

**JOIN ZOOM MEETING:**

<https://us02web.zoom.us/j/82759520854>

+1-646-558-8656

Meeting ID: 827 5952 0854

**TOWN OF THOMPSON  
-Regular Meeting Agenda-**

THIS MEETING WILL BE HELD IN-PERSON LOCATED AT TOWN HALL, 4052 STATE ROUTE 42, MONTICELLO, NY 12701. THE MEETING WILL ALSO BE STREAMED LIVE ON ZOOM: TO JOIN PLEASE SEE TOWN WEBSITE AT: [WWW.TOWNOFTHOMPSON.COM](http://WWW.TOWNOFTHOMPSON.COM)

**TUESDAY, JULY 19, 2022**

**7:00 PM MEETING**

**NOTE: 6PM WORK-SESSION FOR EXECUTIVE SESSION  
TO DISCUSS DRAFT TOWN EMPLOYEE HANDBOOK & PERSONNEL POLICIES**

**JOINT PUBLIC HEARING WITH VILLAGE OF MONTICELLO:  
COMOLO LLC ANNEXATION PETITION REQUEST  
PROPERTY LOCATED ALONG ROCK RIDGE AVENUE, MONTICELLO  
SBL #'S 13.-4-2, 13.-4-3.1, 13.-4-3.2, 13.-4-3.3, 13.-4-9, 13.-4-10 & 13.-4-11**

CALL TO ORDER  
ROLL CALL  
PLEDGE TO THE FLAG

APPROVAL OF PREVIOUS MINUTES: July 05, 2022 Regular Town Board Meeting

PUBLIC COMMENT

**CORRESPONDENCE:**

- **Melinda S. Meddaugh, SC Agriculture & Farmland Protection Board:** Letter dated 07/05/22 to Supervisor Rieber Re: NYS Agricultural District 30-Day Window. The request made By Israel & Chaya Oster (Family Fun Park) located at 65 Friedman Road, Monticello, NY 12701, Town of Thompson, SBL #'s 5.-1-6.3, 6.14, 6.11, 6.13 & 6.7 were not recommended to be included in the 2022 30-Day Window. Applicants can re-apply again in the future.
- **Andrew Kalter, District Director, NYS DOH:** Letter dated 07/08/22 to Supervisor Rieber Re: Notification of Boil Water Order for the Dillon Farm Water District.
- **Harry Nelson, P.E., Environmental Engineer III, Metro & Eastern Projects Section, NYS EFC:** Letter dated 07/08/22 to Supervisor Rieber Re: Emerald Green Pump Station No. 6 Engineering Planning Grant (EPG) Study Project No. 111467 – Engineering Agreement Acceptance.
- **Tony Signorelli, P.E., Regional Traffic Engineer, NYS DOT:** Letter dated 07/06/22 to Supervisor Rieber Re: Parking Restriction Along NYS Route 42 South to Sackett Lake Road, Town of Thompson, Sullivan County.
- **Steven N. Mogel, Attorney at Law for Petitioners-Plaintiffs:** Notice of Petition, Electronic Filing & Verified Petition Re: Article 78 Proceeding – Chester Smith, Pamela Smith, Carole Pfeister, James Holdsworth, Dale Sheeley, 25 Saw Mill LLC, Gallet Hill LLC, James Giglio, 9 Glen Wild Road LLC and Shiv Shakti Holding LLC vs. Town of Thompson Planning Board and Glen Wild Land Company LLC Re: Avon Commercial Park Negative Declaration. (35 Exhibits Available in File)

**AGENDA ITEMS:**

- 1) SERVICES AGREEMENT WITH CONCORD RESORTS MASTER ASSOCIATION, LLC: MOTION TO RESCIND RESOLUTION NO. 254 OF THE YEAR 2022 & AUTHORIZE EXECUTION OF REVISED AGREEMENT RE: ADELAAR SPECIAL DISTRICTS
- 2) REVIEW & APPROVE CINTAS PROPOSAL FOR PROTECTIVE CARPET MATS FOR HIGH TRAFFIC AREAS IN TOWN HALL
- 3) REVIEW, APPROVE & AUTHORIZE EXECUTION OF SETTLEMENT AGREEMENT WITH CHARTER COMMUNICATIONS FOR PRIOR UNPAID FRANCHISE FEES PURSUANT TO AUDIT COMPLETED ON THE TOWN'S BEHALF BY TROY & BANKS
- 4) APPROVE STANDARD WORK DAY AND REPORTING RESOLUTION FOR ELECTED AND APPOINTED OFFICIALS (RS 2417-A) FOR NYS RETIREMENT SYSTEM

**5) BILLS OVER \$2,500.00**

**6) BUDGET TRANSFERS & AMENDMENTS**

**7) ORDER BILLS PAID**

**OLD BUSINESS**

**1) WATER & SEWER DEPT.: CONTINUED DISCUSSION – PROPOSAL FOR GPS MOBILE TRACKING SERVICES**

**NEW BUSINESS**

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

**PUBLIC COMMENT**

**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

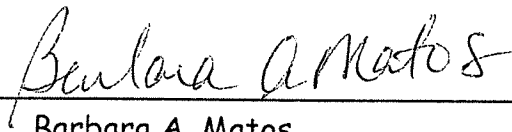
Legal Notice Ad

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 6/28/22



Fred W. Stabbert, III

Sworn to before me this 28<sup>th</sup> day of June, 2022



Barbara A. Matos

Notary Public, State of New York

No. #01MA6172971

Qualified in Sullivan County

My commission expires on August 20, 2023

LEGAL NOTICE  
TOWN BOARD  
WORK-SESSIONS  
TUESDAY,  
July 19, 2022  
AT 6:00 PM  
TUESDAY,  
August 2, 2022  
AT 6:00 PM  
Town of Thompson  
Town Board will be  
meeting for (2) work-  
sessions on Tuesday,  
July 19, 2022 and  
Tuesday August 2,  
2022 at 6:00 PM to be  
held at the Town Hall,  
4052, State Route 42,  
Monticello, New York.  
The purpose of the  
work-sessions is to  
enter into Executive  
Session to discuss  
the Draft Town  
Employee Handbook  
and Personnel  
Policies.  
By Order of the Town  
Board, Town of  
Thompson  
Dated: June 21, 2022  
Marilee J. Calhoun  
Town Clerk  
104458

PH

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  
  
County of Sullivan  
  
Legal Notice Ad

SS:

I, Fred W. Stabbert, III, being duly sworn,  
Depose and say: That I am the Publisher of  
Sullivan County Democrat, a twice weekly  
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York; and that a notice, of which the annexed  
is a printed copy, was duly published in  
Sullivan County Democrat 7/5/22

**LEGAL NOTICE**  
**TOWN OF THOMPSON**  
**VILLAGE OF MONTICELLO**  
**NOTICE OF JOINT PUBLIC HEARING**  
**ON PETITION FOR ANNEXATION**

**PLEASE TAKE NOTICE** that a petition, pursuant to General Municipal Law Article 17, has been received by the Town Board of the Town of Thompson, Sullivan County, New York ("Town"), and the Village Board of the Village of Monticello, Sullivan County, New York ("Village"), for annexation of the premises of Comolo LLC, situated along Rock Ridge Avenue, State Route 17 and Prospect Avenue, Monticello, New York and identified as tax map parcels 13.-4-2, 13.-4-3.1, 13.-4-3.2, 13.-4-3.3, 13.-4-9, 13.-4-10 & 13.-4-11.

**PLEASE TAKE FURTHER NOTICE** that on Tuesday, July 19, 2022 a 7:00 P.M., prevailing time, a joint public hearing will be held by the Town Board of the Town and the Village Board of the Village at the Town of Thompson Town Hall, 4052 State Route 42 North, Monticello, NY 12701, at which time and place all persons interested in the matter may be heard. Objections based on any of the grounds set forth in General Municipal Law §705(1), (a), (b), (c) and/or (d) shall, in addition to oral testimony thereon, be submitted in writing.  
Dated: June 21, 2022

By Order of the Town Board of the  
Town of Thompson, New York  
Marilee J. Calhoun  
Town Clerk

104689

Fred W. Stabbert, III

Sworn to before me this 5<sup>th</sup> day of July, 2022

Barbara A. Matos  
Notary Public, State of New York  
No. #01MA6172971  
Qualified in Sullivan County  
My commission expires on August 20, 2023

PETITION FOR ANNEXATION

\*\*\*\*\*X

TO: TOWN BOARD OF THE TOWN OF THOMPSON  
TOWN SUPERVISOR WILLIAM J. RIEBER, JR.  
MELINDA S. MEDDAUGH  
SCOTT MACE  
RYAN T. SCHOCK  
JOHN PAVESE

Town Council

-and-

TO: VILLAGE BOARD OF THE VILLAGE OF MONTICELLO  
GEORGE NIKOLADOS, Mayor  
MICHAEL BANKS  
ROCHELE MASSEY  
CHARLIE SABATINO  
CARMEN RUE

Village Trustees

\*\*\*\*\*X

TO: TOWN BOARD OF THE TOWN OF THOMPSON and  
VILLAGE BOARD OF THE VILLAGE OF MONTICELLO

1. Pursuant to Article 17 of the General Municipal Law of the State of New York, the Petitioner herein does petition to annex to the Village of Monticello all of the territory which is now in the Town of Thompson, Sullivan County, New York, which adjoins the Village of Monticello and is described in Paragraph "2" of this Petition.

2. Petitioner seeks to have territory in the Town of Thompson, Sullivan County, New York, which adjoins the Village of Monticello and is currently represented by tax map number for the Town of Thompson being Section 13, Block 4, Lots 2, 3.1, 3.2, 3.3, 9, 10 and 11 (the "Territory") to be annexed to the Village of Monticello and become a part thereof.

3. The Petitioner is the owner of all of the Property in the Territory to be annexed and is authorized to act on behalf of all of the assessed valuation proposed to be annexed, as assessed upon the last proceeding assessment roll of the Town of Thompson.

4. The Territory to be annexed is seven parcels of vacant land consisting of a total of 3.44± acres of land.

5. The Petitioner further requests that upon completion of the requested annexation that the Territory be zoned R-1, which is the same zone as the contiguous parcel.

6. Upon approval of this annexation petition by all municipalities, the Territory to be annexed will be submitted to the Planning Board of the Village of Monticello for the purpose of developing the property together with other property owned by the Petitioner now located in the Village of Monticello as a 4 lot subdivision (preliminary map attached).

7. Attached to this Petition and made a part hereof is a Certificate of the Assessor of the Town of Thompson, whereby he certifies that as of the date of this Petition, the Petitioner is the owner of the entire assessed value of the Territory sought to be annexed.

IN WITNESS WHEREOF, the Petitioner in the presence of us as witnesses, affixed his name and signed the foregoing Petition on the 4th day of October, 2021.

Petitioner: Comolo LLC

By: *Yankel Teitelbaum*  
Yankel Teitelbaum, Managing Member

Witness: *Jay L. Zeiger*  
Jay L. Zeiger

STATE OF NEW YORK )  
  )ss.:  
COUNTY OF KINGS )

On the 4 day of October, in the year 2021 before me, the undersigned, a Notary Public in and for said State, personally appeared YANKEL TEITELBAUM, 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.

*[Signature]*  
Notary Public

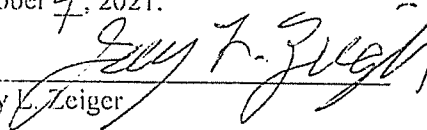
SHEM TOV MAYER  
Notary Public, State of New York  
No. 01MA5069188  
Qualified in Kings County 22  
Commission Expires Nov. 18, 2022

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

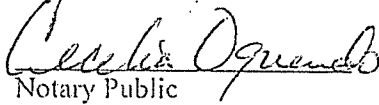
WITNESS STATEMENT

Jay L. Zeiger, being duly sworn, deposes and says as follows:

I reside at \_\_\_\_\_, and I know YANKEL  
TEITELBAUM, whose name is subscribed to the above sheet containing his signature, and he  
subscribed same in my presence on October 4, 2021.

  
Jay L. Zeiger

Sworn to before me this 4th  
day of October, 2021

  
Notary Public

CECELIA OQUENDO  
Notary Public, State of New York  
NYS Reg No. 010Q6350287  
Qualified in Ulster County  
Commission Expires Nov. 7, 2022

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

CERTIFICATE OF ASSESSOR

VAN B. KRZYWICKI, being duly sworn, deposes and says as follows:

1. I am the Assessor for the Town of Thompson, Sullivan County, New York.
2. In my capacity as assessor for the Town of Thompson I prepared the last preceding assessment roll for the Town of Thompson for the 2021 assessment year, corresponding to the 2021/2022 tax year, a certified copy of which was filed with the Town Clerk of the Town of Thompson on or about July 1, 2021.
3. The total assessed valuation of the real property in the Town of Thompson according to said assessment roll was \$ 1,841,685,318
4. Comolo LLC ("Comolo") is the owner of seven parcels of land in the Town of Thompson under Tax Map Numbers Section 13, Block 2, Lots 2, 3.1, 3.2, 3.3, 9, 10 and 11, which is comprised of 3.44± acres of vacant land, and is assessed for real property tax purposes as follows:

| <u>Parcel</u> | <u>Assessment</u> |
|---------------|-------------------|
| 13.-4-2       | \$ 1,000.00       |
| 13.-4-3.1     | \$ 3,300.00       |
| 13.-4-3.2     | \$ 4,300.00       |
| 13.-4-3.3     | \$ 15,200.00      |
| 13.-4-9       | \$ 7,400.00       |
| 13.-4-10      | \$ 1,300.00       |
| 13.-4-11      | \$ 300.00         |
| TOTAL         | \$ 32,800.00      |

Said parcels of land are contiguous to land in the Village of Monticello and I have been informed that there is a petition to be submitted by the property owner to annex the aforementioned parcels of land into the Village of Monticello.

5. The real property assessed to Comolo mentioned above comprises 100% of the total assessed valuation of real property in the territory proposed to be annexed as assessed on the last preceding assessment roll for the Town of Thompson.

Van B. Krzywicki, IAS  
VAN B. KRZYWICKI

Sworn to before me this 4th  
day of October, 2021

Marilee J. Calhoun  
Notary Public

MARILEE J. CALHOUN  
Notary Public, State of New York  
Sullivan County Clerk's #2571  
Commission Expires July 08, 2022





Mc

**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 and also held remotely via Zoom on **July 05, 2022.**

**ROLL CALL:**

**Present:** Councilman Ryan T. Schock  
Councilman Scott S. Mace  
Councilman John A. Pavese

**DRAFT**

**Absent:** Supervisor William J. Rieber, Jr.

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Attorney for the Town  
Patrice Chester, Deputy Administrator  
Melissa DeMarmels, Town Comptroller  
Glenn Somers, Parks & Recreation Superintendent

**Present via Zoom:** Deputy Supervisor Melinda S. Meddaugh, Presiding via Zoom due to COVID protocols.  
Kelly M. Murrin, Deputy Town Clerk  
James L. Carnell, Jr., Director of Building, Planning & Zoning  
Karen Schaefer, Supervisor's Confidential Secretary

**REGULAR MEETING – CALL TO ORDER**

Deputy Supervisor Meddaugh opened the meeting at 7:00 PM with the Pledge to the Flag. This meeting was held in person and remotely via Videoconferencing streamed live on the Zoom app, which is accessible to the public. The meeting is also being recorded for full transcription purposes should it be required.

**MONTHLY REPORT FOR JUNE 2022 RECEIVED AND FILED**

Dog Control Officer's Report

**APPROVAL OF MINUTES:**

On a motion made by Councilman Pavese and seconded by Councilman Mace the minutes of the June 21<sup>st</sup>, 2022 Regular Town Board Meeting were approved as presented.

Vote: Ayes 3 Pavese, Meddaugh and Mace  
Nays 0  
Absent 1 Rieber  
Abstained 1 Schock (He was not present for that meeting.)

**PUBLIC COMMENT:**

There was no public comment given.

**CORRESPONDENCE:**

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

- **Carly Glassbrenner, NYS EFC:** Email dated 06/28/2022 to Supervisor Rieber and other representatives Re: Emerald Green Pump Station No. 6 Engineering Planning Grant Study – MWBE Utilization Plan & SDVOB Waiver Acceptance.
- **Steven N. Mogel, Attorney at Law for Petitioners-Plaintiffs:** Notice of Petition, Electronic Filing & Verified Petition and Complaint Re: Article 78 Proceeding – Carl D. Kerber, Charles Benson and Stephanie Benson vs. Town of Thompson Planning Board, Zoning Board of Appeals and NYSHA, Inc. Re: Hamaspiik Resort Project approvals/permit.

**AGENDA ITEMS:**

**1) SPECTRUM COMMUNICATIONS SOLUTIONS PROPOSAL FOR INTERNET, CABLE & TV SERVICES AT EAST MONGAUP RIVER TOWN PARK, 181 TOWN PARK ROAD, MONTICELLO – INSTALLATION COST \$30,000.00 + MONTHLY CHARGES**

Supt. Glenn Somers explained the Communications Solutions Proposal from Spectrum for the installation of internet, cable and TV services extended down to the East Mongaup River Town Park located at 181 Town Park Road, Monticello. The total estimated installation/construction cost is \$30,000.00 + one-time installation charge of \$99.00 + required monthly service charges. Supt. Somers said that they have been trying to obtain services for sometime now, which is necessary due to the Summer Youth Day Camp. There is currently no internet or cellular service available. The Town has finally received a proposal for the installation/ construction costs. He said that the Town was going to consider using American Rescue Plan Act (ARPA) funds towards the expense since the cost is necessary and would be an authorized use of said funds. Further discussion ensued and action to approve proposal, authorize services and use of (ARPA) funds was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 266 of the Year 2022.**

Resolved, that the Proposal of Spectrum Enterprise for installation/construction of internet, cable and TV services to be extended down to the East Mongaup River Town Park located at 181 Town Park Road, Monticello, NY at a total cost of \$30,000.00 + one-time installation charge of \$99.00 is hereby approved as presented and

Further Be It Resolved, that the Town Board of the Town of Thompson hereby authorize the use of the American Rescue Plan Act (ARPA) funds towards the expansion of said Broadband services and that the Town Supervisor is hereby authorized to execute acceptance of said proposal.

Motion by: Councilman Pavese                      Seconded by: Councilman Mace

Vote: Ayes 4                      Pavese, Schock, Meddaugh, and Mace

Nays 0



**Critex, LLC (Mr.Manhole)** **\$6,528.42 Total Cost**  
Invoice # INV-3693 – Purchase of Mr. Manhole supplies for Consolidated Kiamesha  
Sewer District.  
(Procurement: Sole source procurement.)

Moved by: Councilman Mace Seconded by: Councilman Schock  
Vote: Ayes 4 Pavese, Schock, Meddaugh and Mace  
Nays 0  
Absent 1 Rieber

**4) BILLS OVER \$2,500.00 – HIGHWAY DEPARTMENT**

**The Following Resolution Was Duly Adopted: Res. No. 270 of the Year 2022.**

Resolved, that the following bills over \$2,500.00 for the Water & Sewer Department be approved for payment as follows:

**Anderson Equipment** **\$7,189.94 Total Cost**  
Invoice # 4220232020 – Purchase Gearbox for Roller.  
(Procurement: Sole source procurement.)

Moved by: Councilman Schock Seconded by: Councilman Pavese  
Vote: Ayes 4 Pavese, Schock, Meddaugh and Mace  
Nays 0  
Absent 1 Rieber

**5) BUDGET TRANSFERS & AMENDMENTS**

There were no budget transfers or amendments.

**6) ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 271 of the Year 2022.**

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.<sup>1</sup>

Moved by: Councilman Mace Seconded by: Councilman Schock  
Vote: Ayes 4 Pavese, Schock, Meddaugh and Mace  
Nays 0  
Absent 1 Rieber

**OLD BUSINESS:**

There was no old business reported on.

**NEW BUSINESS:**

There was no new business reported on.

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<sup>1</sup> ATTACHMENT: ORDER BILLS PAID

**SUPERVISOR'S REPORT:**

**Supervisor William J. Rieber, Jr.**

- There was no report provided.

**COUNCILMEN & DEPARTMENT HEAD REPORTS:**

**Parks & Recreation Superintendent Glenn Somers**

- Town/YMCA Summer Youth Day Camp – The first week of Camp started last week, which went well.
- Provided status update regarding the new Bathrooms project at the East Mongaup River Town Park.

**Councilman John A. Pavese**

- Monticello Elks Lodge Annual Seasonal Drive-Thru Chicken BBQ – July 6<sup>th</sup>, 2022 from 4PM-7PM.
- DeHoyos Park Pavilion – The paving project that the Town was helping with has been completed. A brief discussion was held.

**PUBLIC COMMENT:**

Chet Smith of Rock Hill provided the following public comment: 1) Rock Hill Fire Department Annual French Toast & Pancake Breakfast to be held on Sunday, July 17<sup>th</sup>, 2022 in person or drive-thru from 7am to 12pm. 2) Sports Nuts that was located along the end of Rock Hill Drive, Rock Hill received eviction from property.

**ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- 07/19/22 at 6PM: Town Board Work-Session.
- 07/19/22 at 7PM: Joint Public Hearing with Village of Monticello – Comolo LLC Annexation Petition Request, Property Located Along Rock Ridge Avenue, Monticello, SBL#s 13.-4-2, 3.1, 3.2, 3.3, 9, 10 & 11 to be held at Town Hall.
- 07/19/22 at 7PM: Regular Town Board Meeting.

**ADJOURNMENT**

On a motion made by Councilman Schock and seconded by Councilman Pavese the meeting was adjourned at 7:18 PM. All board members voted in favor of adjourning the meeting.

The Zoom Livestream Videoconferencing connection and Facebook Live were disconnected.

**Respectfully Submitted By:**

  
**Marilee J. Calhoun, Town Clerk**



July 5, 2022

Honorable William Rieber, Supervisor  
Town of Thompson  
4052 St Route 42  
Monticello, NY 12701

Re: New York State Agricultural District 30 Day Window

Dear Supervisor Rieber,

In previous correspondence we notified the Town of Thompson that the parcels listed below submitted an application to be included into an Agricultural District. However, they were not recommended to be included in the 2022 Thirty Day Window. Applicants are able to apply again in the future.

**Israel & Chaya Oster (Family Fun Park)**  
**65 Friedman Rd., Monticello, NY 12701**  
**Thompson: 5.-1-6.3, 5.-1-6.14, 5.-1-6.11, 5.-1-6.12, 5.-1-6.13 and 5.-1-6.7**

For your reference, attached hereto please find a notice of public hearing on July 21, 2022 at 10:50am in the Sullivan County Legislative Hearing Room at the Sullivan County Government Center, 100 North Street, Monticello, NY 12701. This notice contains the parcels that were recommended to be included into an Agricultural District.

If you have any questions, please do not hesitate to contact me at 845-292-6180 x116 or by email at [mm2592@cornell.edu](mailto:mm2592@cornell.edu). Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Melinda Meddaugh".

Melinda Meddaugh  
Agriculture and Food Systems Issue Leader  
Staff support for Agriculture and Farmland Protection Board

cc: Ira Steingart, District 8 Legislator (via e-mail)  
Freda Eisenberg, Planning Commissioner (via e-mail)  
Marilee Calhoun, Town Clerk

**COUNTY OF SULLIVAN  
NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that requests for inclusion of predominantly viable agricultural land within a certified agricultural district have been filed with the County legislative body pursuant to NYS Agriculture and Markets Law 25AA Section 303-b and that a public hearing will be held by the Sullivan County Legislature on Thursday, July 21, 2022 at 10:50am in the Legislative Hearing Room of the Sullivan County Government Center, Monticello, New York to consider the requests and the recommendations of the Sullivan County Agricultural and Farmland Protection Board to modify the Agricultural District No. 4 and Agricultural District No. 1 to add parcels as contained on the Sullivan County Tax Maps on May, 5 2022 and designated as follows:

Town of Fallsburg Parcel 32.-1-58  
Town of Fallsburg Parcel 32.-1-54  
Town of Forestburgh Parcel 1.-1-1.1  
Town of Forestburgh Parcel 1.-1-1.2  
Town of Liberty Parcel 29.-1-11.1  
Town of Liberty Parcel 4.-1-20.2  
Town of Liberty Parcel 10.-1-11.1  
Town of Liberty Parcel 10.-1-14.2  
Town of Liberty Parcel 4.-1-19  
Town of Liberty Parcel 4.-1-20.1  
Town of Liberty Parcel 10.-1-14.4  
Town of Liberty Parcel 10.-1-14.1  
Town of Liberty Parcel 10.-1-12.1  
Town of Mamakating Parcel 20.-1-5





# Department of Health

KATHY HOCHUL  
Governor

MARY T. BASSETT, M.D., M.P.H.  
Commissioner

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

July 8, 2022

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

Re: Dillon Farm WD  
Town of Thompson  
Boil Water Order

Mr. Rieber:

You are hereby directed to discontinue normal use of this water supply for human consumption and post the enclosed "Boil Water Order" until the Department has determined that adequate correction and/or controls are in place and that the water is of an acceptable bacteriological quality.

Public notification must be made in a manner reasonably calculated to reach all persons served by the water supply within 24 hours. One or more of the following forms of delivery are acceptable:

- 1) local broadcast media such as radio or television
- 2) hand delivery of notice to persons served by the water system
- 3) posting of the notice in conspicuous locations throughout the area served by the water system

Enclosed is a Certification of Public Notification Form that must be **completed and returned to the Monticello District Office prior to this office rescinding the Boil Water Order.**

In addition to the repeat samples, the results of microbiological analysis from **water samples collected on two (2) consecutive days from representative locations in the distribution system must be submitted to this office to confirm satisfactory water quality prior to rescinding the Boil Water Order. Systems using chlorine disinfection must include the chlorine residual at the time of sampling on the chain of custody form submitted to the lab. You can write it next to the exact location of the sample.**

If you have any questions concerning the above, please feel free to contact this office at (845) 794-2045.

Sincerely,

Andrew Kalter  
District Director

Enclosure



## Department of Health

KATHY HOCHUL  
Governor

MARY T. BASSETT, M.D., M.P.H.  
Commissioner

KRISTIN M. PROUD  
Acting Executive Deputy Commissioner

# BOIL WATER ORDER ISSUED ON July 8, 2022

Dillon Farm WD water is contaminated with *E. coli*

BOIL YOUR WATER BEFORE USING

**CUSTOMERS OF THE DILLON FARM WATER DISTRICT IN THE TOWN OF THOMPSON, ARE HEREBY ORDERED BY THE MONTICELLO DISTRICT OFFICE TO BOIL ALL WATER FOR DRINKING AND CULINARY PURPOSES.**

**Andrew Kalter**  
District Director

***E. coli* bacteria were found in the water supply on July 8, 2022.** These bacteria can make you sick, and are a particular concern for people with weakened immune systems. The New York State Department of Health views any confirmed *E. coli* positive sample as a public health hazard and a violation of drinking water standards.

**DO NOT DRINK THE WATER WITHOUT BOILING IT FIRST.** Bring all water to a boil, let it boil for one minute, and let it cool before using, or use bottled water certified for sale by the New York State Department of Health. Boiled or bottled water should be used for drinking, making ice, brushing teeth, washing dishes, and food preparation **until further notice**. Boiling kills most bacteria and other organisms in the water.

*E. coli* are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some elderly, and people with severely compromised immune systems.

The symptoms above are not just caused by organisms in drinking water. If you experience any of these symptoms and they persist, you may want to seek medical advice. People at increased risk should seek advice about drinking water from their health care providers.

### What happened? What is being done?

You will be informed when tests show no bacteria and you no longer need to boil your water. For more information, please contact the Town of Thompson or the Monticello District Office at 845-794-2045.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Monticello District Office, 50 North Street, Suite 2, Monticello, NY, 12701 | [health.ny.gov](http://health.ny.gov)

## ATTENTION: PWS Operator/Responsible Party

You must provide public notice to persons served as soon as practical but within 24 hours after you learn of the violation or loss of pressure [Subpart 5-1.78(c)]. During this time, you must also contact the New York State Department of Health, Monticello District Office. The public notice shall be posted in conspicuous locations throughout the area served by the water system and hand delivered to persons served by the water system. Also, you should use radio or television to deliver the notice to consumers.

You may need to use additional methods (e.g., newspaper, delivery of multiple copies to hospitals, clinics, or apartment buildings), since notice must be provided in a manner reasonably calculated to reach all persons served. [Subpart 5-1.78(c)(4)]

The notice included with this letter is appropriate for hand delivery or a newspaper notice. However, you may wish to modify it before using it for a radio or TV notice. If you do, you must still include all required elements and leave the health effects language unchanged. This language is mandatory [Subpart 5-1.78(b)(4)]. If you post or hand deliver, print the notice on your letterhead, if you have it.

### Population Served

Make sure it is clear who is served by your water system--you may need to list the areas you serve.

### After Issuing Public Notification

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the New York State Department of Health, Monticello District Office within the time frame required, but no later than ten days from the time you issue the notice [Subpart 5-1.78(a)(3)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately. In addition, health professionals, including dentists, use tap water during their procedures and need to know of contamination so they can use bottled water.

Within ten days after issuing the notice, you must send to the New York State Department of Health a copy of each type of notice, along with a certification (see example below) that you have met all the public notice requirements. Mail copies to:

Andrew Kalter, District Director  
NYSDOH, Monticello District Office  
50 North St., Suite 2  
Monticello, NY 12701-1719

Or, fax\* a copy to **(845) 794-3165** or email [mado@health.ny.gov](mailto:mado@health.ny.gov).

\* If you fax, you must call (845) 794-2045 and confirm our receipt of the fax.

### Certification of Public Notification

I \_\_\_\_\_ certify that the attached public notification was issued for  
(PWS Operator / Responsible Party)

\_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_  
(Name of Water System) (Date) (Date)

The attached notice was issued by \_\_\_\_\_  
(Method of delivery)

Signature \_\_\_\_\_ Date \_\_\_\_\_



# Environmental Facilities Corporation

KATHY HOCHUL  
Governor

MAUREEN A. COLEMAN  
President and CEO

**Sent Via Email Only**

July 8, 2022

William J. Rieber  
Supervisor  
Town of Thompson  
4052 Route 42  
Monticello, New York 12701

Re: Engineering Planning Grant (EPG) Project No. 111467  
Emerald Green Pump Station #6 EPG Study  
Town of Thompson  
Sullivan County  
SPDES No. NY0030724  
**Engineering Agreement Acceptance**

Dear Supervisor Rieber:

We are in receipt of the Engineering Agreement dated June 9, 2022 between MHE Engineering, D.P.C. and Town of Thompson for engineering planning services in the amount of \$60,000.00 on the referenced water pollution control project. The scope of services was reviewed and found to be acceptable as being in compliance with applicable Engineering Planning Grant requirements. Costs associated with providing these services have also been found to be eligible.

The submission has also been reviewed for compliance with applicable New York Executive Law Article 15-A and Article 17-B requirements and found to be acceptable through the inclusion of appropriate Minority and Women's Business Enterprises - Equal Employment Opportunity (MWBE-EEO) and Service-Disabled Veteran-Owned Business (SDVOB) language and goals.

Please contact Carly Glassbrenner, EFC Program Compliance Specialist, at [ProgramCompliance@efc.ny.gov](mailto:ProgramCompliance@efc.ny.gov) about the need to submit a utilization plan or if you need assistance with the MWBE-EEO or SDVOB program.

Please contact Jon Amos, Environmental Engineer, should you have any questions at (518) 402-7396.

Sincerely,

Harry Nelson, P.E.  
Environmental Engineer III  
Metro & Eastern Projects Section

cc: NYSDEC Region 3 – Meena George, P.E. & Manju Cherian, P.E. (email)  
MHE Engineering D.P.C. – Michael Lamoreaux, P.E. (email)  
A. Petrone (email)  
C. Glassbrenner (email)  
R. Lanahan (email)  
D. Brown (email)



**Department of  
Transportation**

**KATHY HOCHUL**  
Governor

**MARIE THERESE DOMINGUEZ**  
Commissioner

**THOMAS D. WISER, P.E.**  
Regional Director

4

July 6, 2022

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

Dear Supervisor Rieber:

**RE:   PARKING RESTRICTION  
      NYS ROUTE 42 TO SACKETT LAKE ROAD  
      TOWN OF THOMPSON, SULLIVAN COUNTY**

The Region 9 Traffic Safety and Mobility Office (TSMO) recently received a request to establish a parking restriction on NYS Route 42 south of the Village of Monticello to Sackett Lake Road.

Currently there is a stopping restriction on both sides of NYS Route 42 in this area that begins in the Village and ends 0.3 miles  $\pm$  north of Sackett Lake Road (seen enclosed map). Before moving forward with this request to extend this restriction south to Sackett Lake Road, the TSMO requests input from the Town. If the Town would like to see this stopping restriction extended to Sackett Lake Road, please send a letter of support to the following address:

Region 9 Traffic Safety and Mobility Office  
44 Hawley Street  
Binghamton, NY 13901

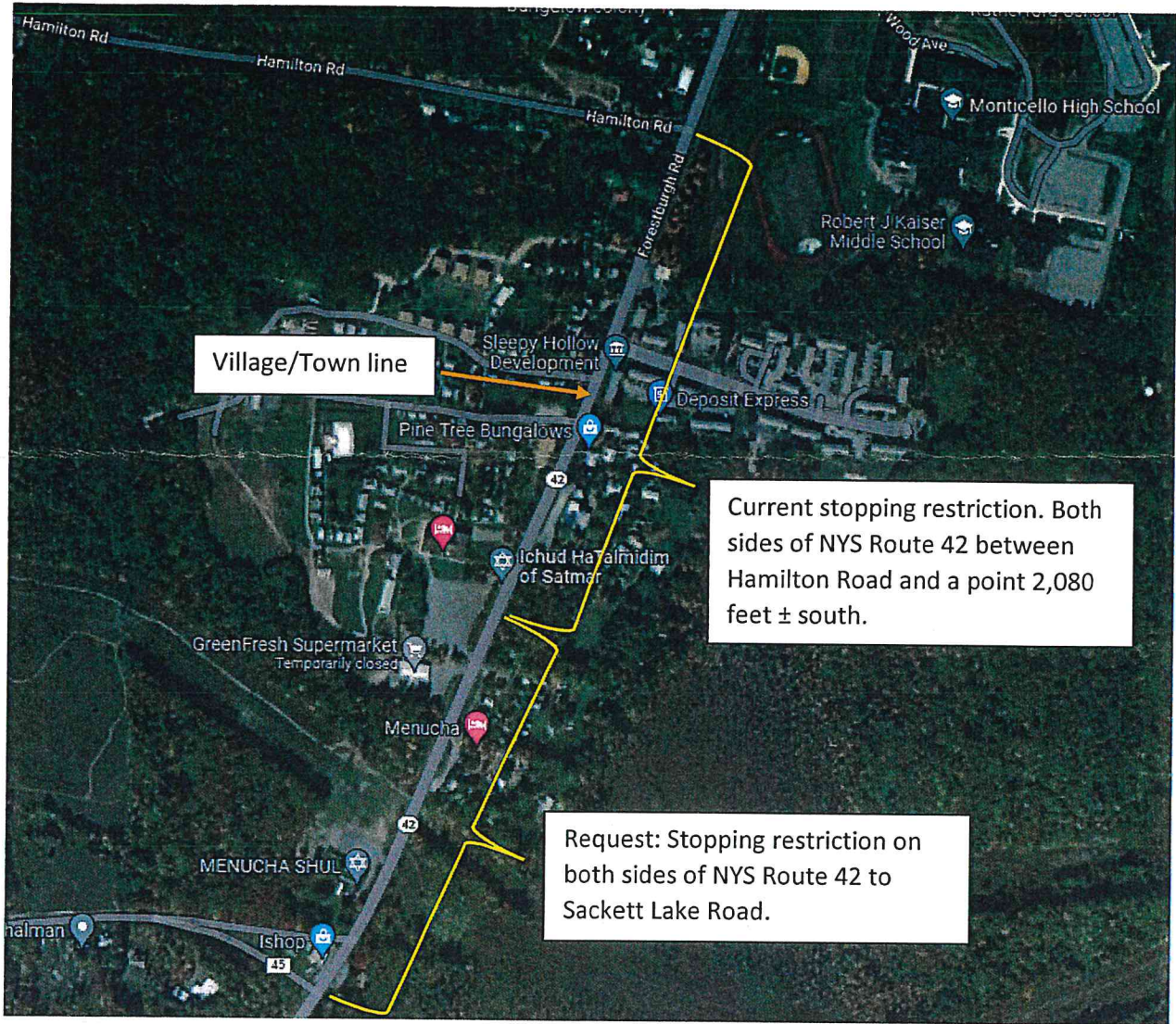
If you have any questions or need additional information, please feel free to contact Adam Rupakus at (607) 721 – 8073.

Sincerely,

Tony Signorelli, P.E.  
Regional Traffic Engineer

Enclosure

c: Marilee J. Calhoun, Town of Thompson Clerk



Village/Town line

Current stopping restriction. Both sides of NYS Route 42 between Hamilton Road and a point 2,080 feet ± south.

Request: Stopping restriction on both sides of NYS Route 42 to Sackett Lake Road.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

JUL 17 2022  
RECEIVED  
CLERK OF COURT

-----X  
Application of CHESTER SMITH, PAMELA SMITH,  
CAROLE PFEISTER, JAMES HOLDSWORTH, DALE SHEELEY,  
25 SAW MILL LLC, GALLET HILL LLC, JAMES GIGLIO,  
9 GLEN WILD ROAD LLC, and SHIV SHAKTI HOLDING LLC,

Ⓢ 3:15 PM  
*(Signature)*

Petitioners,

NOTICE OF  
PETITION  
Index No.:

For a Judgment Pursuant to Article 78 of the Civil Practice  
Law and Rules

-against-

TOWN OF THOMPSON PLANNING BOARD  
And GLEN WILD LAND COMPANY LLC,

Respondents.

-----X  
PLEASE TAKE NOTICE that upon the annexed petition of Steven N. Mogel,  
Esq., verified the 7<sup>th</sup> day of July, 2022, together with the exhibits annexed thereto, an  
application will be made to this Court, at the Sullivan County Courthouse, located at 414  
Broadway, Monticello, New York on the 1<sup>st</sup> day of August, 2022 at 9:30 a.m., or as soon  
thereafter as counsel can be heard, for judgment pursuant to Article 78 of the Civil  
Practice Law and Rules, granting the following relief: . . . .

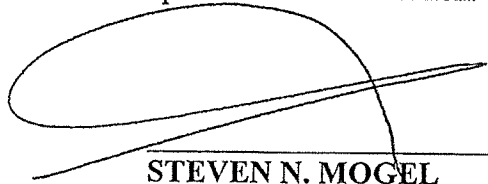
- a) vacating and annulling the “negative declaration” issued under the State Environmental Quality Review Act (“SEQR”) by the Town of Thompson Planning Board on June 8, 2022, which found that there would be “no significant adverse impacts on the environment” by construction of two warehouse buildings totaling 561,600 square feet on a 175+/- acre site together with associated project improvements consisting of 294 employee parking spaces, 105 trailer parking spaces, a principal access drive, an emergency access drive, stormwater and utility infrastructure and several local highway improvements;
- b) Granting such other and further relief as to this Court may seem just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that demand is hereby made that Respondents, within the time prescribed by CPLR 7804, send to this Court, with a certified copy to Petitioner, the certified record in transcript of the proceeding under consideration, together with the entire official file containing all records in this matter held by Respondents.

PLEASE TAKE FURTHER NOTICE that a verified answer, supporting affidavits, and cross motions, if any, must be served at least five (5) days before the return date of this application pursuant to Civil Practice Law and Rules Section 7804 (c).

Sullivan County is designated as the venue of this proceeding as it is within the judicial district where the Respondents made the complained of determination.

Dated: July 7, 2022  
Monticello, New York



**STEVEN N. MOGEL**  
**Attorney at Law**  
*Attorney for Petitioners*  
457 Broadway, Suite 1  
Monticello, New York 12701  
(845) 791-4303

TO: Town of Thompson Planning Board  
4052 Route 42  
Monticello, NY 12701

Glen Wild Land Company LLC  
c/o R. Berman  
525 Waterview Place  
New Hope, PA 18938

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

-----X  
Application of CHESTER SMITH, PAMELA SMITH,  
CAROLE PFEISTER, JAMES HOLDSWORTH, DALE SHEELEY,  
25 SAW MILL LLC, GALLET HILL LLC, JAMES GIGLIO,  
9 GLEN WILD ROAD LLC, and SHIV SHAKTI HOLDING LLC,

Petitioners,

VERIFIED PETITION  
Index No.:

For a Judgment Pursuant to Article 78 of the Civil Practice  
Law and Rules

-against-

TOWN OF THOMPSON PLANNING BOARD  
And GLEN WILD LAND COMPANY LLC,

Respondents.

-----X  
Petitioners CHESTER SMITH, PAMELA SMITH, CAROLE PFEISTER, JAMES  
HOLDSWORTH, DALE SHEELEY, 25 SAW MILL LLC, GALLET HILL LLC, JAMES GIGLIO, 9  
GLEN WILD ROAD LLC and SHIV SHAKTI HOLDING LLC, by and through their attorney, Steven  
N. Mogel, Esq., as and for their Verified Petition allege as follows:

1. This proceeding is commenced pursuant to Article 78 of the Civil Practice Law and Rules  
seeking a judgment vacating and annulling the “negative declaration” issued under the State  
Environmental Quality Review Act (“SEQR”) by the Town of Thompson Planning Board (“Planning  
Board”) on June 8, 2022 (“Neg Dec”), which found that there would be “no significant adverse  
impacts on the environment”<sup>1</sup> by:

“Construction of two warehouse buildings totaling 561,600 square feet on a 175+/- acre  
site together with associated project improvements consisting of 294 employee parking  
spaces, 105 trailer parking spaces, a principal access drive, an emergency access drive,  
stormwater and utility infrastructure and several local highway improvements . . .”

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<sup>1</sup> FEAF Part 3, 2.

*Town of Thompson Planning Board – State Environmental Quality Review Notice of Determination of Non-Significance – Negative Declaration Avon Commercial Park* (“Notice of Determination”), 1.

The project described *supra* is designated in the Notice of Determination as “Avon Commercial Park” (“Project”). Copies of the Full Environmental Assessment Form (“FEAF”) Part 3 with determination of significance, signed by Planning Board Chairman Matt Sush on June 21, 2022 and the Notice of Determination are annexed hereto as Exhibits “1” and “2,” respectively.

### THE PARTIES

2. Petitioner CHESTER SMITH (hereinafter “Petitioner C. Smith”) is an individual who is an owner in fee of 145 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-11. Petitioner C. Smith’s property shares a common boundary with the real property upon which the Project is proposed to be situated, i.e., certain real property known as Glen Wild Road and Rock Hill Drive in the Town of Thompson and County of Sullivan, more particularly known as Town of Thompson SBL Nos. 32.-1-6, 32.-1-7, 32.-1-9.2 and 32.-1-10 (“Subject Property”).

3. Petitioner PAMELA SMITH (hereinafter “Petitioner P. Smith”) is an individual who is an owner in fee of 145 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-11. Petitioner C. Smith’s property shares a common boundary with the Subject Property.

4. Petitioner CAROLE PFEISTER (hereinafter “Petitioner Pfeister”) is an individual who is an owner in fee of 43 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-5. Petitioner Pfeister’s property shares a common boundary with the Subject Property.

5. Petitioner JAMES HOLDSWORTH (hereinafter “Petitioner Holdsworth”) is an individual who is an owner in fee of 129 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of

Thompson SBL No. 32.-1-9.1. Petitioner Holdsworth's property is bounded on three (3) sides by the Subject Property.

6. Petitioner DALE SHEELEY (hereinafter "Petitioner Sheeley") is an individual who is an owner in fee of 44 Sheeley Lane, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-26.21. Petitioner Sheeley's property is located within 300 feet of the Subject Property.

7. Petitioner 25 SAW MILL LLC (hereinafter "Petitioner Saw Mill") is a duly formed, domestic limited liability company, which is the owner in fee of 68 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-2-38.1. Petitioner Saw Mill's property shares a common boundary with the Subject Property.

8. Petitioner 25 GALLET LLC (hereinafter "Petitioner Gallet") is a duly formed, domestic limited liability company, which is the owner in fee of 206 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-2-50. Petitioner Gallet's property is currently operated as a restaurant and bar doing business as "Dutch's Sport's Tavern and Grill." Petitioner Gallet's property is situated at the juncture of Katrina Falls Road and Rock Hill Drive and is located within 2000 feet of the Subject Property.

9. Petitioner JAMES GIGLIO (hereinafter "Petitioner Giglio") is an individual who is the owner in fee of 207 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-35.1. Petitioner Giglio's property is currently operated as a restaurant doing business as "Pizza the Rock." Petitioner Giglio's property is situated at the juncture of Glen Wild Road and Rock Hill Drive and is located within 2000 feet of the Subject Property.

10. Petitioner 9 GLEN WILD ROAD LLC (hereinafter "Petitioner 9 Glen Wild") is a duly formed, domestic limited liability company, which is the owner in fee of 9 Glen Wild Road, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-1-21. Petitioner 9 Glen Wild's

property is currently operated as an auto repair and service center and is doing business as “Rock Hill Service Center.” Petitioner 9 Glen Wild’s property is located on Glen Wild Road approximately 920 feet from the Subject Property.

11. Petitioner SHIV SHAKTI HOLDING LLC (hereinafter “Petitioner Shiv Shakti”) (together known as “Petitioners”) is a duly formed, domestic limited liability company, which is the owner in fee of 184 Rock Hill Drive, Rock Hill, NY, more particularly known as Town of Thompson SBL No. 32.-2-46. Petitioner Shiv Shakti’s property is currently operated as a liquor store and is doing business as “Rock Hill Liquors.” Petitioner Shiv Shakti’s property is situated on Rock Hill Drive, immediately adjacent to the State Route 17 westbound entrance ramp, and is located within approximately 1200 feet of the Subject Property.

12. Petitioners are all associated with Lakes Communities Alliance (“LCA”), an unincorporated association consisting of members of the Lake Louise Marie, Wanaksink Lake, Masten Lake, Yankee Lake, and Wolf Lake, as well as Iroquois Spring Summer Camp, Rock Hill, and other communities which monitors proposed developments in the Five Lakes area and its environs.

13. Respondent-Defendant TOWN OF THOMPSON PLANNING BOARD (“Planning Board”) is a municipal board whose members are appointed by the Town of Thompson Town Board, as authorized by Town Law §271(1) and as mandated by Town of Thompson Code §250-49, and is tasked primarily with the review and approval of site plans and the review, grant, or denial of special use permits within the Town of Thompson.

14. Respondent GLEN WILD LAND COMPANY, LLC (“Respondent Glen Wild”) is, upon information and belief, a duly formed domestic limited liability company with an address of c/o R. Berman, 525 Waterview Place, New Hope, PA 18938 and is the owner in fee of the Subject Property.

## STANDING

15. The Court of Appeals in Sun-Brite Car Wash, Inc. v. Board of Zoning and Appeals of Town of North Hempstead, 69 N.Y.2d 406 (1987) set forth a two-prong test for the establishment of standing:

“The fact that a person received, or would be entitled to receive, mandatory notice of an administrative hearing because it owns property adjacent or very close to the property in issue gives rise to a presumption of standing in a zoning case. But even in the absence of such notice it is reasonable to assume that, when the use is changed, a person with property located in the immediate vicinity of the subject property will be adversely affected in a way different from the community at large; loss of value of individual property may be presumed from depreciation of the character of the immediate neighborhood. Thus, an allegation of close proximity alone may give rise to an inference of damage or injury that enables a nearby owner to challenge a zoning board decision without proof of actual injury [citations omitted].”

The status of neighbor does not, however, automatically provide the entitlement, or admission ticket, to judicial review in every instance . . . [P]etitioner must also satisfy the other half of the test for standing to seek judicial review of administrative action--that “the interest asserted is arguably within the zone of interest to be protected by the statute” [citation omitted]. Petitioner's status may be challenged on the ground that the interest it is asserting is not arguably within the “zone of interest” which the regulation is designed to protect. In such instances, even where petitioner's premises are physically close to the subject property, an ad hoc determination may be required as to whether a particular petitioner itself has a legally protectable interest so as to confer standing.

Id at 413–15.<sup>2</sup> The Court of Appeals has clarified that, in SEQR challenges, being within the “zone of interest” means “a party must demonstrate that it will suffer an injury that is environmental and not solely economic in nature.” Mobil Oil Corp. v. Syracuse Indus. Dev. Agency, 76 N.Y.2d 428, 433, (Ct of Appls 1990) (citations omitted).

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<sup>2</sup> Although Sun-Brite dealt with a use variance granted by a zoning board of appeals, the standing analysis in this instance is identical to that for a challenge under SEQR. See, e.g., Mobil Oil Corp. v. Syracuse Indus. Dev. Agency, 76 N.Y.2d 428, 433 (Ct of Appls 1990).

16. The project proposed upon the Subject Property requires both site plan approval and issuance of a special use permit by the Planning Board. Petitioners C. Smith, P. Smith, Pfeister, Holdsworth, Sheeley, and 25 Saw Mill are within 300 feet of the Subject Property and, therefore, are entitled both to mandatory notice of a hearing pursuant to Town of Thompson Code §§250-50 (D)(3)(b)(4)(a)<sup>3</sup> and 250-60 (D)(3)<sup>4</sup>, respectively, and a presumption of standing as determined by Sun-Brite. Perhaps even more significantly, Petitioners C. Smith, P. Smith, Pfeister, Holdsworth, and 25 Saw Mill share at least one common boundary with the Subject Property. Petitioner Holdsworth's property is surrounded on three (3) sides by the Subject Property. Ctr. Square Ass'n, Inc. v. City of Albany Bd. of Zoning Appeals, 9 A.D.3d 651, 652 (3<sup>rd</sup> Dep't 2004) ("Here, the Association has members that own property abutting or within several homes of the properties at issue, close enough to establish standing without allegations of individual harm. Additionally, the fact that the Association's members were entitled to receive mandatory notice of the Board's proceedings regarding the subject properties also gives rise to a presumption of injury for standing in this zoning matter." [citing Sun-Brite]).

17. As will be set forth in greater detail herein, Petitioners herein allege that the leveling of roughly 90 acres of woodlands and its conversion to 561,600 square feet of commercial space, hundreds of parking spaces, etc., will have significant adverse impacts with regard to traffic, lighting, noise, stormwater runoff, the potential for erosion, the removal of large quantities of vegetation, impacts on wildlife, substantial changes in the preexisting usage of land including loss of open space, and attraction to the Subject Property and its immediate vicinity of greatly increased numbers of people. Given their proximity to the Subject Property and the size, scope, and intensity of the project proposed thereupon, both simple logic and caselaw dictates that the Petitioners C. Smith, P. Smith,

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<sup>3</sup> This section governs the procedure for site development plan approval.

<sup>4</sup> This section governs the procedure for special use permits.



Pfeister, Holdsworth, Sheeley, and 25 Saw Mill will be adversely affected in a way different in type, quality, and intensity from the community at large.

18. These petitioners are also clearly within the “zone of interest to be protected by the statute.” The damages these petitioners allege, i.e., traffic, parking, noise, lighting, erosion, change in land use, etc., are precisely those evaluated in the context of a SEQRA analysis, and are those which the statute is explicitly intended to protect.

19. The properties of Petitioners Gallet and Giglio do business and are operated as “Dutch’s Sport’s Tavern and Grill” and “Pizza the Rock,” respectively. Although these businesses are located approximately 2000 feet from the Subject Property and are not, therefore, entitled to a presumption of standing by proximity as are the remaining petitioners, they too have standing as they can also “show that [they] would suffer direct harm, injury that is in some way different from that of the public at large.” Society of Plastics Indus. v. County of Suffolk, 77 N.Y.2d 761, 774 (Ct of Appls 1991).

20. The aforesaid businesses of Petitioners Gallet and Giglio are located on either side of Rock Hill Drive near the juncture of the Route 17 exit ramp for Rock Hill (exit 109) and Rock Hill Drive. The Project anticipates, even in the carefully curated data provided by Respondent Glen Wild to the Planning Board and public, the use of this juncture for a heavy volume of truck trips to and from the Project on a daily basis. The property of Petitioners Gallet and Giglio specifically, and the impact thereupon of changes to traffic and roadway improvements on available parking and ingress and egress to and from said properties have been among the most discussed subjects of concern. *See correspondence of CHA (the Town’s traffic consultant) to the Planning Board dated January 7, 2022 (“1/7/22 CHA Correspondence”), 2-3; correspondence of CHA to the Planning Board dated February 18, 2022 (“2/18/22 CHA Correspondence”), 3-4; correspondence of DTS Provident (Respondent Glen Wild’s traffic engineer) to the Planning Board dated March 3, 2022 (“3/3/22 DTS Correspondence”),*

2; correspondence of CHA to the Planning Board dated March 8, 2022 (“3/8/22 CHA Correspondence”), 3-4; correspondence of DTS Provident to the Planning Board dated April 12, 2022 (“4/12/22 DTS Correspondence”);<sup>5</sup> correspondence of DTS Provident to the Planning Board dated April 20, 2022 (“4/20/22 DTS Correspondence”);<sup>6</sup> correspondence of CHA to the Planning Board dated April 26, 2022 (“4/26/22 CHA Correspondence”), correspondence of DTS Provident to the Planning Board dated April 27, 2022 (“4/27/22 DTS Correspondence”), 2; correspondence of CHA to the Planning Board dated June 7, 2022 (“6/7/22 CHA Correspondence”), 2. Copies of the aforementioned correspondence are annexed hereto as Exhibits “3” through “11.” Petitioners Gallet and Giglio, therefore, clearly have standing in the instant action.

21. Petitioner Shiv Shakti’s property is bounded on the east by the westbound entrance ramp to State Route 17, and to the north by Rock Hill Drive. As will be discussed in greater detail below, increased truck traffic at the ramp termini due to the proposed project, to the extent of the potential failure of said termini, is the subject of considerable concern. Greatly increased truck traffic will traverse Rock Hill Drive in front of Petitioner Shiv Shakti’s business both to and from the Subject Property. Petitioner Shiv Shakti’s property is dependent upon the free flow of traffic, particularly on Rock Hill Drive, in order to function as a business. Petitioner Shiv Shakti, therefore, has standing in the instant action.

22. Petitioner 9 Glen Wild’s property located on Glen Wild Road, near its junction with Rock Hill Drive. Petitioner 9 Glen Wild has standing as it too is dependent upon the free flow of traffic, particularly on Rock Hill Drive, in order to function as a business.

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<sup>5</sup> This correspondence is devoted entirely to potential environmental impacts to Petitioner Gallet’s property.

<sup>6</sup> This correspondence is devoted entirely to potential environmental impacts to the properties of Petitioner Gallet and Giglio.

## BACKGROUND

### Rock Hill Town Center

23. Beginning in or prior to 2006, an entity identified as RH Land Development, LLC<sup>7</sup> (“RH Land”) proposed a development to be known as the “Rock Hill Town Center.” As set forth in the Final Environmental Impact Statement and Final Generic Environmental Impact Statement dated August 21, 2009 (“FEIS/FGEIS”), Rock Hill Town Center was proposed as follows:

#### **“1.1 Brief Description of the Proposed Action**

##### As-of-Right Residential Plan

As stated in the DEIS, it is the purpose and objective of the project sponsor to construct a high-quality development that would provide varied and affordable [ ] (worker) housing opportunities in Sullivan County through the construction of single-family residences, townhomes and multifamily dwellings. The inclusion of a variety of housing types in the development would provide housing for a wide range of people in the community including starter families, seniors, empty nesters, and others. The site is well suited for medium density residential development due to proximity to major transportation corridors and the existing Rock Hill hamlet center.

Partially in response to comments received on the original site plan, particularly with regard to potential impacts on the local transportation network and on local commercial businesses, the project sponsor has selected the as-of-right residential plan to proceed in the environmental review. As a primarily residential development, the project would help address an anticipated need in the local area for new housing in the foreseeable future in part resulting from planned redevelopment of the The Concord Resort and the expansion of Stewart International Airport. In addition, the reduction in proposed commercial uses in the project would eliminate the potential economic impact to local businesses in the hamlet, and result in a significant reduction in potential impacts on the local transportation network, which would have necessitated extensive mitigation measures outlined in the DEIS.

The Applicants currently proposed project is an as-of-right Residential Alternative plan, which is a primarily residential subdivision plan designed in accordance with existing zoning. The proposed project, which would be built in three phases, would result in the construction of a total of 1,613 residential units and approximately 60,000 square feet of commercial space. Slightly more than ten percent of 168 units of the total residential units proposed would be age restricted, allowing only adults 55 years of age and older to reside in these units. . .

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<sup>7</sup> Upon information and belief, RH Land Development, LLC is a duly formed, domestic limited liability company, currently listed as “active” by the New York State Department of State Division of Corporations.

The residential development would consist of 217 single family dwellings, 1,012 townhome units, and 384 multifamily dwellings, totaling 1,613 dwelling units . . . The commercial portion of the proposed project would include the development of 60,000 square feet of neighborhood retail adjoining the Rock Hill hamlet at Exit 109 of NYS Route 17.”

*FEIS/FGEIS, 1.0 Revised Project Description, 1-1.* A copy of the cited segment is annexed hereto as Exhibit “12.”

24. The Rock Hill Town Center Findings Statement dated November 18, 2009 (“Findings Statement”) described the development as consisting of “five distinct residential neighborhoods” and finds, among other things, that the proposed development “balances potential beneficial impacts in the form of . . . new homes for future residents and provision of an area set aside for a future Town amenity (such as a park facility) off Rock Hill Drive with potential adverse impacts.” *Findings Statement, 6.* A copy of the cited portion of the Findings Statement is annexed hereto as Exhibit “13.”

25. The SEQR review process for the Rock Hill Town Center project concluded with the approval of the Findings Statement. See *Department of Environmental Conservation “The SEQR Handbook,” 4<sup>th</sup> Ed. (2020), Division of Environmental Permits, 137* (“The final step in SEQR is the preparation of findings by the lead agency and each involved agency at the time the agencies make their final decisions regarding the proposed action.”).

26. Although the Rock Hill Town Center project “went through the SEQRA process, [it] never received approvals.” *Notice of Determination, 2.*

#### *Avon Commercial Park*

27. More than ten (10) years after the Findings Statement, Respondent Glen Wild proposed an “updated project” by correspondence dated April 26, 2021 which consisted of the following:

“The updated project eliminates 213 single-family homes and 60,000 square feet of commercial space on the southern third of the Town Center Project development site and replacing (sic) that component with approximately 2,000,000 square feet of

warehouse/distribution to be known as Avon Commercial Park (the 'Avon Commercial Park').”<sup>8</sup>

A copy of the April 26, 2021 correspondence of George Duke, Esq. of Brown Duke & Fogel, P.C. (“4/26/21 Duke Correspondence”) and correspondence dated March 29, 2021 from EDR, Respondent Glen Wild’s environmental consultant (“3/29/21 EDR Correspondence”) are annexed hereto as Exhibits “14” and “15,” respectively.

28. By resolution adopted April 28, 2021 and filed with the Town Clerk of the Town of Thompson on May 5, 2021 (“Resolution to Resume Lead Agency”), the Planning Board declared “its intent to resume its status as lead agency for the SEQRA review of the modification of the Rock Hill Town Center Project to construct the Avon Commercial Park at Rock Hill Town Center.” The proposed action was declared a “Type I” action under SEQRA. A copy of the Resolution to Resume Lead Agency and the subsequently issued Notice of Intent to Declare Lead Agency are annexed hereto as Exhibit “16.”

29. A public hearing for the Avon Commercial Park project was scheduled to be held on October 27, 2021, which elicited numerous written comments and concerns from the public, their attorneys, and planning professionals. Respondent Glen Wild withdrew its updated project on October 27, 2021, shortly before the public hearing was scheduled to commence. See Town of Thompson Planning Board Project Overview Form (“TOT Project Overview Form”) annexed hereto as Exhibit “17.”

30. By Site Plan Application dated November 12, 2021 (“11/12/21 Site Plan Application”), Respondent Glen Wild submitted a new proposal, reducing its original modification to the Rock Hill Town Center project from the addition of 2,000,000 square feet of warehouse/distribution space to the addition of “two warehouse buildings totaling approximately 560,000 s.f.” A new FEAF Part 1 dated

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<sup>8</sup> The “updated project” referenced here was preceded by a

November 12, 2021 (“11/12/21 FEAF Part 1”) was submitted. Copies of the 11/12/21 Site Plan Application and 11/12/21 FEAF Part 1 are annexed hereto as Exhibits “18” and “19.”

31. By revised Site Plan Application dated December 15, 2021 (“12/15/21 Site Plan Application”), Respondent Glen Wild submitted yet another new proposal. Without notice or explanation, gone now was any reference to a “modification” of the original Rock Hill Town Center Project. The 12/15/21 Site Plan Application instead stated that Respondent Glen Wild was seeking “[s]ite plan approval to develop portion of applicant’s property on Rock Hill Drive in Rock Hill (± 176 acres) with two warehouse buildings totaling approximately 560,000 s.f.” The 12/15/21 Site Plan Application was accompanied by a new FEAF Part 1 dated December 15, 2021 (“12/15/21 FEAF Part 1”) and an updated Technical Memorandum Report issued on or about December 16, 2021 (“12/16/21 Technical Memorandum”), which also struck any reference to “modification” of Rock Hill Town Center. Copies of the 12/15/21 Site Plan Application, 12/15/21 FEAF Part 1, and a relevant excerpt from the 12/16/21 Technical Memorandum are annexed hereto as Exhibits “20,” “21,” and “22.”

32. A public hearing was scheduled for and held on January 19, 2022 and, as set forth *supra*, the Neg Dec was granted on June 8, 2022.<sup>9</sup>

## LEGAL ARGUMENT

### Standard of Review: SEQRA Determinations

33. It is well-established that the standard for judicial review of SEQRA determinations is the same as that for administrative decisions generally, i.e., “whether a determination was made in violation of lawful procedure, was affected by an error of law or was arbitrary and capricious or an abuse of discretion.” CPLR 7803(3); Jackson v. New York State Urban Dev. Corp., 67 N.Y.2d 400, 416 (Ct of Appls 1986) (citations omitted).

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<sup>9</sup> The Notice of Determination, it should be noted, makes no reference whatsoever to the Rock Hill Town Center, nor incorporates by reference or otherwise the FEIS/FGEIS or the data set forth therein.

34. As stated by the Court of Appeals in Jackson:

“ . . . [I]t is not the role of the courts to weigh the desirability of any action or choose among alternatives, but to assure that the agency itself has satisfied SEQRA, procedurally and substantively.

More particularly, . . . courts may, first, review the agency procedures to determine whether they were lawful. Second, we may review the record to determine whether the agency identified the relevant areas of environmental concern, took a “hard look” at them, and made a “reasoned elaboration” of the basis for its determination.”

Id. at 416-417 (citations omitted).

### AS AND FOR A FIRST CLAIM FOR REVIEW

*The Neg Dec is unlawful, arbitrary and capricious, and unsupported by substantial evidence as it remains undetermined whether the proposed use is even permissible upon the Subject Property under the applicable zoning schedule.*

35. Town of Thompson Code (“Code”) §250-2 defines a “warehouse” as follows:

“A building or structure utilized for the storage of various goods including but not limited to equipment, food products, furniture, vehicles, appliances, clothing, wood products and related items, but not including materials classified as hazardous in the Fire Code of New York State.”

36. Code at §250-2 defines a “distribution center” as follows:

“An area and building where trucks load and unload cargo and freight, and where the cargo and freight may be transferred to other vehicles or modes of transportation. Storage facilities such as warehouses, incidental to the principal use, may also be part of a distribution center.”

37. According to the TOT Project Overview Form, the Subject Property is located in the HC2 zone. Although “warehousing” is listed in the HC2 zone as a use subject to site plan review and special use permit, “distribution” is not listed as a permissible use.

38. If a use is not listed upon the Schedule of District Regulations, it is not a permissible use in the zone. *Id.* at §250-6(A) *General restriction* (“No building, structure or land shall hereinafter be used . . . except in conformity with the regulations herein specified for the district in which it is located.”); *id.* at §250-41(C) (“The officers and employees of the Building Department shall not issue a permit for

the construction of any building or use of any property unless such building, property or use conforms to all other local laws and ordinances of the Town.”).

39. The Project, modified as proposed, has been repeatedly described by Respondent Glen Wild as a “warehouse/distribution” facility. *See correspondence of Attorney George Duke to the Planning Board dated April 26, 2021 (“4/26/21 Duke Correspondence”), 1; 3/29/21 EDR Correspondence, 1; Environmental Review Technical Memorandum– Avon Commercial Park at Rock Hill Town Center dated August 2021 (“8/21 Avon Technical Memorandum”), 1; Environmental Review Technical Memorandum – Avon Commercial Park at Rock Hill Town Center dated October 2021 (10/21 Avon Technical Memorandum).* Relevant excerpts from the 8/21 and 10/21 Avon Technical Memoranda are annexed hereto as Exhibits “23” and “24,” respectively.

40. Respondent Glen Wild’s description of the proposed use of the Subject Property as a warehouse/distribution facility was not limited to the Planning Board. By correspondence of Attorney Marvin Newberg to the Planning Board dated April 11, 2022 (“4/11/22 Newberg Correspondence”), Attorney Newberg wrote:

“The applicant did not just advise this Board that it was intending to construct a distribution facility. I attach Exhibit B to its application to the IDA for tax benefits. The developer represents to the IDA that the project is a distribution center and/or distribution facility.”

A copy of the 4/11/22 Newberg Correspondence, with attachment, is annexed hereto as Exhibit “25.”

41. The Planning Board, and the Planning Board’s own traffic engineers, clearly understood that the Project was intended to be a “warehouse/distribution” facility, as it described the Project (and continues to describe the Project as of the date of this Petition) as follows:

“Applicant seeks approval for a modification to the original ‘Rock Hill Town Center’ mixed-use project from 2007. The modified project included 2M sf of proposed



warehouse/distribution facilities in three buildings, but has since been scaled back to 560,000 sf in two buildings. Access would be from Rock Hill Dr.”

*TOT Project Overview Form, 1. See 1/7/22 CHA Correspondence, 2 (“The site traffic distribution for the Warehouse/Distribution facility component . . .”); 2/18/22 CHA Correspondence, 2.*

42. The description of the Project as a “warehouse/distribution” facility is not merely an oft-repeated slip of the tongue by the Planning Board in its own records, by the Town’s own traffic engineer, and by Respondent Glen Wild to the Planning Board and the County IDA. On the contrary, analysis of the proposed structures to be built suggest such a use. In the January 18, 2022 memorandum of Nelson Pope Voorhis addressed to the undersigned, Certified Planner Max Stach states:

“e. The applicant has not provided a square footage or other breakdown of the warehouse use versus the distribution use to determine if one use is incidental or accessory to the other, however, *the number and density of loading docks shown on the site renderings indicates that distribution is likely the principal use proposed on the site.*”

(Emphasis added). *1/18/22 Nelson Pope Memorandum, 2 (e).* A copy of the 1/18/22 Nelson Pope Memorandum is annexed hereto as Exhibit “26.”

43. Given the above, Attorney Marvin Newberg repeatedly requested that Respondent Glen Wild disclose the proposed tenant of the aforesaid facilities, as such information would be relevant to any inquiry as to the intended use thereof. The record shows that such inquiries were ignored by both Respondent Glen Wild and the Planning Board. *See correspondence of Attorney Marvin Newberg to the Planning Board dated February 25, 2022 (“2/25/22 Newberg Correspondence”), 1-2; 4/11/22 Newberg Correspondence, 1.* A copy of the 2/25/22 Newberg Correspondence is annexed hereto as Exhibit “27.”

44. Pursuant to Code §250-46, the Zoning Board of Appeals (“ZBA”) has exclusive jurisdiction over interpreting the meaning of any portion of the text, condition, or requirement of the zoning portions of the Code.

45. In correspondence to the Planning Board dated March 23, 2022, the undersigned stated:

” In the 1/19/22 correspondence, the undersigned stated that the proposed use of the Subject Property was not permissible in the applicable zone and that a referral to the ZBA for an interpretation, at a minimum, was merited. Upon information and belief, no such referral has been made. On the contrary, it appears that the Board has elected to simply believe Applicant’s statements that the use is permissible, rather than engage in any serious inquiry regarding the actual use of the Subject Property . . .”

A copy of the aforesaid correspondence is annexed hereto as Exhibit “28.”

46. There is no evidence in the record that the Planning Board engaged in any inquiry whatsoever as to the intended use of the proposed facilities. The only discernable response by Respondent Glen Wild to this issue is the self-serving statements of counsel for the Respondent Glen Wild (despite counsel’s previous admission to the contrary)<sup>10</sup> that the proposed use is, in fact, only as a warehouse facility. Copies of the February 1, 2022 (“2/1/22 Duke Correspondence”) and March 3, 2022 responses (3/3/22 Duke Correspondence”) of Attorney George Duke are annexed hereto as Exhibits “29” and “30,” respectively.

47. The Planning Board chose to (a) ignore the repeated admissions of Respondent Glen Wild to the Planning Board and the Sullivan County IDA that the proposed facilities would be used for warehousing/distribution; (b) ignore the requests of the undersigned to refer the issue of use to the ZBA, as required by local law; (c) ignore the inquiries of Attorney Marvin Newberg as to the proposed tenants of the facilities at issue; and (d) ignore the opinion of a certified planner that the design of the facilities at issue supports a determination that the intended use is as a distribution facility. Instead, the Planning Board, to the extent it considered this issue at all, chose to make an *ultra vires* interpretation

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<sup>10</sup> See 4/26/21 Duke Correspondence, 1.

of use and the meaning of the Code, and to credit only the factually bereft, *ad hoc* assurances of Attorney Duke. The Planning Board's choices render the Neg Dec unlawful, arbitrary and capricious, and unsupported by substantial evidence.

### AS AND FOR A SECOND CLAIM FOR REVIEW

*The Neg Dec is unlawful, arbitrary and capricious, and unsupported by substantial evidence, as the preparation of an Environmental Impact Statement ("EIS") is clearly mandated by law.*

48. Given that the 12/15/21 Site Plan Application, 12/15/21 FEAF Part 1, 12/16/21 Technical Memorandum, and Notice of Determination no longer claim any connection to "modification" of Rock Hill Town Center, the SEQRA analysis to be conducted by the Planning Board would be *de novo*.

49. The Project was classified as, and is unquestionably, a Type 1 action under SEQRA. *See Notice of Determination, 1.*

50. As a general principle, it is "well settled that there is a relatively low threshold for the preparation of an EIS" should potential adverse environmental concerns be identified "and that, moreover, under the SEQRA regulations a Type I action, . . . 'carries with it the presumption that it is likely to have a significant adverse impact on the environment and may require an EIS.'" Riverhead Bus. Imp. Dist. Mgmt. Ass'n, Inc. v. Stark, 253 A.D.2d 752, 753, (2<sup>nd</sup> Dep't 1998) (quoting 6 NYCRR 617.4 [a] [1]) (citations omitted). See also Omni Partners, L.P. v. Cty. of Nassau, 237 A.D.2d 440, 442 (2<sup>nd</sup> Dep't 1997) ("An EIS is required if the action may include the potential for even one significant adverse environmental impact (*see*, 6 NYCRR 617.7 [a] [1])").

51. It is equally well settled that when a proposed action, as initially proposed, might result in one or more significant adverse environmental impacts, it is not permissible for a lead agency to identify and require mitigating measures "as a condition precedent to the issuance of the negative declaration." Merson v. McNally, 90 N.Y.2d 742, 753-54 (Ct of Appls 1997). Differently stated, the preparation of an EIS cannot be avoided "through private bilateral negotiations between a developer

and a lead agency when a project may have potentially significant environmental impacts which need full and open consideration.” *Id.* at 752.

52. To permit an action that may have one or more significant adverse environmental impacts to avoid preparation of an EIS through the identification and requirement by the lead agency of mitigation measures is by definition a conditioned negative declaration, which is not permissible for Type 1 actions. *Id.* (citing 6 NYCRR 617.2[h]).

53. “[R]egulatory permitting conditions and normal administrative procedures (such as a town engineer reviewing construction plans for adequacy),” furthermore, may not “be considered mitigation and thereby affect the determining of significance.” See *Department of Environmental Conservation “The SEQOR Handbook,” 4<sup>th</sup> Ed. (2020), Division of Environmental Permits, 78*. “There may be situations where a developer agrees to make certain modifications to a project while it is being reviewed, and this should not be construed as mitigation . . . Likewise, these modifications should not be construed to be a substitute for a thorough assessment of the project for significance of impact.” *Id.*

54. Planner Stach states:

“. . . this particular applicant has made several similar concessions in an effort to avoid the proper SEQOR process. The applicant’s attorney in a letter to the Planning Board dated February 1, 2022, admits these concessions, stating (emphasis added), ‘Over the past several months, the Applicant has worked with the Planning Board, in consultation and coordination with eighteen involved and nine interested agencies and, because of that open consultation and extensive review, the Planning Board has taken a ‘hard look’ at the potential environmental impacts associated with the Project and **changes to the project have been made to mitigate any potential environmental impacts.**’ Some of these changes appear to be, among others:

- Elimination of one 1.4M square foot building;
- Promising that there will be no further development of an area of the site that is clearly being prepared for future development;
- Promising to negotiate with the Citgo property owner to restrict left turns or otherwise to accommodate traffic via a Glen Wild Road access that would otherwise be for emergency access only;

- Improving off-site roadways including pavement striping, the widening of Rock Hill Drive, relocation of guiderails and deferring design of those roadway improvements to some future date;
- Noise impact analyses based on establishing “maximum truck operation limits for the daytime and nighttime periods” (see WSDG Acoustic Modeling Memorandum dated 3/8/22);
- Treatment of stormwater “hot spots” with hydrodynamic separators and lined bioretention areas;”

*1/18/22 Nelson Pope Memorandum, 4; March 15, 2022 memorandum of Nelson Pope Voorhis (“3/15/22 Nelson Pope Memorandum”), 3-4.* A copy of the 3/15/22 Nelson Pope Memorandum is annexed hereto as Exhibit “31.”

55. The Notice of Determination impermissibly evidences reliance upon “regulatory permitting conditions and normal administrative procedures” as mitigation and, consequently, support for issuance of the Neg Deg. In determining that the Project will not have a significant adverse environmental impact upon land, the Notice of Determination relies upon the Town engineer’s review of the “proposed Soil Erosion and Sedimentation Control Plan as a component of the Stormwater Pollution Prevention Plan (SWPPP),” concluding “[t]he engineer for the Town has reviewed these soil control measures and has advised the Planning Board that they will be adequate to address soil erosion impacts.” *Notice of Determination, 3.* In determining that there will be no significant adverse environmental impacts to surface waters, the Notice of Determination assumes that an extension of the Rock Hill Sewer District will be granted by the Town Board. *Id. at 5.*

56. In completing the FEAF Part 2, the Board determined that the Project may result in a “moderate to large impact” in the following areas:

- a. “The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including treatment by herbicides).” *FEAF Part 2, 1. Impact on Land (f);*

- b. “The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.” *Id. at 3. Impacts on Surface Water (h)*;
- c. “The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.” *Id. at 7. Impact on Plants and Animals (b)*;
- d. “The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat.” *Id. at (h)*;
- e. “Projected traffic increase may exceed capacity of existing road network.” *Id. at 13. Impact on Transportation (a)*;
- f. “The proposed action may result in the construction of paved parking area for 500 or more vehicles.” *Id. at (b)*;
- g. “The proposed action is inconsistent with local land use plans or zoning regulations.” *Id. at 17. Consistency with Community Plans (c)*.<sup>11</sup>

A copy of Part 2 of the FEAF dated April 13, 2022 is annexed hereto as Exhibit “32.”

57. Planner Stach, in the 1/18/22 Nelson Pope Memorandum and again the 3/15/22 Nelson Pope Memorandum stated:

- “6. **The following areas of environmental impact remain completely unaddressed.** DEC’s SEQR Handbook instructs at page 77, ‘A legally sound determination of significance means that a lead agency can demonstrate that it has considered at least the following: ...any input from involved and interested agencies, interested organizations, or other groups of people and the public.’ We were not able to identify any hard look at the following environmental concerns raised in our previous memorandum:
- a. Disturbance of slopes over 20% in grade are identified, but no particular concerns or mitigations are identified. While a SWPPP was prepared, this provides erosion

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<sup>11</sup> Although not reflected in the FEAF Part 2, the Notice of Determination also states that the Planning Board identified impacts on cultural resources. *Notice of Determination, 3.*

- mitigations at a scale that are usually consistent with an EIS review as opposed to an EAF review (see our comment 3).<sup>12</sup>
- b. The technical memorandum states that the site contains no Article 15 waterbodies, but does not assess the impact to the Neversink River a Class B(t) stream directly downhill from the site and identified on page 6 of the FEAF as the receiving waters for stormwater runoff.
  - c. Impacts to wetland habitat are identified, but the local importance of these resources and potential impacts are not assessed other than to indicate that it is suspected but not known whether these wetlands are regulated by the US Army Corps of Engineers.
  - d. The land use analysis does not address the potential land use conflicts between residences along Rock Hill Road and significant increase in heavy truck traffic.
  - e. The land use analysis does not address the recommendations of the Comprehensive Plan, which states that, ‘Standards which protect residents from intrusive traffic ... will nevertheless be essential to achieving compatibility.’
  - f. The land use analysis does not address the potential impacts the proposal might have on the Comprehensive Plan recommendation on page 39 for the Town to be rebuilt as a resort area. Specifically, Holiday Mountain is identified as a potential family tourist destination, and the proposed project which clears 89 contiguous acres of woods directly across Route 17, and which will increase heavy truck traffic at the Rock Hill exit from Route 17 has the potential to impact this stated economic development goal.
  - g. No air-quality assessment has been undertaken despite the parking and loading area for more than 600 vehicles.
  - h. No assessment of potential impacts to the primary aquifer is included.
  - i. No assessment of the project’s location within the Upper Delaware Major Basin Special Planning Area is included.
  - j. No assessment of potential for night sky impacts of significant tree clearing and installation of significant site lighting is included.
  - k. The facility is identified in the Technical Memorandum water utility section to generate 200 employees, while providing parking for 445 employees. This does not seem to be consistent with a hard look at potential impacts.
  - l. The purported fiscal impact analysis does not actually attempt to calculate real property taxes, nor costs to the local taxing jurisdictions.
7. **Impacts to Bald Eagles is not adequately addressed.** The response by EDR discusses non-regulatory lists of Bald Eagle nesting sites by the public. The public does not have access to this property to observe a nest. Bald Eagles were identified as potentially located on the site and the applicant has not investigated the site for Bald Eagle habitat. This is a critical omission, especially given that DEC permits will be required. It does not appear that any correspondence from DEC has been received

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<sup>12</sup> All references to “comment 3” refer to the prohibition against a lead agency identifying and requiring mitigating measures “as a condition precedent to the issuance of the negative declaration.” *Merson v. McNally*, 90 N.Y.2d 742, 753–54 (Ct of Appls 1997).

for this project. It would be a significant omission to issue a negative declaration for a project indicated by the EAF Mapper to have potential Bald Eagle habitat, and which the applicant admits is within 0.4 miles of a known nesting site, without consulting with DEC or doing a full ecological site investigation by a qualified ecologist. Additionally, the applicant notes that the Neversink River – a known foraging area for Eagles is within ½ mile from the project area of disturbance. This may subject communal Eagle roosts to impacts from blasting, which would be contrary to national bald eagle guidelines.

8. **Impacts to Brook Floaters and Neversink River is not adequately addressed.**

The response by EDR to our comment on the potential impact on brook floaters and the Neversink River (a class B(t) stream) is that impacts will be ‘minimized or avoided,’ by relying on standard permitting standards and mitigations of a SWPPP. It does not attempt to investigate the presence of brook floaters downhill from the site in the Neversink, nor does it assess whether impacts to the river are likely. It assumes DEC standard stormwater mitigations are adequate to mitigate impacts in all circumstances, which is not an appropriate conclusion. See our comment 3.<sup>13</sup>

9. **It is not clear if the DEC regional office was contacted regarding protected species or other permitting.** The response by EDR to our comment indicates that ‘NYSDEC Region 3 office and NYSDEC Albany office were consulted as involved agencies pursuant to Town of Thompson’s SEQR review process.’ It is typical for DEC to respond to such requests with a permit review memo indicating the department’s jurisdiction. No such correspondence could be located on the Town website. If not received, this is a critical omission, and the lead agency would have been better served to have verified that DEC, which is known to be responsive had received the Notice of Intent.

...

11. **The apparent discrepancy between the Traffic Generation estimate and developed parking has not been addressed.** The site plan proposes 449 employee parking spaces and 111 tractor trailer parking spaces in addition to what appears to be space for up to 60 to 120 loading docks, yet the traffic analysis is based on only 118 vehicles to 129 vehicles entering and exiting during peak hours of traffic. The TIS uses national averages ignoring the extensive cost that the applicant is undertaking to provide surface parking and loading for more than five times the number of vehicles it identifies as entering the site during the peak hour of operation. This also does not seem to practically relate to the staffing of the site with 200 employees as reported in the water estimate. It is also noted that in correspondence to the Planning Board, dated March 3, 2022, the attorney for the applicant indicates, ‘As to proposed tenancy, specific warehouse tenants have yet to be identified.’ The reason these numbers have been utilized is that actual usage is not certain, but in such cases a

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<sup>13</sup> See fn 10.



'reasonable worst case scenario,' is often prescribed. This clearly has not been the practice in this environmental review.

12. **The Visual Impact analysis is flawed.** The visual impact analysis was provided in Appendix G of the December resubmission of the Technical Memorandum. The process utilized is flawed for several reasons including:
- The methods utilized incorrectly assume that the area beneath a tree canopy is completely opaque. Even in summer months some view through trees is possible, but the methods utilized treat trees like opaque cylinders completely blocking all views below the edges of the tree canopy as recorded by the DSM.
  - Although responses by EDR indicate that the analysis is consistent with DEC policy, but does not adhere to the policy in the following respects:
    - DEC recommends a five-mile radius for projects with tall structures and large-scale vegetation removal, but the Visual Analysis only considers 3.25 miles.
    - There is no visual analysis from most sensitive receptors within the viewshed as is suggested by the policy document. There are some pictures taken of existing conditions, along Route 17, many having the site location and the location and aim of the photo misrepresented.
      - Viewpoint A indicates the site is tucked to the right of a swing in the road, when the diagram clearly shows that the project will be located to the left of the road in this view.
      - Viewpoint A is one point along a stretch of Route 17 over one mile long and west of the site where the site is identified as being visible. The picture taken is from an area where the road is cut into the slope limiting views as compared to other portions of this stretch.
      - Viewpoint C is clearly taken from the west side of a highway cut into bedrock, but is shown on the aerial key map as being taken from the east side of the highway cut and the photo is aimed in the wrong direction.
      - Other viewpoints are taken from sites that are not sensitive receptors and from where visibility was not indicated.
    - There is no verifiable way to determine visibility, such as a site line cross section tied to an aerial photo, or a balloon flown at the height of the tallest roof, or a verifiable visual simulation as is prescribed by the policy document.
    - The discussion of significance does not include an estimate of the number of people that will view the impact, nor of context as is prescribed by the policy document.
  - The assessment of visual impact is clearly an attempt to 'explain away' potential visual impacts rather than investigate them. For example, Holiday Mountain is identified as a tourist resource, yet the Visual Analysis concludes that skiers will be too busy trying to ski and avoid other skiers to notice the 500,000 square foot,

65-foot tall warehouses amidst the nearly 100 acres of clearcut forest directly across the street.

13. **The noise analysis identifies unmitigated noise impacts.** The noise analysis clearly indicates the potential for unacceptable noise impacts up to 6 dBA to result. This in an analysis that uses a questionably low proposed noise condition (eleven daytime vehicles or four nighttime vehicles operating concurrently for a facility that will accommodate between 150 and 230 tractor trailers as shown on the plan).
14. **The response by EDR to comments indicates impact to wildlife habitat.** The response on page 9 clearly states, ‘The Technical Memorandum provides a description and mapping of the approximate 90 acres of the 176-acre Project site area impacted by the proposed development. The development area occupies the western side of the Project Site, extending northwards from Rock Hill Drive. This area is primarily woodlands that would no longer serve as wildlife habitat.’

This is clearly an identified adverse environmental impact with no offered mitigation or discussion of significance other than a statement that surrounding forest will remain. This statement alone requires an EIS, or at least further investigation as to the value of this habitat based upon field observations by a qualified professional.”

58. Despite the fact that all of the above concerns were raised in both the 1/18/22 and 3/15/22 Nelson Pope Memorandum, no further assessments or analyses were conducted or information received regarding the above-referenced concerns between March 15, 2022 and issuance of the Neg Dec.<sup>14</sup>

59. Notwithstanding the above, determinations are drawn in the Notice of Determination without any legitimate, analytical basis. By way of example, no biological assessment was conducted to determine that “[t]he wooded areas adject (sic) to the nearby Neversink River would be more suitable for the Bald Eagle and be a much more likely habitat for that species than the development site.” *Notice of Determination*, 7. No analysis supports the conclusion that “[h]ot spot runoff is not unusual for warehouse facilities that can accommodate a large truck fleet.” *Id.* at 4. No analysis was conducted which supports the Planning Board’s conclusion that “[w]hile the proposed warehouse use is at a significantly larger scale than other uses in the Rock Hill neighborhood, the impact on the

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<sup>14</sup> New information was submitted with regard to traffic, which will be addressed in greater detail *infra*.

character of the Rock Hill community is ameliorated by the fact that the construction is set on a large parcel totaling 175 +/- acres and is set back far from Rock Hill Drive.” *Id. at 7.*

60. Between the submission of 3/15/22 Nelson Pope Memorandum and the Neg Dec, voluminous correspondence was exchanged between Respondent Glen Wild’s and the Town’s traffic engineers, NYS Department of Transportation (“NYS DOT”) and Sullivan County Division of Planning (“SC Planning”) evidencing the belief that exponential increases in truck traffic, which in one estimate by the Town’s traffic engineers would be 311 truck trips per typical weekday or more,<sup>15</sup> would be engendered by the Project. See Exhibits “3” through “11.”

61. By correspondence dated March 15, 2022, Rich Benjamin, Jr., Superintendent of Highways for the Town of Thompson Highway Department (“3/15/22 Benjamin Correspondence”) wrote to the Planning Board, stating:

“In regard to this project, it is my opinion that any changes to the traffic patterns on Rock Hill Drive may have serious impacts to the businesses and residents of Rock Hill and surrounding areas.

...

I would further suggest that any changes be subject to public hearing. Projects that have the potential to alter others livelihoods and quality of life should not be moved without the public’s input.”

A copy of the 3/15/22 Benjamin Correspondence is annexed hereto as Exhibit “33.”

62. Less than a month before issuance of the Neg Dec, NYS DOT and SC Planning were expressing serious concerns about the potential for adverse environmental impacts from the increased traffic. In correspondence dated May 10, 2022 to SC Planning (“5/10/22 DOT Correspondence”), NYS DOT Regional Traffic Engineer Tony Signorelli, P.E. states:

**“Operational and safety issues at the Exit 109 ramp termini will not be acceptable and NYSDOT will take any measure necessary to avert an unsafe situation, including temporary closure of the interchange until the situation is resolved.**

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<sup>15</sup> See 1/7/22 CHA Correspondence, 3; correspondence of NYS DOT to SC Planning dated January 18, 2022 (“1/18/22 DOT Correspondence”), 1. A copy of the 1/18/22 DOT Correspondence is annexed hereto as Exhibit “32A.”

- The signal phasing proposed in the TIS is unconventional and relies on very specific traffic origin and destination movements to operate effectively. If the traffic pattern analyzed is inaccurate, or if patterns change, the result could be a breakdown in operation.”

5/10/22 DOT Correspondence, 2 (emphasis added). NYS DOT continues, with the admonition that “[e]ven minimal future growth in the area will not be accommodated without subsequent improvements.” *Id. at 1*. These concerns are parroted by correspondence from SC Planning to the Planning Board dated May 25, 2022 (“5/25/22 SC Planning Correspondence”). Copies of the 5/10/22 DOT Correspondence and 5/25/22 SC Planning Correspondence are annexed hereto as Exhibits “34” and “35.”

63. It is worth noting that all of these estimates of traffic assume that the Project is a warehouse rather than a distribution center, as discussed in detail *supra*. The Traffic Institute of Engineers (“TIE”) uses a higher expected traffic volume count for a Distribution Center than a Warehouse based on square footage. Using the TIE Distribution Center data would likely dramatically increase the projected traffic volumes on the major roadways.

64. All of these serious concerns are dismissed by Respondent Glen Wild’s traffic engineer, and the Planning Board rode along unquestioningly. In derogation of Merson and its progeny, Respondent Glen Wild and the Planning Board elected to reach agreement without the open participation and scrutiny of the public and other interested agencies and parties afforded by the preparation of an EIS, and instead elected to disingenuously determine, in the face of all evidence, that the Project did not even have the *potential* to result in a significant adverse environmental impact upon traffic.

65. Planner Stach concludes:

“It remains my opinion that the materials submitted in support of this application, despite not adhering to prescribed SEQR processes, nor adhering to widely accepted methods and standards for environmental review, has clearly identified several significant adverse

environmental impacts that may result from the proposed development. SEQRA demands that an EIS be prepared. Incorporation of project changes, operational controls or mitigations to reduce or minimize impacts below a threshold acceptable to one agency is not an acceptable alternative to preparing an EIS and subjecting it to comment and review by all involved agencies and the public. SEQRA demands the full EIS process including provisions for scoping, consideration of alternatives including the no-action alternative, and formal public and agency involvement.”

3/15/22 Nelson Pope Memorandum, 1.

### AS AND FOR A THIRD CLAIM FOR REVIEW

*The Neg Dec is unlawful, arbitrary and capricious, and unsupported by substantial evidence, as the SEQRA analysis is improperly segmented.*

66. Segmentation is defined in SEQRA as:

“The division of the environmental review of an action such that various activities or stages are addressed under this Part as though they were independent, unrelated activities, needing individual determinations of significance.”

6 NYCRR 617.2(ah).

67. As set forth in 6 NYCRR §617.3(g):

“(g) Actions commonly consist of a set of activities or steps. The entire set of activities or steps must be considered the action, whether the agency decision-making relates to the action as a whole or to only a part of it.

(1) Considering only a part or segment of an action is contrary to the intent of SEQRA.”

68. The Courts have held “[s]uch division is impermissible when the environmental review of an action is divided into smaller stages in order to avoid the detailed review called for under SEQRA.”

Saratoga Springs Pres. Found. v. Boff, 110 A.D.3d 1326, 1328, (3rd Dep’t 2013) (citations omitted).

“Ordinarily, considering only a part of a larger proposed action is disfavored and will only be allowed when the agency conducting environmental review clearly sets forth the reasons supporting segmentation and ‘demonstrate[s] that such review is clearly no less protective of the environment’ (6 NYCRR 617.3[g][1]; see *Matter of Concerned Citizens for Env’t. v. Zagata*, 243 A.D.2d 20, 23, 672 N.Y.S.2d 956, lv. denied 92 N.Y.2d 808, 678 N.Y.S.2d 594, 700 N.E.2d 1230).”

Defreestville Area Neighborhoods Ass’n, Inc. v. Town Bd. of Town of N. Greenbush, 299 A.D.2d 631, 634 (3rd Dep’t 2002).

69. Planner Stach states in the 1/18/22 Nelson Pope Memorandum:

“A large area of the site is proposed for substantial site grading at considerable construction effort. This area appears to comprise between 30 and 40% of the total area of disturbance, is bounded at the margins by an engineered slope, and will present a large area where a third large building can be constructed in the future. It does not go unnoticed that the previous proposal included a third building, and that this graded area could easily accommodate a third 280k square foot building. Eliminating consideration of the environmental impacts of a third building, while clearly improving the site to accommodate such [a] building is a clear example of improper segmentation under SEQR.”

70. Planner Stach states in the 3/15/22 Nelson Pope Memorandum:

“**Specious reasoning for unnecessary flattening of site.** The applicant or its consultants have purportedly explained to Sullivan County Division of Planning and Community Development that the reason for levelling an additional area of more than one million square feet was to ‘be used as a source of fill for grading.’ (see letter from Freda Eisenberg, AICP to Matthew Sush dated February 23, 2022) The insinuation here is that the site requires the flattening of this area in order to provide fill for other areas of the site. This is not sensible given that:

- Were this area not intended for future reuse, the entire development could be realigned and shifted into the flatter areas of the site, significantly reducing the need for regrading and engineered slopes, and associated costs. The reason so much fill is required is because the proposed buildings are being built in the more steeply sloping western portion of the site. This could be simply remedied without clearcutting an additional 23 acres of forest.
- The applicant’s engineer has indicated that the project will generate approximately 20,000 cubic yards of excess cut (see memo from Matthew C. Rowe, EIT to Matthew Sickler, P.E. dated March 1, 2022). If the purpose of this area was to balance cuts and fill, the development would not be left with 20,000 cubic yards of excess cut.
- There is no proposed conservation easement or other restriction ensuring that this area not be developed as would usually be required to forego environmental review.
- If this were not an area for future expansion, this area for providing fill would not need to be contiguously located next to the access road. The hill directly north of the proposed buildings which already is being cut to depths of 40 feet could be flattened to provide the same amount of fill in a much smaller area than the 1,000,000 square feet of proposed clearcutting and grading in the relatively flat area to the east.

The far more likely reason for flattening this area is to support future development, which when added to this proposed development would result in impacts that would not be easily understated so as to avoid the preparation of an Environmental Impact Statement. Such a project modification would clearly be improper segmentation under SEQR. If the applicant intends no future development of this part of the property, and wants to proceed as if it was not proposing a 1.4M square foot building in this area just six months ago, it may establish conservation easements over the area to remain undeveloped.”

71. The segmentation of the Project into its current proposed development, while ignoring the previously submitted plan for future development of the Subject Property, is an improper effort to evade a complete environmental review of the desired development that which would clearly be less protective of the environment.

#### AS AND FOR A FOURTH CLAIM FOR REVIEW

*The Neg Dec is unlawful, as the Lead Agency Notice of Intent was defective.*

72. Planner Stach states in the 3/15/22 Nelson Pope Memorandum:

**“The Lead Agency Notice of Intent incorrectly identified this project.** The lead agency notice of intent, circulated on May 3, 2021 incorrectly identified this project as an amendment to the Rock Hill Town Center Project. This was understandable at that time. Upon discovery that this was not the case, and upon realization that this is an entirely different project that had not previously been subjected to an EIS and upon receipt of a revised FEAF by the project sponsor identifying it as a completely new and separate project, the lead agency status should have been re-established, upon re-identification of the correct list of involved agencies and based upon circulation of the revised FEAF and revised plans.”

73. The defective Lead Notice of Intent is not a mere procedural defect. On the contrary, it is entirely conceivable, and even likely, that the agencies served with this defective notice elected to subject the proposed “modification” to considerably less scrutiny given that it had already completed an FEIS/FGEIS then it would had it been disclosed that the Project would be undergoing a *de novo* SEQR review.

74. Given the above, the Neg Dec should be vacated and annulled.

## CONCLUSION

75. In order to find that issuance of the Neg Dec was proper and lawful, it will be necessary for this Court to conclude that, *inter alia*, each of the following do not include the potential for *even one significant adverse environmental impact*:

- a. The clearcutting of 89.7 of woodland;
- b. The construction (through means including blasting) of two “warehouse/distribution” facilities totaling 561,600 square feet with 60 -120 loading docks
  - (i) Within 0.4 miles of a known bald eagle nesting site;
  - (ii) Upon a development site which admittedly drains “mostly” into the Neversink River;
- c. The construction of 294 employee parking spaces and 105 trailer parking spaces;
- d. The construction of a principal access drive, an emergency access drive, and stormwater and utility infrastructure;
- e. The construction of “several local highway improvements,” due to estimates of 311 daily truck trips, to be mitigated by “unconventional” signal phasing dependent upon “very specific traffic origin and destination movements” that, if “inaccurate,” could lead to “a breakdown in operation”<sup>16</sup>;
- f. in an area in which non-partisan agencies warn “[e]ven minimal future growth in the area will not be accommodated without subsequent improvements.”

---

<sup>16</sup> 5/10/18 DOT Correspondence, 2.



76. The Court must conclude that the Planning Board was entitled to base their finding upon self-serving statements, often unsupported by or inadequately supported by data, provided by Respondent Glen Wild to the Planning Board.

77. The Court will not only need to ignore both the letter and spirit of SEQRA and controlling precedent. The Court will also need to suspend its reason and common sense.

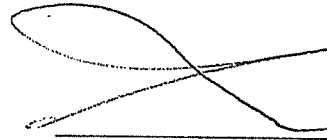
78. This Project will uniquely, profoundly, and negatively impact the lives of the Petitioners herein. It has the clear potential to cause significant adverse environmental impacts to the land, surface water, plants and animals (including the Bald Eagle), visual and auditory environment, and transportation, among other impacts, some of which will be irreversible. The Petitioners, and the entire community, deserve and are legally entitled by any reading of the law to the opportunity to be heard and to evaluate the impacts of this Project through proper scoping, drafting and commenting upon an EIS, rather than the rushed and improperly truncated process described herein. Anything less would be illegal and unjust.

WHEREFORE, we respectfully request that the Court issue a judgment:

A. vacating and annulling the “negative declaration” issued under the State Environmental Quality Review Act (“SEQRA”) by the Town of Thompson Planning Board on June 8, 2022, which found that there would be “no significant adverse impacts on the environment” by construction of two warehouse buildings totaling 561,600 square feet on a 175+/- acre site together with associated project improvements consisting of 294 employee parking spaces, 105 trailer parking spaces, a principal access drive, an emergency access drive, stormwater and utility infrastructure and several local highway improvements;

B. Granting such other and further relief as to this Court may seem just, proper, and equitable.

Dated: July 7, 2022  
Monticello, New York

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that crosses the loop.

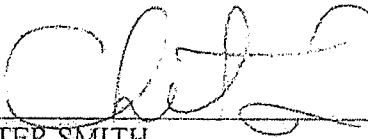
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**STEVEN N. MOGEL**  
Attorney at Law  
*Attorney for Petitioners*  
457 Broadway, Suite 1  
Monticello, NY 12701  
Phone: (845) 791-4303

INDIVIDUAL VERIFICATION

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

CHESTER SMITH, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

  
\_\_\_\_\_  
CHESTER SMITH

Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

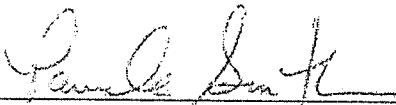
  
\_\_\_\_\_  
NOTARY PUBLIC

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02MI4820370  
Qualified in New York County  
Commission Expires September 30, 2022

INDIVIDUAL VERIFICATION

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

PAMELA SMITH, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

  
PAMELA SMITH

Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

  
NOTARY PUBLIC

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02MI4820370  
Qualified in New York County  
Commission Expires September 30, 2022

INDIVIDUAL VERIFICATION

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

CAROLE PFEISTER, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

  
CAROLE PFEISTER

Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

  
NOTARY PUBLIC

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02M14820370  
Qualified in New York County  
Commission Expires September 30, 2022

INDIVIDUAL VERIFICATION

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

JAMES HOLDSWORTH, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

  
JAMES HOLDSWORTH

Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

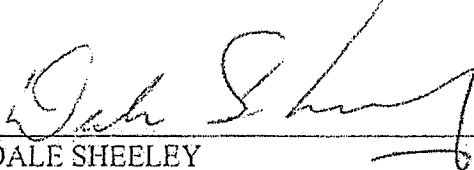
  
NOTARY PUBLIC

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02M14820370  
Qualified in New York County  
Commission Expires September 30, 2022

INDIVIDUAL VERIFICATION

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

DALE SHEELEY, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.

  
\_\_\_\_\_  
DALE SHEELEY

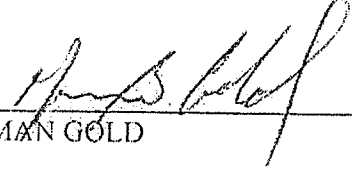
Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

  
\_\_\_\_\_  
NOTARY PUBLIC


MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02Mi4820370  
Qualified in New York County  
Commission Expires September 30, 2022

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

NORMAN GOLD, being duly sworn, says that deponent is the MEMBER of 25 SAW MILL, LLC, the limited liability company named in the within action; that deponent has read the foregoing VERIFIED PETITION and knows the contents thereof; and that the same is true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because the aforesaid company is a domestic limited liability company. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: conversations with counsel and others, books and records kept in the ordinary course of business and/or as matters of public record.

  
\_\_\_\_\_  
NORMAN GOLD

Sworn to before me this  
7<sup>th</sup> day of July, 2022.

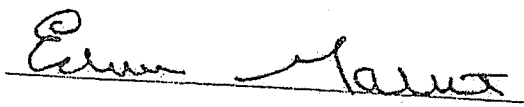
  
\_\_\_\_\_  
Notary Public

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02Mi4820370  
Qualified in New York County  
Commission Expires September 30, 2022




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

EDWARD GALLET, being duly sworn, says that deponent is the MEMBER of GALLET HILL, LLC, the limited liability company named in the within action; that deponent has read the foregoing VERIFIED PETITION and knows the contents thereof; and that the same is true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because the aforesaid company is a domestic limited liability company. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: conversations with counsel and others, books and records kept in the ordinary course of business and/or as matters of public record.

  
EDWARD GALLET

Sworn to before me this  
8<sup>th</sup> day of July, 2022.

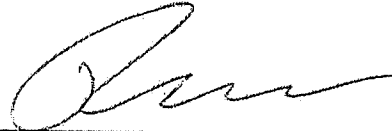
  
Notary Public

DAVID LIEBSCHUTZ  
Notary Public - State of Kansas  
My Appointment Expires 2/21/26

INDIVIDUAL VERIFICATION

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

JAMES GIGLIO, being duly sworn, deposes and says that deponent is a Petitioner in the within action; that deponent has read the foregoing Verified Petition and knows the contents thereof; that the same is true to deponent's own knowledge, except as to those matters therein stated to be alleged on information and belief, and that as to those matters, deponent believes it to be true.



\_\_\_\_\_  
JAMES GIGLIO

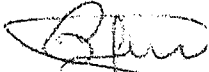
Sworn to before me this 7<sup>th</sup>  
day of July, 2022.

  
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NOTARY PUBLIC

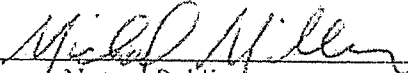
MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02M14820370  
Qualified in New York County  
Commission Expires September 30, 2022

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

PAUL WALSH, being duly sworn, says that deponent is the MEMBER of 9 GLEN WILD LLC, the limited liability company named in the within action; that deponent has read the foregoing VERIFIED PETITION and knows the contents thereof; and that the same is true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because the aforesaid company is a domestic limited liability company. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: conversations with counsel and others, books and records kept in the ordinary course of business and/or as matters of public record.

  
\_\_\_\_\_  
PAUL WALSH

Sworn to before me this  
7<sup>th</sup> day of July, 2022.

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

MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02M14820370  
Qualified in New York County  
Commission Expires September 30, 2022

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

BIJAL PATEL, being duly sworn, says that deponent is the president of SHIV SHAKTI HOLDING LLC, located at 184 Rock Hill Drive, Rock Hill, NY, the limited liability company named in the within action; that deponent has read the foregoing VERIFIED PETITION and knows the contents thereof; and that the same is true to deponent's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because the aforesaid company is a domestic limited liability company. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: conversations with counsel and others, books and records kept in the ordinary course of business and/or as matters of public record.

*BIJAL PATEL*  
\_\_\_\_\_  
BIJAL PATEL

Sworn to before me this  
7th day of July, 2022.

*Michael Miller*  
\_\_\_\_\_  
Notary Public MICHAEL MILLER  
Notary Public, State of New York  
Reg. No. 02MI4820370  
Qualified in New York County  
Commission Expires September 30, 2022

AT  
#1

**3) REVIEW & APPROVE SERVICES AGREEMENT BETWEEN CONCORD RESORTS MASTER ASSOCIATION, LLC AND TOWN OF THOMPSON ON BEHALF OF ADELAAR SPECIAL DISTRICTS**

Attorney Mednick and Supt. Messenger explained the presented Services Agreement between Concord Resorts Master Association, LLC and Town of Thompson on behalf of the Adelaar Special Districts, primarily the Lighting District.

**The Following Resolution Was Duly Adopted: Res. No. 254 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson hereby approves the Services Agreement between the Concord Resorts Master Association, LLC and Town of Thompson on Behalf of Adelaar Special Districts for maintenance and repair services Adelaar Lighting District, Concord Resorts Master Association, LLC will provide services at their expense. Further Be It Resolved that the Town Supervisor hereby be authorized to execute the Agreement as presented, which will be filed in the Town Clerk’s Office.

Moved by: Councilman Mace

Seconded by: Councilman Pavese

Vote: Ayes 3 Pavese, Meddaugh and Mace

Nays 0

Absent 2 Rieber and Schock

**4) TOUR DE SIMCHA: REQUEST TO SUPPORT BIKE RIDE FUNDRAISER IN PORTION OF TOWN OF THOMPSON FROM TOWN OF FORESTBURGH LINE ALONG NYS ROUTE 42 SOUTH TO SACKETT LAKE ROAD BACK TO TOWN OF FORESTBURGH LINE – TUESDAY, JULY 19<sup>TH</sup>, 2022**

**The Following Resolution Was Duly Adopted: Res. No. 255 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson hereby supports the Tour De Simcha Bicycle Ride Fundraiser to be held in a portion of Town of Thompson along New York State Route 42 South and Sackett Lake Road on Tuesday, July 19<sup>th</sup>, 2022 subject to notification and issuance of all necessary approvals/permits from New York State Department of Transportation, Sullivan County Department of Public Works and the Monticello Fire Department.

Moved by: Councilman Pavese

Seconded by: Councilman Mace

Vote: Ayes 3 Pavese, Meddaugh and Mace

Nays 0

Absent 2 Rieber and Schock

**5) WILLSCOT – UPDATE ON STORAGE CONTAINER AT TOWN HALL**

Supt. Glenn Somers reported that he spoke with a representative from Willscot regarding the possible purchase of the storage container. The representative referred him to another representative who would handle the matter. Supt. Somers reached out to that representative and is waiting for them to get back to him regarding purchase. There was no action taken on the matter at this time.

#2

## Glenn Somers

---

**From:** Ienuso, Grace <IenusoG@cintas.com>  
**Sent:** Tuesday, July 05, 2022 2:47 PM  
**To:** gsomers@townofthompson.com  
**Subject:** Cintas  
**Attachments:** Town of thompson proposal.xls

Good Afternoon,

Thank you for your time today please see attached proposal, the total comes to \$48 weekly which is \$2500/year.

Please let me know if this is something you would like to move forward with.

Thanks



***Check out our Disinfectant Spray Service***

<https://www.youtube.com/watch?v=iMA1w2t1eE>

Grace Ienuso | Sales Consultant  
Cintas Corporation  
office 845.457.9655 | cell 845.707.5117  
138 Bracken Road | Montgomery, NY 12549  
[IenusoG@cintas.com](mailto:IenusoG@cintas.com) | [cintas.com](http://cintas.com)



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This e-mail transmission contains information that is intended to be confidential and privileged. If you receive this e-mail and you are not a named addressee you are hereby notified that you are not authorized to read, print, retain, copy or disseminate this communication without the consent of the sender and that doing so is prohibited and may be unlawful. Please reply to the message immediately by informing the sender that the message was misdirected. After replying, please delete and otherwise erase it and any attachments from your computer system. Your assistance in correcting this error is appreciated.

# Facility Services Program

| Product                | Unit Form                         | Cost Per Unit | Estimated Usage | Total Weekly |
|------------------------|-----------------------------------|---------------|-----------------|--------------|
| <b>Carpets</b>         |                                   |               |                 |              |
| 4x6 Outdoor Rubber Mat | charged weekly replaced as needed | \$4.25        | 1               | \$ 4.25      |
| 4x6 Carpet             | changed out weekly                | \$5.00        | 2               | \$ 10.00     |
| 3x10 Carpet            | changed out weekly                | \$6.75        | 5               | \$ 33.75     |
| Service Charge         |                                   |               |                 | \$ -         |
| Total                  |                                   |               |                 | \$ 48.00     |



Grace Ienuso | Sales Representative  
 Cintas Corporation | Montgomery, NY  
 (845) 707 5117 | lenusog@cintas.com

**SETTLEMENT AND RELEASE AGREEMENT**

This Settlement and Release Agreement (the "Settlement Agreement") is made this \_\_\_\_ day of July, 2022 by and among the Town of Thompson, New York (the "Town") and Spectrum Northeast, LLC, an indirect subsidiary of Charter Communications, Inc. ("Charter").

**RECITALS**

**WHEREAS**, Charter operates a cable system in the Town and pays franchise fees pursuant to a franchise agreement between the parties (hereafter, the "Franchise" or the "Franchise Agreement", as applicable or as the context of this Settlement Agreement so requires or admits);

**WHEREAS**, the Town conducted an audit of the franchise fee payments made by Charter for the period from January 1, 2018 through December 31, 2021 (the "Audit Period") and concluded that Charter underpaid franchise fees for the Audit Period. Charter disputed the claim and arrived at a different conclusion than the Town;

**WHEREAS**, Charter agrees to submit payment to the Town in the amount of twenty one thousand one hundred dollars (\$21,100) to forever settle past claims on franchise fees due the Town for the Audit Period;

**WHEREAS**, the Town and Charter now desire to conclude, settle, release and discharge once and forever, all rights, claims, causes of actions, liabilities, disputes and demands relating to franchise fees paid, calculable, or due during the Audit Period;

**NOW THEREFORE**, in consideration of the foregoing, and in consideration of the mutual promises and obligations hereinafter set forth, and for good and valuable mutual consideration, the receipt and sufficiency of which is hereby acknowledged, the parties to this Settlement Agreement hereto agree as follows:

**AGREEMENT**

**1. SETTLEMENT AMOUNT**

The Town and Charter have agreed that Charter shall submit payment to the Town in the amount of twenty one thousand one hundred dollars (\$21,100) in full settlement of past claims on franchise fees for the Audit Period. Charter agrees to pay this amount to the Town within sixty (60) days after receipt of the executed Settlement Agreement from the Town. It is



expressly understood and agreed that the Settlement Amount represents full and complete satisfaction and compromise of any and all claims, actions, causes of action, controversies, demands, damages, debts, agreements, obligations, liabilities, interest, liens, expenses, costs, attorneys' fees and demands of any kind or nature, known or unknown, arising out of or in any way related to: (i) the Town's past claims on franchise fees due the Town during the Audit Period; and (ii) any claim, known or unknown, by Charter relating to the Franchise or franchise fees due or payable during the Audit Period, including any defenses or offsets thereto.

Notwithstanding any provision of this Settlement Agreement, the parties hereby acknowledge and agree that any franchise fee payment made pursuant to the Franchise may be recovered by Charter from subscribers in accordance with the Franchise Agreement, if so permitted, or pursuant to the NYS Public Service Commission's Rules and requirements pertaining to the same.

## **2. RELEASE OF CLAIMS**

For the consideration set forth in this Settlement Agreement, each party hereto does hereby release and forever discharge the other party, and its parents, subsidiaries, related affiliates and their respective officers, directors, shareholders, owners, partners, employees, agents, contractors, representatives, predecessors, successors, assigns, insurers and attorneys, and each of them, from any and all claims, demands, actions, causes of action, liabilities, obligations, losses, accounts, debts, damages, judgments, costs, interest, expenses, attorney's fees and demands of any kind or nature, known or unknown, arising out of or in any way related to franchise fees due, arising, or claimed as due or not due during the Audit Period.

## **3. VOLUNTARY AGREEMENT**

This Settlement Agreement is freely and voluntarily given by each party, without any duress or coercion, and after each party has consulted with its counsel. Each party has carefully and completely read all of the terms and provisions of this Settlement Agreement. It is understood and agreed by the Town and Charter that nothing herein shall be deemed to be an admission of liability by Charter with respect to the matter of this Settlement Agreement.

## **4. AUTHORITY AND BINDING EFFECT**

The Town and Charter represent and warrant to the other that each has the legal right, power and authority to enter into this Settlement Agreement and to perform its obligations hereunder. This Settlement Agreement will inure to the benefit of and be binding upon the parties and their respective successors and assigns. The parties for themselves and their respective successors and assigns agree to join in or execute any instruments and to do any other act or thing necessary or proper to carry into effect this or any part of this Settlement Agreement.

5. **ENTIRE AGREEMENT**

This Settlement Agreement sets forth the entire agreement between the Town and Charter relating to the subject matter of this Settlement Agreement.

6. **GOVERNING LAW**

This Settlement Agreement, and any controversies arising hereunder, shall be interpreted in accordance with the laws of the State of New York, and adjudicated in a state or federal court of competent jurisdiction located in the State of New York.

7. **CONFIDENTIALITY**

The existence, nature, terms and conditions of this Settlement Agreement are confidential and shall not be disclosed by either party in any manner or form, directly or indirectly, to any person or entity under any circumstances, unless required by court order or applicable law.

**IN WITNESS WHEREOF**, the parties have executed this Settlement Agreement as their free and voluntary acts and deeds, effective as of the date first above written.

**Town of Thompson, New York**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Spectrum Northeast, LLC**

**By: Charter Communications, Inc., Its Manager**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Sworn before me in the Town of Thompson, New York of \_\_\_\_\_, this \_\_\_\_ day of \_\_\_\_\_, 2022.

My Commission Expires: \_\_\_\_\_

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

Approved as to Form:

\_\_\_\_\_  
Vice President and Associate General Counsel

07B1

**Supervisor (Town of Thompson)**

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**From:** Michael Messenger <mmessenger@townofthompson.com>  
**Sent:** Wednesday, June 15, 2022 8:00 AM  
**To:** John Pavese; Melinda Meddaugh; Ryan Schock; Scott Mace; William J. Rieber, Jr.  
**Subject:** Fwd: Verizon Connect Follow Up - Thompson

Hello,

Below is a price quote that I requested from Verizon for GPS units for the trucks (14) in the Water and Sewer Department. I would like to discuss this further at the next Town Board meeting. I feel that placing GPS's in the vehicles will better help track and maintain our fleet. Due to the nature of our day to day operations, many operators are asked to work alone or in groups of 2 at all corners of the Town, unsupervised. It is virtually impossible to know where everyone is at all times and often hard to locate employees with the spotty cell coverage in the outskirts of the Town. This would help in day to day management as well as hold employees accountable for their actions while operating a Town vehicle.

Thanks,

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)

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----- Forwarded message -----

**From:** Diaz, Chris <[christopher.diaz@verizonconnect.com](mailto:christopher.diaz@verizonconnect.com)>

**Date:** Tue, Jun 14, 2022 at 11:21 AM

Subject: Re: Verizon Connect Follow Up - Thompson  
To: Michael Messenger <[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)>  
Cc: Keith Rieber <[kriber@townofthompson.com](mailto:kriber@townofthompson.com)>, Dionisopoulos, Rowan  
<[rowan.dionisopoulos@verizonconnect.com](mailto:rowan.dionisopoulos@verizonconnect.com)>

Mike,

Here's a breakdown of options. When I hear back from you regarding pro or self-install and the status of the Parks vehicles, I'll draft a formal quote for your review and approval:

14 Vehicles (Self install)

14 @ \$17.45 = \$244.30 monthly, no up-front cost  
\$2931.60 annually

14 Vehicles (Professional Install)

14 @ \$18.95 = \$265.30 monthly, no up-front cost  
\$3183.60 annually

20 Vehicles (Self Install)

20 @ \$17.45 = \$349 monthly, no up-front cost  
\$4188.00 annually

20 Vehicles (Professional Install)

20 @ \$18.95 = \$379 monthly, no up-front cost  
\$4548.00 annually

Let me know if you have any questions.

**Chris Diaz**

C: (315) 766-7894



On Tue, Jun 14, 2022 at 10:52 AM Michael Messenger <[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)> wrote:  
Hello,

I am only interested in the GPS at this time. I have attached a list of vehicles. The yellow highlighted vehicles are a definite and the orange highlighted ones are pending a decision by our Parks Department.

Thank you,

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)

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On Mon, Jun 13, 2022 at 3:28 PM Diaz, Chris <[christopher.diaz@verizonconnect.com](mailto:christopher.diaz@verizonconnect.com)> wrote:  
Michael,

Good to hear from you. The only significant change is regarding pro install. We were offering it for free as a promotion for some time, but now there's an additional \$1.50 monthly per vehicle if you wish to have it. You can still self install per the pricing provided below.

If you have a current VIN list you'd like to send over, I can get a formal quote back to you. With that, please let me know which vehicles will include cameras (front and driver facing)

**Chris Diaz**

C: (315) 766-7894

On Mon, Jun 13, 2022 at 3:22 PM Michael Messenger <[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)> wrote:  
Hello Chris,

I know that quite some time has passed since our conversation. Could you please give me updated pricing? I am planning on moving forward with this project.

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

[mmessenger@townofthompson.com](mailto:mmessenger@townofthompson.com)

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On Thu, Jul 29, 2021 at 10:17 AM Diaz, Chris <[christopher.diaz@verizonconnect.com](mailto:christopher.diaz@verizonconnect.com)> wrote:  
Mike/Keith,

Thank you for taking the time to meet with us this morning. Per our discussion, I've included a recap of our solution and pricing on our Sourcewell contract. I'll check back with you next month unless I hear from you sooner

### **Sourcewell Group Pricing**

\$17.45 per vehicle monthly includes:

- Real-time GPS & Lifetime History using Google maps
- Real-time Diagnostic Trouble Code Alerts
- Maintenance Scheduling and Service Records
- Safety & Fuel Monitoring tools including idle, speed, & aggressive behaviors
- Customizable Analytic Dashboards
- Mobile Applications for Android or iPhone

**All units are professionally installed with no up-front hardware or installation cost if signed by 10/10/21**

### **Additional options:**

- Driver ID hardware to know who's driving a shared vehicle in real-time (no extra cost)
- Sensors for plow blade, spreader, lights, sirens, doors, etc. (no extra cost)
- Integrated Front Facing & Driver Facing Cameras with automatic vehicle event download (+\$30.45 per vehicle)
- 3<sup>rd</sup> party integration options with [ESRI](#), [Fleetio](#), [WEX](#), [Snowpaths](#), [Spillman](#), and more (+\$1.00 monthly per vehicle)

### **Limited Lifetime Device Warranty**

### **Return on Investment:**

There are several ways agencies experience this. Here are some examples:

- **Fuel consumption** – many existing customers report back an average of 10 - 25% savings over the course of a year. Reducing idle by 1.5 hour weekly per vehicle pays for the service for the month!
- **Real-time Diagnostics & Maintenance Scheduling** – Proactively maintaining the fleet lowers overall maintenance bills by avoiding bigger issues. It's also proven that a well-maintained fleet improves MPG.
- **Insurance premium reductions** - These vary by provider and vehicle type, but worth a call to your insurer to find out.
- **Worker Productivity** – Immediately increases tasks/project completion by improving behaviors & routes taken while reducing downtime.

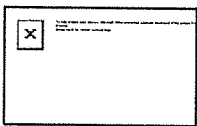
Regards,



Verizon Connect Product Overview



Integrated Video Demo with Driver Facing Cameras



**Chris Diaz**

Account Manager – Public Sector & Non-Profit

C: (315) 766-7894

Christopher.Diaz@VerizonConnect.com

**#1 for Government Fleets**

**#1 for Innovation**

**#1 for Implementation & Usability**




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