

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 07, 2018.

ROLL CALL:

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

APPROVED

Also Present: Marilee J. Calhoun, Town Clerk
Kelly M. Murran, Deputy Town Clerk
Michael B. Mednick, Attorney for the Town
Michael G. Messenger, Water & Sewer Superintendent
Keith A. Rieber, Assistant Water & Sewer Superintendent
Glenn Somers, Parks & Recreation Superintendent
James L. Carnell, Jr., Director of Building, Planning, & Zoning
Melissa DeMarmels, Town Comptroller
Patrice Chester, Deputy Administrator

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 7:30 PM with the Pledge to the Flag.

MONTHLY REPORTS FOR JULY 2018 RECEIVED AND FILED

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

APPROVAL OF MINUTES:

On a motion made by Councilman Mace and seconded by Councilman Pavese the minutes of the July 17, 2018 Regular Town Board Meeting were approved as presented.

Vote: Ayes 4 Rieber, Pavese, Meddaugh and Mace
Nays 0
Abstain 1 Briggs (He was not present for the meeting.)

PUBLIC COMMENT:

There was no public comment given.

PRESENTATION: MORGAN MITCHELL FOR VOLUNTEERISM

Supervisor Rieber asked Morgan Mitchell to come up front and thanked her for volunteering for the past three years in beautifying the Town. Councilwoman Meddaugh presented Ms. Mitchell with a plaque commending her for all of her hard work. Pictures were taken with the Town Board.

CORRESPONDENCE:

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

- 1) **Town Clerk Calhoun:** Letter dated 07/17/18 to Norton Rose Fulbright US LLP Re: \$1,500,000 Bonding for Kiamesha Lake Sewer District Tributary Sewerline Replacement Project.
- 2) **Town Clerk Calhoun:** Letter dated 07/19/18 to Mr. Chaim Miller Re: Response to (FOIL) Request for Property Records Pertaining to Kaufman Colony, 171 Kaufman Road, Monticello, SBL #12.-1-5.7.
- 3) **NYS Senator John J. Bonacic:** Letter dated 07/27/18 to Deputy Administrator Patrice Chester Re: State and Municipal Facilities Capital Program Grant Project Selection for \$75,000.00.
- 4) **Helen Collier Mauch, Esq. of Zarin & Steinmentz:** Letter dated 07/20/18 to Supervisor Rieber & Director Carnell Re: E.V. Hotel Sewer Connection.
- 5) **Charter Communications:** Letter with Check #06595982 for \$40,499.18 – 1st Quarter Franchise Fee (01/01/18-03/31/18).
- 6) **NYS Dept. of Taxation & Finance:** Division of Homeland Security – Check dated 07/26/18 in the amount of \$8,058.71 – FEMA for Winter Storm Stella (March 2017) and NYS Gaming Commission – Check dated 07/27/18 in the amount of \$469,242.30 – Resorts World Casino Distribution 1st Quarter.
- 7) **NYS Dept. of Taxation & Finance, ORPTS:** Notice of Final State Equalization Rate for 2018 is 86.00 dated 07/19/18.
- 8) **NYS DOH:** Letters dated 07/23/18 & 07/26/18 to Supervisor Rieber Re: Notification of Boil Water Order and Notification to Rescind Boil Water Order for the Melody Lake Acres Water District.
- 9) **Adedayo Adewole, P.E., NYS DEC:** (3) Letters dated 07/12/18, 07/19/18 & 07/19/18 to Supervisor Rieber and Town Board Re: Annual Compliance Inspection Reports for Kiamesha Lake WWTP on 06/11/18, Emerald Green STP on 06/25/18 & Sackett Lake STP on 06/25/18.
- 10) **NYS DEC:** Letter dated 08/01/18 to Supervisor Rieber Re: National Flood Insurance Program Community Assistance Visit (CAV)

11) Sullivan Renaissance: Letter dated 08/01/18 to Rabbi Schwartz, Ichud Hatalmidim D'Satmar Re: 2018 Property Enhancement Grant Program Award of up to \$2,500.00 towards the fence replacement project.

12) Sullivan County: Check #272294 dated 08/02/18 payable to Town of Thompson in amount of \$5,000.00 for OSE Level II EVSE Installation.

13) Town of Thompson ZBA: Notice of Hearing on 08/14/18 @ 7PM – Applicant is County of Sullivan IDA/Frontier Insurance requesting Side Yard Setback from 25' to 20'.

14) NYS DOT: Letter dated 08/01/18 to Mr. Tzvi Aryeh Young Re: Response to his Request Sent 06/09/18 Suggesting Several Ramp Improvements and Speed Limit Ahead Signs, NYS Route 42 & 55 in Towns of Thompson and Liberty.

AGENDA ITEMS:

1. ESTABLISH DATE FOR PUBLIC HEARING-ZONE CHANGE REQUEST: ARTHUR GLICK TRUCK SALES, INC., OLD ROUTE 17, MONTICELLO, SBL #31.-1-62.1 FROM SR TO HC-2 ZONE

The Following Resolution Was Duly Adopted: Res. No. 285 of the Year 2018.

RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A LOCAL LAW

WHEREAS, there has been introduced at a meeting of the Town Board of the Town of Thompson held on August 07, 2018, a proposed Local Law No. 06 of 2018, entitled "A local law to amend Chapter 250 of the Town of Thompson Code relating to zoning and planned unit development".

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Town Board of the Town of Thompson on August 28, 2018 at 7:00 P.M., or as soon thereafter as said public hearing shall be convened, at the Town Hall, 4052 Route 42, Monticello, New York, and at least three (3) days' notice of such public hearing be given by the Town Clerk of the Town of Thompson by due posting thereof on the bulletin board of the Town of Thompson and by publishing such notice at least once in the official newspaper of said Town.

Moved by: Councilman Scott S. Mace

Seconded by: Councilwoman Melinda S. Meddaugh

Adopted on Motion August 07, 2018

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 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"/>
Councilwoman MELINDA S. MEDDAUGH	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Town of Thompson

Proposed Local Law No. 06 of the year 2018

A local law to amend Chapter 250 of the Town of Thompson Code relating to zoning and planned unit development

Be it enacted by the Town Board of the

Town of Thompson

1. Chapter 250 of the Code of the Town of Thompson entitled "Zoning and Planned Unit Development", is hereby amended to reclassify the following described real property which is currently classified on the zoning map of the Town of Thompson in the Suburban Residential (SR) district:

Only that portion of real property identified on the Town of Thompson Tax Map as parcel SBL 31-1-62.1, consisting of approximately 20.49 acres, currently zoned as Suburban Residential (SR), shall be reclassified on such zoning map as Highway Commercial-2 (HC-2) and shall hereafter be subject to the schedule of district regulations for such Highway Commercial-2 (HC-2) zone.

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.

2. RESORTS WORLD CASINO: EXTEND TEMPORARY CERTIFICATE OF OCCUPANCY

The Following Resolution Was Duly Adopted: Res. No. 286 of the Year 2018.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON APPROVING EXTENSION OF CONDITIONAL CERTIFICATE OF OCCUPANCY FOR SIX MONTHS TO THE CASINO, 18 STORY HOTEL AND PARKING GARAGE AT RESORTS WORLD CATSKILLS WHICH WAS PREVIOUSLY GRANTED A TEMPORARY CONDITIONAL CERTIFICATE OF OCCUPANCY

WHEREAS, the Town of Thompson previously issued a Temporary Conditional Certificate of Occupancy (“CCO”) to EPT Concord II, LLC for the casino, 18 story hotel and parking garage at Resorts World Catskills for the areas identified on the plans attached to said CCO on February 22, 2018; and

WHEREAS, said CCO is a temporary certificate of occupancy issued pursuant to Section 108-7(D) of Chapter 108 of the Town of Thompson Code and the Code Enforcement Officer can issue temporary certificates with conditions pursuant to Section 108-7(D);

WHEREAS, EPT Concord II, LLC seeks an extension of the CCO for six months in accordance with Section 108-7(D) in order for the applicant to complete the conditions listed on the attached sheets; and

WHEREAS, EPT Concord II, LLC continues to diligently work towards a non-temporary certificate of occupancy and has satisfied a number of conditions to obtain said certificate;

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Thompson, hereby approves extension of a conditional certificate of occupancy for six months to the casino, 18 story hotel and parking garage at Resorts World Catskills in accordance with Section 108-7(D) of the Town of Thompson Code; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Thompson hereby authorizes the Code Enforcement Officer of the Town to do and perform any and all such acts required to accomplish said six month extension in accordance with Section 108-7(D) of the Town of Thompson Code.

Adopted August 07, 2018 by the Town Board of the Town of Thompson

Moved by: Councilman Scott S. Mace

Seconded by: Councilman Peter T. Briggs

The members of the Town Board voted as follows:

Supervisor William J. Rieber, Jr.	Voting	Aye
Councilwoman Melinda S. Meddaugh	Voting	Aye

Resolved, that the Regular Meetings of the Town Board be conducted at the Town Hall, 4052 Route 42, Monticello, New York 12701. Further, such meetings shall be held on the first and third Tuesday of each and every month beginning October 2nd, 2018 through December 18th, 2018, commencing at 6:30PM prevailing time for the Work-Session and 7:00PM prevailing time for the Town Board Meeting, unless otherwise changed as provided by law. Further Be It Resolved that the Town Clerk is hereby directed to advertise same in the official newspaper of the Town.

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

6. SPRING CLEAN UP REPORT

Town Clerk Calhoun reported that the 2018 Spring Clean Up was very successful and 93.42 tons of rubbish was brought into the Sullivan County Landfill. The Town was allotted 96 tons for the 2018 year. The Town will not be able to participate in a Fall Clean Up since there is only approximately 2.58 tons remaining. Councilman Pavese asked for a detailed report listing the residents who participated and how much tonnage they brought in. Deputy Town Clerk Murran has that spreadsheet and will provide it to Councilman Pavese for his review.

7. NYS DOT MAINTENANCE AGREEMENT FOR EXIT 105B WESTBOUND INTERCHANGE

Parks Dept. Superintendent Glenn Somers was contacted by Paul Hahn of the NYS DOT. Mr. Hahn said that he received calls that the Exit looks so good that it should be adopted. Mr. Hahn contacted Superintendent Somers to ask the Town to adopt the ramp because the Town already maintains the eastbound section. The Town would maintain the garbage and mow the area twice per month, basically just continue what the Town is already doing. It involves a short application that the Supervisor would need to sign and is a two year commitment. The NYS DOT would print the sign and it is no cost to the Town.

The Following Resolution Was Duly Adopted: Res. No. 291 of the Year 2018.

Resolved, that the Town Supervisor hereby be authorized to execute the contract with the NYS DOT for the Adopt A Road Program pertaining to the Exit 105B Westbound Interchange at no cost to the Town.

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

8. TOWN BUDGET MEETINGS AND PROCEDURES

Supervisor Rieber said that contracts need to be negotiated with the Highway, Water & Sewer, and Parks & Recreation Employees this year. These meetings will start after Labor Day. The Preliminary Town Budget will also need to be worked on and filed with the Town Clerk by September 30th. Budget Work Sessions will be scheduled at the

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

12. BUDGET TRANSFERS & AMENDMENTS

The Following Resolution Was Duly Adopted: Res. No. 294 of the Year 2018.

Resolved, that the following budgetary transfers hereby be approved as presented.

Town of Thompson

Budget Transfers/Amendments

FYE 12/31/18 Town Board Meeting Date: **8/7/2018**

<u>Account Number</u>	<u>Account Description</u>	<u>Reason</u>	<u>Revenue Increase</u>	<u>Revenue Decrease</u>	<u>Appropriation Increase</u>	<u>Appropriation Decrease</u>
A000.2543.000	T.A.R.A. Cat Program (Revenue)		1,500.00			
A000.3510.401	T.A.R.A. Cat Program (Expense)				2,500.00	
A000.2543.000	T.A.R.A. Cat Program (Revenue)		2,500.00			
A000.3510.401	T.A.R.A. Cat Program (Expense)				5,000.00	
A000.2771.111	Walmart Donation / Youth		3,500.00			
A000.7310.403	Youth - Walmart Grant expenses				3,500.00	
H000.3110.000	Pump Station # 9 B.A.N.		600,000.00			
H000.8625.400	SSG Pump Station Upgrades - Contractual				600,000.00	
H000.3151.000	Kiamesha STP - Trunk Line Replacement - B.A.N.		1,500,000.00			
H000.8635.401	Kiamesha STP - Trunk Line Replacement				1,500,000.00	

Totals 2,107,500.00 - 2,111,000.00 -

Net Effect To Budget (3,500.00)

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

13. ORDER BILLS PAID

The Following Resolution Was Duly Adopted: Res. No. 295 of the Year 2018.

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, Meddaugh and Mace
 Nays 0

ADDITIONAL AGENDA ITEMS:

1A. PAYCHEX FLEX ENTERPRISE: AMEND CONTRACT FOR PAYROLL SERVICES TO PROVIDE CALCULATION OF PAID TIME OFF – ADDITIONAL COST OF \$50.00 PER MONTH.

Supervisor Rieber stated that the contract for payroll services needs to be amended to calculate and include paid time off on the actual paychecks. Currently, the Water & Sewer Employees' time off needs to be manually calculated and written on each Employee check. The additional cost is approximately \$50.00 per month.

The Following Resolution Was Duly Adopted: Res. No. 296 of the Year 2018.

Resolved, that the Agreement with Paychex Flex Enterprise for Professional Payroll Services hereby be amended to provide calculation of paid time off and Further Be It Resolved, that the Town Supervisor hereby be authorized to execute the presented amendment and any necessary documentation with Paychex Flex Enterprise Agreement.

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

¹ ATTACHMENT: ORDER BILLS PAID

The Following Resolution Was Duly Adopted: Res. No. 301 of the Year 2018.

Resolved, that the Town Supervisor hereby be authorized to execute (2) copies of the Grant Disbursement Agreement with the Dormitory Authority of the State of New York (DASNY) for receiving the State and Municipal Facilities (SAM) grant in the amount of \$50,000 to be utilized for the replacement on the Town Park Pavilion.

Motion by: Councilman Mace Seconded by: Councilman Pavese

Vote: Ayes 5 Rieber, Pavese, Meddaugh and Mace

Nays 0

OLD BUSINESS:

There was no old business reported on.

SUPERVISOR'S REPORT:

Supervisor Rieber reported on the following:

- There were only seven (7) Article 7 Tax Certiorari Challenges submitted.

COUNCILMEN & DEPARTMENT HEAD REPORTS:

Councilman Pavese reported that the Salt Barn is completed and ready for use. The Bagel Fest is Sunday, August 12th, 9AM – 4PM, Village of Monticello. He also asked if anyone knew the status of the old Apollo Plaza, which is an eyesore.

Councilman Briggs reported that there is a Clam Bake at Cliff Lodge Hunting Camp, Saturday, August 11th. The Monticello Elks are having their Golf Tournament, Sunday, August 19th.

Councilwoman Meddaugh said that the Parks & Recreation Committee met a few weeks ago with the Planner and they will host two public workshops, Monticello Fire Department, September 15th, 10:30 AM-12 PM, and Rock Hill Fire Department, September 17th, 6 PM-7:30 PM.

NEW BUSINESS:

SIGNIFICANT SEWER USE MANAGEMENT PLAN

Supervisor Rieber said that this plan is a direct response to NYS DEC regarding the discharge at the Casino. Superintendent Messenger worked with Mary Beth Bianconi of Delaware Engineering, DPC to draft a plan for industrial users. Superintendent Messenger said that this type of plan is mainly for non-residential users. The Sewer Ordinance will be updated to include this plan with the re-codification of our Town Code.

The Following Resolution Was Duly Adopted: Res. No. 302 of the Year 2018.

Resolved, that the Significant Sewer Use Management Plan prepared by Delaware Engineering, DPC as ordered by the NYS DEC hereby be adopted as presented and submitted to the NYS DEC as requested. Further Be It Resolved, that the Town

Supervisor hereby be authorized to execute any necessary documents in connection with said plan and engagement of services.

Motion by: Councilwoman Meddaugh Seconded by: Councilman Pavese

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

Nays 0

WATER & SEWER DEPT - REQUEST FOR PROPOSALS – AKALINITY FEED SYSTEM/HOPPER SYSTEM FOR KIAMESHA LAKE SEWER TREATMENT PLANT

Superintendent Messenger said the flows are higher due to the Casino and the system needs to be supplemented by adding alkalinity. The cost would be paid for by the Casino Funds.

The Following Resolution Was Duly Adopted: Res. No. 303 of the Year 2018.

Resolved, that the Town Board hereby authorizes Water & Sewer Superintendent Michael G. Messenger to obtain quotations (request for proposals) for an alkalinity feed/hopper system at the Kiamesha Lake Sewer Treatment Plant.

Motion by: Councilwoman Meddaugh Seconded by: Councilman Pavese

Vote: Ayes 5 Rieber, Pavese, Meddaugh and Mace

Nays 0

WATER & SEWER DEPT - DECLARE SURPLUS EQUIPMENT

Superintendent Messenger said there is a small 5,000 Watt 1982 Homelite generator that still works, but does not have any markings to identify it and since it is not useful for their needs, he would like to declare it surplus equipment. Also, the 2013 RAM Pickup Truck 1500 Tradesman that was declared surplus at the 02/21/2018 Town Board Meeting was not put on the Auction site as of yet. He would like to put both the truck and generator on the auction site now at the same time.

The Following Resolution Was Duly Adopted: Res. No. 304 of the Year 2018.

Resolved, that the following vehicles &/or equipment from the Water & Sewer Department hereby be declared surplus and that the Water & Sewer Superintendent be authorized to sell at auction.

- 1) 1982 Homelite Generator – 5,000 Watt

Motion by: Councilman Briggs Seconded by: Councilman Mace

Vote: Ayes 5 Rieber, Pavese, Meddaugh and Mace

Nays 0

RACINO DRAINAGE PROJECT

Superintendent Messenger said that the Racino is doing a drainage project that the State is requiring them to do. They noticed that the Force Main at the Ben Moshe Pump Station has become exposed due to the many years of erosion. The Ben Moche Pump Station was built in 1972. He contacted MH&E and their engineer, Norbert, went to the site to evaluate the situation. MH&E is working on the problem. It must be addressed quickly and it is right in the State's Right of Way.

TOWN PARK PAVILION

Superintendent Somers said that MH&E has the final renditions of the New Town Park Pavilion, retaining wall, handicap parking, and the access to the main parking lot. The date to advertise for bids will be tentatively set at the 08/28/2018 Town Board Meeting. Deputy Administrator Chester suggested that a Special Town Board Meeting be held to establish date for a public hearing if necessary.

Deputy Administrator Chester stated she has a meeting tomorrow with Gordon MacAdam regarding the One Room Schoolhouse Project. She also advised that the JCAP Grant window is open and she will talk with the Court to see what may be needed.

PUBLIC COMMENT:

Roger Betters on behalf of the Columbia Hill Neighborhood Alliance asked if the Work Sessions the Town Board is having effective October 2nd are open to the public. Supervisor Rieber confirmed that they are open to the public.

Two residents from the Waterways Development along NYS Route 42 North complained about noise and garbage coming from American Theological Camp. Director Carnell and the Building Department will address the situation.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- August 28th: Re-scheduled Town Board Meeting at 7:00 PM.

ADJOURNMENT

On a motion made by Councilman Briggs and seconded by Councilman Pavese the meeting was adjourned at 9:11PM.

Respectfully Submitted By:



Kelly M. Murrin, Deputy Town Clerk