

Minutes of a Regular Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **June 21, 2016**.

ROLL CALL:

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

APPROVED

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

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 7:32 PM with the Pledge to the Flag.

APPROVAL OF MINUTES:

The minutes from the June 7th, 2016 Regular Town Board Meeting were presented, but were not approved. They will be approved at the next Town Board Meeting.

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

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

- 1) Monticello Cemetery Association, Inc. DBA “Rock Ridge Cemetery”:** Thank You Letter dated 06/10/2016 from Cynthia Niven, Secretary to Highway Supt. Richard Benjamin regarding recent cemetery maintenance.
- 2) NYS Office of Real Property Tax Services:** Email dated 06/09/2016 from Office of Real Property Tax Services to Supervisor Rieber, Assessor Krzywicki and Sullivan County Real Property regarding the Town of Thompson 2016 Tentative State Equalization Rate, which will be 88.00.
- 3) Petition from (6) Property Owners and Residents of Rock Ridge Avenue, Monticello, NY:** Expressing Opposition to the proposed zoning change request for 201 Rock Ridge Avenue, Monticello.
- 4) Trident Insurance:** Coverage Letter dated 06/06/2016 – Claude Staten Lawsuit, Date of Loss: 07/29/2006.

5) Nellie Culligan: Thank You Letter – Nomination of Town of Thompson “Senior of the Year” and Recipient as “Sullivan County Senior of the Year”.

6) Insurance Services Office, Inc. (ISO): Report dated 05/30/2016 on (ISO) Designation for Monticello Fire Protection District, Classification 05.

7) Columbia Hill Neighborhood Alliance: Letter dated 06/07/2016 regarding invite to 2nd Annual Friend-Raiser Event, 08/21/2016.

8) Town Clerk Calhoun: Letter dated 06/08/2016 to Mr. John Wells, President, Monticello Fire Dept. – Federal Primary Election Tuesday, June 28th, 2016.

9) Town Clerk Calhoun: Letter dated 06/08/2016 to Mr. Chester Smith, House Committee Chairman, Rock Hill Fire Dept. – Federal Primary Election Tuesday, June 28th, 2016.

10) Town Clerk Calhoun: Letter dated 06/08/2016 to Mr. David Sager, Manager, Village of Monticello – Federal Primary Election Tuesday, June 28th, 2016.

11) NYS Citizen Preparedness Corps: News Release & Information regarding Emergency and Disaster preparedness training in Lower Hudson Valley area.

AGENDA ITEMS:

1. SOLAR TAX EXEMPTIONS – Discuss implementing a plan to require PILOTS on large scale Solar Farms. Under the Real Property Tax Law Solar Operations are not taxable the municipality can either opt in or out of the taxable exemption status. However if the Town opts in, a local law can be enacted requiring a PILOT Program over a specific size of Mega Watts of production. Typically the Sullivan IDA would negotiate these types of PILOT Program Agreements. There was an email dated 06/06/2016 from Town Assessor Van B. Krzywicki to Supervisor Rieber and Town Board regarding the matter. Further discussion ensued regarding the subject.

2. MONTREIGN RESORT CASINO – U.S. Environmental Protection Agency – Report on EPA Wetlands Disturbance Waiver. Supervisor Rieber reported on a letter dated 06/02/2016 from Mr. John Filippelli, Director, Clean Air and Sustainability Division of the United States Environmental Protection Agency regarding Montreign Resort Casino project waiver. A partial waiver from the Environmentally Sensitive Area (ESA) pertaining to the proposed Montreign Resort Casino project has been granted. This was a special grant condition originally placed on the Kiamesha Lake Sewer District restricting sewer connections from new development in (ESA's). Further explanation regarding the waiver and identification of the proposed project is indicated in the letter. Further discussion was held regarding the subject.

3. U.S. DEPT. OF LABOR – Discuss new rules on use of comp time and payment of overtime to salaried employees. In December 2016 the Town is subject to new

Town as well. Town Clerk Calhoun said that most of the companies have expressed opposition to the law in the past. Town Clerk Calhoun was advised by one of the Company Representatives that the Town or Village of Liberty is the only other Municipality in Sullivan County that has an ordinance regulating Medical Transportation. The Town charges \$150.00 per vehicle license and no charge for licensed operator/driver. There is additional work involved for the Town Clerk's Office regarding the issuance of these types of licenses and the biggest problem is that there is no enforcement or control over whether a license has been issued or not. Last year the Town Clerk's Office sent letters and license applications out and only one or two of the four complied. Town Clerk Calhoun is not stating that the ordinance should be repealed, but it should be re-addressed. The revenue generated is minimal compared to the additional workload. It is not a matter of revenue as much as it is safety. Councilman Sush questioned the original intent of the law, which is to insure the safety of the public and the vehicles. Town Clerk Calhoun said that she agrees with the initial purpose of the law, but stated that the vehicles have not been inspected by the Town since they are required to obtain NYS Inspection. Attorney Mednick said that this is a regulation on the medical transportation industry. The law requires them to license themselves if they are going to operate in the Town of Thompson. The Town is then aware of who is operating. It is a pretty encompassing law with a lot of requirements and regulations. He understands the problem of enforcement. Councilman Mace agrees with the necessity of a little oversight. Attorney Mednick said that having the law protects the Town if something does go wrong. Councilman Sush would like to review the ordinance and further discuss the matter once he has had an opportunity to review. Town Attorney Mednick will also review the ordinance and report back with his recommendations. Town Clerk Calhoun will provide each Town Board Member with a copy of the ordinance and license applications at the end of the meeting. Supervisor Rieber asked if any other agency regulates them. Attorney Mednick said he thinks there are state compliance requirements.

7. SPRING CLEANUP & SHRED DAY REPORTS

Town Clerk Calhoun reported on the Spring Cleanup Event that was recently held. She reported that approximately 605 permits were issued of which 237 permits were turned in. There was a total of 49.40 tons used of the 77.50 tons allocated to the Town by the County of Sullivan. Therefore, there are approximately 28 tons remaining for a Fall Cleanup Program if offered. Supervisor Rieber briefly reported on the Shred Day Event that was held on May 21st, 2016. The event was successful and well attended. The Town was able to dispose several boxes of many older unnecessary records.

8. KIAMESHA LAKE WWTP GRIT REMOVAL SYSTEM & FILTER REPAIR

PROJECT – Review and Award Bids for the Kiamesha Lake Wastewater Treatment Plant Grit Removal System and Filter Repair Project. There were (3) bids received as follows: 1) Kings Capital Corporation \$272,800.00, 2) Eventus Construction Company \$278,000.00 and 3) Vacri Construction \$373,000.00. Engineer Matthew J. Sickler, P.E. of McGoey, Hauser & Edsall Consulting Engineers DPC on behalf of the Town reviewed the submitted bid documents of each bidder and recommend awarding the bid to the low bidder Kings Capital Corporation in the amount of \$272,800.00. Supervisor Rieber

is questioning the differences in price between item #1 and item #2. The question is whether the Town can bifurcate the bid; negotiate with bidders or to re-bid item #1 and item #2 separately. Further discussion was held regarding the subject. Supervisor Rieber will contact Engineer Sickler to discuss the matter and obtain further explanation before action can be taken to either reject or award.

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

The Following Resolution Was Duly Adopted: Res. No. 217 of the Year 2016.

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

Peak Power Systems **\$1,655.55 Total Cost**
Bi-Annual Service Contract for Contract Period
08/01/2016 through 07/31/2017

Total Cost = \$1,655.55

(Note: For the Kiamesha Lake Sewer Treatment Plant Standby Generator.)

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

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

The Following Resolution Was Duly Adopted: Res. No. 218 of the Year 2016.

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

Malvese Equipment **\$2,978.18 TOTAL COST**
Invoice # 188922 – Vac All Parts

Garden State Highway **\$1,583.96 TOTAL COST**
Invoice # 114189 – Road Signs

Vantage Equipment **\$2,290.75 TOTAL COST**
Invoice # 245005 – Paver Parts

Alumi Tank **\$2,305.78 TOTAL COST**
Invoice # 181522 – Fuel Tanks for Truck #'s 26 & 28

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

10. ORDER BILLS PAID

The Following Resolution Was Duly Adopted: Res. No. 219 of the Year 2016.

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

Motion by: Councilman Briggs Seconded by: Councilman Mace

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

Nays 0

COUNCILMEN & DEPARTMENT HEAD REPORTS:

Councilman Briggs reported on the Annual Monticello Rotary Club Chicken BBQ on June 28th, 2016 at DeHoyos Park, Monticello from 4pm to 7pm, interested parties should see Councilman Sush to purchase tickets. He also reported on the 2016 Ethelbert B. Crawford Public Library Summer Library Programs held on Thursday Evenings from 6:00PM to 7:30PM.

Councilman Mace thanked everyone from the Town of Thompson and other members of the Community for their generous donations to Hospice and one to the Rhulen Rock Hill Run & Ramble 5K Event in Memory of his Father who recently passed away.

Director Carnell suggested that the Town send a letter to all of the companies owning Clothing Donation Bins throughout the Town of Thompson putting them on notice of the newly enacted ordinance and regulations and request for removal of said bins within a specific time period. These notifications will be sent prior to notifying each of the property owners.

Councilman Pavese reported on the Monticello Fire Department 200 Club Event to take place on Saturday, 06/18/2016 at the Monticello Fire Department's Firemen's Camp.

Councilman Sush commended Councilman Peter T. Briggs for receiving the 2016 Outstanding Educator Award on behalf of the Sullivan County School Boards Association.

Superintendent Culligan reported that the first phase of the Kiamesha Lake WWTP Improvement/Upgrade Project has commenced.

SUPERVISOR REPORT

- Solar Regulations Review Committee Formation
- Joint Village and Town Sign Committee Formation
- Preparation of Inventory Spreadsheet by Assessor's Office of all existing Billboards located in the Town of Thompson and Village of Monticello.
- Discussion with adjoining property owner of Town Hall regarding Easement between Town Hall and new Hospital/Medical Facility.

¹ ATTACHMENT: ORDER BILLS PAID

- Delaware River Basin Commission (DRBC) – Village of Monticello Docket approval granted with certain conditions for 375,000 gallons per day of water service to the proposed Montreign Resort Casino project.
- Dumpster Regulations Update
- NYS Governor Cuomo Announcement – Montreign Resort Casino License Fees to be released to Town in amount of \$2,550,000.00 and the Town will have to develop a plan regarding how revenues should be utilized.

OLD BUSINESS:

There was no old business reported on.

NEW BUSINESS:

There was no new business reported on.

PUBLIC COMMENT:

Mrs. Arlene Winograd of Starlight Road, Monticello asked what the status of the China City/Thompson Learning Center project was.

Supervisor Rieber advised that he has Recused himself from that project since his property borders the site of the proposed project. He referred to Deputy Supervisor Richard Sush to address the comment.

Deputy Supervisor Sush responded to Mrs. Winograd's comment advising that at this time the Town is unsure what they are proposing since there have been so many changes to the original project proposal.

Roger Betters of Monticello on behalf of the Columbia Hill Neighborhood Alliance commented on the Town of Fallsburg Proposed Building Moratorium issue. Further discussion was held regarding the matter.

Mr. Frank Kelly of Melody Lake, Monticello commented on the installation of the new streetlight in Melody Woods Development working out good. He thanked the Town Board for granting the approval. He also asked what the status of the Monticello Movie Theater Project was.

Deputy Supervisor Sush responded to Mr. Kelly's comment. The Developer has a crew working on the project daily, but is unsure of the current status it has been months since he has spoken to the Developer. Deputy Supervisor Sush said that he would try to contact the Developer to obtain the updated status.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- July 5th: Regular Town Board Meeting @ 7:30 PM.
- July 19th: Public Hearing @ 7:30 PM – Proposed Creation of the Melody Lake Water District.

- July 19th: Public Hearing @ 7:30 PM – Proposed Local Law No. 04 of 2016 – Zone/Use Text Change HC1 and HC2 regarding Animal Hospitals and Kennels/Veterinarian Offices/Facility to 20,000 square feet instead of 3-acres.
- July 19th: Public Hearing @7:30 PM – Proposed Local Law No. 05 of 2016 – Zone Change Request by Abundance of Care Pet Hospital Zone Change Request for 201 Rock Ridge Road, Monticello, SBL #23.-1-13 from SR to HC2.

ADJOURNMENT

On a motion made by Councilman Briggs and seconded by Councilman Pavese the meeting was adjourned at 8:46 PM.

Respectfully Submitted By:


Marilee J. Calhoun
Marilee J. Calhoun, Town Clerk