhoun, Town Clerk  
Conservation Advisory Council  
Planning Commissioner Freda Eisenberg, AICP

To: Chairman Lou Kiefer and Thompson Planning Board, and Deputy Attorney Paula Kay  
Re: **A Premature Request to Rezone 2 Leisure Acres Lots -- RR-1 to SR (29.-2-13, 29.-2-22 & 23)**

Dear Mr. Kiefer, Ms. Kay and Members of the Planning Board,

12-12-16

Leisure Acres' 23.47 acre Cold Spring Road property is currently zoned SR & RR-1 where, pursuant to an RR-1 to SR zone change, applicant wants to build 30 two-family duplexes (60 units) by calculating density w/ a multifamily formula for row / attached houses which, by definition, must contain "a series of," i.e., more than 2, units per building (as acknowledged in Mr. Silber's area variance appeal to the ZBA). I think it would be premature for the board to recommend a zone change prior to the ZBA's determination and until we know what the applicant will be building and to what density.

Applicant seeks to circumvent our zoning ordinance by trying to get the ZBA to let him build row houses with 2 rather than 3 units per bldg. If his appeal were granted it would redefine §250-28C(2) multifamily row & attached housing regulations. And with many unresolved issues, I urge the Planning Board not to recommend a zone change at this time on this potentially precedent-setting matter:

#### **Why move ahead to recommend an RR-1 to SR zone change?**

- For two RR-1 parcels (29.-2-22 & 23) Leisure Acres doesn't even own yet
- On behalf of an applicant currently challenging the very basis of these same SR zoning regulations
- On an appeal currently before the ZBA that has yet to be decided
- With no clarification as to what Leisure Acres will build -- duplexes or row houses & how densely?

As per my Dec 13th letter to the ZBA: *"The seriousness of Leisure Acres' challenge to our multifamily zoning ordinance should not be underestimated. Granting this variance would not only allow applicant to build 60 two-family duplex units rather than 34 duplex units on 17.66 net acres thereby increasing project density by 80%, but would set an alarming precedent by allowing all SR & HC 1&2 property owners to similarly build duplexes @ 4 units an acre rather than 1.9 -- more than doubling permitted density... and would prompt RR-1 property owners to seek a zone change to SR, as Leisure Acres is currently doing, in order to double their density, as well!"*

For the reasons outlined here and in my letter to the ZBA, I therefore urge the members of the Planning Board to defer action on this requested RR-1 to SR zone change, at least until the ZBA makes its determination on Leisure Acres' appeal.

Thank you for your consideration of this important matter.

*Toby L. Boritz* 12-12-16  
Toby L. Boritz } December 12, 2016

cc: Town Board; Richard McGoey, P.E.; Director James Carnell; Kathleen Brawley, ZBA & PB Sec'y; Michael Mednick, Esq.; CAC; Marilee Calhoun, Town Clerk; SC Planning Commissioner Freda Eisenberg



**marilee (clerk-town of thompson)**

---

**From:** Chris Wallace  
**Sent:** Tuesday, December 13, 2016 3:33 PM  
**To:** marilee@townofthompson.com  
**Subject:** Leisure Acres Letter to ZBA re: Area Variance Request --- Please forward to Town Board

To Marilee Calhoun, Town Clerk  
**Concerning Leisure Acres' Request for Area Variance**

Marilee

Please forward my comments to Supervisor Rieber, the Town Board and Michael Mednick re: tonight's Zoning Board of Appeals Meeting.

Thank you,  
Christina Wallace

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Dear Mr. McClernon and Members of the ZBA

Tonight you will be considering Leisure Acres' request for an area variance to build row houses with 2 units per building instead of three. Please do not grant the applicant's request because a building containing 2 units is a duplex and should not be classified as a row or attached multiple dwelling. In my opinion, this would actually be a change to our zoning laws and not a simple area variance.

If you allow one person to call a duplex a row house that is supposed to have 3 units or more per building, this would set a precedent for others to follow. Granting this variance would change the definition of a row house so that a duplex and a row house would be one and the same. This would seriously weaken our zoning laws by allowing developers to double the density of duplexes by using the formula for multifamily row houses. We would lose control of our vision of the rural environment we want to live in and could likely end up with something none of us bought into when we chose to live in the Town of Thompson.

Sincerely,

Christina Wallace

cc:

Paula Kay  
Michael Mednick  
Richard McGoey  
James Carnell  
Planning Board  
Town Board  
CAC  
Freda Eisenberg



**marilee (clerk-town of thompson)**

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**From:** sylvia schwartz  
**Sent:** Wednesday, December 14, 2016 7:10 PM  
**To:** planning@townofthompson.com  
**Cc:** peklaw@hvc.rr.com; jcarnell@townofthompson.com; freda.eisenberg@co.sullivan.ny.us; supervisor@townofthompson.com; Marilee Calhoun; richard sush; scott mace; peter briggs; johnpavese@townofthompson.com  
**Subject:** Leisure Acres Letter to ZBA re:Variance Request - Please forward to ZBA

To Kathleen Brawley, Town of Thompson ZBA Secretary:

Please forward this letter to the ZBA, the Planning Board, Richard McGoey and the Conservation Advisory Council.

Thank you.

Sylvia Schwartz

---

Dear Mr. McClernon and Members of the Zoning Board of Appeals:

Last night Leisure Acres came before the Zoning Board of Appeals requesting a Variance to build 30 two-family Duplexes (60 units) on 17.66 SR net acres, which they are incorrectly calling "Row Houses." They are requesting permission to build Row Houses with 2 units per building, instead of 3 or more units, as required in our Zoning Laws.

As a resident of the Town of Thompson since 1962, I am respectfully asking you to deny this Variance as it would set a precedent that would redefine the Multiple Dwelling Ordinance, which was set up to curtail density.

Leisure Acres can build the 60 dwelling units they want by constructing 20 actual Multi-Family Row Houses (rather than 30 Duplexes) with 3 dwellings per building @ 4 units an acre, on 17.66 buildable acres. Therefore, there is no need to grant a Variance which would seriously undermine the strength of our Zoning Laws.

If the Zoning Board of Appeals were to issue this Variance, it could open the door to any and all SR and HC would-be developers in the Town of Thompson, which could double allowable density, causing unwanted sprawl. The owners should be made aware of the zoning regulations they need to follow and what they may or may not do. A Duplex and a Row House are NOT THE SAME! If we are to continue to enjoy the environment we have, and why we choose to live here, this Variance should be denied.

Again, Leisure Acres can accomplish their needs without this Variance which would set a bad precedent and would impact the quality of our lives in a negative way.

Respectfully Yours,

Sylvia Schwartz

cc:Paula Kay  
Michael Mednick  
Richard McGoey  
Freda Eisenberg  
Conservation Advisory Council

2 4 unit

Leisure Acres can build the 60 dwelling units they want by constructing 20 actual Multi-Family Row Houses (rather than 30 Duplexes) with 3 dwelling units per building @ 4 units an acre, on 17.66 buildable acres. There is, therefore, no need to issue a Variance,

FREDA C. EISENBERG  
COMMISSIONER



TELEPHONE: (845) 807-0527  
FACSIMILE: (845) 807-0546  
INTERNET ADDRESS: <http://co.sullivan.ny.us>

SULLIVAN COUNTY  
DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT  
SULLIVAN COUNTY GOVERNMENT CENTER  
100 NORTH STREET, PO BOX 5012  
MONTICELLO, NY 12701

December 6, 2016

Mr. William J. Rieber, Jr., Supervisor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

RE: **THO16-34:** Proposed Local Law 11-2016 – Zone Change Leisure Acres  
GML-239 County Review

Dear Mr. Rieber:

The following review has been conducted in accordance with GML §239-l, -m & -n.:

- I. **Project:** Proposed Local Law 11-2016 – Zone Change Leisure Acres
- II. **Applicant:** Town of Thompson
- III. **Action:** Zoning Change
- IV. **Project description:** Reclassification of real properties (SBL 29.-2-22 and 29.-2-23) from Rural Residential 1 (RR-1) to Suburban Residential (SR)
- V. **Geographic qualification:** Proposed Local Law
- VI. **The proposed action has been assessed for the following intercommunity and countywide impacts:**
  - a. Community character – Properties adjacent to the above listed parcels have housing stock of higher density, and the proposed action will not, in and of itself, adversely impact community character.
  - b. Traffic – The proposed action and any further development of the listed sites are unlikely to adversely impact traffic on an intercommunity or countywide scale.
  - c. Land use compatibility – The proposed action is consistent with current land use designations and no adverse effects to compatibility are likely to result.
- VII. **Recommendation:** Local Determination
- VIII. **Technical Comments:** None

If you have any questions or concerns, please contact me at 845-807-0527.

Sincerely,

Freda C. Eisenberg, AICP  
Commissioner

cc: Alan Sorensen, Legislator

Please be advised that the Planning Board is required by Section 239-m of the General Municipal Law to provide a report of its final action within thirty days of such action to the Sullivan County Division of Planning and Environmental Management with regard to this application. To facilitate this process, a form to report such action is enclosed.



SULLIVAN COUNTY  
DIVISION OF PLANNING AND ENVIRONMENTAL MANAGEMENT  
GENERAL MUNICIPAL LAW REFERRAL  
REPORT OF FINAL LOCAL ACTION

Section 239-m of the General Municipal Law of the State of New York requires that, within thirty days of final municipal action on a zoning matter which has been reviewed by the Sullivan County Division of Planning and Environmental Management, the municipal body having jurisdiction must file a report of the final action it has taken with the Division. This form can serve as that report.

NAME OF MUNICIPALITY: \_\_\_\_\_

NAME OF MUNICIPAL AGENCY: \_\_\_\_\_

NAME OF APPLICANT: \_\_\_\_\_

TYPE OF REFERRAL:

- Amendment of Zoning Ordinance or Map
- Rezoning                       Special Use Permit                       Use Variance
- Site Plan                       Area Variance                       Subdivision

FINAL MUNICIPAL ACTION:

- Approved     Denied
- Approved subject to the following conditions:

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If the municipal body having jurisdiction has acted contrary to the recommendation of the Sullivan County Division of Planning and Environmental Management, please attach a resolution setting forth the reasons for such contrary action. Please note that Section 239-m of the General Municipal Law also requires that such contrary action must be adopted by a vote of a majority plus one of all the members of the municipal body.

Please mail this form to the Sullivan County Division of Planning and Environmental Management, 100 North Street, Monticello, NY 12701. Thank you for your cooperation.



**KATHLEEN BRAWLEY**

December 9, 2016

Hon. William Rieber, Supervisor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

Dear Supervisor Rieber:

I am writing to inform you that I will be resigning from my position as Planning Board and Zoning Board of Appeals Secretary effective January 31, 2017.

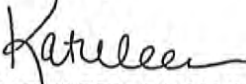
Although I have absolutely enjoyed working with the Town, personal reasons necessitate that I vacate my position. I simply cannot devote enough time to the position as I had done in the past and it I believe it shows in my work. Since I started working at the County, my responsibilities here have increased. As such, my time during the day to address Planning and Zoning issues has decreased exponentially. In my opinion, I truly believe the Town should consider hiring a full-time Planning and Zoning Clerk, as the volume of work is substantial and will only continue to grow.

Despite having to leave, I appreciate the opportunities the Town provided me. I am also truly grateful for all of the assistance and support the Town employees have given me over the past three years. A special mention should be made to Tom Kelly. If not for his assistance, I would never have been able to do this job for as long as I have.

I will do whatever necessary to ensure a smooth transition. I am willing to train a new Secretary and have all of the necessary forms, etc., in Word format. Please do not hesitate to be in touch about what I can do to help.

Many thanks for your understanding.

Sincerely,

  
KATHLEEN BRAWLEY

**JOHN J. BONACIC**  
SENATOR, 42ND DISTRICT

CHAIR  
COMMITTEES ON  
JUDICIARY  
RACING, GAMING & WAGERING

DEPUTY REPUBLICAN CONFERENCE LEADER  
FOR STATE/FEDERAL RELATIONS



**THE SENATE**  
**STATE OF NEW YORK**

COMMITTEES  
ALCOHOLISM  
BANKS  
CHILDREN & FAMILIES  
FINANCE  
HOUSING, CONSTRUCTION  
& COMMUNITY DEVELOPMENT  
RULES

November 29, 2016

Mr. James Rubin  
Commissioner / CEO  
NYS Homes and Community Renewal  
38-40 State Street  
Albany, NY 12207

Dear Commissioner Rubin:

I am pleased to support the application for funding by Pathstone Development Corporation for a NYS Homes and Community Renewal Unified grant for the West Broadway Villas II project, located in the Village of Monticello in the Town of Thompson in Sullivan County.

Specifically, this grant will provide 19 units of affordable rental housing for households earning less than 60% of the area median income. With a high percentage of households seeking rental opportunities and a limited supply of such units, this project will address a tremendous housing gap in the village. Most affordable housing units have wait lists and limited turnover, resulting in few affordable rental options.

Additionally, WBVII will meet NYSEDA Low-Rise Residential New Construction Program and Enterprise Green Communities standards that include the use of high efficiency heating systems, Energy Star appliances and light fixtures and green construction practices.

I fully support the funding application by Pathstone Development Corporation for funding to construct affordable rental housing in the Village of Monticello. Favorable consideration will be greatly appreciated.

Sincerely,

JOHN J. BONACIC  
State Senator

JJB/bac  
cc: Connie Sanderson, Pathstone Development  
Supervisor Bill Reiber  
Mayor Doug Solomon





AI

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 December ~~06~~,  
2016 <sup>20</sup>

**RESOLUTION TO ENACT LOCAL LAW NO. 8 OF 2016**

**WHEREAS**, proposed Local Law No. 09 of the year 2016 entitled "A local law amending Chapter 52 entitled 'Planning Board and Zoning Board of Appeals' and Chapter 250 entitled 'Zoning and Planned Unit Development' of the Town of Thompson Code" was introduced to the Town Board at a meeting held November 01, 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.     for the year 2016, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion December ~~06~~, 2016 <sup>20</sup>

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

STATE OF NEW YORK )  
COUNTY OF SULLIVAN (ss.:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_ of 2016 was adopted by said Town Board on December 6, 2016, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December \_\_\_\_, 2016.

---

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. 9 of the year 2016

A local law amending Chapter 52 entitled "Planning Board and Zoning Board of Appeals" and Chapter 250 entitled "Zoning and Planned Unit Development" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

1. §52-3 E. is hereby amended to read as follows:

E. If the Planning Board determines that a suitable park or parks of adequate size cannot be properly located in any plat showing lots, blocks or sites pursuant to Town Law §277(4) or any site plan pursuant to Town Law §274-a(6), or is otherwise not practical, the Planning Board shall require, as a condition of approval of any such plat, payment to the Town of a parkland fee, which fee shall be available for use by the Town for park, playground and/or recreation purposes, including acquisition of property. The fee for same shall be consistent with parkland fees as set in Article XIX of Chapter 250 of the Town Code.

2. Chapter 250 is hereby amended to include:

**ARTICLE XIX  
Park, Playground, Recreational Sites and Parkland Fees**

**§250-151. Approval procedure for subdivision plats pursuant to Town Law §277(4).**

A. Before the approval by the Planning Board of a plat showing lots, blocks or sites, with or without streets or highways, or the approval of a plat already in the office of the Clerk of the county wherein such plat is situated if such plat is entirely or partially undeveloped, such plat shall also show, in proper cases and when required by the Planning Board, a park or parks suitably located for playground or other recreational purposes. Where a proposed park, playground or other permanent recreation area is shown on the Site Development Plan to be located in whole or part in a proposed subdivision, the Planning Board shall require that such area or areas be shown on said plat.

B. Land for such park, playground or other recreational purposes may not be required until the Planning Board has made a finding that a proper case exists for requiring that a park or parks be suitably located for playgrounds or other recreational purposes within the Town. Such findings shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular subdivision plat will contribute.

C. In the event that the Planning Board makes a finding pursuant to paragraph "B" of this subdivision that the proposed subdivision plat presents a proper case for requiring a park or parks suitably located for playgrounds or other recreational purposes, but that a park or parks suitably located for playgrounds or other recreational purposes of adequate size cannot be properly located on the subdivision plat, the Planning Board may require, as a condition to approval of any such plat, a payment to the Town of a parkland fee, which fee shall be available for use by the Town for park, playground and/or recreation purposes, the amount of which is established in §250-152(B). In making such determination of suitability, the board shall assess the size and suitability of lands shown on the subdivision plat which could be possible locations for park and recreational facilities, as well as practical factors including whether there is a need for additional facilities in the immediate neighborhood. Any monies required by the Planning Board in lieu of land for park, playground or other recreational purposes pursuant to the provisions of this section shall be deposited into a trust fund to be used by the Town exclusively for park, playground or other recreational purposes, including the acquisition of property.

D. When said permanent recreational areas are to be required to be shown, the subdivider shall submit to the Planning Board a suitable tracing, at a scale of not less than 30 feet to an inch, indicating:

- (1) The boundaries of said recreation area.
- (2) Existing physical features, such as brooks, ponds, trees, rock outcrops, structures, etc.
- (3) Existing and, if applicable, proposed changes in grades of said area and the land immediately adjacent.

E. In no event shall the Planning Board require that more than 10% of the gross area of a proposed subdivision be so shown. The minimum area of contiguous open space acceptable in fulfillment of this requirement shall be generally three acres. However, in the case of subdivisions of less than 10 acres, smaller recreation areas may be approved by the Planning Board whenever it deems that the difference between the area shown and three acres may be made up in connection with the subdivision of adjacent land.

F. In applicable cases, the Planning Board shall require execution and filing of a written agreement between the applicant and the Town Board regarding costs of grading, development, equipment and maintenance of said recreation areas, as well as the conveyance of whatever rights and title deemed necessary to ensure that said premises will remain open for use by the residents of the Town of Thompson.

#### **§250-152. Determination of required lands or monies.**

A. For every 100 people in a development, one acre of land may, at the discretion of the Planning Board, be provided for by the developer. For the purposes of computation:

- (1) Single-family detached = four people per unit.
- (2) Efficiency apartment = one person per unit.
- (3) One-bedroom townhouse, condominium or apartment = two people per unit.
- (4) Two-bedroom townhouse, condominium or apartment = three people per unit.



- (5) Three-bedroom townhouse, condominium or apartment = four people per unit.

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$1,250 per the higher of the number of units or lots. If the Planning Board has not required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500 per unit or lot.

C. In either case, the total amount of parkland fees to be paid by the developer shall be delivered to the Town prior to the issuance of any final approval of the subdivision.

D. In instances where the Planning Board requires the construction of on-site recreation facilities, and if the development is approved in sections in accordance with general Town Law §276 subdivision 6, said recreation facilities shall be constructed proportionally with the sections.

E. In the case where the Planning Board deems it in the best interest of the Town to require the developer to provide land to the Town to create a Town-wide park instead of money, the Town will enter into a contract agreement with the developer. This contract will be executed before final approval is granted by the Planning Board.

F. Whereas the domicile of an applicant for a development or subdivision, greater than a two-lot subdivision, is located on said land proposed for development or subdivision, the fee required by this section upon the applicant's post-subdivision domicile parcel is waived.

**§250-153. Approval procedure for site plans pursuant to Town Law §274-A(6).**

A. Before the approval by the Planning Board of a site plan containing residential units, such site plan shall also show, when required by such board, a park or parks suitably located for playground or other recreational purpose.

B. Land for such park, playground or other recreational purpose may not be required until the Planning Board makes a finding that a proper case exists for requiring a park or parks be suitably located for playgrounds or other recreational purpose within the Town. Such finding shall include an evaluation of the present and anticipated future needs for park and recreational facilities in the Town based on projected population growth to which the particular site plan will contribute.

C. In the event the Planning Board makes such a finding pursuant to paragraph B of this section that the proposed site plan should require a park or parks suitably located for playgrounds or other recreational purpose, but that a suitable park or parks of adequate size to meet the requirement cannot be properly located on such site plan, the Planning Board may require a sum of money in lieu thereof as shall be consistent with parkland fees as set forth in this Article.

D. The Planning Board shall require as a condition of approval of any site plan containing residential units a payment to the Town of a parkland fee, which fee shall be available for use by the Town exclusively for park, playground or other recreational



purpose, including the acquisition of property.

E. Notwithstanding the foregoing provision, if the land included in a site plan under review is a portion of a subdivision plat which has been reviewed and approved pursuant to Town Law §276 and this Article, the authorized board shall credit the applicant for any land set aside or parkland fees paid under such subdivision plat approval. In the event of re-subdivision of such plat, nothing shall preclude the additional reservation of parkland fees or money donated in lieu thereof.

**§250-154. Determination of required lands or monies.**

A. For every 100 people in a development, one acre of land must, at the discretion of the Planning Board, be provided for by the developer. For the purposes of computation:

- (1) Single-family detached = four people per unit.
- (2) Efficiency apartment = one person per unit.
- (3) One-bedroom townhouse, condominium or apartment = two people per unit.
- (4) Two-bedroom townhouse, condominium or apartment = three people per unit.
- (5) Three-bedroom townhouse, condominium or apartment = four people per unit.

B. For all developments and subdivisions, other than up to a four-lot minor subdivision, if the Planning Board has required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$1,250 per the higher of the number of units or lots. If the Planning Board has not required the incorporation of recreation facilities by the developer on his site, the parkland fee shall be \$2,500 per unit or lot.

C. In either case, the total amount of parkland fees to be paid by the developer shall be delivered to the Town prior to the issuance of any building permits.

3. Except as herein specifically amended, the remainder of Chapter 52 and Chapter 250 of such Code shall remain in full force and effect.
4. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.
5. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
6. This local law shall take effect immediately upon filing with the Secretary of State.

(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. \_\_\_ of 2016 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2016 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 2016, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 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 \_\_\_\_\_ 2016, 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 2016 of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 2016 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 \_\_\_\_\_ 2016 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 2016 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 \_\_\_\_\_ 2016 became operative.

\* 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.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 2016 of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_\_ 2016, 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: \_\_\_\_\_, 2016

(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: \_\_\_\_\_, 2016

\_\_\_\_\_  
Attorney for Town of Thompson



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 December 20,  
2016

**RESOLUTION TO ENACT LOCAL LAW NO. 9 OF 2016**

**WHEREAS**, proposed Local Law No. 10 of the year 2016 originally named “A local law adding Chapter 224 entitled ‘Solar Energy Systems’ to the Town of Thompson Code” and now known as “A local law adding Article XIV entitled ‘Solar Energy System Requirements’ to Chapter 250 entitled ‘Zoning and Planned Unit Development’ to the Town of Thompson Code”, was introduced to the Town Board at a meeting held November 01, 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.     for the year 2016, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion December 20, 2016

Supervisor WILLIAM J. RIEBER JR. Yes  No

Councilman PETER T. BRIGGS Yes  No

Councilman RICHARD SUSH Yes  No

Councilman SCOTT S. MACE Yes  No

Councilman JOHN A. PAVESE Yes  No

STATE OF NEW YORK )  
COUNTY OF SULLIVAN (ss.:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_ of 2016 was adopted by said Town Board on December 20, 2016, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December \_\_\_\_, 2016.

---

Marilee J. Calhoun, Town Clerk

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 December 20,  
2016

RESOLUTION TO ENACT LOCAL LAW NO. 10 of 2016

WHEREAS, proposed Local Law No. 11 of the year 2016 entitled, "A local law to amend the Town of Thompson Code, Chapter 197, entitled 'Sewers'" was presented to the Town Board at a meeting held December 06, 2016, at the Town Hall, Monticello, New York, to consider said proposed local law and Special District Assessment 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,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No.     for the year 2016, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion December 20, 2016

Supervisor WILLIAM J. RIEBER JR.  
Councilman PETER T. BRIGGS  
Councilman RICHARD SUSH  
Councilman SCOTT S. MACE  
Councilman JOHN A. PAVESE

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



STATE OF NEW YORK )  
COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to enact Local Law No. \_\_\_\_ of 2016 was adopted by said Town Board on December 20, 2016, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

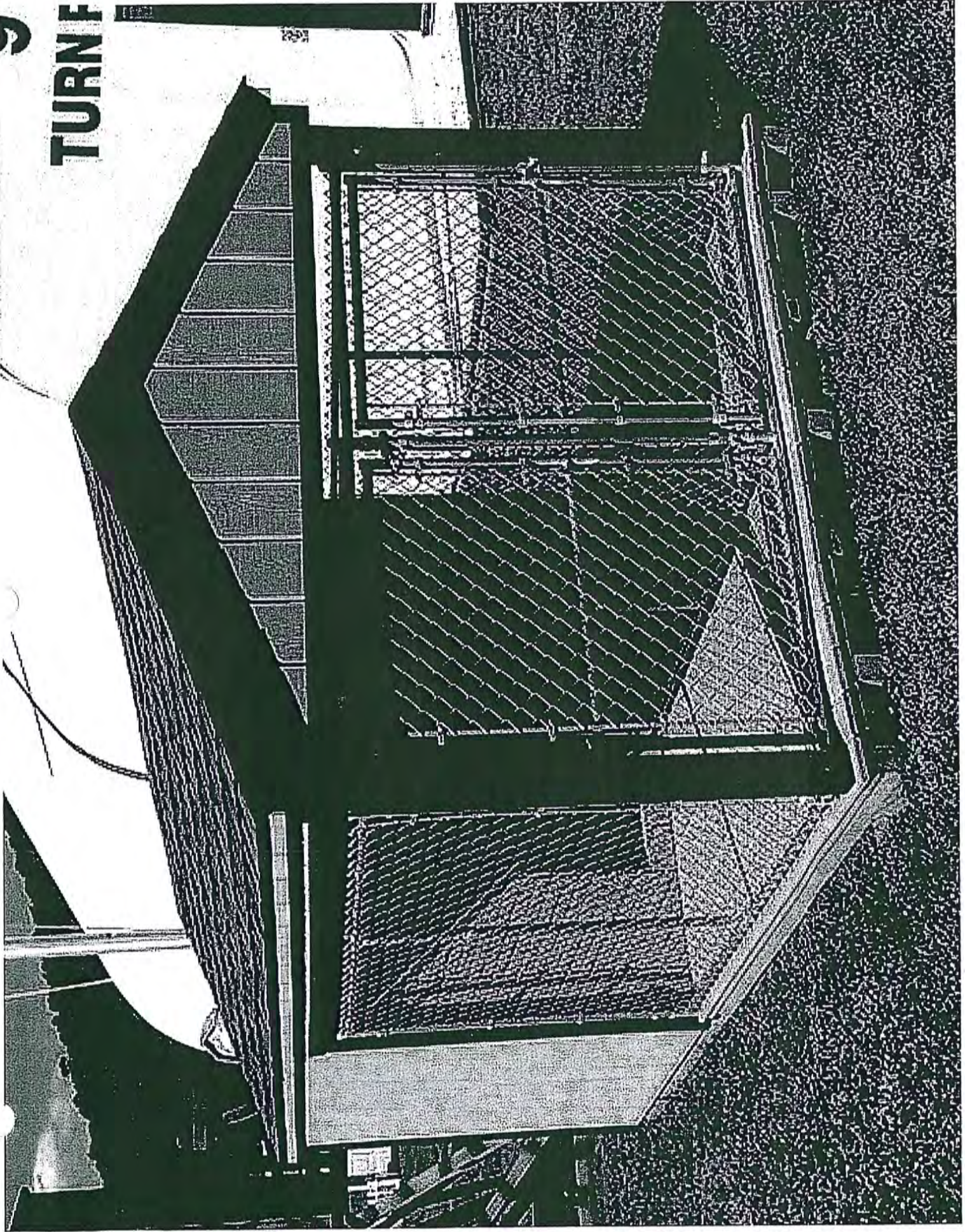
IN WITNESS WHEREOF, I have hereunto set my hand and seal on December \_\_\_\_,  
2016.

---

Marilee J. Calhoun, Town Clerk



**TURN F**





## IRREVOCABLE OFFER OF DEDICATION

OFFER OF DEDICATION, made this \_\_\_\_\_ day of December, 2016, by Forest Park Homes LLC, a New York limited liability company, having a mailing address of \_\_\_\_\_ (the "Owner") to the Town of Thompson, a municipal corporation organized and existing under and by virtue of the laws of the State of New York, with offices at 4052 Route 42, Monticello, New York 12701 (the "Town").

### WITNESSETH:

1. The Owner hereby irrevocably offers to the Town the dedication of four (4) roadways located in the Town of Thompson, New York, all of which are a portion of Town of Thompson Tax Map Section 9, Block 1, Lot 67, for the construction, maintenance and reconstruction thereof. The dedicated roadways are described as follows:
  - a. A .336 acre roadway on Anawana Lake Road, particularly described in "Schedule A" attached to and made a part hereof;
  - b. A .084 acre roadway on Anawana Lake Road, particularly described in "Schedule B" attached to and made a part hereof;
  - c. A .004 acre roadway on Fraser Road, particularly described in "Schedule C" attached to and made a part hereof.; and
  - d. A .086 acre roadway on Fraser Road, particularly described in "Schedule D" attached to and made a part hereof.
2. The Owner hereby delivers to the Town the proper conveyance instruments in statutory form for filing and recording, as necessary, so as to convey the roadways as described herein to the Town. Said 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 it is seized of the premises and has the right to convey the same to the Town.

4. At the time of the acceptance by the Town, title to such roadways 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 sole 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 written.

FOREST PARK HOMES LLC

By:

▶ \_\_\_\_\_  
LEIBLE LEDERMAN, Sole Member

[ACKNOWLEDGMENT FOLLOWS ON NEXT PAGE]

STATE OF NEW YORK    )  
  ) SS.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of December in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared LEIBLE LEDERMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**Anthony F. Siciliano, LS, P.C.**  
**Licensed Land Surveyor**

249 Main Street, P.O. Box 35  
Grahamsville, N.Y. 12740  
(845) 985-7551  
afsls@earthlink.net

**0.336 Acre Anawana Lake Road Dedication Parcel, Forest Park Estates**

**ALL** that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, intended to be a portion of the premises as described in a deed from Forest Park Estates LLC to Forest Park Homes, LLC, dated September 10, 2015, recorded in the Sullivan County Clerk's Office as Instrument No. 2015-6384, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Anawana Lake Road (County Road No. 103) at the northwesterly corner of lands described in said deed to Forest Park Homes, LLC recorded as Instrument No. 2015-6384 at the southwesterly corner of lands described in a deed to Anthony Lo Bosco Jr. recorded in Land Records Liber 2486 at Page 146, and running thence from said point of beginning along the approximate center of travelled way of said Anawana Lake Road, South 17 degrees 06 minutes 03 seconds West 585.54 feet to a point in the approximate center of travelled way of said Anawana Lake Road at a corner of said lands described in Instrument No. 2015-6384 at the northwesterly corner of lands described in a deed to Michael Alvarez and Emilia Alvarez recorded in Land Records Liber 3434 at Page 226;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the northerly bounds of said lands of Alvarez, South 68 degrees 05 minutes 43 seconds East 25.09 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the northerly bounds of said lands of Alvarez;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet easterly of the approximate center of travelled way of said Anawana Lake Road, North 17 degrees 06 minutes 03 seconds East 585.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the southerly bounds of said lands of Lo Bosco;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the southerly bounds of said lands of Lo Bosco, North 68 degrees 44 minutes 13 seconds West 25.07 feet to the point of beginning, containing 0.336 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

**Schedule A**



**Anthony F. Siciliano, L.S., P.C.**  
**Licensed Land Surveyor**  
249 Main Street, P.O. Box 35  
Grahamsville, N.Y. 12740  
(845) 985-7551  
afslspsc@earthlink.net

**0.084 Acre Anawana Lake Road Dedication Parcel, Forest Park Estates**

ALL that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, intended to be a portion of the premises as described in a deed from Forest Park Estates LLC to Forest Park Homes, LLC, dated September 10, 2015, recorded in the Sullivan County Clerk's Office as Instrument No. 2015-6384, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Anawana Lake Road (County Road No. 103) at a corner of lands described in said deed to Forest Park Homes, LLC recorded as Instrument No. 2015-6384 at the southwesterly corner of lands described in a deed to Michael Alvarez and Emilia Alvarez recorded in Land Records Liber 3434 at Page 220, and running thence from said point of beginning along the approximate center of travelled way of said Anawana Lake Road, South 17 degrees 31 minutes 18 seconds West 145.42 feet to a point in the approximate center of travelled way of said Anawana Lake Road at a corner of said lands described in Instrument No. 2015-6384 at the most northerly corner of lands described in a deed to Crossroad Monticello Associates, LLC recorded in Land Records Liber 3036 at Page 249;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the northeasterly bounds of said lands of Crossroad Monticello Associates, LLC, South 67 degrees 10 minutes 54 seconds East 25.11 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the northeasterly bounds of said lands of Crossroad Monticello Associates, LLC;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet easterly of the approximate center of travelled way of said Anawana Lake Road, North 17 degrees 31 minutes 18 seconds East 145.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the southerly bounds of said lands of Alvarez;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the southerly bounds of said lands of Alvarez, North 68 degrees 05 minutes 43 seconds West 25.07 feet to the point of beginning, containing 0.084 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

Schedule B

**Anthony F. Siciliano, LS, P.C.**

**Licensed Land Surveyor**

249 Main Street, P.O. Box 35

Grahamsville, N.Y. 12740

(845) 985-7551

*afslspsc@earthlink.net*

**0.004 Acre Fraser Road Dedication Parcel, Forest Park Estates**

ALL that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, intended to be a portion of the premises as described in a deed from Forest Park Estates LLC to Forest Park Homes, LLC, dated September 10, 2015, recorded in the Sullivan County Clerk's Office as Instrument No. 2015-6384, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Fraser Road (Town Road No. 89) at the southwesterly corner of lands described in said deed to Forest Park Homes, LLC recorded as Instrument No. 2015-6384 at the southeasterly corner of lands described in a deed to Crossroad Monticello Associates, LLC recorded in Land Records Liber 3036 at Page 249, and running thence from said point of beginning along the approximate center of travelled way of said Fraser Road, South 67 degrees 20 minutes 57 seconds East 6.40 feet to a point in the approximate center of travelled way of said Fraser Road at a corner of said lands described in Instrument No. 2015-6384 at the southwesterly corner of lands described in a deed to David Fontaine and Catherine Fontaine recorded in Land Records Liber 2222 at Page 205;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the westerly bounds of said lands of Fontaine, North 16 degrees 58 minutes 02 seconds East 25.12 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the westerly bounds of said lands of Fontaine;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet northeasterly of the approximate center of travelled way of said Fraser Road, North 67 degrees 20 minutes 57 seconds West 7.15 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the easterly bounds of said lands of Crossroad Monticello Associates, LLC;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the easterly bounds of said lands of Crossroad Monticello Associates, LLC, South 15 degrees 16 minutes 06 seconds West 25.21 feet to the point of beginning, containing 0.004 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

Schedule C



**Anthony F. Siciliano, LS, P.C.**  
**Licensed Land Surveyor**

249 Main Street, P.O. Box 35  
Grahamsville, N.Y. 12740  
(845) 985-7551  
afslspsc@earthlink.net

**0.086 Acre Fraser Road Dedication Parcel, Forest Park Estates**

**ALL** that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, intended to be a portion of the premises as described in a deed from Forest Park Estates LLC to Forest Park Homes, LLC, dated September 10, 2015, recorded in the Sullivan County Clerk's Office as Instrument No. 2015-6384, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Fraser Road (Town Road No. 89) at a corner of lands described in said deed to Forest Park Homes, LLC recorded as Instrument No. 2015-6384 at the southeasterly corner of lands described in a deed to David Fontaine and Catherine Fontaine recorded in Land Records Liber 3618 at Page 176, and running thence from said point of beginning along the approximate center of travelled way of said Fraser Road, South 67 degrees 59 minutes 01 seconds East 149.82 feet to a point in the approximate center of travelled way of said Fraser Road at the most southerly corner of said lands described in Instrument No. 2015-6384 at the southwesterly corner of lands described in a deed to Nidal Jaber recorded in Land Records Liber 2896 at Page 65;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the westerly bounds of said lands of Jaber, North 16 degrees 58 minutes 02 seconds East 25.10 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the westerly bounds of said lands of Jaber;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet northeasterly of the approximate center of travelled way of said Fraser Road, North 67 degrees 59 minutes 01 seconds West 149.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the easterly bounds of said lands of Fontaine;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the easterly bounds of said lands of Fontaine, South 16 degrees 58 minutes 02 seconds West 25.10 feet to the point of beginning, containing 0.086 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

Schedule D



**BARGAIN AND SALE DEED**

**THIS INDENTURE**, made on the \_\_\_\_\_ day of December, in the year 2016

**BETWEEN FOREST PARK HOMES, LLC, a New York limited liability company,**  
having a mailing address at

party of the first part,

and the **TOWN OF THOMPSON, a municipal corporation organized and existing under and by virtue of the laws of the State of New York,** with offices at 4052 Route 42, Monticello, New York 12701,

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten (\$10.00) Dollars and other good and valuable consideration, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Thompson, County of Sullivan, State of New York, more particularly bounded and described on Schedules "A", "B", "C", and "D" which are attached to and made a part hereof.

**BEING** a portion of the same premises described in a deed dated September 10, 2015, from Forest Park Estates LLC to the party of the first part herein, which deed was recorded in the Sullivan County Clerk's Office September 21, 2015, as Instrument Number 2015-6384.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, if any, before using any part of the total of the same for any other purpose.

The within conveyance is made pursuant to Resolution No. \_\_\_\_\_ adopted at a meeting of the Town Board of the Town of Thompson December \_\_\_\_\_, 2016.

The within conveyance is made with the unanimous consent of all the members of the party of the first part.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

FOREST PARK HOMES, LLC

By:

▶ \_\_\_\_\_  
LEIBLE LEDERMAN, Sole Member

STATE OF NEW YORK    )  
  ) SS.:  
COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_\_ day of December in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared LEIBLE LEDERMAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

▶ \_\_\_\_\_  
Notary Public



**Anthony F. Siciliano, LS, P.C.**  
**Licensed Land Surveyor**

249 Main Street, P.O. Box 35  
Grahamsville, N.Y. 12740  
(845) 985-7551  
afslspsc@earthlink.net

**0.336 Acre Anawana Lake Road Dedication Parcel, Forest Park Estates**

**ALL** that tract or parcel of land situate in the Town of Thompson, County of Sullivan and State of New York, intended to be a portion of the premises as described in a deed from Forest Park Estates LLC to Forest Park Homes, LLC, dated September 10, 2015, recorded in the Sullivan County Clerk's Office as Instrument No. 2015-6384, more particularly bound and described as follows:

**BEGINNING** at a point in the approximate center of travelled way of Anawana Lake Road (County Road No. 103) at the northwesterly corner of lands described in said deed to Forest Park Homes, LLC recorded as Instrument No. 2015-6384 at the southwesterly corner of lands described in a deed to Anthony Lo Bosco Jr. recorded in Land Records Liber 2486 at Page 146, and running thence from said point of beginning along the approximate center of travelled way of said Anawana Lake Road, South 17 degrees 06 minutes 03 seconds West 585.54 feet to a point in the approximate center of travelled way of said Anawana Lake Road at a corner of said lands described in Instrument No. 2015-6384 at the northwesterly corner of lands described in a deed to Michael Alvarez and Emilia Alvarez recorded in Land Records Liber 3434 at Page 226;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the northerly bounds of said lands of Alvarez, South 68 degrees 05 minutes 43 seconds East 25.09 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the northerly bounds of said lands of Alvarez;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet easterly of the approximate center of travelled way of said Anawana Lake Road, North 17 degrees 06 minutes 03 seconds East 585.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the southerly bounds of said lands of Lo Bosco;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the southerly bounds of said lands of Lo Bosco, North 68 degrees 44 minutes 13 seconds West 25.07 feet to the point of beginning, containing 0.336 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

**Schedule A**



**Anthony F. Siciliano, LS, P.C.**

**Licensed Land Surveyor**

249 Main Street, P.O. Box 35

Grahamsville, N.Y. 12740

(845) 985-7551

*afslspsc@earthlink.net*

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thence running along the bounds of said lands described in Instrument No. 2015-6384 and the northeasterly bounds of said lands of Crossroad Monticello Associates, LLC, South 67 degrees 10 minutes 54 seconds East 25.11 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the northeasterly bounds of said lands of Crossroad Monticello Associates, LLC;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet easterly of the approximate center of travelled way of said Anawana Lake Road, North 17 degrees 31 minutes 18 seconds East 145.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the southerly bounds of said lands of Alvarez;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the southerly bounds of said lands of Alvarez, North 68 degrees 05 minutes 43 seconds West 25.07 feet to the point of beginning, containing 0.084 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

*Schedule B*

**Anthony F. Siciliano, LS, P.C.**  
**Licensed Land Surveyor**

249 Main Street, P.O. Box 35  
Grahamsville, N.Y. 12740  
(845) 985-7551  
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**0.004 Acre Fraser Road Dedication Parcel, Forest Park Estates**

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thence running along the bounds of said lands described in Instrument No. 2015-6384 and the westerly bounds of said lands of Fontaine, North 16 degrees 58 minutes 02 seconds East 25.12 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the westerly bounds of said lands of Fontaine;

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thence running along the bounds of said lands described in Instrument No. 2015-6384 and the easterly bounds of said lands of Crossroad Monticello Associates, LLC, South 15 degrees 16 minutes 06 seconds West 25.21 feet to the point of beginning, containing 0.004 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

Schedule C



**Anthony F. Siciliano, LS, P.C.**

**Licensed Land Surveyor**

249 Main Street, P.O. Box 35

Grahamsville, N.Y. 12740

(845) 985-7551

*afslspsc@earthlink.net*

**0.086 Acre Fraser Road Dedication Parcel, Forest Park Estates**

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thence running along the bounds of said lands described in Instrument No. 2015-6384 and the westerly bounds of said lands of Jaber, North 16 degrees 58 minutes 02 seconds East 25.10 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the westerly bounds of said lands of Jaber;

thence running through said lands described in Instrument No. 2015-6384, running parallel to and twenty five feet northeasterly of the approximate center of travelled way of said Fraser Road, North 67 degrees 59 minutes 01 seconds West 149.82 feet to a point on the bounds of said lands described in Instrument No. 2015-6384 and on the easterly bounds of said lands of Fontaine;

thence running along the bounds of said lands described in Instrument No. 2015-6384 and the easterly bounds of said lands of Fontaine, South 16 degrees 58 minutes 02 seconds West 25.10 feet to the point of beginning, containing 0.086 acre of land.

**SUBJECT** to highway use/dedication of record and all easements of record.

**BEARINGS** are as the magnetic needle pointed in August of 2000.

**PREPARED** by Anthony F. Siciliano, Licensed Land Surveyor, on November 30, 2016.

Schedule D





# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-J, Instructions for Form TP-584, before completing this form. Print or type.

**Schedule A -- Information relating to conveyance**

Grantor/Transferor <input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input checked="" type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantor) FOREST PARK HOMES, LLC Mailing address City _____ State _____ ZIP code _____ Single member's name if grantor is a single member LLC (see instructions) LEIBLE LEDERMAN	Social security number _____ Social security number _____ Federal EIN _____ Single member EIN or SSN _____
Grantee/Transferee <input type="checkbox"/> Individual <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Single member LLC <input type="checkbox"/> Other	Name (if individual, last, first, middle initial) ( <input type="checkbox"/> check if more than one grantee) TOWN OF THOMPSON Mailing address 4052 ROUTE 42 City _____ State _____ ZIP code _____ MONTICELLO NY 12701 Single member's name if grantee is a single member LLC (see instructions)	Social security number _____ Social security number _____ Federal EIN _____ Single member EIN or SSN _____

**Location and description of property conveyed**

Tax map designation -- Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
P/O 9.-1-67	484689	372 ANAWANA LAKE ROAD	THOMPSON	SULLIVAN

**Type of property conveyed (check applicable box)**

1 <input type="checkbox"/> One- to three-family house 2 <input type="checkbox"/> Residential cooperative 3 <input type="checkbox"/> Residential condominium 4 <input type="checkbox"/> Vacant land	5 <input type="checkbox"/> Commercial/Industrial 6 <input type="checkbox"/> Apartment building 7 <input type="checkbox"/> Office building 8 <input checked="" type="checkbox"/> Other <u>COTTAGES</u>	Date of conveyance <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">12</td> <td style="width: 20px; text-align: center;"> </td> <td style="width: 20px; text-align: center;">2016</td> </tr> <tr> <td style="font-size: 8px; text-align: center;">month</td> <td style="font-size: 8px; text-align: center;">day</td> <td style="font-size: 8px; text-align: center;">year</td> </tr> </table>	12		2016	month	day	year	Percentage of real property conveyed which is residential real property _____% (see instructions)
12		2016							
month	day	year							

Condition of conveyance (check all that apply)

a. <input checked="" type="checkbox"/> Conveyance of fee interest  b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)  c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)  d. <input type="checkbox"/> Conveyance to cooperative housing corporation  e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)  g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)  h. <input type="checkbox"/> Conveyance of cooperative apartment(s)  i. <input type="checkbox"/> Syndication  j. <input type="checkbox"/> Conveyance of air rights or development rights  k. <input type="checkbox"/> Contract assignment	l. <input type="checkbox"/> Option assignment or surrender  m. <input type="checkbox"/> Leasehold assignment or surrender  n. <input type="checkbox"/> Leasehold grant  o. <input type="checkbox"/> Conveyance of an easement  p. <input checked="" type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)  q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state  r. <input type="checkbox"/> Conveyance pursuant to divorce or separation  s. <input type="checkbox"/> Other (describe) _____
---	--	---

<i>For recording officer's use</i>	Amount received Schedule B., Part I \$ _____ Schedule B., Part II \$ _____	Date received	Transaction number
------------------------------------	--	---------------	--------------------



**Schedule B — Real estate transfer tax return (Tax Law, Article 31)**

**Part I — Computation of tax due**

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) .....  Exemption claimed
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien) .....
- 3 Taxable consideration (subtract line 2 from line 1) .....
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3 .....
- 5 Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G) .....
- 6 Total tax due\* (subtract line 5 from line 4) .....

1.		
2.		
3.		
4.		
5.		
6.		

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

- 1 Enter amount of consideration for conveyance (from Part I, line 1) .....
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due\* (multiply line 2 by 1% (.01)) .....

1.		
2.		
3.		

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act ..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k

\*The total tax (from Part I, line 6 and Part II, line 3 above) is due within 15 days from the date conveyance. Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045.

**Schedule C – Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

  - Other (attach detailed explanation).
3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City but not in Richmond County, make check payable to the NYC Department of Finance.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Grantor signature	SOLE MEMBER Title	Grantee signature	SUPERVISOR Title
Grantor signature	Title	Grantee signature	Title

**Reminder:** Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in the New York City boroughs of Manhattan, Bronx, Brooklyn, or Queens, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-0045.



**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part II, and check the second box under *Exemptions for nonresident transferor(s)/seller(s)* and sign at bottom.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see Instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date



## TextCaster License Agreement

### Terms & Conditions

#### CONFIDENTIAL & PROPRIETARY

This agreement, (hereafter, "Agreement") is by and between Mobile Media Technologies, LLC and Town of Thompson, NY (hereafter, "Licensee").

---

**WHEREAS**, Licensee desires to utilize the TextCaster Information Delivery System;

**THEREFORE**, in consideration of the mutual promises set forth herein, the parties hereby agree as follows:

#### I. Term

- A) The effective date of this Agreement is December 1, 2016.
- B) The term of this Agreement shall be for a period of twelve (12) months from the effective date.
- C) During the term of this Agreement, Mobile Media Technologies shall:
  - 1) Provide TextCaster service to Licensee as described in Appendix A; and
  - 2) Provide customer service and support to Licensee.
- D) During the term of this Agreement, Licensee shall:
  - 1) Place and maintain a link to the TextCaster sign-up page in a primary and/or conspicuous location of the Licensee's web page; and/or facilitate a web-based process that affords subscribers and others the ability to opt-in, opt-out, or change messaging preferences as necessary; and
  - 2) Comply with all requests to display all legal and carrier-required instructions and terminology as necessary and instructed by Mobile Media Technologies, LLC; and
  - 3) Remit payment to Mobile Media Technologies, LLC within fifteen (15) days from the date of the invoice.



**II. Scope of License**

Licensee warrants that it will use the TextCaster system to send only non-commercial content such as news, weather, school closings and other information of value to subscribers. Any additional usage or uses of the TextCaster system shall exceed the scope of the license granted, and may result in suspension or termination.

**III. Confidentiality/Ownership of Content**

Subject to the limitations described at Sections II, IV(D), and IV(F) of this Agreement, Licensee shall be solely responsible for the content sent to its subscribers, and for the sending of that content to its subscribers, using the TextCaster system. Mobile Media Technologies, LLC holds that all content and subscriber information provided by and used by Licensee in connection with this Agreement are and shall remain the exclusive property of Licensee. Mobile Media Technologies, LLC shall keep this information private and confidential, and shall not share said information unless mandated to do so by a court of law.

**IV. Suspension & Termination**

Mobile Media Technologies, LLC may, at its sole discretion, suspend Licensee's use of TextCaster and/or nullify this Agreement at any time in the event that:

- A) Any changes in law, including the establishment of new taxes and fees imposed by governing authorities, that prohibit or make prohibitively expensive the use of Mobile Media Technologies, LLC's systems;
- B) Mobile Media Technologies, LLC is obligated or advised to comply with an order, instruction, directive, or request of a governmental body which necessitates that it do so;
- C) Licensee fails to comply with the published standards, guidelines, and best practices of the Cellular Telecommunications Industry Association (CTIA-The Wireless Association) and Mobile Marketing Association (MMA);
- D) Licensee uses the TextCaster System to send offensive or vulgar content, or any other material that Mobile Media Technologies, LLC deems harmful to its reputation and good standing;
- E) Any changes in carrier regulations and/or related costs that make prohibitively expensive or legally untenable the operations of Mobile Media Technologies, LLC; or
- F) Licensee uses the TextCaster System to send commercial content; defined as content that promotes the commercial availability of a product or service, its price, makes reference to the respective quality of a product or service, or states a call to action regarding said product or service.



**V. Warranties**

- A) Mobile Media Technologies, LLC makes no express warranties hereunder, and also expressly disclaims and excludes all express warranties.
- B) Licensee warrants and represents that it has the ability to enter into this Agreement, and its signatory further warrants and represents that they have the authority to contract with Mobile Media Technologies, LLC on behalf of Licensee.

**VI. Indemnification**

- A) Mobile Media Technologies, LLC must, on occasion, perform scheduled maintenance on its systems that may limit or prevent access by Licensee. As a result, Licensee shall hold harmless Mobile Media Technologies, LLC for any problems, disruptions, damages, or losses incurred by Licensee as a result of such maintenance.
- B) Mobile Media Technologies LLC will indemnify, defend and hold harmless Licensee, its Affiliates, and the officers, directors, employees, agents, successors and assigns of each ("Licensee Indemnitees"), from and against any and all liabilities, losses, claims, damages, demands, costs and expenses (including reasonable attorneys' fees, including to enforce this indemnity) arising from or related to any third party claim, action, suit, demand, investigation or proceeding arising from or related to (a) any allegation that Service Provider failed to comply with federal or state law regarding transmission of text messages where the alleged failure is the product of Service Provider's intentional or negligent acts and not the intentional or negligent acts of Licensee, a User or a cell phone service carrier; (b) any allegation of misappropriation of Confidential Information as that term is defined in Section 5 of this Agreement; or (c) any allegation of violation of third party intellectual or proprietary rights or licenses related to the TextCaster System, the Documentation, any other Service Provider Property and/or any Services provided by Service Provider under this Agreement.
- C) Mobile Media Technologies, LLC is not responsible for the enactment of any new laws, regulations, or levy of taxes that may affect the use of its systems. Licensee agrees that it is responsible to comply with any such new laws, regulations or taxes, and shall indemnify and hold Mobile Media Technologies, LLC harmless for any such failure to comply.
- D) Licensee agrees to indemnify and hold Mobile Media Technologies, LLC harmless from any complaint or lawsuit that may arise from Licensee's use of the TextCaster System or failure to comply with carrier, CTIA, or MMA guidelines that govern messaging.

- E) If Licensee chooses to import subscribers into the TextCaster system from another messaging provider, information system, database, or any other source of records or information, Licensee warrants that it has received written consent from all subscribers to receive content from Licensee, and shall indemnify and hold Mobile Media Technologies, LLC harmless from any action or claim based on Licensee's use of the TextCaster System asserted by a person or entity who has not affirmatively opted in to the Licensee's TextCaster account through the Licensee's TextCaster sign-up page, or who has attempted to opt out by a means other than through the Licensee's TextCaster sign-up page.

**VII. Entire Agreement**

This Agreement, along with Appendix A and all other appendices attached hereto, constitute the entire agreement and understanding of the parties to this Agreement. This Agreement also supersedes all prior agreements and understandings, whether oral or written. No modification of any of the provisions herein shall be valid unless made in writing and signed by the parties to this Agreement.

**VIII. Severability**

If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid or enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

**IX. Transfer of Rights**

This agreement shall be binding on any successors of the parties. Neither party shall have the right to assign its interests in this Agreement to any other party, unless the prior written consent of the other party is obtained.

**X. Applicable Law**

The provisions of this Agreement shall be governed by the laws of the State of Missouri. Any disputes arising under this Agreement shall be resolved in Missouri Courts.

**XI. Notices**

All notices, legal or otherwise, shall be sent to the following:

If to Mobile Media Technologies, LLC:

Attn: Office Manager  
P.O. Box 12003  
Kansas City, MO 64152

If to Licensee:

Attn: William Rieber  
4052 Route 42  
Monticello, NY 12701

**XIII. Billing**

Mobile Media Technologies, LLC shall send its invoices to:

Billing Contact Name: Gary Lasher  
Billing Address: 4052 Route 42  
Monticello, NY 12701  
Billing Email Address: [glasher@townofthompson.com](mailto:glasher@townofthompson.com)  
Billing Phone Number: 845-794-2500 ext. 307

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the effective date mentioned above.

**Mobile Media Technologies, LLC**

By: Robert J. Sweeney, CEO

\_\_\_\_\_

Date: \_\_\_\_\_

**Town of Thompson, NY**

By: William Rieber, Town Supervisor

\_\_\_\_\_

Date: \_\_\_\_\_

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## APPENDIX A

### Mobile Media Technologies, LLC Program Fee Schedule

**Text (Wireless) Information Delivery - Non-commercial text messages. Unlimited use.**

Fee: \$ 2,150.00 per year

**Email (Web) Information Delivery - Non-commercial messaging. Unlimited use.**

Fee: Included in Text Information Delivery Price

**National Weather Service Severe Weather Alerts**

Fee: \$ 300.00 per year

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## Bernie Weiser

December 8, 2016

William J. Rieber, Jr. – Town Supervisor  
Town of Thompson Town Board  
4052 Route 42  
Monticello, New York 12701-3221

RE: 220 Cold Spring Rd, LLC & Cold Spring Road Realty LLC  
Proposed Prestige Estates Bungalow Colony  
Cold Spring Road (Tax Parcels 29-1-22.1 & 25.1)

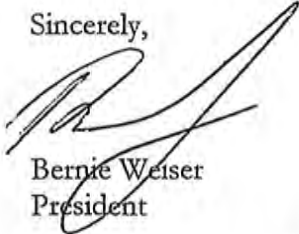
Dear Supervisor Rieber and Board Members:

Please accept this request to authorize the preparation of a Map, Plan and Report for the extension of the Town's Water & Sewer District to serve the above referenced project property. The project property is currently not located within a Town Water & Sewer District but is contiguous to property that is located within the Town Water & Sewer District.

220 Cold Spring Rd, LLC & Cold Spring Road Realty, LLC is proposing a new 82 unit +/- bungalow colony on property totaling 52.8 acres on the west side of Cold Spring Road between Waverly Avenue and Haddock Road. A commercial recreational use is also being considered as part of the project. See attached location map.

Please place this on the next available Town Board agenda for consideration. Should you have any questions or require additional information feel free to contact me at 732-232-7979.

Sincerely,



Bernie Weiser  
President

Cc: Superintendent Michael G. Messenger  
Richard McGoey, PE  
Troy Wojciekofsky, PE – TW Engineering, PC

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 December 20,  
2016

**RESOLUTION TO ACCEPT A PORTION OF OLD RYAN ROAD BY USE**

**WHEREAS**, the length of the roadway of Old Ryan Road, beginning at a point of intersection with Price Road and proceeding to the end for a distance of .5 miles has been used and maintained by the Town for several years; and

**WHEREAS**, it is the position of the Town to accept the dedication of the aforementioned length of Old Ryan Road so that the aforesaid length of same can be shown on the New York State Local Highway System Inventory; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Thompson Town Board does hereby accept by use and include on the New York State Local Highway System Inventory the previously described length of Old Ryan Road, beginning at the intersection of Price Road and Old Ryan Road and proceeding in an easterly direction for approximately one-half mile; and it is

**FURTHER RESOLVED**, that the Town of Thompson Town Board shall accept all legal, maintenance, and repair responsibility for the aforementioned roadway; and it is

**FURTHER RESOLVED**, that the Official Town Highway Map shall be corrected to show Old Ryan Road, the length of which is approximately one-half mile, starting from the intersection of Price Road and Old Ryan Road and in an easterly direction to the end of Old Ryan Road, on the New York State Local Highway System Inventory.

Moved by  
Seconded by

Adopted the 20<sup>h</sup> of December, 2016.

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 BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



STATE OF NEW YORK )  
COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to accept a portion of Old Ryan Road by Use was adopted by said Town Board on December 20, 2016, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of aid original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December 20, 2016.

\_\_\_\_\_  
Town Clerk

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 December 20,  
2016

**RESOLUTION TO ACCEPT TOWN ROAD 102B BY USE**

**WHEREAS**, the length of the roadway of 102B, beginning at a point of intersection with County Road 102 (Cold Spring Road) and proceeding southerly a distance of .23 miles until it intersects with County Road 102 again has been used and maintained by the Town for several years; and

**WHEREAS**, it is the position of the Town to accept the dedication of the aforementioned length of 102B so that the aforesaid length of same can be shown on the New York State Local Highway System Inventory; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Thompson Town Board does hereby accept by use and include on the New York State Local Highway System Inventory the previously described length of 102B, beginning at the intersection with County Road 102 (Cold Spring Road) and proceeding in a southerly direction for approximately .23 miles until it intersects with County Road 102 again; and it is

**FURTHER RESOLVED**, that the Town of Thompson Town Board shall accept all legal, maintenance, and repair responsibility for the aforementioned roadway; and it is

**FURTHER RESOLVED**, that the Official Town Highway Map shall be corrected to show 102B, the length of which is approximately .23 miles starting from the intersection of County Road 102 (Cold Spring Road) and proceeding in a southerly direction to the end of 102B where it intersects with CR 102 again, on the New York State Local Highway System Inventory.

Moved by  
Seconded by

Adopted the 20<sup>h</sup> of December, 2016.

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 BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARH SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

STATE OF NEW YORK )  
COUNTY OF SULLIVAN) SS:

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the resolution annexed hereto to accept a portion of Old Ryan Road by Use was adopted by said Town Board on December 20, 2016, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of said original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on December 20, 2016.

\_\_\_\_\_  
Town Clerk



# Town of Thompson

Town Hall  
4052 State Route 42  
Monticello, NY 12701

Water and Sewer Department

Phone: (845) 794-5280

Fax: (845) 794-2777

Email: [waterandsewer@townofthompson.com](mailto:waterandsewer@townofthompson.com)

Michael Messenger, Superintendent  
Keith Rieber, Assistant Superintendent

## **BILLS OVER \$1250.00**

We are requesting permission to pay the attached invoice for Unifilt Corporation for 76.31 tons of filter anthracite for Kiamesha Lake Wastewater Facility

### **Unifilt Corporation –**

For 76.31 tons of filter anthracite – approximately 2810 bags @ \$5.76 = \$16,190.00 plus shipping – \$3800.00 for Kiamesha Wastewater Facility.

Invoice #11454 – 12/7/16 - \$19,990.00

Grand total due: \$19,990.00

**Note: Procurement – please see attached price quotes!**

# UNIFILT CORPORATION

375 JOHNSON STREET  
WILKES-BARRE TWP., PA 18702



## Invoice

Invoice Number:

11454

Invoice Date:

Dec 7, 2016

Page:

1

Voice: 570-823-0313  
Fax: 570-829-4515

**Sold To:**  
TOWN OF THOMPSON  
4052 STATE ROUTE 42  
MONTICELLO, NY 12701

**Ship to:**  
TOWN OF THOMPSON  
174 ROCK RIDGE DRIVE  
KIAMESHA LAKE, NY 12751

Unifilt Job #		Customer PO		Payment Terms	
5918,R		90196		Net 30 Days	
Sales Rep ID		Shipping Method		Ship Date	Due Date
		PREPAID TRUCK		12/6/16	1/6/17
Quantity/Unit	Item	Description	Unit Price	Extension	
76.31 tons	FA140160175	Filter Anthracite Effective Size 1.40-1.60mm Uniformity Coefficient 1.75 or less MATERIAL FREIGHT		16,190.00 3,800.00	

REMIT TO:  
UNIFILT CORPORATION  
375 JOHNSON STREET  
WILKES-BARRE TWP, PA 18702

Subtotal	19,990.00
Sales Tax	
<b>Total Invoice Amount</b>	<b>19,990.00</b>
<b>TOTAL</b>	<b>19,990.00</b>

**COPY**

HEADQUARTERS  
375 Johnson St., Wilkes-Barre, PA 18702  
1-800-752-3899, Fax 570-829-4515  
www.unifilt.com



**UNIFILT**  
CORPORATION

SALES OFFICE  
P.O. Box 614, Ellwood City, PA 16117  
1-800-223-2882, Fax 724-758-3870  
info@unifilt.com

October 20, 2016  
via email:  
[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)

TOWN OF THOMPSON  
Attention: Mr. Mike Messenger

Re: WATER TREATMENT PLANT  
Thompson, New York  
Filter Anthracite

Dear Mr. Messenger:

We propose to furnish the following Filter "Anthrafilt" Anthracite:

FILTER ANTHRACITE -  
Effective Size - 1.40 - 1.60 mm  
Uniformity Coefficient - 1.75 or less  
TOTAL: 2,693 bags/70.02 tons

*\$ 5.76 per plus freight*

*\$ 5.76 per BAG*

Material meets applicable provisions of American Water Works Association Standard B100-16 for Filtering Material and listed under the National Sanitation Foundation Standard 61 - Process Media. Samples and/or in-house test report for each gradation or size can be provided for review and the final written approval for payment must be received at our plants prior to release for shipment. Any additional testing will be at the expense of others.

Material will be packaged in 52-pound bags and palletized. The weight of the packaged anthracite is the weight at the time of packaging at the production facility and includes moisture, which may or may not be present after transportation and storage.

UNIFILT can furnish the necessary equipment and labor required for removal (on-site disposal) and the "hydraulic" installation of the new media. Pricing available upon request.

If overseeing the installation of the filter media, by a qualified field technical representative to instruct, monitor, and advise the Contractors' personnel in proper placement of the filtering material, it can be provided at an additional cost of \$1,500/day.

We do not include any taxes that may be applicable. Prices good for 30 days.







**NORTHERN FILTER MEDIA, INC.**  
 2509 PETTIBONE AVE  
 MUSCATINE IA 52761

# Estimate

Date	Estimate #
10/20/2016	12489

Name / Address
Town of Thompson Monticello, NY

" 8.70 per bag plus freight-

Job	Rep	FOB	Project
	KB	PA	Monticello, NY

Item	Description	Qty	U/M	Cost	Total
ANBP140-160... FREIGHTCHRG	1.40-1.60mm, UC 1.6 Anthracite in c.f. bags on pallets Estimated Flatbed Freight Charge to Monticello, NY Current availability of the above media is running approximately three weeks after release for shipment.	3,000	cuft	8.70 3,400.00	26,100.00T 3,400.00

Thank you for the opportunity to quote on this project. Karen Brown Ph.# 800-992-0096	<b>Subtotal</b>	\$29,500.00
Estimates are good for 60 days unless otherwise stated. *Estimated freight rates are listed only as a courtesy. Freight will be billed direct from freight carrier. Current freight rate at time of shipment will apply.	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$29,500.00

Signature \_\_\_\_\_

Phone #	Fax #	E-mail
(IA) 563-263-2711 (IL) 217-224-3362	563-263-2857	info@northernfiltermedia.com



KOESTER

QUOTATION  
October 21, 2014

To: Mike Messenger  
Town of Thompson

E-mail: mmessenger@townofthompson.com  
Phone: 845-794-5280

"9.40 per bag + freight"

We are pleased to offer the following quotation:

FILTER ANTHRACITE -  
Effective Size - 1.40 - 1.60 mm  
Uniformity Coefficient - 1.75 or less  
TOTAL: 2,500 cubic feet/66.25 tons

# 9.40 PER BAG

Material meets applicable provisions of American Water Works Association Standard B100-09 for Filtering Material and listed under the National Sanitation Foundation Standard 61 - Process Media. Material will be packaged in 52-pound bags and palletized. The weight of the packaged anthracite is the weight at the time of packaging at the production facility and includes moisture, which may or may not be present after transportation and storage.

- Total Price: **\$23,500 delivered**
- Shipment 2-4 weeks after receipt of order & dependant on factory.
- Standard Terms and Conditions, on the attached page, are incorporated in this quotation. Except for shipping charges, which may be subject to change at date of shipment, prices quoted shall remain firm 60 days. Payment is due net 30 days after shipment.

Accepted on (Insert Date): \_\_\_\_\_  
Purchaser: \_\_\_\_\_  
Address: \_\_\_\_\_

Accepted by KAI on date: \_\_\_\_\_  
Prepared by:  
Robin Griff  
[robin@koesterassociates.com](mailto:robin@koesterassociates.com)

Supplying Equipment, Solutions and Service for Water and Wastewater

3101 Seneca Turnpike • Canastota • NY • 13032

Phone 315.697.3800 • Fax 315.697.3888 • [koesterassociates.com](http://koesterassociates.com)

[sales@koesterassociates.com](mailto:sales@koesterassociates.com) • [service@koesterassociates.com](mailto:service@koesterassociates.com) • [parts@koesterassociates.com](mailto:parts@koesterassociates.com)



# *Town of Thompson*

Town Hall  
4052 State Route 42  
Monticello, NY 12701

Water and Sewer Department

Phone: (845) 794-5280

Fax: (845) 794-2777

Email: [waterandsewer@townofthompson.com](mailto:waterandsewer@townofthompson.com)

Michael Messenger, Superintendent  
Keith Rieber, Assistant Superintendent

## **BILLS OVER \$1250.00**

We are requesting permission to pay the attached invoice for Unifilt Corporation for the installation of filter anthracite at Kiamesha Lake Wastewater Facility

### **Unifilt Corporation –**

For the installation of filter anthracite and equipment rental on 12/6/16 & 12/7/16 at Kiamesha Wastewater Facility.

Invoice #11455 – 12/7/16 - \$2800.00

Grand total due: \$2800.00

**Note: No procurement necessary – Provided Service**

# UNIFILT CORPORATION

375 JOHNSON STREET  
WILKES-BARRE TWP., PA 18702



## Invoice

Invoice Number:  
11455  
Invoice Date:  
Dec 7, 2016  
Page:  
1

Voice: 570-823-0313  
Fax: 570-829-4515

Sold To:  
TOWN OF THOMPSON  
4052 STATE ROUTE 42  
MONTICELLO, NY 12701

Ship to:  
TOWN OF THOMPSON  
174 ROCK RIDGE DRIVE  
KIAMESHA LAKE, NY 12751

Unifilt Job #	Customer PO	Payment Terms	
5918.01,R	90197	Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
			1/6/17

Quantity/Unit	Item	Description	Unit Price	Extension
		SUPERVISED EQUIPMENT RENTAL: 12/06/16 & 12/07/16		2,800.00

REMIT TO:  
UNIFILT CORPORATION  
375 JOHNSON STREET  
WILKES-BARRE TWP, PA 18702

Subtotal	2,800.00
Sales Tax	
Total Invoice Amount	2,800.00
<b>TOTAL</b>	<b>2,800.00</b>