

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 **August 01, 2017.**

ROLL CALL:

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

APPROVED

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
Richard L. Benjamin, Jr., Highway Superintendent
Glenn Somers, Parks & Recreation Superintendent
James Carnell, Jr., Building, Planning, & Zoning Director
Gary J. Lasher, Town Comptroller
Patrice Chester, Deputy Administrator

PUBLIC HEARING: PROPOSED LOCAL LAW NO. 04 OF 2017 – EXTENSION OF TOWN SUPERVISOR TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS AND TO AMEND CHAPTER 41 OF THE TOWN CODE ENTITLED “OFFICERS AND EMPLOYEES”.

Supervisor Rieber opened the Public Hearing at 7:33 PM.

Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on July 21, 2017 with same being posted at the Town Hall on July 18, 2017.

Supervisor Rieber explained that this law is to extend the Supervisor's term to four years. It is being done this way in many parts of the county. If adopted tonight, this local law will go on the Election Ballot for November 2017. This matter is being done this way to give the voters a choice on this issue.

Supervisor Rieber asked if the Board had any comments.

Councilman Briggs said that you need more than two years to learn all facets of the position.

Councilman Sush said he was the one who instigated this subject and has wanted the term changed for quite some time. Two years is not enough time for any Supervisor to get things done.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter.

Roger Betters of Columbia Hill commented that increasing the term from two to four years would enable the incumbent to secure more power and make them more difficult to defeat in an election.

Arlene Winograd of Swinging Bridge asked why the Board is not considering the other Board Members terms also. The Board advised her that all of the Board members terms are already four years.

Pamela Zaitchick of Rock Hill believes that if the term is increased to four years there should be term limits.

Town Clerk Calhoun reported that Paul Walsh of Rock Hill phoned her and stated that he was not in favor of increasing the Supervisor's term to four years. Mr. Walsh also said that if the Board votes tonight he asked that the Councilmen state their reason for voting the way they did.

Richard L. Benjamin, Jr. of Monticello stated that he is in favor of a four year term. If the Highway Superintendent's term was a two year term there would be a different Highway Superintendent. The Town of Thompson is a large town with full time positions and you need continuity. It takes a tremendous amount of time and costs a lot of money to run for election in this town.

Frank Kelly & Laura Jones of Melody Lake agrees that the Supervisor term should be four years.

After an opportunity for all persons to be heard Supervisor Rieber entertained a motion that the public hearing be closed.

A motion to close the Public Hearing at 7:43 PM was made by Councilman Briggs and seconded by Councilman Pavese.

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 7:44 PM with the Pledge to the Flag.

APPROVAL OF MINUTES:

The Town Board Minutes from the July 18th, 2017 Regular Town Board Meeting were approved as presented.

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

MONTHLY REPORTS FOR JULY 2017 RECEIVED AND FILED

Building Department & Code Enforcement Officer's Report
Dog Control Officer's Report
Comptroller's Budgetary Report

PUBLIC COMMENT:

James Contrys of Monticello stated that he had an issue with a U-Haul sign he put on the end of Foss Road. He received a phone call from Jacob Billig who stated the sign was on Mr. Billig's property. Mr. Billig received a letter from the Town of Thompson regarding the sign. Mr. Contrys also expressed his concern with a Towing Company based in Harris as he has been questioning the Town about for ten years. Director Carnell stated that the Town had the Harris business owner in court. Councilman Sush said that the Harris business owner should continue to be sited if he is still out of compliance. A lengthy conversation continued with Mr. Contrys, Town Board, Director Carnell, and Attorney Mednick concerning this matter and other issues.

Phil Winograd of Swinging Bridge on behalf of the Swinging Bridge Property Owners Association thanked Supervisor Rieber for sending a letter to FERC.

CORRESPONDENCE:

1. **Grant & Lyons LLP:** Letter dated 05/08/2017 to Town of Fallsburg Supervisor Steven Vegliante and copied to Deputy Supervisor Richard Sush dated 05/08/17 regarding the proposed Thompson Education Center project proposed Security Caretaker Facility to be located on Renner Road, SBL #65.-1-11.59.
2. **Grant & Lyons LLP:** Letter dated 07/21/2017 to Town of Fallsburg Code Enforcement Officer Mollie Messenger and copied to Deputy Supervisor Richard Sush dated 07/21/17 regarding the proposed Thompson Education Center project proposed Development of Renner Road Parcel and Access Road onto Renner Road, SBL #65.-1-11.59.

AGENDA ITEMS:

1. RESOLUTION TO ENACT LOCAL LAW #4 OF 2017 – TO AMEND CHAPTER 41 OF THE TOWN CODE ENTITLED “OFFICERS AND EMPLOYEES” TO EXTEND TOWN SUPERVISOR TERM OF OFFICE FROM 2 TO 4 YEARS

The Following Resolution Was Duly Adopted: Res. No. 239 of the Year 2017.

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 August 01, 2017

RESOLUTION TO ENACT LOCAL LAW NO. 04 OF 2017

WHEREAS, proposed Local Law No. 04 of the year 2017 entitled, "A local law to extend the term of office for the Town Supervisor from two years to four years and amend Chapter 41 of the Town of Thompson Code entitled ‘Officers and Employees’” was introduced to the Town

Board at a meeting held July 03, 2017, 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 proposed Local Law No. 04 for the year 2017, Town of Thompson, State of New York, which local law is annexed hereto and made a part hereof, and

THEREFORE, BE IT FURTHER RESOLVED, that the term of office of the Town Supervisor of the Town of Thompson shall be four (4) years commencing with and continuing after the term to begin on January 1st, 2018 and thus, this local law shall cover the outcome of the General Election of November 7th, 2017 and

BE IT FURTHER RESOLVED, that this local law shall be subject to Mandatory Referendum pursuant to Section 23 of the Municipal Home Rule Law of the State of New York.

BE IT FURTHER RESOLVED, that this local law shall take effect immediately upon filing with the New York State Secretary of State, which filing shall await and be conditioned upon, the outcome of the aforesaid Mandatory Referendum.

Moved by: Councilman Richard Sush

Seconded by: Councilman John A. Pavese

Adopted on Motion August 01, 2017

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Town of Thompson

Proposed Local Law No. 04 of the year 2017

A local law to extend the term of office for the Town Supervisor from two years to four years and amend Chapter 41 of the Town of Thompson Code entitled “Officers and Employees”

Be it enacted by the Town Board of the

Town of Thompson

SECTION 1: TITLE

This local law shall be known as the “Local law extending the term of the Town Supervisor from two years to four years in the Town of Thompson, County of Sullivan, State of New York and amending Chapter 412 of the Town of Thompson Code entitled ‘Officers and Employees’.”

SECTION 2: PURPOSE

The purpose of this local law is to extend the term of office for the Town Supervisor from two (2) years to four (4) years. The Town Board recognizes that the Office of the Town Supervisor is a full-time position, and the Town Board believes an extended term would bring greater continuity to the office, and thus believes that the extended term is in the public’s best interest.

SECTION 3: AUTHORITY

This local law is enacted pursuant to the Town’s authority under Sections 10(1)(ii)(a) and 23(2)(e) of the Municipal Home Rule Law of the State of New York.

SECTION 4: APPLICATION

This local law shall extend the term of the Town Supervisor from two (2) years to four (4) years, such four (4) year terms shall commence on the 1st day of January, 2018, and shall apply to those persons elected to such office at the Biennial Town Election to be held on November 7, 2017, and to those elected to the position of Supervisor thereafter.

SECTION 5: Town of Thompson Town Code Chapter 41 entitled “Officers and Employees” shall be amended by adding Article V, as follows:

ARTICLE V
Supervisor

41-11. Term of office.

Notwithstanding the provisions of §24 of Article 3 of the Town Law, the term of office of the Supervisor of the Town of Thompson elected in the November, 2017 election and all Supervisors elected in the Town of Thompson thereafter shall be four (4) years.

41-12. Referendum, when effective.

This article shall be subject to mandatory referendum and be submitted therefore in compliance with §23(1) of the Municipal Home Rule Law and shall become effective when filed in the Office of the Secretary of State and as otherwise provided in §27 of said law.

SECTION 6: EFFECTIVE DATE

In accordance with the provisions of the Municipal Home Rule Law of the State of New York, this local law shall not become operative or effective unless and until it shall have been approved at the above-referenced Biennial/general election held within the Town of Thompson on November 7, 2017, by the affirmative vote of a majority of the qualified electors of the Town of Thompson voting upon the proposition.

This local law shall take effect, if approved as set forth above by the electors, upon the filing with the Office of the Secretary of State.

2. BONDING RESOLUTION FOR PURCHASE OF HIGHWAY EQUIPMENT - \$200,000.00

A lengthy discussion continued from the previous meeting. Superintendent Benjamin explained the process of how the Highway Equipment is replaced. This resolution is necessary to obtain a five year Bond Anticipation Note (BAN) not to exceed \$200,000.00, 40% to be repaid by the Adelaar Road District and 60% to be repaid by the DA Fund for the purchase of a 2018 Freightliner Truck Chassis, Monroe Stainless Steel Combination Dump Body, Plow Equipment and Hydraulic Controls.

The Following Resolution Was Duly Adopted: Res. No. 240 of the Year 2017.

At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, in said Town, on August 01, 2017, at 7:30 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor William J. Rieber, Jr., and upon roll being called, the following were

PRESENT: William J. Rieber, Jr., Supervisor
Richard Sush, Councilman
John A. Pavese, Councilman

Peter T. Briggs, Councilman
Scott S. Mace, Councilman

ABSENT:

The following resolution was offered by Councilman Scott S. Mace, who moved its adoption, seconded by Councilman Peter T. Briggs, to-wit:

BOND RESOLUTION DATED AUGUST 01, 2017.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF HIGHWAY MAINTENANCE EQUIPMENT, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purpose hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

Section 1. For paying the cost of the acquisition of highway maintenance equipment, in and for the Town of Thompson, Sullivan County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$200,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$200,000, and that the plan for financing thereof shall be by the issuance of the \$200,000 bonds authorized pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years under subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Thompson, Sullivan County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Thompson, Sullivan County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he or she shall deem best for the interests of the Town provided, however, that in the exercise of these delegated powers, he or she shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquaintance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall

appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.450-2. Other than as specified in this resolution, no monies are, or

are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary in the Sullivan County Democrat, the official newspaper of the Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

3. RESOLUTION DECLARING THOMPSON TOWN PARKS TOBACCO FREE ZONES

Councilman Mace announced that he received a resolution from Sue Park of the Department of Health requesting that the Town declare the Town Park a Smoke Free Zone. Town Clerk Calhoun stated that a similar resolution was previously adopted in January 2012. The basic difference in the resolutions is that this resolution before us now specifically states any tobacco and tobacco related products.

The Following Resolution Was Duly Adopted: Res. No. 241 of the Year 2017.

Young Lungs At Play Resolution

WHEREAS, smoking is responsible for the premature deaths of over 480,000 Americans EACH YEAR from lung cancer, heart disease, respiratory illness and other diseases and

WHEREAS, to help role model non-smoking behavior to children and youth of our town and to provide the youth and their families with a safe, smoke-free environment

WHEREAS, secondhand smoke is responsible for over 500,000 deaths among non-smokers each year and the Surgeon General's report states that evidence indicates there is no risk-free level of exposure to secondhand smoke

WHEREAS, 90% of smokers start before the age of 18 and the average age is 12 years

WHEREAS, everyday an estimated 2,500 young people under the age of 18 try their first cigarette and one third will die prematurely from tobacco related illnesses and

WHEREAS, smoking kills more Americans each year than alcohol, illegal drugs, AIDS, car accidents and murders and suicides COMBINED

WHEREAS. Cigarette filter liter is not bio-degradable (plastic cellulose) and litter clean-up costs taxpayer money, has environmental consequences and litter in community decreases property values 7%

Now, therefore be it resolved that from day forward the playground/park areas located within the Town of Thompson are duly designated as Tobacco Free Zone.

Motion by: Councilman Scott S. Mace

Seconded by: Councilman Richard Sush

Adopted by the Town Board on August 01, 2017

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

4. TOWN PARK PAVILION ROOF REPLACEMENT PROJECT

Park Manager Somers met with the Engineers. They will provide three (3) options. One (1) would be to repair the pavilion with cost analysis, (2) to rip it down to the frame and re-build, or (3) to rip it right down. They will put the complete analysis together and present it to the Town Board. Park Manager Somers hopes to have the analysis from the Engineers for the next Town Board Meeting or possibly before. The contractors have been cooperative. They submitted a small bill and removed all of the debris.

5. & 6. APPROVE CONTRACTS FOR SPECIAL EVENTS AT TOWN PARK DAY CAMP ON AUGUST 2ND AND AUGUST 3RD, 2017

Supervisor Rieber said that he attended the Grand Reopening in Walmart and during that event he asked if they would like to donate some money to the Town. As a result the Town received a check for \$2,500.00 for youth activities. Keeping this in mind, Supervisor Rieber is requesting the Town Board approve two Special Events for the children that attend the Summer Camp at the Town of Thompson Park.

System for 2017-2018 that was submitted 07/14/2017. It was originally thought that there was not enough time to do Dillon Farms Water District Improvements, but it was determined that it was doable. The need for improvements to Dillon Farms Water District is greater due to higher levels of lead and copper. There is another grant request already submitted for Melody Lake under the Environmental Facilities Grant Corporation.

The Following Resolution Was Duly Adopted: Res. No. 251 of the Year 2017.

Resolved, that the Town Board of the Town of Thompson hereby approves the amendment to the Grant Funding Application to apply for Dillon Farms Water District Improvements in place of the Melody Lake Acres Water District Improvements according to the State & Municipal Facilities Capital Program Grant Program for the amount of \$100,000.00.

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

Director Carnell reported on the Waterpark status.

Park Manager Somers reported that the YMCA donated a Basketball Hoop and Volleyball Net including installation to the Town Park. He would also like to meet with Councilmen Pavese and Briggs to go over the Dog Kennel design. There was a health inspection at the park today and everything went well. The Summer Camp is also going well and the kids are having fun.

Councilman Mace confirmed Shred Day for Saturday, October 14th, 9AM-12PM. He also asked about the bumps in the road on some manholes in the Rock Hill area.

Councilman Sush reported that George and Ed Cooke will speak at the Ethelbert B. Crawford Public Library, on Thursday, August 3rd, the Monticello Rotary Club Runathon Registration is Saturday, August 5th, 10AM to 2PM, Race – Sunday Morning, East Broadway and the Bagel Festival, August 13th.

Councilman Briggs reported that the Monticello Elks Golf Tournament, Sunday, August 20th, Lochmor Golf Course and a Drive Thru Chicken Barbeque at the Monticello Elks, August 2nd.

Councilman Pavese mentioned the Ethelbert B. Crawford Public Library Outdoor Space/Pave the Way Project. The outdoor park is being constructed.

PUBLIC COMMENT:

Richard Ruane of Rock Hill asked the status of the Thompson Education Center and the Movie Theatre. Several Town Board Members responded to Mr. Ruane's comment.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- August 6th: 2017 Monster Classic 5K & 10K @ 8:45AM, Richardson Avenue, Monticello
- September 5th: Public Hearing @ 7:30 PM – Proposed Local Law No. of 2017 – To Amend Chapter 212 Of The Town Code Entitled “Subdivision Of Land”

ADJOURNMENT

On a motion made by Councilman Briggs and seconded by Councilman Sush the meeting was adjourned at 9:12 PM.

Respectfully Submitted By:



Kelly M. Murran, Deputy Town Clerk