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**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

TUESDAY, MARCH 21, 2023

7:00 PM MEETING

CALL TO ORDER

ROLL CALL

PLEDGE TO THE FLAG

APPROVAL OF PREVIOUS MINUTES: March 07, 2023 Regular Town Board Meeting

PUBLIC COMMENT

CORRESPONDENCE:

- **Kevin M. Hirson of Warshaw Burstein, LLP:** Letter dated 03/03/23 to Town Clerk Calhoun Re: Standardized Notice Form Providing 30-Day Advance Notice of Liquor License Application Renewal for Veria Lifestyle, Inc. as YO1 Center.
- **NYS Dept. of Taxation & Finance:** Check #09209357 dated 03/10/23, payable to Town of Thompson in amount of \$86,744.04 for NYS DOT POP & WIRP Extreme Weather Reimbursement Program Funding.
- **Hon. Norman St. George, NYS Unified Court System:** Letter dated 02/22/23 to Ms. Maryjean Carroll, Town of Thompson Justice Court Clerk Re: Notice of Award – 2022-23 Justice Court Assistance Program (JCAP) Grant for \$7,292.95.

AGENDA ITEMS:

1) RESOLUTION CONSENTING TO FORMATION OF A WATER TRANSPORTATION CORPORATION FOR MAYIN WATER COMPANY, INC.

2) SACKETT LAKE SEWER DISTRICT COLLECTION SYSTEM IMPROVEMENT PROJECT

A) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT

3) CONSOLIDATED ROCK HILL-EMERALD GREEN SEWER DISTRICT PUMP STATION #1,#2 & #3 IMPROVEMENTS PROJECT

A) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT

4) TAX CERTIORARI SETTLEMENT: IDRIZ MUSOVIC – (2020, 2021 & 2022) FROM \$180,000.00 TO \$88,000.00, SBL # 23.-1-35 & 23.-1-36.

5) MONTICELLO MOTOR CLUB – REQUEST FORMATION OF PROPOSED SEWER DISTRICT FOR (11) TAX PARCELS

6) DISCUSS: PETITION FOR MODIFICATION TO CHAPTER 250 OF TOWN CODE TO INCLUDE EMERGENCY SERVICES IN THE SR ZONING DISTRICT – CATSKILLS HATZALAH INC., FRASER ROAD, MONTICELLO, NY, SBL # 9.-1-62.3

7) DISCUSS: MODIFICATION TO CHAPTER 250 OF TOWN CODE – ZONING AND PLANNED UNIT DEVELOPMENT PART 8 FOR PROPOSED PLANNED UNIT DEVELOPMENT DISTRICT NO. 7 – PROPOSED SAKETT LAKE LP MIXED USE DEVELOPMENT PARCELS ALONG ROUTE 42 & SACKETT LAKE ROAD

8) PARKS & RECREATION DEPARTMENT ITEMS:

A) RESOLUTION TO AUTHORIZE ZUMBA PROGRAM AT EAST MONGAUP RIVER TOWN PARK COMMUNITY BUILDING – STARTING TUESDAY, MAY 2ND – THURSDAY, SEPTEMBER 28TH

B) RESOLUTION TO ESTABLISH LITTER PLUCK DAY EVENT – SATURDAY, APRIL 29TH ALONG THOMPSON ROAD FROM 9AM TO 12PM

- C) RESOLUTION TO AUTHORIZE YOUTH FLAG FOOTBALL PROGRAM AT MONTICELLO HIGH SCHOOL – STARTING SATURDAY, MAY 6TH – SATURDAY, MAY 27TH (MONTH TO MONTH BASIS)
- D) SUMMER YOUTH SWIM LESSON PROGRAM REGISTRATION – THURSDAY, APRIL 27TH (9AM – 1PM & 2PM – 6PM) AT TOWN HALL
- E) RESOLUTION TO AUTHORIZE EASTER EGG HUNT EVENT AT LAKE IDA TOWN PARK ON SATURDAY, APRIL 1ST, 2023 – SPONSORED BY THE ROCK HILL BUSINESS & COMMUNITY ASSOCIATION

9) HIGHWAY DEPARTMENT ITEMS:

- A) RESOLUTION TO AWARD BIDS FOR GRADALL LIMB LOPPER ASSEMBLY

10) WATER & SEWER DEPARTMENT ITEMS:

- A) PURCHASE REQUEST – VAC-CON TRUCK OFF SOURCEWELL CONTRACT FOR TOTAL COST OF \$536,157.00
- B) PURCHASE REQUEST – UPPER/LOWER KNEE BRACE FOR DECANT ASSEMBLY IN EMERALD GREEN SBR DITCHES
- C) APPROVE NEW HIRE FOR WASTEWATER TREATMENT PLANT OPERATOR TRAINEE

11) BILLS OVER \$5,000.00

12) BUDGET TRANSFERS & AMENDMENTS

13) ORDER BILLS PAID

OLD BUSINESS
NEW BUSINESS

REPORTS: SUPERVISOR, COUNCILMEN, & DEPARTMENT HEADS

PUBLIC COMMENT

ADJOURN

PLEASE TAKE NOTICE, that this Town Board meeting will be held in person and via videoconferencing, as permitted by the NYS Open Meetings Law. The zoom invite is merely a courtesy and convenience to the public. If there is a disruption in the ability of the zoom meeting to commence or even continue once a meeting has been commenced, the official meeting of the Town Board shall continue in person without interruption.

MP

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 held remotely via Zoom on **March 07, 2023.**

ROLL CALL:

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

DRAFT

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Town Attorney
Patrice Chester, Deputy Administrator
Melissa DeMarmels, Town Comptroller
Michael G. Messenger, Water & Sewer Superintendent
Glenn Somers, Parks & Recreation Superintendent
Richard L. Benjamin, Jr., Highway Superintendent

Present via Zoom: Kelly Murran, Deputy Town Clerk
Karen Schaefer, Supervisor's Confidential Secretary
Jill Weyer, Director of Community Development

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber 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.

PUBLIC HEARING: PROPOSED LOCAL LAW NO. 02 OF 2023 – AMEND CHAPTER 231 OF TOWN CODE ENTITLED “VEHICLES AND TRAFFIC” – REMOVE COUNTY ROAD 109 (KIAMESHA LAKE ROAD) FROM SCHEDULE K, NO PARKING ANYTIME

Supervisor Rieber opened the Public Hearing at 7:00 PM.

Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on February 28, 2023 with same being posted at the Town Hall and Town Website on February 06, 2023.

TOWN OF THOMPSON
NOTICE OF PUBLIC HEARING
ON PROPOSED LOCAL LAW

NOTICE IS HEREBY GIVEN that there has been duly introduced at a meeting of the Town Board of the Town of Thompson, New York, held on January 17, 2023, a proposed Local Law No. 02 of 2023, entitled "A Local Law to amend the Town of Thompson Code, Chapter 231, entitled "Vehicles and Traffic".

The proposed Local Law will rescind and remove County Road No. 109 from Section 231-45, Schedule K.

NOTICE IS FURTHER GIVEN that the Town Board of the Town of Thompson will conduct a Public Hearing on the aforesaid proposed Local Law at the Town Hall, 4052 Route 42, Monticello, New York, on March 07, 2023 at 7:00 P.M., or as soon thereafter as said Public Hearing shall be convened, at which time all persons interested will be heard.

Copies of the Local Law described above are on file in the office of the Town Clerk of the Town of Thompson, where the same are available to public inspection during regular office hours.

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

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

Dated: January 17, 2023

BY ORDER OF THE TOWN BOARD

TOWN OF THOMPSON

MARILEE J. CALHOUN, TOWN CLERK

Supervisor Rieber explained the purpose of Proposed Local Law No. 2 of 2023. The Proposed Local Law is to amend Chapter 231, Section 45, of the Town Code entitled "Vehicles and Traffic" to remove no parking along County Road No. 109 (Kiamesha Lake Road) from Schedule "K".

Supervisor Rieber asked if the Board had any comments. The Board had no comments.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There were no public comments.

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

A motion to close the Public Hearing at 7:04 PM was made by Councilman Pavese and seconded by Councilman Schock.

The regular meeting was reconvened at 7:05 PM.

MONTHLY REPORT FOR FEBRUARY 2023 RECEIVED AND FILED

Dog Control Officer's Report

APPROVAL OF MINUTES:

On a motion made by Councilman Mace and seconded by Councilman Schock the minutes of the February 22nd, 2023 Regular Town Board Meeting were approved as presented.

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

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

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

- **NYS Building Standards and Codes:** Uniform Code Administration and Enforcement Report for Town of Thompson for Reporting Year 2022.
- **Rebecca S. Crist, NYS DEC:** State Pollutant Discharge Elimination System (SPDES) Discharge Permit issued to Town of Thompson on behalf of the Consolidated Kiamesha Sewer District, Dated: 02/28/2023.
- **Meghan Taylor, VP, Government Affairs & Public Relations:** Letter dated 01/18/23 to Mr. Stephen Ryba, Regulatory Branch, NY District, U.S. Army Corps of Engineers Re: Joint Application dated January 2023 for Stream & Wetlands Disturbance Permit for Cart Bridge Rehabilitation.
- **Town of Forestburgh Town Board:** Resolution & Notice Requiring Preparation of a Supplemental Impact Statement Under State Environmental Quality Review Act for the Project Known as Lost Lake Resort, Resolution Dated: 02/02/23, Notice Dated: 02/09/23.
- **Walkoff Holdings LLC c/o Sills Cummis & Gross P.C.:** Notice to Tenants of Buildings in Foreclosure mailed to Town of Thompson Re: Waverly Gardens Development, Filed 12/13/22, Index # 2022-366.
- **Marc A. Baez, President/CEO, Sullivan County Partnership for Economic Development:** Letter dated 02/16/23 to Town Clerk Calhoun Re: Economic Development Summit Informational Breakfast Event to be held on Thursday, 03/23/23, from 7:30 – 10:00 AM at The Kartrite Resort & Indoor Waterpark.

- **NYSERDA, No-Reply:** Email dated 02/16/23 to Deputy Administration Patrice Chester Re: Approval of \$5,000.00 Grant Application under the Clean Energy Communities Program. Councilwoman Meddaugh commented on.
- **Andrew Kalter, District Director, NYS DOH:** Letters dated 02/14/23 to Supervisor Rieber & 03/02/23 to Allan Schachnovsky, Kiamesha Artesian Spring Water Company Re: Boil Water Order Rescind Notices.
- **Hon. Tamiko A. Amaker, Acting Chief Administrative Judge, NYS Unified Court System:** Letter dated 02/23/2023 to Supervisor Rieber Re: Annual Justice Court Audit Requirement.
- **Charter Communications:** Letter dated 02/03/23 with Check #80669446 for \$50,944.13 – 4th Quarter Franchise Fee (10/01/22 – 12/31/22).
- **NYS Dept. of Taxation and Finance:** Check #09158795, Dated: 02/07/2023 in the amount of \$705,688.17 – NYS Gaming Commission for Resorts World Catskill Casino Distribution 3rd Quarter Payment.
- **County of Sullivan Treasurer, General Fund:** Check #299257, Dated: 02/24/2023 in the amount of \$28,300.65 – Plans & Progress Small Grant Program for \$8,300.65 & Rust Grant Program for \$20,000.00. Deputy Administrator Chester advised there will be additional funds received under the Plans & Progress Small Grant Program since grant awarded was for \$10,000.00. Additional funds to be received should be in the amount of \$1,699.35.
- **Rebecca Bellard, NYS Dept. of Taxation & Finance ORPTS:** Memo dated 02/09/23 to Assessors, Mayors, Supervisors and Clerks Re: 2023 Tentative Special Franchise Full Values - \$20,290,615.
- **Christopher Lang, Deputy Regional Permit Administrator, NYS DEC:** Email, Permit & Letter dated 02/13/23 to Mr. Michael Zager Re: Water Disturbance Permit DEC ID# 3-4846-00504/00002 (EF) Permit and 3-4846-00504/00002 Blanket Water Quality Certification for Zager Property, 10 Elm Road, Rock Hill, NY.
- **Stephen Monteverde, Engineer Trainee, NYS DEC, Division of Water, Region 3:** Letter dated 02/13/23 to Supervisor Rieber and Town Board Re: Annual Compliance Inspection – Melody Lake Sewer District STP, SPDES Permit No.: NY0030708.
- **Jennifer G. Gallery, Siegel & Moses, P.C., Attorneys at Law:** Letter dated 02/10/23 to Town Clerk Calhoun Re: Standardized Notice Form Providing 30-Day Advance Notice of Liquor License Application for Monster Golf Course @ Resorts World Catskills, which will be reopening later this year.
- **Julio Garaicoechea, Project Manager, SC IDA:** 2023 Distribution of PILOT Payments – Check #2305 Dated: 02/17/23 for \$4,184.67 (3 Projects – Loughlin & Billig PC, NY Thompson I LLC & NY Thompson II LLC).
- **Jennifer M. Flad, Executive Director, SC IDA:** Letter dated 02/17/23 to Assessor Krzywicki Re: NYS Dept. of Taxation & Finance Form RP-412-a, Application for Real Property Tax Exemption (County of Sullivan IDA with

- Mountain Kosher Food Corp. and 286 EB LLC) along with PILOT Agreement, Lease to Agency & Leaseback to Company attachments, SBL#113.-4-3.
- **Jennifer M. Flad, Executive Director, SC IDA:** Letter dated 02/17/23 to Assessor Krzywicki Re: NYS Dept. of Taxation & Finance Amended Form RP-412-a, Application for Real Property Tax Exemption (County of Sullivan IDA with Empire Resorts Real Estate I, LLC – Golf Course Project) along with First Amended PILOT Agreement and Omnibus Amendment to Project Documents, SBL #15.-1-15.
 - **Jennifer M. Flad, Executive Director, SC IDA:** Letter dated 02/17/23 to Assessor Krzywicki Re: NYS Dept. of Taxation & Finance Amended Form RP-412-a, Application for Real Property Tax Exemption (County of Sullivan IDA with Empire Resorts Real Estate II, LLC) along with First Amended PILOT Agreement and Omnibus Amendment to Project Documents, SBL #23.-1-54.6.
 - **Jennifer M. Flad, Executive Director, SC IDA:** Letter dated 02/17/23 to Assessor Krzywicki Re: NYS Dept. of Taxation & Finance Original Form RP-412-a, Application for Real Property Tax Exemption (County of Sullivan IDA with Monticello Industrial Park LLC) along with PILOT Agreement, Lease to Agency & Leaseback to Company attachments, SBL#130.-1-19.2.
 - **Jennifer M. Flad, Executive Director, SC Funding Corporation:** Letter dated 02/17/23 to Assessor Krzywicki Re: Filing of a Quitclaim Deed dated 12/02/2022 transferring parcel # 130.-1-19.2 to Monticello Industrial Park LLC since the SC Funding Corporation no longer has an interest in said parcel and does not seek renewal of Real Property Tax Exemption under Section 420-a of NYS Real Property Tax Law.
 - **George Duke, Esq. of Connell Foley LLP on behalf of Glen Wild Land Company, LLC:** Letter dated 02/24/23 to Supervisor Rieber Re: Resolution No. 78 of 2023 – Adopted by Town Board on 01/03/2023 involving the Referendum Petition that was filed on Consolidated Rock Hill-Emerald Green Sewer District Extension No. 2.
 - **George Duke, Esq. of Connell Foley LLP on behalf of Glen Wild Land Company, LLC:** Letter dated 03/01/23 to Town Clerk Calhoun Re: Order to Show Cause, Verified Petition, Verification & Affidavit of Service including Exhibits involving the Referendum Petition that was filed on Consolidated Rock Hill-Emerald Green Sewer District Extension No. 2.
 - **Town of Liberty Planning Board:** Public Hearing Notice – Bais Yaakov Council for Special Use Permit at 482 Stanton Corners Road, Ferndale, NY, SBL#46.-1-57 in RD Zone.

AGENDA ITEMS:

2) ACTION: FINAL ORDER EXTENDING CONSOLIDATED ROCK HILL-EMERALD GREEN SEWER DISTRICT EXTENSION NO. 2 – PROPOSED AVON COMMERCIAL PARK AT ROCK HILL TOWNE CENTER PROJECT

In the matter of the extension of the Consolidated Rock Hill-Emerald Green Sewer District to include the Avon Park Project, the Town Board has received and reviewed the Town Clerk's Certification regarding the submitted Permissive Referendum Petition and confirm that no Referendum shall be conducted since the Petition filed did not have the requisite number of proper signatures. The Town Clerk's Certification also allowed the parties an opportunity to challenge said determination in the Supreme Court and the Town Board would not take further action if the matter was brought to the Supreme Court, until a determination by a judge was made.

The developers have requested that the Town Board take further action to confirm the Preliminary Approval with a Final Approval of the extension, but presently the Town was served with an Order to Show Cause in this matter by the Developer and a further Motion to Intervene was brought by the Petitioners and the same is pending before the Sullivan County Supreme Court. In an abundance of caution, Supervisor Rieber recommended that the Town Board not take final action on this extension until the present Court matters are resolved. The Town is aware that the Developer has represented that they would withdraw their Order to Show Cause once a final determination is made on the extension. But, again, in an abundance of caution, since the Town Clerk's Certification specifically indicated that the matter would be stayed while it was pending before the Supreme Court Judge then the Town Board will abide by said directive and will place the matter on the next Agenda for final action, once it is confirmed that there is no action pending before the Supreme Court. With that information, action was taken as follows:

The Following Resolution Was Duly Adopted: Res. No. 123 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson has hereby agreed to the decision to stay/hold-off on taking any further action regarding the Consolidated Rock Hill-Emerald Green Sewer District Extension No. 2 involving the Proposed Avon Commercial Park at Rock Hill Towne Center Project pending final determination by the Supreme Court according to the Town Clerk's Referendum Certification dated 02/14/23.

Moved by: Councilman Schock

Seconded by: Councilman Pavese

Vote: Ayes 5

Rieber, Pavese, Schock, Meddaugh and Mace

Nays 0

PUBLIC COMMENT:

Mr. George Duke, Esq. of Connell Foley LLP provided response regarding decision to stay/hold-off on action involving agenda item #2 pending final court determination. He also referred to his letter addressed to Supervisor Rieber dated 02/24/2023. He said that in their position there was no stay before the court.

Mr. Len Bernardo of Rock Hill, thanked the Town Board for waiting on court decision before proceeding further with action involving agenda item #2.

1) ACTION: RESOLUTION TO ENACT PROPOSED LOCAL LAW NO. 02 OF 2023 – AMEND CHAPTER 231 “VEHICLES AND TRAFFIC” – REMOVE COUNTY ROAD 109 (KIAMESHA LAKE ROAD) FROM SCHEDULE K OF TOWN CODE, NO PARKING AT ANYTIME

The Following Resolution Was Duly Adopted: Res. No. 124 of the Year 2023.

At a regular meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 Route 42, Monticello, New York on March 07, 2023

RESOLUTION TO ENACT LOCAL LAW NO. 02 of 2023

WHEREAS, proposed Local Law No. 02 of the year 2023 entitled, "A Local Law to amend the Town of Thompson Code, Chapter 231, entitled "Vehicles and Traffic" was introduced to the Town Board at a meeting held January 17, 2023, at the Town Hall, Monticello, New York, to consider said proposed Local Law and Notice of Public Hearing having been duly published and posted as required by law, and said Public Hearing having been held and all persons appearing at said Public Hearing deeming to be heard having been heard, and

WHEREAS, said Local Law was duly adopted after a Public Hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson, New York, does hereby enact and adopt Local Law No. 02 for the year 2023, Town of Thompson, State of New York, which Local Law is annexed hereto and made a part hereof.

Moved by: Councilman Scott S. Mace

Seconded by: Councilman Ryan T. Schock

Adopted on Motion March 07, 2023

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman SCOTT S. MACE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilwoman MELINDA S. MEDDAUGH	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Councilman RYAN T. SCHOCK	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Local Law No. 02 of 2023

A local law amending Chapter 231, Article V of the Town of Thompson Code, entitled Vehicles and Traffic."

Be it enacted by the Town Board of the Town of Thompson

1. Chapter 231, Article V, Section 231-46, Schedule K of the Code of the Town of Thompson entitled "Vehicles and Traffic, Schedule K" is hereby amended to rescind and remove the following:

Name of Street	Side	Location
County Road No. 109		From the intersection of New York State Highway No. 42, running in an easterly direction to the Town line of the Town of Thompson

2. The Town hereby determines that this amendment is an Unlisted action that will not have a significant effect on the environment and, therefore, no other determinations or procedure under the State Environmental Quality Review Act ("SEQRA") is required.

3. Except as herein specifically amended, the remainder of Chapter 231 of such Code shall remain in full force and effect.

4. If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the section, part or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

5. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the Chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.

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

**3) PROPOSED EXTENSION NO. 1 OF CONSOLIDATED HARRIS SEWER DISTRICT
- 180 WAVERLY AVE LLC, SBL# 29.-2-14**

**A) RESOLUTION TO ACCEPT MAP, PLAN & REPORT COMPLETED BY MHE,
DATED: 02/16/2023**

The Following Resolution Was Duly Adopted: Res. No. 125 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby accepts the Map, Plan & Report completed by MHE Engineering, D.P.C. Professional Engineers for the Town

on behalf of the Consolidated Harris Sewer District Proposed Extension No. 1 Dated 02/16/2023 for 180 Waverly Ave LLC, SBL # 29.-2-14.

Moved by: Councilman Mace

Seconded by: Councilwoman Meddaugh

Vote: Ayes 5
Nays 0

Rieber, Pavese, Schock, Meddaugh and Mace

B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING – APRIL 4TH, 2023 AT 7PM

The Following Resolution Was Duly Adopted: Res. No. 126 of the Year 2023.

At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, on the 7th day of March, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

WILLIAM J. RIEBER, JR., Supervisor

SCOTT S. MACE, Councilman

JOHN A. PAVESE, Councilman

MELINDA S. MEDDAUGH, Councilwoman

RYAN T. SCHOCK, Councilman

-----X

In the Matter of

Proposed Extension No. 1 of the **CONSOLIDATED**

HARRIS SEWER DISTRICT in the Town of

Thompson, Sullivan County, New York.

-----X

WHEREAS, a Map, Plan and Report have been duly prepared in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Thompson, Sullivan County, New York, relating to the Extension #1 of the Consolidated Harris Sewer District within said Town, to serve the area

more particularly described in Schedule "A" annexed hereto and made a part hereof¹, which area is located wholly within the Town of Thompson; and

WHEREAS, said Map, Plan and Report was prepared on behalf of the Town, by MHE Engineering, DPC, dated February 16, 2023, which engineers are duly licensed by the State of New York, and which report and plan are on file in the office of the Town Clerk for public inspection; and

WHEREAS, the boundaries of the proposed extended district are more fully set forth and described in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, the improvement proposed for the said Consolidated Harris Sewer District, as extended, consists of providing a means by which 180 Waverly Ave LLC (T/O Thompson Tax Map Parcel #29-2-14) may dispose of sewage by becoming part of the said Consolidated Harris Sewer District, and

WHEREAS, the entire amount to be expended for such improvement, including but not limited to, costs of construction, engineering, administrative and legal fees, shall be borne solely and entirely by the said landowners, namely, 180 Waverly Ave LLC, and

WHEREAS, the annual average cost for a typical single-family residence with four (4) bedrooms would be *Three Hundred Fourteen and 70/100 (\$314.70) Dollars*, and

WHEREAS, it is now desired to call a Public Hearing for the purpose of considering said Map, Plan and Report, and extending said Consolidated Harris Sewer District, and to hear all persons interested in the subject thereof and concerning the same in accordance with the provisions of Section 209-d of the Town Law;

NOW, THEREFORE, IT IS HEREBY

¹ ATTACHMENT: SCHEDULE "A" PROPERTY DESCRIPTION

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

Section 1. That a meeting of the Town Board of the Town of Thompson, Sullivan County, New York, shall be held at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, on the 4th day of April, 2023, at 7:00 o'clock, P.M., Prevailing Time, to consider said Map, Plan and Report, and to hear all persons interested in the subject thereof concerning the same and to take such action thereon as is required by law.

Section 2. That a copy of this Order shall be published in the Sullivan County Democrat, the official newspaper of said Town, and posted on the bulletin board maintained by the Town Clerk at the Town Hall in accordance with the provisions of Section 209-d of the Town Law, such publication posting to be not less than ten nor more than twenty days before the date designated for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

Moved by: Councilwoman Melinda S. Meddaugh

Seconded by: Councilman John A. Pavese

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

WILLIAM J. RIEBER, JR.	VOTING	Aye
SCOTT S. MACE	VOTING	Aye
JOHN A. PAVESE	VOTING	Aye
MELINDA S. MEDDAUGH	VOTING	Aye
RYAN T. SCHOCK	VOTING	Aye

The order was thereupon declared duly adopted.

* * * * *

4) SACKETT LAKE SEWER DISTRICT COLLECTION SYSTEM IMPROVEMENT PROJECT

A) RESOLUTION TO ACCEPT REVISED MAP, PLAN & REPORT COMPLETED BY MHE, DATED 03/01/2023

The Following Resolution Was Duly Adopted: Res. No. 127 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby accepts the Revised Map, Plan & Report completed by MHE Engineering, D.P.C. Professional Engineers for the Town for the Sackett Lake Sewer District Collection System Improvement Project Dated 03/01/2023.

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

B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT

Supervisor Rieber advised that the required documents have not been provided by the Bonding Counsel and the matter will be tabled until the next Town Board meeting on March 21st, 2023 for action.

5) CONSOLIDATED ROCK HILL-EMERALD GREEN SEWER DISTRICT PUMP STATION #1, #2 & #3 IMPROVEMENTS PROJECT

A) RESOLUTION TO ACCEPT REVISED MAP, PLAN & REPORT COMPLETED BY MHE, DATED 03/01/2023

The Following Resolution Was Duly Adopted: Res. No. 128 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby accepts the Revised Map, Plan & Report completed by MHE Engineering, D.P.C. Professional Engineers for the Town for the Consolidated Rock Hill/Emerald Green Sewer District Pump Station #'s 1, 2 & 3 Improvements Project Dated 03/01/2023.

Moved by: Councilwoman Meddaugh Seconded by: Councilwoman Mace
Vote: Ayes 5 Rieber, Pavese, Schock, Meddaugh and Mace
 Nays 0

B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT

Supervisor Rieber advised that the required documents have not been provided by the Bonding Counsel and the matter will be tabled until the next Town Board meeting on March 21st, 2023 for action.

6) RESOLUTION TO AUTHORIZE MAP, PLAN & REPORT PURSUANT TO TOWN LAW FOR THE PROPOSED EXTENSION NO. 1 OF THE ADELAAR RESORT WATER DISTRICT IN THE TOWN OF THOMPSON – CONCORD ASSOCIATES, LP & LOUIS R. CAPPELLI FAMILY LTD PARTNERSHIP

The Following Resolution Was Duly Adopted: Res. No. 129 of the Year 2023.

At a regular meeting of the Town Board of the
Town of Thompson held at the Town Hall, 4052 Route
42, Monticello, New York on March 07, 2023

**RESOLUTION PURSUANT TO TOWN LAW FOR THE PROPOSED EXTENSION NO. 1 OF THE ADELAAR
RESORT WATER DISTRICT IN THE TOWN OF THOMPSON**

WHEREAS, Concord Associates, LP and Louis R. Cappelli Family Ltd. Partnership have made a request to the Town Board of the Town of Thompson to extend the Adelaar Resort Water District, a Special Improvement District heretofore created in said Town, to include certain parcels of property, namely SBL #'s 9-1-34.1, 9-1-34.2, 9-1-34.4, 9-1-34.5, 9-1-34.6, 9-1-34.7, 9-1-27.2, 9-1-79 and 9-1-36; and

WHEREAS, the said area to be included in the Adelaar Resort Water District is totally located within the Town of Thompson and outside any incorporated village; and

WHEREAS, the said Town Board is desirous of preparing a general map and plan for providing water facilities in the aforesaid area of said Town and to appropriate a specific amount to pay the cost of preparing said general map and plan, and for other services in connection therewith; the costs of which shall be borne by said applicants, Concord Associates, LP and Louis R. Cappelli Family Ltd. Partnership.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the Town Board does hereby authorize MHE Engineering, D.P.C. of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553 to prepare a general map and plan for the extension of the water facilities and services in the area of the Town of Thompson now serviced by the Adelaar Resort Water District, and for such other services as may be necessary in connection therewith.
2. That the Town Board does hereby appropriate the sum of \$21,000.00 to pay the cost of preparing the general map and plan for the extension of the water facilities, as well as all legal expenses incurred by the district to complete any district extension, and all costs and disbursements incurred by the district in processing the extension. That all engineering, legal costs and other disbursements for preparation of a general map, plan and report shall be paid by the applicants. Said monies shall be deposited by the applicants in the Town escrow account prior to preparation of said map, plan and report and will be released to MHE Engineering, D.P.C. upon completion, and other monies held in escrow will be disbursed upon completion of the extension.
3. That MHE Engineering, D.P.C., of 33 Airport Center Drive, Suite 202, New Windsor, New York 12553, be, and they hereby are, retained at a cost not to exceed \$15,000.00, of which said monies are to be paid by the applicants, to prepare a general map and plan for the extension of the water facilities and services to the area known as the Adelaar Resort Water District.
4. Legal fees incurred by the Town in connection with the extension of the Adelaar Resort Water District are to be paid by the applicants.
5. That all maps and plans prepared by MHE Engineering, D.P.C. shall conform with the requirements of Section 192 of the Town Law, and shall be filed with the Town Clerk.
6. That the map, plan and report shall be prepared once monies are placed in escrow by the applicants.

7. That in the event that the said Adelaar Resort Water District shall be extended as herein proposed, and shall thereafter be approved pursuant to the provisions of the Town Law, the expense incurred by the Town for the preparation of the maps and plans and other services therefor shall be deemed to be part of the cost of such improvement, and the Town shall be reimbursed the amount paid therefor, or such portion of that amount which the Town Board at the public hearing held pursuant to the Town Law shall allocate against such District.

8. That this Resolution is subject to a permissive referendum pursuant to and in accordance with the provisions of Sections 209-b and 90 of the Town Law.

9. That within ten (10) days from the date of this Resolution, the Town Clerk shall post and publish a Notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum, and shall publish such Notice in the Sullivan County Democrat, the official newspaper of the Town, and in addition, that the Town Clerk shall post or cause to be posted on the signboard of the Town of Thompson a copy of such Notice within ten (10) days after the date of the adoption of this Resolution.

Moved by: Councilman John A. Pavese

Seconded by: Councilman Ryan T. Schock

The Members voted on the foregoing Resolution as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes [X] No []
Councilman SCOTT S. MACE	Yes [X] No []
Councilman JOHN A. PAVESE	Yes [X] No []
Councilwoman MELINDA S. MEDDAUGH	Yes [X] No []
Councilman RYAN T. SCHOCK	Yes [X] No []

7) AUTHORIZATION TO APPLY FOR SULLIVAN 180- 2023 COMMUNITY DEVELOPMENT PROGRAM GRANT FUNDS

A) MUNICIPAL PARTNERSHIP GRANT UP TO \$20,000.00

B) TECHNICAL ASSISTANCE GRANT UP TO \$5,000.00

Director Weyer is requesting authorization to complete an application to apply for 2023 Community Development Program Grant Funds through Sullivan 180. She is proposing to apply for a Municipal Partnership Grant and a Technical Assistance Grant as follows: Municipal Partnership Grant up to \$20,000.00 for site and utility improvements for the new bathroom facilities at Lake Ida Park, which will also include an allocated portion of \$4,000.00 towards the care of public spaces and gardens for improvements to the Rock Hill Business & Community Association flower gardens. Technical Assistance Grant up to \$5,000.00 for the creation/layout of trails and map at Lake Ida Park. Director Weyer briefly explained the proposed projects. A separate grant for art could also be applied for as another project option. Deputy Administrator Chester and Councilwoman Meddaugh also commented on both grant projects being proposed. Action was taken to authorize applying for both grant programs as follows:

The Following Resolution Was Duly Adopted: Res. No. 130 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby authorizes the submittal of two applications to Sullivan 180 for participation in the 2023 Community Development Program Grant Funds, Municipal Partnership Grant for a 25% Matching-Fund Grant for maximum amount of \$20,000.00 and Technical Assistance Grant for Matching Fund Grant for maximum amount of \$5,000.00 and that the Town Supervisor hereby be authorized to execute said grant applications.

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

8) ACCEPT RESIGNATION OF TOWN HISTORIAN JUDITH WOLKOFF, EFFECTIVE 03/01/2023

Mrs. Judith Wolkoff submitted her letter of Resignation as Town of Thompson Historian due to other personal obligations. The Town Board acknowledged and accepted her resignation, effective March 1st, 2023.

The Following Resolution Was Duly Adopted: Res. No. 131 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby accepts the Resignation of Judith Wolkoff as Town Historian with many thanks for her time of service and dedication to the Town.

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

9) PARKS & RECREATION DEPARTMENT ITEMS:

A) RESOLUTION TO AMEND RESOLUTION NO. 426 OF 2022 TO INCREASE COST NOT TO EXCEED \$3,016.00 FOR FAMILY SKI NIGHT EVENT HELD ON 01/26/2023

The Following Resolution Was Duly Adopted: Res. No. 132 of the Year 2023.

Resolved, that Resolution No. 426 of the Year 2022 involving the Family Ski Night Event held on 01/26/2023 hereby be amended to increase the total cost not to exceed \$3,016.00.

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

B) RESOLUTION TO AMEND RESOLUTION NO. 425 OF 2022 TO INCREASE COST NOT TO EXCEED \$6,465.00 FOR THURSDAY NIGHT LIGHTS WINTER SKI PROGRAM HELD ON 02/02/2023 & 02/23/2023

The Following Resolution Was Duly Adopted: Res. No. 133 of the Year 2023.

Resolved, that Resolution No. 425 of the Year 2022 involving the Thursday Night Lights Winter Ski Program held on 02/02/2023 & 02/23/2023 hereby be amended to increase the total cost not to exceed \$6,465.00.

Motion by: Councilwoman Meddaugh Seconded by: Councilman Pavese

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

C) REQUEST TO INCREASE PARK PROGRAMMING BUDGET BY \$10,000.00 FOR TOTAL OF \$20,000.00 (INCLUDED IN BUDGET AMENDMENTS)

Supt. Somers submitted a request to increase the Park Programming Budget by \$10,000.00 for a total budget amount of \$20,000.00. Discussion was held regarding the subject. No action is required since this increase is included in the Budget Amendments submitted for approval this evening.

D) REQUEST TO INCREASE SUMMER YOUTH DAY CAMP PROGRAM BUDGET BY \$50,000.00 FOR TOTAL OF \$250,000.00 (INCLUDED IN BUDGET AMENDMENTS)

Supt. Somers submitted a request to increase the Summer Youth Day Camp Program Budget by \$50,000.00 for a total budget amount of \$250,000.00. This increase is to cover the increase in this year's contract with YMCA. The revenue from registration fees will also increase. Discussion was held regarding the subject. No action is required since this increase is included in the Budget Amendments submitted for approval this evening.

10) HIGHWAY DEPARTMENT ITEMS:

A) RESOLUTION TO AWARD BIDS FOR 1A LOW ABRASION NON-WAPPINGER CRUSHED LIMESTONE

Highway Superintendent Richard L. Benjamin, Jr. provided recommendation on the 1A Low Abrasion Non-Wappinger Crushed Limestone bids that were opened on 02/23/2023 at 2PM. There were (2) bids received in from Deckelman, LLC at \$36.50 per ton and JKN Trucking, Inc. at \$35.50 per ton. Superintendent Benjamin is recommending that the Town Board award the bid to JKN Trucking, Inc. who is the low bidder.

The Following Resolution Was Duly Adopted: Res. No. 135 of the Year 2023.

Resolved, that the bid of JKN Trucking, Inc., for 1A Low Abrasion Non-Wappinger Crushed Limestone, in the amount of \$35.50 per ton delivered, be, and the same hereby is, accepted, and the Town Clerk be and hereby is directed to notify the successful bidder of the award thereof.

Motion by: Councilwoman Meddaugh Seconded by: Councilman Mace

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

B) RESOLUTION TO AWARD BIDS FOR ASPHALTIC CONCRETE PAVING MIXES

Highway Superintendent Richard L. Benjamin, Jr. provided a recommendation on the Asphaltic Concrete Mixes (Blacktop) bids that were opened on February 23rd, 2023 at 2PM. There were (3) bids received from the following vendors: Callanan Industries,

Inc., Monticello Blacktop and Morlyn as per the attached bid price sheets. Superintendent Benjamin is recommending that the Board award the bid to all three bidders since the bids are so close in price that availability of the plant, waiting time and mileage would far outweigh the slight difference in price. The bid award is available to other political subdivisions as per the bid specifications.

The Following Resolution Was Duly Adopted: Res. No. 136 of the Year 2023.

Resolved, that the bid of Callanan Industries, Inc., Monticello Blacktop and Morlyn for Asphaltic Concrete Mixes (Blacktop), in the amount as per the attached bid price sheets², be, and the same hereby is, accepted, and the Town Clerk be and hereby is directed to notify the successful bidders of the award thereof. Further Be It Resolved, that said bidders would be chosen according to availability, wait time and location.

Moved by: Councilman Pavese Seconded by: Councilman Schock

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

Nays 0

C) RESOLUTION TO ESTABLISH DATE FOR BID OPENING: GRADALL LIMB LOPPER ASSEMBLY – 03/16/2023 @ 2PM

The Following Resolution Was Duly Adopted: Res. No. 137 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson advertise for bids for a Gradall Limb Lopper Assembly for the Highway Department to be opened on Thursday, March 16, 2023, at 2:00 o'clock P.M., Prevailing Time, at the Town Hall, 4052 State Route 42 North, Monticello, New York, and the Town Clerk be, and she hereby is, directed to advertise for bids in the official newspaper of the Town.

Motion by: Councilman Pavese Seconded by: Councilman Schock

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

Nays 0

11) WATER & SEWER DEPARTMENT ITEMS:

A) REVIEW PROPOSAL FOR UPGRADING CURRENT PHONE SYSTEM: EQUIPMENT/ESTIMATED LABOR \$2,100.00

The Following Resolution Was Duly Adopted: Res. No. 138 of the Year 2023.

Resolved, that the proposal of Bedik Communications, Inc. in the amount of \$2,100.00 for equipment and estimated cost of labor for an upgrade to current existing telephone system at the Water & Sewer Department to enhance security and support services hereby be approved as presented.

Motion by: Councilman Schock Seconded by: Councilman Pavese

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

Nays 0

12) BILLS OVER \$5,000.00 – WATER & SEWER DEPARTMENT

² ATTACHMENT: ASPHALTIC CONCRETE MIXES BID PRICE LIST.

The Following Resolution Was Duly Adopted: Res. No. 139 of the Year 2023.

Resolved, that the following bills over \$5,000.00 for the Water & Sewer Department be approved for payment as follows:

Xylem Dewatering Solutions, Inc. **\$97,961.24 Total Cost**
Invoice # 401233863 – Purchase of New Emergency Bypass Dri-Prime HL125M Diesel Pump to be used when necessary.
(Procurement: Approved as per Resolution # 362 of 2022, Adopted: 10/18/2022 & Resolution # 383 of 2022, Adopted: 11/01/2022.)
Moved by: Councilman Pavese Seconded by: Councilman Schock
Vote: Ayes 5 Rieber, Pavese, Schock, Meddaugh and Mace
Nays 0

13) BUDGET TRANSFERS & AMENDMENTS

To: Town of Thompson - Supervisor and Council
From: Melissa DeMarmels - Comptroller

Re: Budget Transfers & Amendments - FYE 12/31/23

Board
Date: Meeting 3/7/2023

Memo: The following Budget Transfers & Amendments are proposed for the following purposes:

- 1) Combine budgeted appropriations for the Ambulance District
- 2) Amend Parks Budget for Additional Programming
- 3) Amend Youth Budget for Additional YMCA / Camp Programming

The Following Resolution Was Duly Adopted: Res. No. 140 of the Year 2023.

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

Town Of Thompson

Budget Transfers/Amendments

FYE 12/31/23 Town Board Meeting Date: 3/7/2023

Account Number	Account Description		Revenue Increase	Revenue Decrease	Appropriation Increase	Appropriation Decrease
		-				
SRHO.4540.400	Ambulance Contractual				32,277.00	
SRHO.4540.401	Ambulance - Service Program					32,277.00
A000.7110.405	Parks Programming				10,000.00	
A000.7310.401	Youth Contractual				50,000.00	
Totals			-	-	92,277.00	32,277.00

Net Effect To Budget 60,000.00

Moved by: Councilman Mace
 Vote: Ayes 5
 Nays 0

Seconded by: Councilman Schock
 Rieber, Pavese, Schock, Meddaugh and Mace

To: Town of Thompson - Supervisor and Council
 From: Melissa DeMarmels - Comptroller

Re: Budget Transfers & Amendments - FYE 12/31/22

Board
 Date: Meeting 3/7/2023

Memo: The following Budget Transfers & Amendments are proposed for the following purposes:

- 1) Adjust 2022 budgets to reflect actual results

The Following Resolution Was Duly Adopted: Res. No. 141 of the Year 2023.

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

Town Of Thompson

Budget

Transfers/Amendments

Town Board Meeting

FYE 12/31/22

Date: 3/7/2023

<u>Account Number</u>	<u>Account Description</u>	-	<u>Revenue Increase</u>	<u>Revenue Decrease</u>	<u>Appropriation Increase</u>	<u>Appropriation Decrease</u>
A000.1121.000	Stumpage Fees		100.00			
A000.1255.100	Clerk Foil Photocopies			35.00		
A000.2610.000	Fines & Forfeited Bail		211,000.00			
A000.2706.000	Grants from Other Governments	County Youth Bureau	10,000.00			
A000.3016.000	Casino Gaming Revenues		705,000.00			
A000.2772.000	Overhead & Administration		11,000.00			
A000.1010.400	Town Board Contractual					4,000.00
A000.1110.100	Justice Court - Personnel					8,900.00
A000.1110.200	Justice Court - Equipment					5,500.00

A000.1110.400	Justice Court - Contractual						1,950.00
A000.1220.400	Supervisor - Contractual						2,700.00
A000.1220.401	Deputy Admin - Contractual						1,900.00
A000.1315.400	Comptroller - Contractual						9,250.00
A000.1320.400	Auditor - Contractual						2,500.00
A000.1355.100	Assessor - Personnel						7,300.00
A000.1355.402	Assessor - Outside Appraisal						5,000.00
A000.1410.400	Town Clerk - Contractual						17,400.00
A000.1420.100	Town Attorney - Personnel						57,000.00
A000.1420.402	Legal - Local Law Changes						3,000.00
A000.1620.201	Town Hall Improvements						60,000.00
A000.1620.400	Buildings Contractual					3,000.00	
A000.1680.401	Shared Computer - Software/Support						1,000.00
A000.1680.402	Website - Contractual						3,500.00
A000.1920.400	Municipal Dues						400.00
A000.3310.400	Traffic Control - Contractual						2,000.00
A000.3510.400	Dog Control - Contractual						8,000.00

A000.3510.401	TARA Program					4,250.00
A000.5010.100	Highway Superintendent - Personnel					2,700.00
A000.5132.200	Town Garage Building Improvements					10,000.00
A000.5132.400	Town Garage Contractual				11,100.00	
A000.5182.400	Street Lights - Contractual					4,850.00
A000.6410.400	Publicity - Contractual				600.00	
A000.6989.400	Other Economic Opportunity & Development					50,000.00
A000.7110.100	Town Park - Personnel					85,000.00
A000.7110.200	Town Park - Equipment Purchases					68,300.00
A000.7110.201	Park Capital Improvements					4,700.00
A000.7110.202	Lake Ida Park Capital Improvements				3,025.00	
A000.7110.400	Town Park Contractual					30,000.00
A000.7110.402	Town Park Hand Tools					1,250.00
A000.7110.405	Town Park Programming					1,800.00
A000.7110.420	Lake Ida Park Contractual					26,000.00
A000.7110.421	Parks Contractual - Dehoyas Contribution					20,000.00

A000.8510.400	Beautification - Public Gardens					18,975.00
A000.8510.405	Adopt a Road					1,000.00
A000.9050.800	Unemployment Insurance					500.00
A000.9055.800	Disability					700.00

Totals 937,100.00 35.00 17,725.00 531,325.00

Net Effect To Budget (1,450,665.00)

Town Of Thompson

Budget Transfers/Amendments

Town Board Meeting

FYE 12/31/22

Date: 3/7/2023

Account Number	Account Description	-	Revenue Increase	Revenue Decrease	Appropriation Increase	Appropriation Decrease
B000.1170.000	Franchise Fees		59,800.00			
B000.1603.000	Registrar - Births & Deaths		1,800.00			
B000.1689.000	Registrar - Geneology		150.00			

B000.2115.101	Planning Board Project Fees		19,000.00			
B000.2401.000	Interest & Earnings		9,500.00			
B000.2545.000	Licenses			1,400.00		
B000.2590.000	Permits		600.00			
B000.2770.000	Miscellaneous Revenues		150.00			
B000.3620.200	Buildings - Equipment					10,000.00
B000.3620.400	Buildings - Contractual					13,500.00
B000.3620.401	MHE Building Assistance					11,500.00
B000.4020.400	Registrar - Contractual					6,000.00
B000.8020.410	Planning Board Contractual					
B000.8010.400	Zoning Contractual				600.00	
B000.8010.401	Zoning - Project Expenses					14,000.00

B000.8020.100	Planning Board Personnel	New secretary/building clerk			7,500.00	
B000.8020.400	Planning Contractual	Comp Plan - into 2023				59,000.00
B000.8020.410	Planning - Engineer Fees	Delaware Engineering			8,600.00	
B000.8160.400	Refuse - Road Side Garbage				175.00	

Totals 91,000.00 1,400.00 16,875.00 114,000.00

Net Effect To Budget (186,725.00)

Town Of Thompson
Budget
Transfers/Amendments

Town Board Meeting 3/7/202

FYE 12/31/22

Date: 3

Account Number	Account Description	-	Revenue Increase	Revenue Decrease	Appropriation Increase	Appropriation Decrease
DA00.2401.000	Interest & Earnings		3,600.00			
DA00.2650.000	Sale of Scrap & Excess Materials		525.00			
DA00.2653.000	Sale of Fuel to Outside Sources		45,450.00			
DA00.2680.000	Insurance Recoveries		3,900.00			

DA00.5120.400	Bridges & Culverts					78,000.00
DA00.5130.400	Machinery Contractual				8,000.00	
DA00.5140.400	Miscellaneous - Contractual					8,000.00
DA00.5142.400	Snow Removal - Salt					70,000.00
DA00.5142.402	Snow Removal - Gasoline & Fuel				43,000.00	
DA00.9055.800	Disability					400.00

Totals 53,475.00 - 51,000.00 156,400.00

Net Effect To Budget (158,875.00)

<u>Account Number</u>	<u>Account Description</u>	-	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
DB00.3501.000	Consolidated Highway Aid			37,500.00		
DB00.5110.100	General Repairs - Personnel					51,900.00
DB00.5110.400	General Repairs - Contractual					39,000.00
DB00.5110.401	General Repairs - Clothing					4,725.00
DB00.5112.200	Improvements - CHIPS					37,500.00

DB00.5112.400	Improvements - Contractual					108,900.00
DB00.5140.400	Miscellaneous - Contractual					1,700.00

Totals - 37,500.00 - 243,725.00

Net Effect To Budget (206,225.00)

<u>Account Number</u>	<u>Account Description</u>		<u>Revenue Increase</u>	<u>Revenue Decrease</u>	<u>Appropriation Increase</u>	<u>Appropriation Decrease</u>
DD00.2401.000	Interest & Earnings		570.00			
DD00.5142.400	Operational Expenses					15,000.00
RD00.2401.000	Interest & Earnings		1,705.00			
RD00.5031.000	Interfund Transfers		13,970.00			
RD00.5142.400	Operational Expenses					53,000.00

Totals 16,245.00 - 68,000.00

Net Effect To Budget (84,245.00)

Town Of Thompson

Budget
Transfers/Amendments

Town Board Meeting

FYE 12/31/22

Date: 3/7/2023

<u>Account Number</u>	<u>Account Description</u>	-	<u>Revenue Increase</u>	<u>Revenue Decrease</u>	<u>Appropriation Increase</u>	<u>Appropriation Decrease</u>
SL01.2401.000	Interest & Earnings		80.00			
SL01.5182.400	Street Lighting - Contractual				2,000.00	
SL01.9790.600	State Loan - Principal					4,550.00
SL01.9790.700	State Loan - Interest					2,120.00
SL02.2401.000	Interest & Earnings		35.00			
SL02.5182.400	Street Lighting - Contractual					780.00
SL02.9790.600	State Loan - Principal					775.00
SL02.9790.700	State Loan - Interest					310.00
SL03.2401.000	Interest & Earnings		75.00			
SL03.5182.400	Street Lighting - Contractual				810.00	
SL03.9790.600	State Loan - Principal					3,800.00
SL03.9790.700	State Loan - Interest					1,520.00
SL04.2401.000	Interest & Earnings		175.00			

SL04.5182.400	Street Lighting - Contractual					7,775.00
SL04.9790.600	State Loan - Principal					4,020.00
SL04.9790.700	State Loan - Interest					1,610.00
SL05.2401.000	Interest & Earnings		50.00			
SL05.5182.400	Street Lighting - Contractual					1,550.00
SL05.9790.600	State Loan - Principal					90.00
SL05.9790.700	State Loan - Interest					40.00
SL06.2401.000	Interest & Earnings		725.00			
SL06.5182.400	Street Lighting - Contractual					13,700.00
SL06.9790.600	State Loan - Principal					37,950.00
SL06.9790.700	State Loan - Interest					15,175.00
SL07.2401.000	Interest & Earnings		15.00			
SL07.5182.400	Street Lighting - Contractual					150.00
SL07.9790.600	State Loan - Principal					255.00
SL07.9790.700	State Loan - Interest					105.00
SL08.2401.000	Interest & Earnings		25.00			
SL08.5182.400	Street Lighting - Contractual					1,050.00
SL08.9790.600	State Loan - Principal					105.00

SL08.9790.700	State Loan - Interest					40.00
SL09.2401.000	Interest & Earnings		185.00			
SL09.5182.400	Street Lighting - Contractual					3,850.00
SL09.9790.600	State Loan - Principal					5,410.00
SL09.9790.700	State Loan - Interest					2,165.00
SL10.2401.000	Interest & Earnings		310.00			
SL10.5182.400	Street Lighting - Contractual					1,110.00
SL11.2401.000	Interest & Earnings		2,825.00			
SL11.2680.000	Insurance Recoveries		74,100.00			
SL11.5182.400	Street Lighting - Contractual					71,000.00

Totals 78,600.00 - 2,810.00 181,005.00

Net Effect To Budget (256,795.00)

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

14) ORDER BILLS PAID

The Following Resolution Was Duly Adopted: Res. No. 142 of the Year 2023.

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.³

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

OLD BUSINESS

1) DELAWARE RIVER SOLAR (DRS) DECOMMISSIONING AGREEMENT: REVIEW, APPROVE & AUTHORIZE EXECUTION

Ms. Paula E. Kay, Consulting Attorney reviewed the Proposed Decommissioning Agreement between NY Thompson III, LLC (Applicant) and the Town of Thompson for proposed solar facility along Old Route 17, SBL # 1.-1-3. The agreement is for one-year. There was one change made by Attorney Kay, which has been incorporated in the agreement. The change is related to the fact that the bond goes up every year to account for inflation. Action was taken as follows:

The Following Resolution Was Duly Adopted: Res. No. 143 of the Year 2023.

Resolved, that the Town Board hereby approves the Decommissioning Agreement between NY Thompson III, LLC (Applicant) and the Town of Thompson for the proposed solar facility located along Old Route 17, SBL # 1.-1-3 and

Further Be It Resolved, that the annual Solar Decommissioning Performance Bond Renewal for this project hereby be accepted as presented and that the Town Supervisor hereby be authorized to execute said agreement as presented with one change regarding bond increase each year to account for inflation. A fully executed copy will be filed in the Town Clerk's Office and available for review upon request.

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

2) RESOLUTION TO ENGAGE THE LEGAL SERVICES OF SUSIE C. SOHN, ESQ. OF BLUSTEIN, SHAPIRO, FRANK & BARONE LLP ATTORNEYS AT LAW FOR TOWN PROSECUTION OF CODE VIOLATIONS, DOG CONTROL AND GOOD/WELFARE CASES

Supervisor Rieber reported on a meeting that he had with Attorney Susie C. Sohn of Blustein, Shapiro, Frank & Barone LLP Attorneys at Law regarding Legal Services for Town Prosecution of Code Violations, Dog Control and Good & Welfare Cases on behalf of the Town. The Municipal rate will be \$200.00 per hour. He also provided a copy of a Letter of Engagement dated 03/06/2023 for said legal services. Bryan Kaplan, Esq. would continue prosecution on all Vehicle & Traffic matters. Supervisor

³ ATTACHMENT: ORDER BILLS PAID

Rieber will meet with Mr. Kaplan tomorrow to discuss changes and negotiate revised salary. Discussion ensued regarding the matter and action was taken as follows:

The Following Resolution Was Duly Adopted: Res. No. 144 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby authorizes to engage the legal services of Susie C. Sohn, Esq. of Blustein, Shapiro, Frank & Barone LLP Attorneys at Law for Town Prosecution matters involving code violations, dog control and good & welfare cases at a municipal hourly rate of \$200.00 and Further Be It Resolved, that the Town Supervisor hereby be authorized to execute the Letter of Engagement for said services.

Moved by: Councilwoman Meddaugh Seconded by: Councilman Pavese
Discussion: Councilman Mace questioned the additional cost to the Town. He also expressed concern regarding availability of daytime representation only. It may create a hardship for some to appear during daytime hours. Supervisor Rieber said anyone being charged with a violation of town law will have to make arrangements to appear.
Vote: Ayes 4 Rieber, Pavese, Schock and Meddaugh
 Nays 1 Mace

NEW BUSINESS

1) DELAWARE RIVER SOLAR (DRS): AUTHORIZE LETTER OF SUPPORT INCLUDING TAX EXEMPTION & REQUIRMENT OF PILOT AGREEMENT FOR SOLAR PROJECT LOCATED AT 401 HARRIS ROAD, HARRIS, NY, SBL # 8.-1-2
The Following Resolution Was Duly Adopted: Res. No. 145 of the Year 2023.

Resolved, that the Town Board of the Town of Thompson hereby authorizes a letter of support to be issued to Delaware River Solar (DRS) in connection with a Tax Exemption and requirement of a PILOT Agreement for a proposed Solar Project located at 401 Harris Road, Harris (Town of Thompson), NY 12742, SBL # 8.-1-2 and that Town Attorney Michael B. Mednick hereby be authorized to prepare and send said letter.

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

2) TAX CERTIORARI SETTLEMENT: 12 HAY STREET, LLC – (2020, 2021 & 2022) FROM \$81,900.00 TO \$73,900.00, SBL # 110.-3-27 (REVISED RESOLUTION)
The Following Resolution Was Duly Adopted: Res. No. 146 of the Year 2023.

RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW AGAINST THE TOWN OF THOMPSON

WHEREAS, 12 Hay Street, LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcel 110-3-27 and which proceedings are pending in the Supreme Court of the State of New York, County of Sullivan, under Index Nos.

E2020-977, E2021-1250 and E2022-1405; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of Respondents, and Michael Altman, Esq., on behalf of Petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to Petitioner’s **2020** assessment, to wit, a reduction in the assessment of Petitioner’s real property, **SBL 110-3-27** from \$81,900.00 to \$73,900.00; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to Petitioner’s **2021** assessment, to wit, a reduction in the assessment of Petitioner’s real property, **SBL 110-3-27** from \$81,900.00 to \$73,900.00; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to Petitioner’s **2022** assessment, to wit, a reduction in the assessment of Petitioner’s real property, **SBL 110-3-27** from \$81,900.00 to \$73,900.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.
2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Van B. Krzywicki, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written Stipulation of Settlement and to bind the Town thereto, such Stipulation to be in form approved by the said attorneys.
3. That said Michael B. Mednick, Esq. and Van B. Krzywicki, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceedings.

Moved by: Councilman Scott S. Mace
Seconded by: Councilman Ryan T. Schock

and a roll call vote thereon as follows:

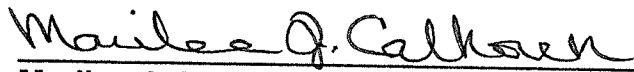
<i>Supervisor WILLIAM J. RIEBER, JR.</i>	<i>Voting</i>	<i>Aye</i>
<i>Councilman SCOTT S. MACE</i>	<i>Voting</i>	<i>Aye</i>

ADJOURN

On a motion made by Councilwoman Meddaugh and seconded by Councilman Pavese the meeting was adjourned at 8:06 PM. All board members present voted in favor of adjourning the meeting.

The Zoom Livestream Videoconferencing connection was disconnected.

Respectfully Submitted By:



Marilee J. Calhoun, Town Clerk

#1

SCHEDULE A

DESCRIPTION OF DISTRICT EXTENSION

Consolidated Harris Sewer District Ext. No. 1

February 2023

Beginning at a point, being the southeast corner of Tax map parcel 29.-2-14 and the northeast corner of tax map parcel 29.-2-15.3, said corner also being on the western boundary of Waverly Avenue; Thence

1. Westerly, 150.5 feet more or less, along the northern boundary of tax map parcel 29.-2-15.3, to a point, being the southwestern corner of tax map parcel 29.-2-14; thence
2. Northerly, 75 feet more or less along the western boundary of tax map parcel 29.-2-15.3 to a point, being the northwestern corner of tax map parcel 29.-2-14; thence
3. Easterly, 150.5 feet more or less, along the boundary of tax map parcel 29.-2-12.2 to a point, said point being the northeasterly corner of tax map parcel 29.-2-14 and located on the western boundary of Waverly Avenue; thence
4. Southerly, 75 feet more or less, along the westerly boundary of Waverly Avenue, to a point, said point being the southeasterly corner of tax map parcel 29.-2-14 and the northeast corner of tax map parcel 29.-2-15.3 and also being the point of beginning.

Callanan #2

5. Asphalt price adjustments allowed by this contract shall be calculated and applied to the original prices. There will not be asphalt price adjustments unless the change amounts to more than \$0.100 per American Ton from the original price. In these instances, prices will revert back to the original prices.

6. All asphalt price adjustments will be computed to three decimal places.

7. Should these provisions result in a price structure which becomes unworkable, detrimental or injurious to the State or in prices which are not truly reflective of market conditions or which are deemed by the Highway Superintendent to be unreasonable or excessive, and no adjustment in price is mutually agreeable, the Highway Superintendent reserves the sole right upon ten days written notice mailed to the contractor to terminate any contract resulting from this bid opening.

8. All asphalt price adjustments shall be published by the State and issued to all contract holders whose responsibility will be to attach the appropriate State notification (based on when the work was performed) to the payment invoice submitted to agency.

Town of Thompson Highway Department
33 Jefferson St. Monticello, NY 12701
Richard Benjamin Jr. Highway Superintendent

Bid Item: Asphaltic Concrete Mixes
Phone # 845-794-5560
E-mail richhiway@gmail.com

DETAILED SPECIFICATIONS

ASPHALTIC CONCRETE

ASPHALTIC CONCRETE: The Asphaltic Concrete to be provided shall be manufactured at a New York State approved plant. The material shall have been previously tested and shall meet all the requirements under the latest edition of the New York State Department of Transportation, Standard Specifications, Section 400, dated May 1st, 2008, or current addenda to date, found on web at <https://www.dot.ny.gov/main/business-center/engineering/specifications/english-spec-repository/section400.pdf> for the respective items included in the proposal under ASPHALTIC CONCRETE.

ITEM

Vendor having more than one location in Sullivan County are required to bid each location.

Asphaltic Concrete

- Asphalt Concrete-Type 1 Base Course (Item 403.118902)
- Asphalt Concrete-Type 2 Base Course (Item 403.128902)
- Asphalt Concrete-Type 3 Binder Course (Item 403.138902)

	\$ 62.00	/Ton
	<hr/>	
	\$ 62.00	/Ton
	<hr/>	
	\$ 62.25	/Ton

Asphalt Concrete-Type 5 Shim Course (Item 403.158902)	\$ 80.00	/Ton
Asphalt Concrete-Type 6 F2 Top Course (Item 403.178202)	\$ 64.45	/Ton
Asphalt Concrete-Type 6 Top Course (Item 403.178902)	\$ 64.45	/Ton
Asphalt Concrete-Type 7 F2 Top Course (Item 403.198202)	\$ 68.60	/Ton
Asphalt Concrete-Type 7 Top Course (Item 403.198902)	\$ 68.60	/Ton

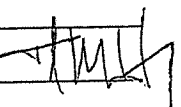
Location of Plant: 93 Sullivan Road, Monticello, NY 12701

Location of Plant #2: 93 Sullivan Road, Monticello, NY 12701

Town of Thompson Highway Department
 33 Jefferson St. Monticello, NY 12701
 Richard Benjamin Jr. Highway Superintendent

Bid Item: Asphaltic Concrete Mixes
 Phone # 845-794-5560
 E-mail richhiway@gmail.com

The undersigned certifies that the bid is submitted in full conformance with the specifications. If non-conformant an attachment to the bid shall be submitted detailing items of non-conformance and detailed specifications for the non-conforming items shall be attached. If, in the sole opinion of the Town of Thompson that non-conformance affects the durability of function of the bid item, and the bid will be rejected.

COMPANY Callanan Industries, Inc.
 PRINTED NAME Timothy Higgins, Jr.
 SIGNATURE GM of Sales and Estimating 
 ADDRESS PO Box 15097
Albany, NY 12212-5097
 TELEPHONE 518-573-2562-Matt; 518-374-2222-Corporate
 FAX 518-381-6775
 EMAIL matthew.swendsen@callanan.com;
drcasale@callanan.com
 DATE 2/21/23

DO NOT WRITE BELOW THIS LINE.

ACCEPTED () DATE: _____

REJECTED ()

COMMENTS: _____

Monticello
Black Top

Town of Thompson Highway Department
33 Jefferson St. Monticello, NY 12701
Richard Benjamin Jr. Highway Superintendent

Bid Item: Asphaltic Concrete Mixes
Phone # 845-794-3560
E-mail richhiway@gmail.com

DETAILED SPECIFICATIONS

ASPHALTIC CONCRETE

ASPHALTIC CONCRETE: The Asphaltic Concrete to be provided shall be manufactured at a New York State approved plant. The material shall have been previously tested and shall meet all the requirements under the latest edition of the New York State Department of Transportation, Standard Specifications, Section 400, dated May 1st, 2008, or current addenda to date, found on web at <http://www.dot.ny.gov/main/business-center/engineering/specifications/english-spec-repository/section400.pdf> for the respective items included in the proposal under ASPHALTIC CONCRETE.

ITEM

Vendor having more than one location in Sullivan County are required to bid each location.

Asphaltic Concrete

Asphalt Concrete-Type 1 Base Course (Item 403.118902)	\$ <u>N.B</u> /
Asphalt Concrete-Type 2 Base Course (Item 403.128902)	\$ <u>N.B</u> /
Asphalt Concrete-Type 3 Binder Course (Item 403.138902)	\$ <u>60.50</u> /
Asphalt Concrete-Type 5 Shim Course (Item 403.158902)	\$ <u>80.00</u> /
Asphalt Concrete-Type 6 F2 Top Course (Item 403.178202)	\$ <u>64.50</u> /
Asphalt Concrete-Type 6 Top Course (Item 403.178902)	\$ <u>64.50</u> /
Asphalt Concrete-Type 7 F2 Top Course (Item 403.198202)	\$ <u>67.50</u> /
Asphalt Concrete-Type 7 Top Course (Item 403.198902)	\$ <u>67.50</u> /

Location of Plant: Monticello Black Top
80 Patto Drive, Thompsonville, NY
Location of Plant #2: _____

Morlyn

Town of Thompson Highway Department
33 Jefferson St. Monticello, NY 12701
Richard Benjamin Jr. Highway Superintendent

Bid Item: Asphaltic Concrete Mixes
Phone # 845-794-5560
E-mail richhiway@gmail.com

DETAILED SPECIFICATIONS

ASPHALTIC CONCRETE

ASPHALTIC CONCRETE: The Asphaltic Concrete to be provided shall be manufactured at a New York State approved plant. The material shall have been previously tested and shall meet all the requirements under the latest edition of the New York State Department of Transportation, Standard Specifications, Section 400, dated May 1st, 2008, or current addenda to date, found on web at <https://www.dot.ny.gov/main/business-center/engineering/specifications/english-spec-repository/section400.pdf> for the respective items included in the proposal under ASPHALTIC CONCRETE.

ITEM

Vendor having more than one location in Sullivan County are required to bid each location.

Asphaltic Concrete

* 50 Ton minimum for Startup.

Asphalt Concrete-Type 1 Base Course (Item 403.118902)

\$ 58.50 /

Asphalt Concrete-Type 2 Base Course (Item 403.128902)

\$ 58.50 /

Asphalt Concrete-Type 3 Binder Course (Item 403.138902)

\$ 61.50 /

Asphalt Concrete-Type 5 Shim Course (Item 403.158902)

\$ No Bid /

Asphalt Concrete-Type 6 F2 Top Course (Item 403.178202)

\$ 65.50 /

Asphalt Concrete-Type 6 Top Course (Item 403.178902)

\$ 65.50 /

Asphalt Concrete-Type 7 F2 Top Course (Item 403.198202)

\$ No Bid /

Asphalt Concrete-Type 7 Top Course (Item 403.198902)

\$ No Bid /

Location of Plant: MASTEN Lake - Wurtsboro

Location of Plant #2: _____

Town of Thompson
Warrant Report

Town of Thompson
Warrant Report

I hereby certify that the vouchers listed on the attached abstracts of prepaid and claims payable have been duly audited and are presented for payment to the Town Board of the Town of Thompson at the regular meeting there of, held on the 7th day of March 2023 in the amounts respectively specified. Authorization is hereby given and direction is made to pay each of the claimants in the amount as specified upon each claim stated.


Melissa DeMarmels, Comptroller


William J. Rieber Jr., Supervisor



Town of Thompson
Warrant Report

SWM0	MELODY LAKE WATER	\$741.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
T000	TRUST & AGENCY FUND	\$4,906.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Posted Batch Grand Totals		\$753,145.77	\$0.00	\$175,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Fund	Fund Description	Invoice Batch		Manual Checks		Purchase Cards		Total	
		Paid	Unpaid	Paid	Unpaid	Paid	Unpaid	Paid	Unpaid
A000	GENERAL FUND TOWN WIDE	\$181,856.44	\$0.00	\$0.00	\$0.00	\$6,000,000.00	\$0.00	\$6,181,856.44	\$0.00
B000	GENERAL TOWN OUTSIDE	\$70,622.09	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$0.00	\$2,070,622.09	\$0.00
DA00	HWY#3 / 4 - TOWN WIDE	\$179,054.56	\$0.00	\$0.00	\$0.00	\$2,000,000.00	\$0.00	\$2,179,054.56	\$0.00
DB00	HWY#1 - TOWN OUTSIDE	\$216.02	\$0.00	\$0.00	\$0.00	\$2,500,000.00	\$0.00	\$2,500,216.02	\$0.00
H000	CAPITAL PROJECTS	\$5,039.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,039.06	\$0.00
SL01	ROCK HILL LIGHTING	\$489.77	\$0.00	\$0.00	\$0.00	\$4,000.00	\$0.00	\$4,489.77	\$0.00
SL02	LUCKY LAKE LIGHTING	\$77.65	\$0.00	\$0.00	\$0.00	\$1,500.00	\$0.00	\$1,577.65	\$0.00
SL03	LAKE LOUISE MARIE	\$244.05	\$0.00	\$0.00	\$0.00	\$4,500.00	\$0.00	\$4,744.05	\$0.00
SL04	PATIO HOMES LIGHTING	\$152.94	\$0.00	\$0.00	\$0.00	\$12,000.00	\$0.00	\$12,152.94	\$0.00
SL05	KIAMESHA SHORES LIGHTING	\$66.12	\$0.00	\$0.00	\$0.00	\$1,500.00	\$0.00	\$1,566.12	\$0.00
SL06	EMERALD GREEN LIGHTING	\$1,478.42	\$0.00	\$0.00	\$0.00	\$315,000.00	\$0.00	\$316,478.42	\$0.00
SL07	TREASURE LAKE LIGHTING	\$0.00	\$0.00	\$0.00	\$0.00	\$250.00	\$0.00	\$250.00	\$0.00
SL08	CONGERO ROAD LIGHTING	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$0.00	\$500.00	\$0.00
SL09	YESHIVA/KIAM. LIGHTING DISTRICT	\$208.96	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,208.96	\$0.00
SL10	EMERALD CORP. PARK L/D#10	\$476.79	\$0.00	\$0.00	\$0.00	\$2,250.00	\$0.00	\$2,726.79	\$0.00
SL11	ADELAAR Lighting	\$444.78	\$0.00	\$0.00	\$0.00	\$2,300,000.00	\$0.00	\$2,300,444.78	\$0.00
SL12	Route 42 N Lighting	\$0.00	\$0.00	\$0.00	\$0.00	\$14,000.00	\$0.00	\$14,000.00	\$0.00
SRH0	ROCK HILL AMBULANCE DIST	\$7,796.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,796.00	\$0.00
SSAR	Adelaar Sewer District	\$16,521.69	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,521.69	\$0.00
SSH0	Harris Consolidated Sewer District	\$12,396.29	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,396.29	\$0.00
SSKC	Kiamesha Consolidated Sewer District	\$109,406.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$109,406.85	\$0.00
SSM0	MELODY LAKE SEWER DISTR.	\$5,166.88	\$0.00	\$0.00	\$0.00	\$10,605.63	\$0.00	\$15,772.51	\$0.00
SSRC	Rock Hill Emerald Green Consolidated Sewer Dist	\$44,052.53	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$44,052.53	\$0.00
SSS0	SACKETT LAKE SEWER DISTR	\$23,968.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,968.86	\$0.00
SWA0	ADELAAR RESORT WATER DISTRICT	\$86,146.39	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$86,146.39	\$0.00
SWC0	COLD SPRING WATER	\$528.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$528.50	\$0.00
SWD0	DILLON WATER DISTRICT	\$227.47	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$227.47	\$0.00
SWK0	KIAMESHA RT42 WATER	\$741.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$741.19	\$0.00
SWL0	LUCKY LAKE WATER DISTR	\$117.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$117.18	\$0.00
SWM0	MELODY LAKE WATER	\$741.86	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$741.86	\$0.00
T000	TRUST & AGENCY FUND	\$4,906.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,906.43	\$0.00
Grand Totals		\$753,145.77	\$0.00	\$175,000.00	\$0.00	\$15,171,467.73	\$14,203.58	\$16,099,613.50	\$14,203.58



Warshaw Burstein, LLP
575 Lexington Avenue
New York, NY 10022
(212) 984-7700
www.wbny.com

Kevin Hirson
Partner
(212) 984-7782
khirson@wbny.com

March 3, 2023

USPS Priority Mail Express

Town Clerk of Thompson
4052 State Route 42
Monticello, NY 12701
Attention: Marilee J. Calhoun, Town Clerk

Re: Veria Lifestyle, Inc. (the "Veria")
DBA YO 1 Center
Hotel Liquor License Number 2224129
420 Anawana Lake Road
Town of Thompson, New York 12701

Dear Ms. Calhoun:

We are the attorneys for Veria in connection with the renewal of its hotel liquor license for the above described location to be filed with the New York State Liquor Authority.

In connection with such renewal of the hotel liquor license, please find enclosed the Standardized Notice Form for Providing 30-Day Advance Notice to a Local Municipality for the hotel liquor license renewal application.

Of course, if you have any questions or concerns in connection with Veria's proposed liquor license renewal application, please do not hesitate to contact me.

Sincerely,


Kevin M. Hirson

cc: Harish Goyal (w/enclosures)

KMH/sd

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

Standardized NOTICE FORM for Providing 30-Day Advance Notice to a Local Municipality or Community Board

1. Date Notice Sent: March 3, 2023 1a. Delivered by: Overnight Mail, Tracking Number and Pro

2. Select the type of Application that will be filed with the Authority for an On-Premises Alcoholic Beverage License:

For premises outside the City of New York:

New Application Removal Class Change

For premises in the City of New York:

New Application New Application and Temporary Retail Permit Renewal Alteration Removal

Class Change Method of Operation Corporate Change

For New and Temporary Retail Permit applicants, answer each question below using all information known to date
For Renewal applicants, answer all questions

For Alteration applicants, attach a complete written description and diagrams depicting the proposed alteration(s)

For Corporate Change applicants, attach a list of the current and proposed corporate principals

For Removal applicants, attach a statement of your current and proposed addresses with the reason(s) for the relocation

For Class Change applicants, attach a statement detailing your current license type and your proposed license type

For Method of Operation Change applicants, although not required, if you choose to submit, attach an explanation detailing those changes

Please include all documents as noted above. Failure to do so may result in disapproval of the application.

This 30-Day Advance Notice is Being Provided to the Clerk of the Following Local Municipality or Community Board:

3. Name of Municipality or Community Board: Town of Thompson - Sullivan County

Applicant/Licensee Information:

4. Licensee Serial Number (if applicable): 2224129 Expiration Date (if applicable): 4/30/2023

5. Applicant or Licensee Name: Veria Lifestyle, Inc.

6. Trade Name (if any): YO1 Center

7. Street Address of Establishment: 420 Anawana Lake Road

8. City, Town or Village: Town of Thompson, Monticello, NY Zip Code: 12701

9. Business Telephone Number of applicant/ Licensee: _____

10. Business E-mail of Applicant/Licensee: _____

11. Type(s) of alcohol sold or to be sold: Beer & cider Wine, Beer & Cider Liquor, Wine, Beer & Cider

12. Extent of Food Service: Full Food menu; full kitchen run by a chef/cook Menu meets legal minimum food requirements; food prep area required

13. Type of Establishment: Hotel (requires full on premises restaurant open to the public)

Seasonal Establishment Juke Box Disc Jockey Recorded Music Karaoke

14. Method of Operation: (check all that apply) Live Music (give details i.e., rock bands, acoustic, jazz, etc.): _____

Patron Dancing Employee Dancing Exotic Dancing Topless Entertainment

Video/Arcade Games Third Party Promoters Security Personnel

Other (specify): _____

15. Licensed Outdoor Area: None Patio or Deck Rooftop Garden/Grounds Freestanding Covered Structure
(check all that apply) Sidewalk Cafe Other (specify): _____

OFFICE USE ONLY		
<input type="radio"/> Original	<input type="radio"/> Amended	Date _____

16. List the floor(s) of the building that the establishment is located on:
17. List the room number(s) the establishment is located in within the building, if appropriate:
18. Is the premises located within 500 feet of three or more on-premises liquor establishments? Yes No
19. Will the license holder or a manager be physically present within the establishment during all hours of operation? Yes No
20. If this is a transfer application (an existing licensed business is being purchased) provide the name and serial number of the licensee:
21. Does the applicant or licensee own the building in which the establishment is located? Yes (if YES, SKIP 23-26) No

Owner of the Building in Which the Licensed Establishment is Located

22. Building Owner's Full Name:
23. Building Owner's Street Address:
24. City, Town or Village: State: Zip Code:
25. Business Telephone Number of Building Owner:

Representative or Attorney Representing the Applicant in Connection with the Application for a License to Traffic in Alcohol at the Establishment Identified in this Notice

26. Representative/Attorney's Full Name:
27. Representative/Attorney's Street Address:
28. City, Town or Village: State: Zip Code:
29. Business Telephone Number of Representative/Attorney:
30. Business E-mail Address of Representative/Attorney:

I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations made in this form will also be relied upon, and that false representations may result in disapproval of the application or revocation of the license.

By my signature, I affirm - under Penalty of Perjury - that the representations made in this form are true.

31. Printed Principal Name: Title:

Principal Signature: 

State of New York

REMITTANCE ADVICE for CHECK NO. 09209357

A

NOTICE: To access remittance information on any one of your NYS payments, visit <https://esupplier.sfs.ny.gov/>

Agency Code and Description	Tele Inquiry No	Voucher No	Payee Reference/Invoice No	Ref/Inv Date	Payment Amount
DOT01 Department of Transportati		00246513	POP March 23_L960823	03/06/23	53,520.51
		00246168	WIRP March 23_L960823	03/06/23	33,223.53

GOV'T ENTITIES, VENDORS, NOT-FOR-PROFITS: **Non-Negotiable** **Check Total** \$86,744.04
 Go to <http://www.osc.state.ny.us/state-vendors> for Electronic Payments information

DETACH HERE BEFORE CASHING ↓ **PLEASE CASH WITHIN 180 DAYS**

THIS DOCUMENT HAS MULTIPLE SECURITY FEATURES INCLUDING HEAT SENSITIVE, COLOR CHANGING INK ON THE BACK OF THE DOCUMENT

0006 8753

\$86,744.04

State of New York
 DEPARTMENT OF TAXATION AND FINANCE
 DIVISION OF THE TREASURY

MARCH 10, 2023 DOT01

Check No. 09209357
29-55
213 **A**

KNOW YOUR ENDORSER

Pay to the Order of: **THOMPSON TOWN OF**

Thomas P. DiNapoli
Thomas P. DiNapoli
 State Comptroller

KeyBank N.A.

Amanda Hiller
Amanda Hiller
 Acting Commissioner, Taxation and Finance

\$86,744.04

Security Features Included (B) Details on back

⑈09209357⑈



STATE OF NEW YORK
UNIFIED COURT SYSTEM
EMPIRE STATE PLAZA
4 ESP, SUITE 2001
ALBANY, NEW YORK 12223-1450
(518) 453-8650

Tamiko Amaker
Acting Chief Administrative Judge

Norman St. George
Deputy Chief Administrative Judge
Courts Outside New York City

February 22, 2023

Ms. Maryjean Carroll
Thompson Town Court
4052 State Route 42 North
Monticello, NY 12701

Dear Ms. Carroll:

I am pleased to advise you that the Thompson Town Court has been awarded a grant under the 2022-23 cycle of the Justice Court Assistance Program (JCAP).

JCAP was established by the New York State Legislature in 1999, at the request of the Unified Court System, to help provide our State's town and village courts with the resources and equipment necessary to fulfill their critical role in our justice system.

The Thompson Town Court is one of 256 courts receiving JCAP funding this year. Details regarding your award are set forth on the enclosed 2022-23 Justice Court Assistance Program Award Reconciliation Report. Funds will be sent on or before April 1, 2023 to your municipality via direct deposit or check and must be spent within 180 days. If the amount you spend purchasing the items(s) approved on the JCAP Reconciliation Report is less than the amount awarded, leftover funds are not to be used to offset the cost of another grant item awarded at a set monetary amount. Please contact the Division of Professional and Court Services at 518-238-4301 for further direction. The Reconciliation Report, along with paid receipts that certify total amount spent, are required to be returned to the Division of Professional and Court Services via fax: (518) 471-4807 or e-mail: jcap@nycourts.gov.

Very truly yours,

Honorable Norman St. George

cc: Division of Professional and Court Services
Special Counsel

2022-23 Justice Court Assistance Program Award Reconciliation Report

Please fax this Report along with paid receipts to the dedicated JCAP Fax Number 518-471-4807, email jcap@nycourts.gov or mail to: Division of Professional and Court Services, Attention: JCAP, 2500 Pond View, Suite 104, Castleton on Hudson, N.Y. 12033

In the space provided below, please sign and indicate the exact amount spent

*Funds to be spent within 180 days of receipt

Thompson Town Court, Sullivan County

District: 3

Item Category	Item Name	Approved Quantity	Item Approved Total
Security	Walkthrough Det. w/Caster		\$5364.95
Furniture	Desk	1	\$809.00
Furniture	Chair	1	\$200.00
Other	Scanner	0	\$0.00
Furniture	Hutch		\$750.00
Furniture	Tack Board	0	\$0.00
Security	Metal detector calibrator	1	\$169.00
Total Amount of Grant			\$7,292.95

SPECIAL NOTE REGARDING AWARD DISBURSEMENTS:

Your Town Supervisor or Village Mayor should receive a check for the amount of the grant or the grant amount will be sent via direct deposit to your municipality. All grant recipients are reminded that, as required by law, funds received hereunder may not be used for purposes other than the purchase of the item(s) set forth on the enclosed award form or used to offset the cost of another grant item awarded at a set monetary amount. Also, as stipulated in the municipal certification accompanying the application for your grant, "any goods and/or services purchased with any Justice Court Assistance Program funds shall be obtained in accordance with acceptable procurement practices established by the governing municipality including, but not limited to, competitive bidding and procurement policies and procedures."

*Please submit paid receipts indicating funds were spent on approved items along with this Reconciliation Report within 180 days from receipt. Remember to save your receipts for at least three years for audit and review purposes. If the amount you spend purchasing the item(s) approved on this Report is less than the amount awarded, leftover funds are not to be used to offset the cost of another grant item. Please contact the Division of Professional and Court Services at 518-238-4301 for further direction.

Total Amount Spent: _____

By signing this form, I affirm that all the above approved items were purchased.

Date: _____ Print Name: _____ Signature: _____

FOR DPCS USE ONLY

Application # 5395 Attachments _____

Vendor ID# 1000002132 AO Date _____ Approval Date _____

Voucher# _____ DN/SP _____ Grant Amt _____

Submit Date _____ Business Unit _____ Final Approval _____

AI
#1

TOWN OF THOMPSON
RESOLUTION
CONSENTING TO FORMATION OF MAYIN
WATER COMPANY, INC.

WHEREAS, a petition requesting consent to formation of a water transportation corporation to serve certain properties within the Town of Thompson designated as has been made; and

WHEREAS, a majority of the Town Board is willing to consent thereto; and

WHEREAS, such consent allows creation of a legal entity which may make application for approval of water supply as required by the laws of the State of New York.

NOW, THEREFORE, on motion of Councilmember _____, seconded by Councilmember _____, it is

RESOLVED, that the Town Board of the Town of Thompson or a majority thereof hereby consents to the formation of Mayin Water Company, Inc., a water-works corporation so as to permit the filing of the Certificate of Incorporation, a copy of which has heretofore been provided to this Board; and it is

FURTHER RESOLVED, that the Town Clerk be and hereby is authorized and directed to certify to the enactment of this Resolution and provide the same to the petitioner.

The adoption of the foregoing resolution was duly put to a vote, and upon roll call, the vote was as follows:

	Aye	Nay
William J. Rieber, Jr, Supervisor	_____	_____
Melinda S. Meddaugh, Councilperson	_____	_____
Scott Mace, Councilperson	_____	_____
Ryan T. Shock, Councilperson	_____	_____
John Pavese, Councilperson	_____	_____

On a vote the above Resolution was adopted by a vote of ____ Ayes to ____ Nays this ____ day of March, 2023.

#243

Marilee Calhoun (Town of Thompson)

From: Uyen Poh <uyen.poh@nortonrosefulbright.com>
Sent: Thursday, March 16, 2023 6:51 PM
To: William J. Rieber, Jr.; 'Marille Calhoun'
Cc: 'Michael Messenger'; 'Matthew Sickler'; 'Melissa DeMarmels (Comptroller Town of Thompson)'; 'Michael Mednick'; Jill Weyer; 'Beth A. Ferguson'
Subject: RE: Sackett Lake and Emerald Green
Attachments: 2023 Order Calling Public Hearing (202-b) 3-21-2023 Additional Bonds - Rock Hill-Emerald Green Sewer District Town of Thompson.docx; 2023 Order Calling Public Hearing (202-b) 3-21-2023 Additional Bonds - Sackett Lake Sewer District Town of Thoms.docx

Hello,

Attached please find the two Orders Calling a Public Hearing for your review. Please confirm the following:

- Public hearing will be held on April 4th at 7PM
- The Town will be able to publish the Notice of Public Hearing on or prior to March 25th
- For Sackett Lake Sewer District - \$2,163,936 is the new estimated maximum cost; an increase of \$570,642.70
- For Rock Hill/Emerald Green Sewer District - \$3,279,000 is the new estimated maximum cost; an increase of \$987,800

Please let me know if you have any questions or comments.

Best regards,

Uyen Poh | Partner
Norton Rose Fulbright US LLP
1301 Avenue of the Americas, New York, New York 10019-6022, United States
Tel +1 212 318 3158 | Fax +1 212 318 3400
uyen.poh@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
nortonrosefulbright.com

From: Uyen Poh
Sent: Thursday, March 16, 2023 1:26 PM
To: William J. Rieber, Jr. <supervisor@townofthompson.com>; 'Marille Calhoun' <marilee@townofthompson.com>
Cc: 'Michael Messenger' <mmessenger@townofthompson.com>; 'Matthew Sickler' <msickler@mhepc.com>; 'Melissa DeMarmels (Comptroller Town of Thompson)' <comptroller@townofthompson.com>; 'Michael Mednick' <michael@michaelmednick.com>; Jill Weyer <jweyer@townofthompson.com>; 'Beth A. Ferguson' <bferguson@fiscaladvisors.com>
Subject: RE: Sackett Lake and Emerald Green

Hi Bill and team,

As this is an increase to projects for districts, the Town will need to call a public hearing. We are in the process of drafting the two Orders Calling a Public Hearing and will send them later today. Below is a proposed schedule, which will have everything ready well before the EFC application deadline of 6/16. Please confirm that the Town can hold the public hearing on April 4th. If not, we can push the hearing date out until your subsequent board meeting on April 18th.

Proposed Schedule:

March 21 – Adoption of the Order Calling a Public Hearing

March 25 – Last day to publish the Notice of Hearing (notice must be published 10 days prior to the scheduled hearing date) – Please confirm that your newspaper will be able to publish no later than on March 25th. If this is an issue we can change the public hearing date to April 18.

April 4th – Public Hearing is conducted, followed by adoption of the Public Interest Order and the Bond Resolutions (the bond resolutions will be effective immediately and are not subject to permissive referendum)

April 10 - Publication of the Legal Notice of Estoppel (this is just an assumed target date; there is no deadline as to when you must publish the estoppel notice).

April 30 - 20-day estoppel period lapses and project is ready for financing assuming publication of the Legal Notice of Estoppel by April 10th

Best regards,

Uyen Poh | Partner
Norton Rose Fulbright US LLP
1301 Avenue of the Americas, New York, New York 10019-6022, United States
Tel +1 212 318 3158 | Fax +1 212 318 3400
uyen.poh@nortonrosefulbright.com

NORTON ROSE FULBRIGHT

Law around the world
nortonrosefulbright.com

From: William J. Rieber, Jr. <supervisor@townofthompson.com>
Sent: Thursday, March 9, 2023 2:36 PM
To: 'Beth A. Ferguson' <bferguson@fiscaladvisors.com>; Uyen Poh <uyen.poh@nortonrosefulbright.com>
Cc: 'Michael Messenger' <mmessenger@townofthompson.com>; 'Matthew Sickler' <msickler@mhepc.com>; 'Melissa DeMarmels (Comptroller Town of Thompson)' <comptroller@townofthompson.com>; 'Michael Mednick' <michael@michaelmednick.com>; 'Marille Calhoun' <marilee@townofthompson.com>; Jill Weyer <jweyer@townofthompson.com>
Subject: RE: Sackett Lake and Emerald Green

[External Email – Use Caution]

I would like to do the bond resolutions on the 3/21 meeting. I think Uyen is in the loop to get the paperwork done. The EFC deadline is 6/16. If we set the hearing for April 4th and act on the resolution my understanding is that we need 30 days for permissive referendum timing and then should be good to go. If not, someone please advise.
Bill

#2
A

 **NORTON ROSE FULBRIGHT**

EMAIL: supervisor@townofthompson.com

Norton Rose Fulbright US LLP
1301 Avenue of the Americas
New York, New York 10019-6022
United States

March 16, 2023

Mr. William J. Rieber, Jr.
Town of Thompson
Town Hall
4052 Route 42
Monticello, New York 12701-3221

Uyen Poh
Partner
Direct line +1 212 318 3158
uyen.poh@nortonrosefulbright.com

Tel +1 212 318 3000
Fax +1 212 318 3400
nortonrosefulbright.com

Re: Town of Thompson, Sullivan County, New York
Sackett Lake Sewer District – 202-b
Rehabilitation and Replacement of Sewer Main
Additional \$570,642.70 Bonds (for a total of \$2,163,936)

Dear Bill:

In accordance with your request, we have prepared and enclose herewith a form of order calling a public hearing on the question of the increase and improvement of the facilities of the Sackett Lake Sewer District in the Town, including the rehabilitation and partial replacement of the sewer main.

Section 202-b of the Town Law requires there to be prepared and on file in the office of the Town Clerk prior to the calling of the hearing a plan and report, including an estimate of cost. Please arrange for the report referred to in the proceedings to be on file for this purpose.

This order must be adopted by at least a majority vote of the entire voting strength of the Town Board. The notice of the public hearing, a form of which I enclose herewith for your convenience, must be published once in the newspaper specified in the order and posted on the Town Clerk's signboard, such posting and publication to be made not less than ten nor more than twenty days prior to the date of the meeting.

When available please email the following documents to uyen.poh@nortonrosefulbright.com and judy.velez@nortonrosefulbright.com:

- (a) Order Calling Public Hearing.
- (b) Original affidavit of posting of the same with a copy of the notice as posted attached.
- (c) Original printer's affidavit of publication of the legal notice of the hearing.

Please do not hesitate to call me if you have any questions on this matter.

Very truly yours,

Uyen Poh
Enclosure

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At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, in said Town, on March 21, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

William J. Rieber, Jr.
Supervisor

Melinda S. Meddaugh
Councilperson

John A. Pavese
Councilperson

Ryan T. Schock
Councilperson

Scott S. Mace
Councilperson

-----X

In the Matter of the Increase and Improvement
of the Facilities of the
Sackett Lake Sewer District
in the Town of Thompson, Sullivan County,
New York.

:
:
:
:
:
:
:
:

ORDER CALLING PUBLIC HEARING

-----X

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, previously held a public hearing on November 16, 2021, and adopted a public interest order and bond resolution dated November 16, 2021, authorizing \$1,593,293.30 to pay the costs of the increase and improvement of the facilities of the Sackett Lake Sewer District that were described in a report dated November 8, 2021 titled "Map, Plan and Report for Sackett Lake Sewer District Collection System Improvement Project", including the rehabilitation and partial replacement of the sewer main; and

WHEREAS, it is now determined that the estimated maximum cost to said District of the aforementioned capital project is now \$2,163,936, an increase of \$570,642.70; and

WHEREAS, the Town Board of said Town has duly caused MHE Engineers D.P.C. to prepare an updated plan and report, including a revised estimate of cost, dated March 1, 2023, relating to said increase and improvement of facilities in said District; and

WHEREAS, repayment of the proposed additional \$570,642.70 bonds for said project shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the updated plan and report, including revised estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the Town Board of the Town of Thompson, Sullivan County, New York, will be held at the Town Hall, in Monticello, in said Town, on April 4, 2023, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, and the plan and report, including estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Sullivan County Democrat, a newspaper having general circulation in said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

Section 3. This order shall take effect immediately.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Thompson, Sullivan County, New York, will meet at the Town Hall, in Monticello, in said Town, on April 4, 2023, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Sackett Lake Sewer District in said Town, including the rehabilitation and partial replacement of the sewer main and incidental expenses in connection therewith, in said District, at a revised estimated maximum cost of \$2,163,936, an increase of \$570,642.70, at which time and place said Town Board will hear all persons interested in the subject thereof.

Such cost shall be annually apportioned, levied and collected in said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The updated plan and report, including revised estimate of cost, relating to this project, prepared by MHE Engineers D.P.C. and dated March 1, 2023, is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

Dated: Monticello, New York
 March 21, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF THOMPSON,
SULLIVAN COUNTY, NEW YORK

Marilee J. Calhoun, Town Clerk

Motion by:

Seconded by:

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

William J. Rieber, Jr., Supervisor	VOTING	AYE
Melinda S. Meddaugh, Councilwoman	VOTING	AYE
John A. Pavese, Councilman	VOTING	AYE
Ryan T. Schock, Councilman	VOTING	AYE
Scott S. Mace, Councilman	VOTING	AYE

The order was thereupon declared duly adopted.

* * *

#3
A

^
NORTON ROSE FULBRIGHT

EMAIL: supervisor@townofthompson.com

March 16, 2023

Mr. William J. Rieber, Jr.
Town of Thompson
Town Hall
4052 Route 42
Monticello, New York 12701-3221

Norton Rose Fulbright US LLP
1301 Avenue of the Americas
New York, New York 10019-6022
United States

Uyen Poh
Partner
Direct line +1 212 318 3158
uyen.poh@nortonrosefulbright.com

Tel +1 212 318 3000
Fax +1 212 318 3400
nortonrosefulbright.com

Re: Town of Thompson, Sullivan County, New York
Rock Hill/Emerald Green Sewer District – 202-b
Additional \$987,800 Bonds (for a total of \$3,279,000)

Dear Bill:

In accordance with your request, we have prepared and enclose herewith a form of order calling a public hearing on the question of the increase and improvement of the facilities of the Emerald Green Sewer District in the Town, including installation of additions to force mains to certain discharge points, upgrading of pump impellers, replacement of Pump Station No. 1, and installation of emergency generators at various pumping stations.

Section 202-b of the Town Law requires there to be prepared and on file in the office of the Town Clerk prior to the calling of the hearing a plan and report, including an estimate of cost. Please arrange for the report referred to in the proceedings to be on file for this purpose.

This order must be adopted by at least a majority vote of the entire voting strength of the Town Board. The notice of the public hearing, a form of which I enclose herewith for your convenience, must be published once in the newspaper specified in the order and posted on the Town Clerk's signboard, such posting and publication to be made not less than ten nor more than twenty days prior to the date of the meeting.

When available please email the following documents to uyen.poh@nortonrosefulbright.com and judy.velez@nortonrosefulbright.com:

- (a) Order Calling Public Hearing.
- (b) Original affidavit of posting of the same with a copy of the notice as posted attached.
- (c) Original printer's affidavit of publication of the legal notice of the hearing.

Please do not hesitate to call me if you have any questions on this matter.

Very truly yours,

Uyen Poh
Enclosure

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Norton Rose Fulbright US LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright Canada LLP and Norton Rose Fulbright South Africa Inc are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are available at nortonrosefulbright.com.

At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, in said Town, on March 21, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

William J. Rieber, Jr.
Supervisor

Melinda S. Meddaugh
Councilperson

John A. Pavese
Councilperson

Ryan T. Schock
Councilperson

Scott S. Mace
Councilperson

-----X
In the Matter of the Increase and Improvement
of the Facilities of the Consolidated
Rock Hill/Emerald Green Sewer District
in the Town of Thompson, Sullivan County,
New York.
-----X

ORDER CALLING PUBLIC HEARING

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, previously held a public hearing on November 16, 2021, and adopted a public interest order and bond resolution dated November 16, 2021, authorizing \$2,291,400 to pay the costs of the increase and improvement of the facilities of the Rock Hill/Emerald Green Sewer District that were described in a report dated November 12, 2021, as revised November 15, 2021, titled "Map, Plan and Report for Rock Hill/Emerald Green Sewer District Pump Station #1, #2 & #3 Improvements", including reconfiguration of pump stations, replacement of Pump Station No. 1, and installation of emergency generators; and

WHEREAS, it is now determined that the estimated maximum cost to said District of the aforementioned capital project is now \$3,279,000, an increase of \$987,800; and

WHEREAS, the Town Board of said Town has duly caused MHE Engineers D.P.C. to prepare an updated plan and report, including a revised estimate of cost, dated March 1, 2023, relating to said increase and improvement of facilities in said District; and

WHEREAS, repayment of the proposed additional \$987,800 bonds for said project shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the updated plan and report, including revised estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the Town Board of the Town of Thompson, Sullivan County, New York, will be held at the Town Hall, in Monticello, in said Town, on April 4, 2023, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, and the plan and report, including estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Sullivan County Democrat, a newspaper having general circulation in said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

Section 3. This order shall take effect immediately.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Thompson, Sullivan County, New York, will meet at the Town Hall, in Monticello, in said Town, on April 4, 2023, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the consolidated Rock Hill/Emerald Green Sewer District in said Town, including installation of additions to force mains from pump stations to certain discharge points, upgrading of pump impellers, replacement of Pump Station No. 1, installation of emergency generators at various pumping stations, and incidental expenses in connection therewith, in said District, at a revised estimated maximum cost of \$3,279,000, an increase of \$987,800, at which time and place said Town Board will hear all persons interested in the subject thereof.

Such cost shall be annually apportioned, levied and collected in said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The updated plan and report, including revised estimate of cost, relating to this project, prepared by MHE Engineers D.P.C. and dated March 1, 2023, is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

Dated: Monticello, New York
 March 21, 2023

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF THOMPSON,
SULLIVAN COUNTY, NEW YORK

Marilee J. Calhoun, Town Clerk

Motion by:

Seconded by:

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

William J. Rieber, Jr., Supervisor	VOTING	AYE
Melinda S. Meddaugh, Councilwoman	VOTING	AYE
John A. Pavese, Councilman	VOTING	AYE
Ryan T. Schock, Councilman	VOTING	AYE
Scott S. Mace, Councilman	VOTING	AYE

The order was thereupon declared duly adopted.

* * *

#4

March __, 2023

Res. No. __/2023

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING INSTITUTED
UNDER ARTICLE 7 OF THE REAL PROPERTY TAX LAW AGAINST THE
TOWN OF THOMPSON**

WHEREAS, Idriz Musovic has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcels 23-1-23.1, 23-1-35 and 23-1-36 and which proceedings are pending in the Supreme Court of the State of New York, County of Sullivan, under Index Nos. E2020-978, E2021-1230 and E2022-1394; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of Respondents, and Michael D. Altman, Esq., on behalf of Petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to Petitioner's **2020, 2021 and 2022** assessment, to wit, a reduction in the assessment of Petitioner's real property, **SBL 23-1-23.1** from \$180,000.00 to \$88,000.00; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to Petitioner's **2020, 2021 and 2022** assessments, to wit, the assessments of Petitioner's real property, **SBL's 23-1-35 and 23-1-36** will remain unchanged.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.
2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Van B. Krzywicki, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written Stipulation of Settlement and to bind the Town thereto, such Stipulation to be in form approved by the said attorneys.
3. That said Michael B. Mednick, Esq. and Van B. Krzywicki, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceedings.

Moved by: _____
Seconded by: _____

and a roll call vote thereon as follows:

<i>Supervisor WILLIAM J. RIEBER, JR.</i>	<i>Voting</i>	<i>Aye</i>
<i>Councilman SCOTT MACE</i>	<i>Voting</i>	<i>Aye</i>
<i>Councilman JOHN A. PAVESE</i>	<i>Voting</i>	<i>Aye</i>
<i>Councilwoman MELINDA S. MEDDAUGH</i>	<i>Voting</i>	<i>Aye</i>
<i>Councilman RYAN T. SCHOCK</i>	<i>Voting</i>	<i>Aye</i>

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

The undersigned, Town Clerk of the Town of Thompson, does hereby certify that the Resolution annexed hereto approving the settlement of the Tax Certiorari proceedings commenced by Idriz Musovic for tax years 2020, 2021 and 2022 was adopted by said Town Board on March _____, 2023, a majority of all Board members voting in favor thereof, and the same has been compared with the original on file in my office and is a true and correct copy of aid original and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on March _____, 2023.

MARILEE J. CALHOUN, Town Clerk

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN**

x

**In the Matter of the Application of IDRIZ MUSOVIC
Town of Thompson Tax Map Nos: 23-1-23.1, 23-1-35
and 23-1-36,**

**Index Nos: E2020-978,
E2021-1230 and E2022-1394**

Petitioner,

-against-

**ASSESSOR, TOWN OF THOMPSON and BOARD OF
ASSESSMENT REVIEW OF THE TOWN OF THOMPSON,
COUNTY OF SULLIVAN and MONTICELLO CENTRAL
SCHOOL DISTRICT,**

Respondent.

x

**STIPULATION OF
SETTLEMENT**

Assigned to: Hon

WHEREAS, the above entitled proceedings, having been duly instituted pursuant to Article 7 of the Real Property Tax Law, to review the Respondent's assessment of Petitioner's real property, and

WHEREAS, the settlement of the above entitled proceedings has been duly authorized by Resolution of the Town Board of the Town of Thompson at a regularly scheduled meeting thereof, a copy of which Resolution is annexed hereto and made a part hereof, and

WHEREAS, the terms and provisions of said settlement are more particularly set forth in Schedule "A" annexed hereto and made a part hereof, and

WHEREAS, the parties hereto are desirous of settling the above entitled proceedings in accordance with the terms of Schedule "A",

NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, Petitioner, Respondent, and the attorneys of record for all parties herein, that the above

entitled proceedings instituted pursuant to Article 7 of the Real Property Tax Law, be, and the same hereby are settled and discontinued upon the terms and conditions hereinafter set forth:

1. That the assessment of Petitioner's real property as the same appears on the tax roll of Respondents for the years in question be reduced as more fully set forth in Schedule "A".

2. That the said reductions in assessment shall apply to all taxes to be levied against Petitioner's real property for the tax years under review, including county and school taxes which are based upon the said assessment roll.

3. That Petitioner's assessment be adjusted accordingly on the tax roll(s) of Respondent, Town of Thompson, for the years under review, and that petitioner be reimbursed for any overpayment made on account of the original assessment.

4. That these proceedings be settled and discontinued with prejudice and without costs and disbursements to either party.

5. That a Judgment be entered upon this Stipulation and that the same shall be filed with the Clerk of the County of Sullivan without further notice, and that upon entry, a copy thereof be served upon the Sullivan County Treasurer, the Town of Thompson Assessor, the Town of Thompson Tax Collector, and the Monticello Central School District.

6. That the Judgment to be entered hereon and the Stipulation upon which it is based are made without prejudice to future assessments subject to the provisions of the Real Property Tax Law.

**Dated: Monticello, New York
March _____, 2023**

**MICHAEL D. ALTMAN, ESQ.
Attorney for Petitioner**

**VAN B. KRZYWICKI
Assessor, Town of Thompson**

**MICHAEL B. MEDNICK, ESQ.
Attorney for Respondent**

SCHEDULE "A"

DETAILS AND SPECIFICATIONS OF SETTLEMENT

TAX MAP PARCEL: SECTION 23 BLOCK 1 LOT 23.1

ASSESSMENT ROLL YEARS: 2020, 2021 and 2022

ASSESSMENT: \$180,000.00

ASSESSMENT REDUCED TO: \$88,000.00

TAX MAP PARCEL: SECTION 23 BLOCK 1 LOT 35

ASSESSMENT ROLL YEARS: 2020, 2021 and 2022

ASSESSMENT: \$58,300.00

ASSESSMENT REDUCED TO: Unchanged

TAX MAP PARCEL: SECTION 23 BLOCK 1 LOT 36

ASSESSMENT ROLL YEARS: 2020, 2021 and 2022

ASSESSMENT: \$43,000.00

ASSESSMENT REDUCED TO: Unchanged

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SULLIVAN**

x

**In the Matter of the Application of IDRIZ MUSOVIC
Town of Thompson Tax Map Nos: 23-1-23.1, 23-1-35
and 23-1-36,**

**Index Nos: E2020-978,
E2021-1230 and E2022-1394**

Petitioner,

-against-

**ASSESSOR, TOWN OF THOMPSON and BOARD OF
ASSESSMENT REVIEW OF THE TOWN OF THOMPSON,
COUNTY OF SULLIVAN and MONTICELLO CENTRAL
SCHOOL DISTRICT,**

**ORDER &
JUDGMENT**

Assigned to: Hon

Respondent.

x

The above-entitled Petitioner, having duly brought on proceedings to review the assessment made by Respondent for the purpose of real estate taxation for the 2020-2021, 2021-2022 and 2022-2023 Assessment Years on real property assessed to the Petitioner under tax map numbers for the Town of Thompson 23-1-23.1, 23-1-35 and 23-1-36, which are situated in the Town of Thompson, County of Sullivan, State of New York, and the Petitioner and the Respondent having stipulated and agreed to settle the aforesaid proceeding by Stipulation, and the same having been agreed to by the Town Board of the Town of Thompson as reflected by Resolution of the Town Board of the Town of Thompson adopted on March ___, 2023, a copy of which Stipulation of Settlement and Resolution are attached here as Exhibits "A" and "B", and due deliberation having been had hereon,

UPON reading and filing the annexed Stipulation, it is hereby

ORDERED, ADJUDGED and DECREED, that Town of Thompson Tax Parcel #23-1-23.1 on the Assessment Rolls prepared and filed by Respondent in the years 2020, 2021 and 2022 be corrected, so as to reduce the total taxable assessment from \$180,000.00 to a total taxable assessment of

\$88,000.00, and it is further

ORDERED, ADJUDGED and DECREED, that Town of Thompson Tax Parcel #23-1-35 on the Assessment Rolls prepared and filed by Respondent in the years 2020, 2021 and 2022 shall remain unchanged, and it is further

ORDERED, ADJUDGED and DECREED, that Town of Thompson Tax Parcel #23-1-36 on the Assessment Rolls prepared and filed by Respondent in the years 2020, 2021 and 2022 shall remain unchanged, and it is further

ORDERED, ADJUDGED and DECREED, that the Court shall retain jurisdiction of this Order and hereby orders that upon service of a copy of this Order and Judgment, together with Notice of Entry thereof upon the Sullivan County Treasurer, the Town of Thompson Assessor, the Town of Thompson Tax Collector and the Monticello Central School District which collected and received taxes based upon the 2020, 2021 and 2022 Assessments of the Respondent in excess of that which would have been due if the Assessments had been affixed in the amounts set forth above, shall pay refunds to the Petitioner, and it is further

ORDERED, ADJUDGED and DECREED, that the reimbursement to the Petitioner for any overpayment of taxes be paid within thirty (30) days after service of a copy of this Order and Judgment, together with Notice of Entry thereof, and shall be paid to the Petitioner's attorney (Michael D. Altman, Esq., P.O. Box 835, South Fallsburg, New York 12779) on its behalf, and it is further

ORDERED, ADJUDGED and DECREED, that the Order and Judgment herein entered hereon and the Stipulation upon which it is based are made without prejudice to the assessment changes on the Assessment Rolls when one or more provisions of §727, subd. 2 of the Real Property Tax Law, as now in effect or hereinafter amended, applies, and it is further

ORDERED, ADJUDGED and DECREED, that upon the full payment of any amount due pursuant to this Order and Judgment, the above captioned matters are discontinued with prejudice, without costs to any party, and no further claim can be made by any party against the Respondents, or any taxing municipality, for tax payments made on the Assessment Rolls challenged.

Dated: Monticello, New York
_____, 2023

ENTER IN SULLIVAN COUNTY

HON.
Justice of the Supreme Court

#5

BLUSTEIN, SHAPIRO, FRANK & BARONE LLP

ATTORNEYS AT LAW

MICHAEL S. BLUSTEIN
RICHARD J. SHAPIRO ♦
GARDINER S. BARONE
WILLIAM A. FRANK
JAY R. MYROW
DIANA PUGLISI
MEGAN R. CONROY
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LYNN A. PISCOPO
BURT J. BLUSTEIN
1940 - 2022
ARTHUR SHAPIRO
RETIRED
RITA G. RICH
RETIRED

ALSO ADMITTED IN PA*
ALSO ADMITTED IN NJ*
ALSO ADMITTED IN MA*

Please Reply to Monticello Office
March 10, 2023

Sent via email and mail

Town of Thompsons
William J. Rieber, Jr., Town Supervisor
4052 State Route 42
Monticello, New York 12701

Re: Monticello Motor Club Proposed Sewer District

Dear Mr. Rieber:

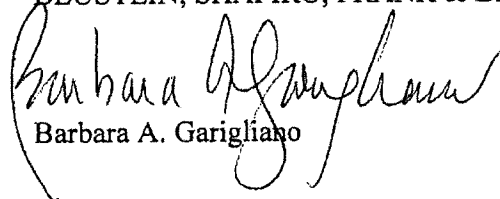
We represent the Monticello Motor Club and its related entities ("MMC Entities"). They would like the Town to form a sewer district pursuant to Town Law Article 12-A to facilitate the development of the properties set forth on the enclosed list ("Properties"). Please note that one benefitted parcel is owned by the Monticello Joint Fire District. All of the parcels to be included in the district are located wholly within in the Town of Thompson, outside of any incorporated village.

Michael Aiello, Jr, PE of Delaware Engineering has been working with the MMC Entities to design plans to develop the Properties, including the design of the proposed waste water treatment plant.

The MMC Entitles will bear the cost of the required Map, Plan and Report, legal fees related to the formation of the district, and the cost of the design and construction of the waste water treatment plant. Upon satisfaction completion of the treatment plant, it will be dedicated to the Town.

Very truly yours,

BLUSTEIN, SHAPIRO, FRANK & BARONE, LLP



Barbara A. Garigliano

Enclosure
40010-600

Parcels to include in Sewer District

SBL	Acres	Location	Owner	Deed L/pg or Instrument No.
49.-1-1.1	167.3	67 Cantrell Rd	Jefferson Development Partners LLC	2988, pg 240
49.-1-1.6	29.41	Cantrell Rd	MMC Cantrell Development, LLC	2023-1779
49.-1-16.3	1.57	136 Cantrell Rd	Jefferson Pride Dev Ptners LLC	2017-1385
49.-1-16.4	2.00	Cantrell Rd	Jefferson Pride Dev Ptners LLC	2017, pg 1385
49.-1-24	22.80	Cantrell Rd	Monticello Motorsports LLC*	3414, pg 537
60.-1-1	119.80	Cantrell Road	Monticello Motorsports LLC*	3414, pg 537
49.-1-23.1	42.415	110 Cantrell Rd	Monticello Motorsports LLC*	2023-1780
49.-1-23.2	1.935	Cantrell Road	Monticello Joint Fire District	2023-1774
49.-1-23.3	3.33	Rupp Road	MMC Employee Housing, LLC	2023-1777
49.-1-23.4	3.384	Rupp Road	Rupp Road Realty Holding I, LLC	2023-1781
49.-1-23.5	3.486	Rupp Road	Rupp Road Realty Holding II, LLC	2023-1778

- Monticello Motorsports LLC was formerly known as James Madison Development Partners LLC

#6

William J. Rieber, Jr.

From: Joel Kohn
Sent: Wednesday, February 15, 2023 2:57 PM
To: Supervisor (Town of Thompson)
Subject: Hatzalah Garage @ Fraser Rd.
Attachments: SCAN1878_000.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon,

See attached draft petition to the Town Board requesting adding an 'Emergency Dispatch Center' as a use in the SR Zoning District.

Please review when you have a chance and let me know if I should get any changes done before getting them signed and put on the Town Board agenda.

If you have any questions please do not hesitate to contact me.

Sincerely,

Joel Kohn

JK Expediting Services



**PETITION BY CATSKILLS HATZALAH INC.
FOR USE CHANGE IN SR ZONE**

Town Board, Town of Thompson
Thompson Town Hall
4052 State Route 42
Monticello, NY 12701

Sirs:

The undersigned Petitioner, Catskills Hatzalah Inc. (the "Petitioner") the prospective owner of the land which is the subject of the proposed zoning change hereby petitions the Town Board of the Town of Thompson to add as a principal use to the SR Zone, an emergency dispatch center which is a facility that houses personnel, vehicles or equipment used in the course of dispatching first responders to deliver public safety, fire protection, or emergency medical services to the public, including but not limited to police stations, fire houses, and ambulance garages. The premises is described and referred to as Town of Thompson tax map number 9.-1-62.3.

The Petitioner intends to acquire a two acre vacant parcel of land, the aforesaid tax map number, on Fraser Road at its intersection with Anawana Lake Road in the Town of Thompson.

The minimum requirements for the aforesaid principal use shall be, lot area 1 acre, lot width 125 ft., lot depth 125 ft., front yard 50 ft., rear yard 50 ft., one side yard 25 ft. And both side yards 50 ft. Maximum lot coverage is 15%, the building height is 30ft.

The premises, Catskills Hatzalah Inc. intends to acquire meets the aforesaid requirement.

A metes and bound description of the parcel 9.-1-62.3 will be provided prior to the adoption of the zoning law to implement the zoning change.

Petitioner notes that said use is subject to site plan review. In the SR Zoning District uses include a daycare facility, hotels and motels, places of worship and related parish houses, seminaries, convents and related uses, clubhouses for social organizations and related recreational facilities, libraries, museums, schools and colleges, dormitories, playgrounds, public utility structures and rights of way, solar energy systems and large scale solar energy systems.

Petitioner hereby petitions the Town Board of the Town of Thompson to implement the zoning change that is proposed in this Petition.

Petitioner represents that all costs and expenses of the proposed zoning change will be paid for by Petitioner. It is understood by Petitioner that the Town anticipates that the Town Engineer, Town Attorney, and Town Planning Consultant will review this project. Petitioner will pay for any engineering, attorney, and planning costs so incurred by the Town.

Catskills Hatzalah Inc.

By: Yehuda Feig, Coordinator/Captain

Dated: February ____, 2023

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

On the __ day of February, in the year 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Yehuda Feig, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Notary Public

STATE OF NEW YORK :
 :SS.:
COUNTY OF SULLIVAN :

Bernard Bauer, affirms as follows:

1. I am the managing member of Fraser Field LLC, a New York Limited Liability Company with an address of 4924 11th Avenue, Brooklyn, NY 11219, which is the owner of a two acre parcel of land in the Town of Thompson, Sullivan County, New York located at the intersection of Anawana Lake Road and Fraser Road. It is also referred to as Town of Thompson tax map number 9.-1-62.3.

2. It is the intention of Fraser Field LLC to gift said property to Catskills Hatzalah Inc. for the purpose of constructing and operating an emergency dispatch center in the event the Town of Thompson amends its SR Zone to permit such a use.

Fraser Field LLC

By: Bernard Bauer, Managing Member

Affirmed before me this
____ day of February, 2023

Notary Public

#7

Chapter 250.

Zoning and Planned Unit Development Part 8.

Planned Unit Development District No. 7

Article XXI. Establishment, Purpose and Uses

§ 250-167. Establishment.

Planned Unit Development District No. 7 is hereby established in accordance with the provisions of the Municipal Code of the Town of Thompson.

§ 250-168. Boundary and description.

The boundary and description of Planned Unit Development District No. 7 is fully set forth in the schedule titled "Boundary and Description" which is annexed hereto and made a part hereof. The boundary and description is further shown on a map of said planned unit development which is annexed hereto and made a part hereof.

§ 250-169. Purpose.

The purpose of this Part 8 is to establish, in accordance with the Comprehensive Plan of the Town of Thompson, a well-integrated and coordinated Planned Unit Development District which is sufficiently flexible to permit an orderly development responsive to the needs of the community and regulated to protect and safeguard the health, safety and welfare of the inhabitants thereof and adjacent thereto with a view to conserving the value of buildings and encouraging the most appropriate use of land in the district.

§ 250-170. Permitted uses.

No buildings or other structures or land shall be located or used in Planned Unit Development District No. 7 except for:

- A. Residential structures consisting of one-family, two-family, row housing, and multifamily dwellings, not exceeding 199 residential units; provided, however, that no more than three floors of any individual dwelling unit may be habitable space.
- B. Commercial/retail uses not exceeding 50,000 square feet in the aggregate.
- C. Office uses not exceeding 30,000 square feet in the aggregate.

- D. Schools, religious, and other community facilities and buildings.
- E. Accessory uses.
 - (1) Recreational facilities, including playgrounds, playhouse facilities or other related recreational or community facilities.
 - (2) Parking areas, roadways, walkways, including walkways connecting the residential and commercial components of the PUD, installation of utility services and customary accessory buildings and uses.
 - (3) Swimming pools, subject to approval of the Town of Thompson Planning Board.
 - (4) Storage sheds.
 - (a) Storage sheds located upon single-family lots in subdivisions within the PUD meeting the same requirements as govern the placement of sheds elsewhere in the Town, except that sheds up to 400 square feet shall not require Planning Board approval.
 - (b) Storage sheds located within portions of the property developed based on approved site plans, limited in location to areas shown on such site plans.
 - (c) Design guidelines for storage sheds may be imposed by the Planning Board as part of the site plan or subdivision review process.
 - (5) Fences.
 - (a) Fences located upon single-family lots in subdivisions within the PUD meeting the same requirements as govern the placement of fences elsewhere in the Town, except fencing for swimming pools to be allowed as high as needed for privacy as approved by the Planning Board during site plan review and any future swimming pool shall be allowed to have a fence of the same height.
 - (b) Fences located within portions of the property developed based on approved site plans, limited in location to areas shown on such site plans.
 - (c) Design guidelines for fences may be imposed by the Planning Board as part of the site plan or subdivision review process.
 - (6) Porches and decks.
 - (a) Covered entry porches not exceeding 120 square feet may be located within the front yard setback area, provided such porches are more than 20 feet from the front property line and may be located in side or rear yard setback areas, provided such porches are more than 10 feet from the side or rear property line.
 - (b) Open decks may be located within the front yard setback area, provided such decks are more than 15 feet from the front property line and may be located in side or rear yard setback areas, provided such decks are more than 7 1/2 feet from the side or rear property line.
 - (c) In no event shall the porches and decks located within side and rear yards exceed 25% of the total enclosed floor area of a dwelling unit.

§ 250-171. Area, yard and height restrictions.

- A. No buildings shall be higher than 45 feet. Building height shall be determined according to the same requirements as govern height of buildings elsewhere in the Town, and building elements, such as chimneys, allowed elsewhere in the Town to exceed the height limit shall also be allowed to the same extent.
- B. The locations of buildings, roadways and general layout within Phase One of Planned Unit Development District No. 7 shall be substantially in accordance with the subdivision map annexed hereto and any site plans hereinafter approved by the Planning Board. The Town Building Inspector is empowered to approve minor modifications to approved subdivision maps and site plans.
- C. On corner lots the frontage with the primary entry door shall be considered the front yard. The yard opposite the front yard shall be considered the rear yard. Other yards shall be considered side yards.
- D. One automobile parking space shall be required for each residential unit. The Planning Board may require additional overflow parking to service residential areas. One automobile parking space shall be required for each 350 square feet of nonresidential building area. The Planning Board may require additional parking to be designed as part of the site plan review process to be constructed on an as-needed basis.
- E. The following lot and area requirements shall apply to individual lots for one-family and two-family homes:
 - (1) The minimum lot width shall be 50 feet; the minimum lot depth shall be 120 feet; the minimum lot area shall be 6,000 square feet.
 - (2) The minimum front yard setback shall be 30 feet; the minimum side yard setback shall be 15 feet; provided, however, that one side yard may be designed in a zero lot line configuration; the minimum rear yard setback shall be 30 feet.
- F. The following lot and area requirements shall apply to lots with multiple one-family or two-family homes, or lots with row houses:
 - (1) The minimum distance between the 50' assumed road R.O.W and the homes shall be 30', except for any porches or decks to be not closer than 25' from the R.O.W.
 - (2) The minimum distance between building side walls shall be 30', except for porches or decks that may extend from each building, provided that the clear separation between buildings and decks are not less than 20'.
 - (3) The minimum distance between side to rear walls or rear to rear walls shall be 50', except for porches or decks that may extend from each building, provided that the clear separation between buildings and decks are not less than 40'.

§ 250-172. Maintenance of portion of property under single ownership.

Common elements, including but not limited to recreation areas, open space areas, drainage basins, parking lots, and community facilities, shall be owned by, and the responsibility of, one or more homeowners' association or condominium owners' association.

§ 250-173. Interior roads; utility services; approvals; connection to sewer system.

- A. Interior roads shall be designed and constructed in accordance with the requirements of the Town of Thompson's road specifications under the observation of the Town Engineer. Fees and charges incurred by the Town for consultation, field review and approvals and road dedication shall be paid by the developer. Road and drainage systems are subject to the inspection and inspection approval of the Town Highway Superintendent.
- B. All utility services shall be installed under the observation of the Town Engineer and shall be underground and below frost level, including water and sewer distribution lines, electric service and television cable service.
- C. Drainage of surface water shall be designed and constructed in accordance with a filed stormwater pollution prevention plan.
- D. Necessary non-Town governmental approvals must be obtained prior to construction or issuance of a certificate of occupancy as required by law.
- E. The entire development must be connected to the Village of Monticello Sewage Treatment Plant and to an existing or hereinafter approved public water system pursuant to Department of Environmental Conservation (DEC) and New York State Department of Health regulations in accordance with the plans accepted by the Town Engineer and under the Town Engineer's observation with respect to design and installation.

§ 250-174. Time for development.

The Planning Board may approve a phasing plan for the PUD, but nothing shall prohibit the PUD from being developed as one phase at the option of the developer. Construction shall commence within three (3) years of the adoption of the PUD or the final approval of the site plan by the Planning Board whichever is later. If the PUD is developed in phases, then Phase 1 shall be completed within five years of initial commencement of the PUD's construction; Phase 2 shall be completed within 7 years of initial commencement of the PUD's construction; and Phase 3 shall be completed within 10 years of initial commencement of the PUD's construction. If the PUD is not to be developed as one phase, then the phasing plan shall delineate in which phase or phases the commercial development and recreational facilities shall be constructed, but such phasing plan shall provide, at minimum, that some of the commercial uses and recreational facilities shall be constructed in Phase 1.

§ 250-175. Homeowners' and condominium owners' associations.

The prospectus for any homeowners' association or condominium owners' associations shall be reviewed by the Town Attorney prior to presentation to the Attorney General of the State of New York.

§ 250-176. Applicability of other provisions.

Unless otherwise specifically provided, and to the extent that they are not inconsistent with this Part 8, all provisions of the Municipal Code of the Town of Thompson shall apply to this Planned Unit Development District.

§ 250-177. Authorization to change Zoning Map.

The Town Clerk is hereby authorized and directed to change the Official Zoning Map of the Town of Thompson by designating thereon the Planned Unit Development District hereby established.

Chapter 250.

Zoning and Planned Unit Development Part 8.

Planned Unit Development District No. 7

Article XXI. Establishment, Purpose and Uses

§ 250-167. Establishment.

Planned Unit Development District No. 7 is hereby established in accordance with the provisions of the Municipal Code of the Town of Thompson.

§ 250-168. Boundary and description.

The boundary and description of Planned Unit Development District No. 7 is fully set forth in the schedule titled "Boundary and Description" which is annexed hereto and made a part hereof. The boundary and description is further shown on a map of said planned unit development which is annexed hereto and made a part hereof.

§ 250-169. Purpose.

The purpose of this Part 8 is to establish, in accordance with the Comprehensive Plan of the Town of Thompson, a well-integrated and coordinated Planned Unit Development District which is sufficiently flexible to permit an orderly development responsive to the needs of the community and regulated to protect and safeguard the health, safety and welfare of the inhabitants thereof and adjacent thereto with a view to conserving the value of buildings and encouraging the most appropriate use of land in the district.

§ 250-170. Permitted uses.

No buildings or other structures or land shall be located or used in Planned Unit Development District No. 7 except for:

- A. Residential structures consisting of one-family, two-family, row housing, and multifamily dwellings, not exceeding 199 residential units; provided, however, that no more than three floors of any individual dwelling unit may be habitable space.
- B. Commercial/retail uses not exceeding 50,000 square feet in the aggregate.
- C. Office uses not exceeding 30,000 square feet in the aggregate.

D. Schools, religious, and other community facilities and buildings.

E. Accessory uses.

(1) Recreational facilities, including playgrounds, playhouse facilities or other related recreational or community facilities.

(2) Parking areas, roadways, walkways, including walkways connecting the residential and commercial components of the PUD, installation of utility services and customary accessory buildings and uses, ~~such as small storage sheds customarily used in connection with private dwellings and outdoor patios.~~

(3) Swimming pools, subject to approval of the Town of Thompson Planning Board.

(4) Storage sheds.

(a) Storage sheds located upon single-family lots in subdivisions within the PUD meeting the same requirements as govern the placement of sheds elsewhere in the Town, except that sheds up to 400 square feet shall not require Planning Board approval.

(b) Storage sheds located within portions of the property developed based on approved site plans, limited in location to areas shown on such site plans.

(c) Design guidelines for storage sheds may be imposed by the Planning Board as part of the site plan or subdivision review process.

(5) Fences.

(a) Fences located upon single-family lots in subdivisions within the PUD meeting the same requirements as govern the placement of fences elsewhere in the Town, except fencing for swimming pools to be allowed as high as needed for privacy as approved by the Planning Board during site plan review and any future swimming pool shall be allowed to have a fence of the same height.

(b) Fences located within portions of the property developed based on approved site plans, limited in location to areas shown on such site plans.

(c) Design guidelines for fences may be imposed by the Planning Board as part of the site plan or subdivision review process.

(6) Porches and decks.

(a) Covered entry porches not exceeding 120 square feet may be located within the front yard setback area, provided such porches are more than 20 feet from the front property line and may be located in side or rear yard setback areas, provided such porches are more than 10 feet from the side or rear property line.

(b) Open decks may be located within the front yard setback area, provided such decks are more than 15 feet from the front property line and may be located in side or rear yard setback areas, provided such decks are more than 7 1/2 feet from the side or rear property line.

(c) In no event shall the porches and decks located within side and rear yards exceed 25% of the total enclosed floor area of a dwelling unit.

§ 250-171. Area, yard and height restrictions.

- A. No buildings shall be higher than 45 feet. Building height shall be determined according to the same requirements as govern height of buildings elsewhere in the Town, and building elements, such as chimneys, allowed elsewhere in the Town to exceed the height limit shall also be allowed to the same extent.
- B. The locations of buildings, roadways and general layout within Phase One of Planned Unit Development District No. 7 shall be substantially in accordance with the subdivision map annexed hereto and any site plans hereinafter approved by the Planning Board. The Town Building Inspector is empowered to approve minor modifications to approved subdivision maps and site plans.
- C. On corner lots the frontage with the primary entry door shall be considered the front yard. The yard opposite the front yard shall be considered the rear yard. Other yards shall be considered side yards.
- D. One automobile parking space shall be required for each residential unit. The Planning Board may require additional overflow parking to service residential areas. One automobile parking space shall be required for each 350 square feet of nonresidential building area. The Planning Board may require additional parking to be designed as part of the site plan review process to be constructed on an as-needed basis.
- E. The following lot and area requirements shall apply to individual lots for one-family and two-family homes:
 - (1) The minimum lot width shall be 50 feet; the minimum lot depth shall be 120 feet; the minimum lot area shall be 6,000 square feet.
 - (2) The minimum front yard setback shall be 30 feet; the minimum side yard setback shall be 15 feet; provided, however, that one side yard may be designed in a zero lot line configuration; the minimum rear yard setback shall be 30 feet.
- F. The following lot and area requirements shall apply to lots with multiple one-family or two-family homes, or lots with row houses:
 - (1) The minimum distance between the 50' assumed road R.O.W and the homes shall be 30', except for any porches or decks to be not closer than 25' from the R.O.W.
 - (2) The minimum distance between building side walls shall be 30', except for porches or decks that may extend from each building, provided that the clear separation between buildings and decks are not less than 20'.
 - (3) The minimum distance between side to rear walls or rear to rear walls shall be 50', except for porches or decks that may extend from each building, provided that the clear separation between buildings and decks are not less than 40'.

§ 250-172. Maintenance of portion of property under single ownership.

Common elements, including but not limited to recreation areas, open space areas, drainage basins, parking lots, and community facilities, shall be owned by, and the responsibility of, one or more homeowners' association or condominium owners' association.

§ 250-173. Interior roads; utility services; approvals; connection to sewer system.

- A. Interior roads shall be designed and constructed in accordance with the requirements of the Town of Thompson's road specifications under the observation of the Town Engineer. Fees and charges incurred by the Town for consultation, field review and approvals and road dedication shall be paid by the developer. Road and drainage systems are subject to the inspection and inspection approval of the Town Highway Superintendent.
- B. All utility services shall be installed under the observation of the Town Engineer and shall be underground and below frost level, including water and sewer distribution lines, electric service and television cable service.
- C. Drainage of surface water shall be designed and constructed in accordance with a filed stormwater pollution prevention plan.
- D. Necessary non-Town governmental approvals must be obtained prior to construction or issuance of a certificate of occupancy as required by law.
- E. The entire development must be connected to the Village of Monticello Sewage Treatment Plant and to an existing or hereinafter approved public water system pursuant to Department of Environmental Conservation (DEC) and New York State Department of Health regulations in accordance with the plans accepted by the Town Engineer and under the Town Engineer's observation with respect to design and installation.

§ 250-174. Time for development.

The Planning Board may approve a phasing plan for the PUD, but nothing shall prohibit the PUD from being developed as one phase at the option of the developer. Construction shall commence within three (3) years of the adoption of the PUD or the final approval of the site plan by the Planning Board whichever is later. If the PUD is developed in phases, then Phase 1 shall be completed within five years of initial commencement of the PUD's construction; Phase 2 shall be completed within 7 years of initial commencement of the PUD's construction; and Phase 3 shall be completed within 10 ears of initial commencement of the PUD's construction. If the PUD is not to be developed as one phase, then the phasing plan shall delineate in which phase or phases the commercial development and recreational facilities shall be constructed, but such phasing plan shall provide, at minimum, that some of the commercial uses and recreational facilities shall be constructed in Phase 1.

§ 250-175. Homeowners' and condominium owners' associations.

The prospectus for any homeowners' association or condominium owners' associations shall be reviewed by the Town Attorney prior to presentation to the Attorney General of the State of New York.

§ 250-176. Applicability of other provisions.

Unless otherwise specifically provided, and to the extent that they are not inconsistent with this Part 8, all provisions of the Municipal Code of the Town of Thompson shall apply to this Planned Unit Development District.

§ 250-177. Authorization to change Zoning Map.

The Town Clerk is hereby authorized and directed to change the Official Zoning Map of the Town of Thompson by designating thereon the Planned Unit Development District hereby established.

#8
(A-E)

Board Approval

Zumba – Starting May 2nd through Sept 28th

44 Classes @ 40.00 = \$1,760.00 + 1 Kids Class - \$40.00 = \$1,800.00

Litter Pluck – April 29th – Thompson Road – 9-12pm

Flag Football – Starting May 6th – thru May 27th - (Month to Month)

\$75.00 a Saturday - \$300.00 for May

Swim Lesson Registration – April ^{27th} 25th (9AM - 1PM + 2PM - 6PM)
at Town Hall

Easter Egg
Hunt Event
Lake Ida Park
04/01/2023

#9
A

One New Gradall Limb Lopper Assembly

Price for **One Gradall Limb Lopper Assembly**: \$ 21,900.00 drop shipped
part# 80655022 to the town

Alta Const. Equip. NY LLC

Company Name

315-729-0747

Telephone

Anne Jackson

Contact Person(s)

5985 Court St Rd.

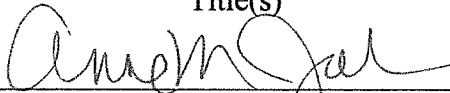
Address

Municipal sales Manager

Title(s)

Syracuse, NY 13206

City, State, Zip



Signature

2/23/23

Date

*****Do not write below this line*****

ACCEPTED [] Date: _____

REJECTED []

Comments:

Signature

#10
A

Marilee Calhoun (Town of Thompson)

From: William J. Rieber, Jr. <supervisor@townofthompson.com>
Sent: Thursday, March 16, 2023 11:01 AM
To: John Pavese; melinda schock Scott Mace
Cc: Marilee Calhoun; Mike Messenger
Subject: FW: Vac-Con
Attachments: #18 PIC 3.jpg; Single-Engine-Brochure-2021.pdf; Quote for Vac Con.pdf; 20170323_104742.jpg

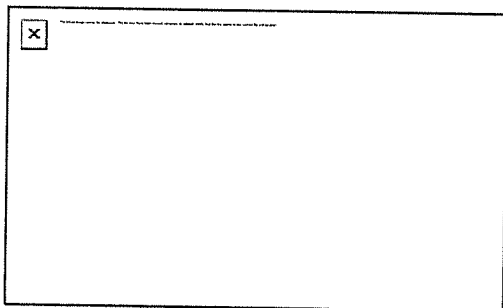
Good morning all:

Please take a look at the attached quote and brochure. I asked Mike to pull a quote for a Vac truck for sewer. There are many advantages to owning this vehicle. First of all we avoid bringing Tamm in for their Vac truck. It also make the process of cleaning pipes and manholes much faster, safer and efficient. Additionally it will be very useful for the Mr. Manhole projects and for hydraulic excavating in tight situations where utilities are close together in trenches.

The photo shown is for the larger version of what is actually quoted. A 5 yard tank is sufficient for our needs. My suggestion is that we allocate ARPA funds to cover this purchase. The quote is for a little south of \$550,000.

I will have it on the agenda for discussion and if the board is in line we can do a resolution to order the vehicle. There is probably a long lead time for delivery.

Bill



William J. Rieber, Jr.
Supervisor
Town of Thompson
845-794-2500 Ext. 306
845-794-8600 – Fax
Email: supervisor@townofthompson.com
Town of Thompson is an equal opportunity provider and employer.



From: Michael Messenger <mmessenger@townofthompson.com>
Sent: Tuesday, March 14, 2023 7:32 AM
To: William J. Rieber, Jr. <supervisor@townofthompson.com>
Subject: Re: Vac-Con

The picture is a 9 yard truck. We are looking to purchase a 5 yard truck.

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

mmessenger@townofthompson.com

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On Mon, Mar 13, 2023 at 4:36 PM Michael <michael@michaelmednick.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: "William J. Rieber, Jr." <supervisor@townofthompson.com>
Date: March 13, 2023 at 4:32:52 PM EDT
To: Michael Mednick <michael@michaelmednick.com>
Subject: FW: Vac-Con

Can you send me a link to photos of this truck or something close to it?

William J. Rieber, Jr.

Supervisor

Town of Thompson

845-794-2500 Ext. 306

845-794-8600 – Fax

Email: supervisor@townofthompson.com

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From: Michael Messenger <mmessenger@townofthompson.com>

Sent: Wednesday, March 8, 2023 3:00 PM

To: William J. Rieber, Jr. <supervisor@townofthompson.com>

Subject: Fwd: Vac-Con

Hello,

Attached is a quote for a Vac-Con truck. It can be purchased through Sourcewell.

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

mmessenger@townofthompson.com

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

From: **Brett Gerard** <BrettGerard@peirceeagle.com>

Date: Wed, Mar 8, 2023 at 12:26 PM

Subject: Vac-Con

To: mmessenger@townofthompson.com <mmessenger@townofthompson.com>

Mike,

Revised quote attached reflecting the antifreeze system.

Thank you and good luck!

Brett Gerard

Vac-Con Services, Inc. dba Peirce Eagle Equipment Co.

Phone: 908-203-0999

Fax: 908-203-5211

Email: brettgerard@peirceeagle.com

Website: www.peirceeagle.com



ESTABLISHED IN 1961
PEIRCE-EAGLE EQUIPMENT CO.
ESTABLISHED IN THE CLEANING & HOV INSPECTION EQUIPMENT
 WWW.PEIRCEEAGLE.COM



Peirce Equipment Company
 3388 Route 22 West
 Branchburg, NJ 08876

Date 1/17/2023
 Number 107385
 Type of Quote Single
 PO
 Attn Mr. Mike Messenger

Quote

Retail Purchaser Town of Thompson, NY Ship ToPEEC

Comments

Option content is subject to engineering approval.

Model Number - V PD3650HN/1000 (824 at 18") L H A

Standard Equipment Includes:

- Vacuum System (as specified by Model Number)
- Vacuum Drive: Hydrostatic via transfer case
- 1/4" Corten Steel Debris Tank - (size as specified by model number)
- Full opening rear door
- Hydraulic rear door locks, with door grabber with safety latch
- 5" Butterfly valve with 10' layflat hose
- Debris tank Dumping: minimum 50 deg., hydraulic scissors lift - power up/power down
- Cross-linked polyethylene water tank
- Automatic Vacuum Breaker and overfill protection
- 8" vacuum intake hose
- Boom travel tie down
- 4 Way hydraulic boom with 270 deg. Rotation and joystick controls
- Front mounted 600' capacity (1" hose)/hydraulic fixed hose reel
- FMC Water Pump is Standard on Single Engine Unit: 60 gpm/2000 psi system
- Water pump drive: Hydrostatic drive
- 400' high pressure jet rodder hose (1" or 3/4")
- Manual hose rewind guide
- Hose guide (Tiger Tail)
- 30" leader hose
- 20 gpm at 750 psi wash down hand gun with 25' of hose and nozzle
- Sealed and locking steel tool box(es) (as indicated by model number)
- 1) each sanitary and penetrator nozzles
- 20.5' aluminum intake pipe(1-3', 1-5', 1-6', and 1-6.5' nozzle)
- ICC lighting
- PPG Ambershield zinc primed, PPG Delfleet single stage polyurethane paint, and PPG Ambershield textured black paint
- 12 month standard warranty - see certificate for details
- 5# Fire Extinguisher
- Set of Triangles

Main Information

Model	PD3650HN/1000 (824 at 18")
Blower	Hydrostatic Drive
Boom	10' Aluminum Telescoping Boom with Pendant Control Station
Hose Reel	Front Mounted, Articulating to Drivers Side, 600 foot (1 inch) Capacity (Std Pivot)
Jet Rodder Hose	600' x 3/4" Jet Rodder Hose
Water System	50/3000, GIANT LIMITED AVAILABILITY, WILL AFFECT DELIVERY
Water Pump	0
Auxiliary Engine	0
Hose Brand	

Other Items

Qty Description

- 1 Above Cab Boom Support W/Clamp down plate
- 1 Debris Body "Power Flush" System, 8 jets
- 1 6" Knife Valve with Center Post and Handle, in Lieu of the 5" Butterfly Valve (662-0125)
- 1 A Flat Style Rear Door ilo Dome Style Door Including Hydraulic Opener will be Provided
- 1 Rear Splash Shield - Rear Flange Mounted
- 1 Air Purge System
- 1 1/4 turn ball valve water drain (cannot choose both 2-1/2" gate valve and 1/4 turn ball valve, only choose one)
- 1 Lazy Susan Pipe Rack (Holds 5 Pipes)
- 1 Aluminum Storage Box 16" X 42" X 96"(Upgrade) Behind Cab in lieu of Standard Steel
- 2 35" x 14" x 24" Aluminum Side Mounted Tool Box, ea (ilo steel)
- 1 Dry Decking - behind cab storage box (96")
- 1 LED 4 Strobes - (2) front bumper / (2) rear bumper - Whelen 50A03ZCR - Amber
- 1 LED Arrow stick - Whelen TAM85 Traffic Advisor
- 1 Low Water Alarm with Light
- 1 50' Capacity Retractable Hand Gun Hose Reel
- 1 Hose Footage Counter (Curb Side)
- 1 Remote Debris Tank Grease Assembly (Ground Level)
- 1 3/4" Nozzle rack
- 1 3/4" x 10' Length Leader Hose
- 1 Paint: To be advised
- 1 1" Bulldog with skid 400.060BS
- 1 Paper Vac-Con Manual - No longer standard
- 1 Built in Body Prop - Rear Support Frame Mounted
- 1 Anti-Freeze System
- 1 LED Boom Mounted Flood Lights with Limb Guard - Whelen NP6BB Worklight
- 1 Traffic Camera With Color Monitor - MUST PICK CAMERA PLACEMENT
- 1 Rear Camera Placement
- 1 Midbody LED Strobes - Frame Mounted - Whelen 50A03ZCR - Amber
- 1 Cone Storage Rack - MUST SELECT PLACEMENT BELOW
- 1 Cone Storage Rack Placement - Best Location - Vac-Con to select
- 1 Screen assembly over drain port in debris tank
- 1 Debris tank drain screen placement - Standard drain valve
- 1 Winter Recirculating System for Rodder Hose -FEPTO and AUX-driven water pumps

- Hydroexcavation Package Includes: 50 foot handgun hose reel with 1/2" hose, 72" 1/2" schedule 80 lance with single forward spray nozzle, Storage tubes for lances, Heavy duty unloader valve, Main control ball valve, Variable flow valve

Truck Chassis Information

Pool Truck Chassis Model California CARB Only Freightliner 114SD 4x2 43000GVWR ISL370 3000RDS Pool
Trucks are subject to availability.

Qty	Description
1	Block Heater

Customer Supplied Chassis

Make
 Model
 Engine Make and Model
 Engine HP and RPM
 Transmission Make and Model
 CA/CT Measurement
 Est Date of Arrival at Vac-Con 1/1/1900
 Dealership Providing Chassis/Phone/Contact

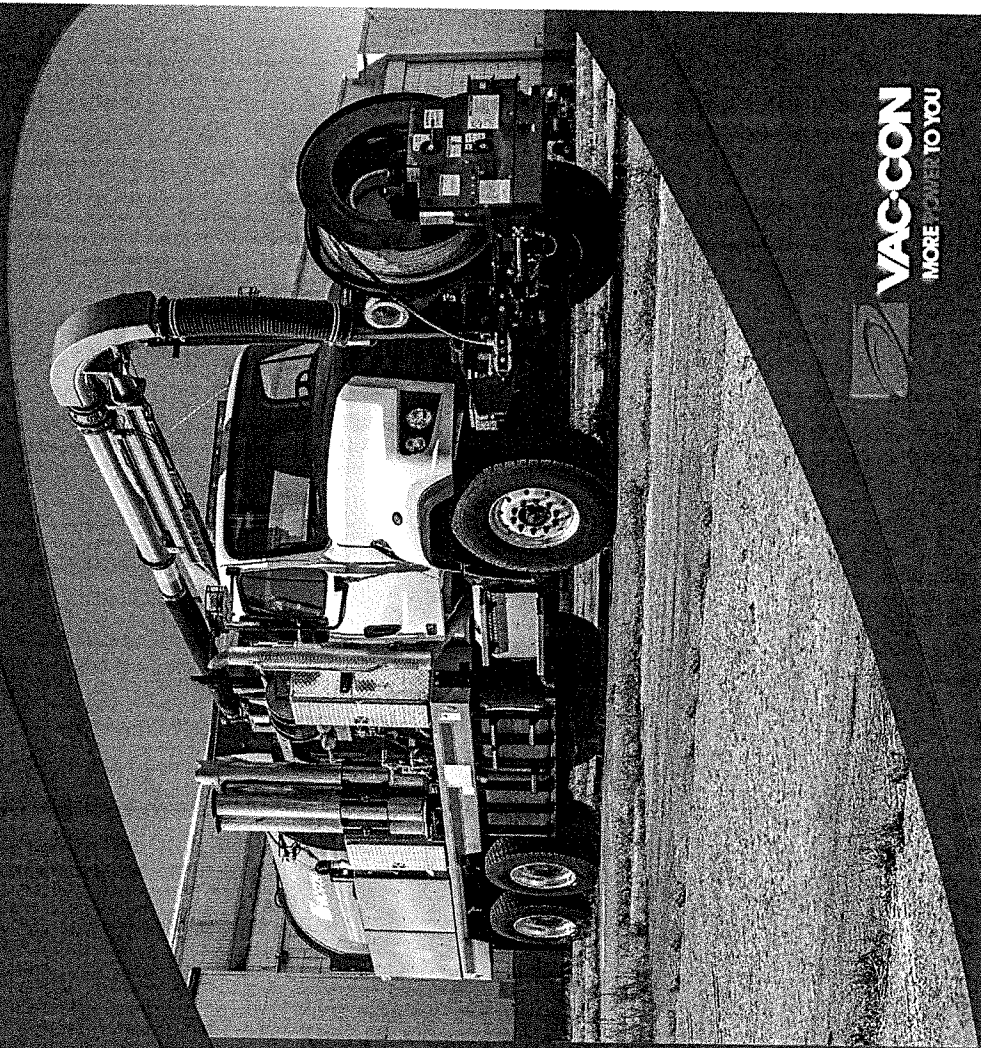
Machine Total \$564,662.00
 Delivery \$3,995.00
 Sourcewell Discount(\$32,500.00)
 Total \$536,157.00

Offered by: BG

Accepted by: _____



**EFFORTLESSLY EFFICIENT,
UNDENIABLY DURABLE.
SINGLE ENGINE COMBINATION MACHINE**



VAC-CON
MORE POWER TO YOU

749 Hill Park Road | Great Cove Springs, FL 32066 | USA
Phone: (904) 284-4200 | Fax: (904) 284-3305
www.vac-con.com | info@vac-con.com

A subsidiary of Holden Industries, Inc., Vac-Con is a 100% employee-owned company
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VAC-CON
MORE POWER TO YOU

GET THE JOB DONE WITH ONE OF THE INDUSTRY'S MOST SOUGHT AFTER MACHINES.

*SOME COMPONENTS SHOWN ARE NON-STANDARD.

AS SHOWN

- 1. 180° Articulating Hose Reel, 600 ft. x 1 in.
- 2. Omnibus™ Precision Power
- 3. Automatic Level Wind Guide
- 4. Cross-Linked Polyethylene Water Tanks
- 5. Lazy Susan Pipe Rack
- 6. Debris Body Dump Station
- 7. Hydro-Excavation Package
- 8. 50 ft. Retractable Low Pressure Handgun Hose Reel
- 9. Aluminum Tool Boxes

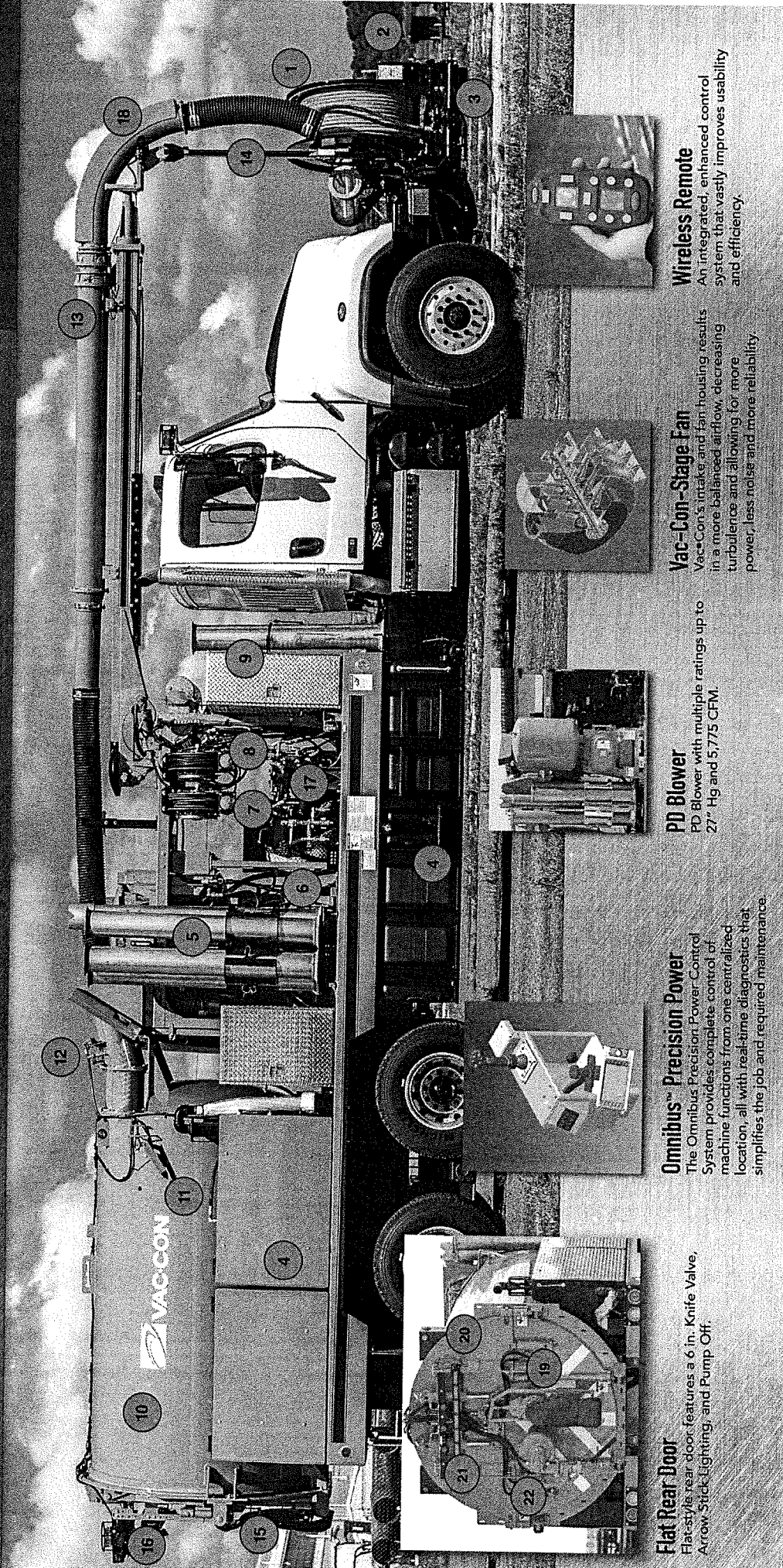
- 10. Corten® Steel Debris Tank
- 11. External Load Level Indicator
- 12. Positive Seal Vacuum Breaker
- 13. 10 ft. Telescopic Boom
- 14. Hinged Boom Tie Down
- 15. Rear Door with Hydraulic Door Locks
- 16. Strobe Lighting & Arrow Board
- 17. Water Pump with Suction Strainer
- 18. Wear Back Boom Elbow

- 19. 6 in. Knife Valve
- 20. Hydraulic Opening Rear Door with Wedge-Style Locks
- 21. Arrow Stick Lighting
- 22. Hydraulic Pump Off

OPTIONS

- A. Omnibus™ Precision Power
- B. PD Blower
- C. Wireless Remote
- D. Mainframe Deck Coating
- E. Hydro-Excavation Package
- F. Safety Light Packages
- G. 3yd to 16yd Debris Tank
- H. 500 to 1500 gal. Water Capacity
- I. Hi-Dump

Consult Factory/Dealer for Additional Options



Flat Rear-Door

Flat-style rear door features a 6 in. Knife Valve, Arrow Stick Lighting, and Pump Off.

Omnibus™ Precision Power

The Omnibus Precision Power Control System provides complete control of machine functions from one centralized location, all with real-time diagnostics that simplifies the job and required maintenance.

PD Blower

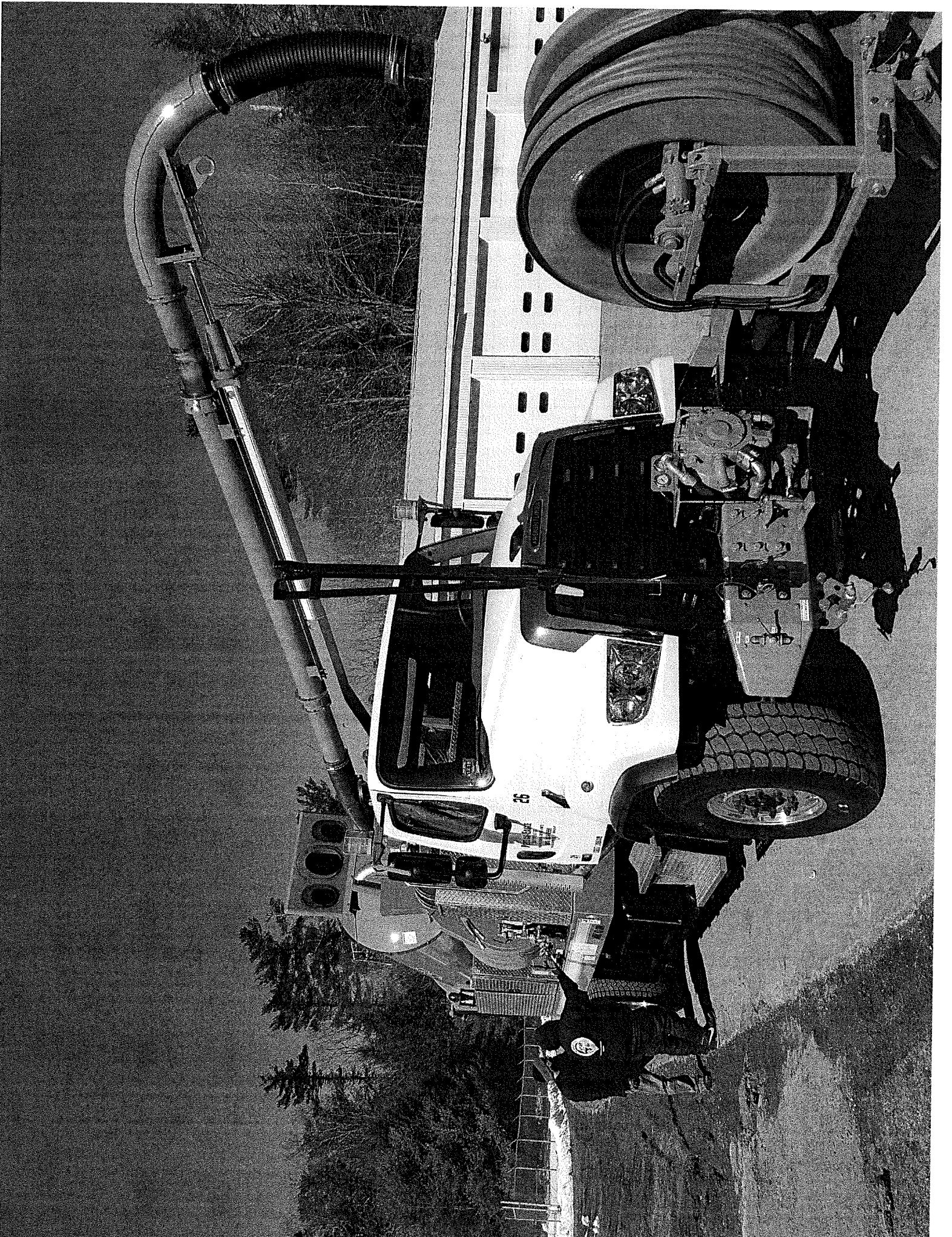
PD Blower with multiple ratings up to 27" Hg and 5,775 CFM.

Vac-Con-Stage Fan

Vac-Con's intake and fan housing results in a more balanced airflow, decreasing turbulence and allowing for more power, less noise and more reliability.

Wireless Remote

An integrated, enhanced control system that vastly improves usability and efficiency.



#10
B

Marilee Calhoun (Town of Thompson)

From: Michael Messenger <mmessenger@townofthompson.com>
Sent: Wednesday, March 8, 2023 3:06 PM
To: Marilee Calhoun
Cc: Melissa DeMarmels; William J. Rieber, Jr.
Subject: Fwd: Town of Thompson NY RE: Jet Tech - Knee Brace Assembly Quote 2023-589489
Attachments: 2023-589489 KNEE BRACES - TOWN OF THOMPSON.pdf

Hello,

Can you add this to the next agenda for Review and Approval? It is for the decant arms in Emerald Green. One broke and, upon inspection, the other is worn badly. Each arm consists of 2 upper knee braces and 2 lower knee braces.

Thank you,

Michael Messenger

Superintendent

Town of Thompson Water & Sewer Dept.

(845) 794-5280 Ext. 104

mmessenger@townofthompson.com

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eVOQUA

WATER TECHNOLOGIES

Quote Number: 2023-589489

Account ID: 0001003766

Proposal For: TOWN OF THOMPSON
Keith Rieber
128 ROCK RIDGE DR
MONTICELLO, NY 12701-3752
Phone: 845-794-5280
keithrieber@townofthompson.com

Travis Reuland
Evoqua Water Technologies
N19W23993 Ridgeview Pkwy, Suite 200
Waukesha, WI 53188
Phone: 262-521-8290
travis.reuland@evoqua.com

Item Pricing Summary

Item	Part No Description	Qty	Net Price	Ext. Price
1	FM44-00018-0700 LOWER KNEE BRACE	4 EA	\$2,761.12	\$11,044.48
2	FM44-00017-0700 UPPER KNEE BRACE	4 EA	\$2,761.12	\$11,044.48

Item(s) Subtotal: **\$22,088.96**
Shipping and Handling Charges: **\$788.00**
Total Net Price: \$22,876.96

Proposal Notes

LEAD TIME: 8-10 WEEKS

Material Escalation

Due to volatility in steel costs, prices quoted in this proposal will be adjusted to reflect changes in the Metal and Metal Products Index (MMPI) published by the U.S. Department of Labor, Bureau of Labor Statistics. The most recent published MMPI is 308.68 for November 2022. If the MMPI exceeds 317.94 at the time the Equipment is released for manufacture, then the price will be increased by the same percentage as the MMPI exceeds 317.94.

Further Evoqua's price does not account for increased costs, delays and inefficiencies associated with current regulations and guidelines concerning COVID-19. Should these, or any additional, restrictions be implemented by any governing body, the CDC, or the customer or user of the Equipment to address COVID-19, Evoqua reserves the right to request a change order to the extent its costs or time for performance are increased by additional restrictions

Please provide tax exempt certificate with purchase order.

Our Manufacturer Rep in your area is:

Representative: Gregg Palmer
Company: Koester Associates, Inc.
List Address: 3101 Seneca Turnpike
Canastota, NY, 13032
Phone: (315) 397-0698
Email: greggp@koesterassociates.com

Payment Terms and Delivery

PO Terms

Purchaser acknowledges that Seller is required to comply with applicable export laws and regulations relating to the sale, exportation, transfer, assignment, disposal and usage of the goods and/or services provided under the Contract, including any export license requirements. Purchaser agrees that such goods and/or services shall not at any time directly or indirectly be used, exported, sold, transferred, assigned or otherwise disposed of in a manner which will result in non-compliance with such applicable export laws and regulations. It shall be a condition of the continuing performance by Seller of its obligations hereunder that compliance with such export laws and regulations be maintained at all times. PURCHASER AGREES TO INDEMNIFY AND HOLD SELLER HARMLESS FROM ANY AND ALL COSTS, LIABILITIES, PENALTIES, SANCTIONS AND FINES RELATED TO NON-COMPLIANCE WITH APPLICABLE EXPORT LAWS AND REGULATIONS.

Shipping Information

- Prepaid and Add: Shipping and Handling Charge

Terms

- This quote is valid until 05-26-2023
- Payment terms are N30 - Net 30 days with proper credit, and are subject to the attached Evoqua Water Technologies Terms and Conditions

Sales Tax & GST:

- The pricing provided in this proposal does not include applicable Sales Tax or GST.
- If your company is exempt from Sales Tax or GST, or eligible for a reduced rate of tax, a tax exemption certificate must be provided no later than with your purchase order.
- If a timely, valid exemption certificate or other documentation is not provided, any applicable Sales Tax or GST will be invoiced and payable.
- New customers may be required to supply a signed credit application to be approved for credit terms.
- NOTE: You may be assessed a 3% fee if paying via Credit Card. Find more info on our website here > <https://www.evoqua.com/en/about-us/terms-conditions-sale-products-services/credit-card-fee-faqs/>. Ask us how to avoid paying fees by migrating to ACH CTX payment type.
- We require hard documentation of your ordering for Evoqua to process your order. For your convenience, we can start processing your order by signing and returning:
 - Fax to:
 - or Email to: travis.reuland@evoqua.com
- You may also mail to:
 - Evoqua Water Technologies
 - N19W23993 Ridgeview Pkwy, Suite 200
 - Waukesha, WI 53188



Evoqua Water Technologies Banking Details

ACH - CTX

Evoqua's preferred payment method is via ACH - CTX:

JP Morgan Chase Bank
Attn: Evoqua Water Technologies, LLC
Account #: 603148011
Swift Code: CHASUS33
ACH Routing / ABA: **044000037**
Wire Routing / ABA: **021000021**
Remittance details should go to: electronicfunds@evoqua.com

Paper checks via Postal Service

Paper checks via Postal Service:

Send to our Lockbox, address is:
Evoqua Water Technologies LLC
28563 Network Place
Chicago, IL 60673-1285

Paper checks via Overnight / Courier

Paper checks via Overnight / Courier:

JP Morgan Chase Bank
Attn: Evoqua Water Technologies Lockbox 28563
131 S Dearborn, 6th Floor
Chicago, IL 60603
Remittance details should go to: electronicfunds@evoqua.com

**** If ever instructed to change banking information, contact us immediately at 1-800-466-7873 ****



Standard Terms of Sale

1. **Applicable Terms.** These terms govern the purchase and sale of equipment, products, related services, leased products, and media goods if any (collectively herein "Work"), referred to in Seller's proposal ("Seller's Documentation"). Whether these terms are included in an offer or an acceptance by Seller, such offer or acceptance is expressly conditioned on Buyer's assent to these terms. Seller rejects all additional or different terms in any of Buyer's forms or documents.
2. **Payment.** Buyer shall pay Seller the full purchase price as set forth in Seller's Documentation. Unless Seller's Documentation specifically provides otherwise, freight, storage, insurance and all taxes, levies, duties, tariffs, permits or license fees or other governmental charges relating to the Work or any incremental increases thereto shall be paid by Buyer. If Seller is required to pay any such charges, Buyer shall immediately reimburse Seller. If Buyer claims a tax or other exemption or direct payment permit, it shall provide Seller with a valid exemption certificate or permit and indemnify, defend and hold Seller harmless from any taxes, costs and penalties arising out of same. All payments are due within N30 - Net 30 days after receipt of invoice. Buyer shall pay interest on all late payments not received by the due date. The Buyer shall be charged the lesser rate of 1 ½% interest per month or the maximum interest rate permissible under applicable law, calculated daily and compounded monthly. Buyer shall also reimburse Seller for all costs incurred in collecting amounts due but unpaid, including without limitation, collections fees and attorneys' fees. All orders are subject to credit approval by Seller. Back charges without Seller's prior written approval shall not be accepted.
3. **Delivery.** Delivery of the Work shall be in material compliance with the schedule in Seller's Documentation. Unless Seller's Documentation provides otherwise, delivery terms are FOB Shipping Point, or for international orders, ExWorks Seller's factory (INCO™ Terms 2020). Title to all Work shall pass upon receipt of payment for the Work under the respective invoice. Unless otherwise agreed to in writing by Seller, shipping dates are approximate only and Seller shall not be liable for any loss or expense (consequential or otherwise) incurred by Buyer or Buyer's customer if Seller fails to meet the specified delivery schedule.
4. **Ownership of Materials and Licenses.** All devices, designs (including drawings, plans and specifications), estimates, prices, notes, electronic data, software, and other information prepared or disclosed by Seller, and all related intellectual property rights, shall remain Seller's property. Seller grants Buyer a non-exclusive, non-transferable license to use any written material solely for Buyer's use of the Work. Buyer shall not disclose any such material to third parties without Seller's prior written consent. Buyer grants Seller a non-exclusive, non-transferable license to use Buyer's name and logo for marketing purposes, including but not limited to, press releases, marketing and promotional materials, and web site content.
5. **Changes.** Neither party shall implement any changes in the scope of Work described in Seller's Documentation without a mutually agreed upon change order. Any change to the scope of the Work, delivery schedule for the Work, any Force Majeure Event, any law, rule, regulation, order, code, standard or requirement which requires any change hereunder shall entitle Seller to an equitable adjustment in the price and time of performance. If Buyer requests a proposal for a change in the Work from Seller and subsequently elects not to proceed with the change, a change order shall be issued to reimburse Seller for reasonable costs incurred for estimating services, design services, and services involved in the preparation of proposed changes.
6. **Force Majeure Event.** Neither Buyer nor Seller shall have any liability for any breach or delay (except for breach of payment obligations) caused by a Force Majeure Event. If a Force Majeure Event exceeds six (6) months in duration, the Seller shall have the right to terminate the Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment, including overhead and profit, for work performed prior to the date of termination. "Force Majeure Event" shall mean events or circumstances that are beyond the affected party's control and could not reasonably have been easily avoided or overcome by the affected party and are not substantially attributable to the other party. Force Majeure Event may include, but is not limited to, the following circumstances or events: war, act of foreign enemies, terrorism, riot, strike, or lockout by persons other than by Seller or its sub-suppliers, natural catastrophes, (with respect to on-site work) unusual weather conditions, epidemic, pandemic, communicable disease outbreak, quarantines, national emergency, or state or local order.
7. **Warranty.** Subject to the following sentence, Seller warrants to Buyer that the (i) Work shall materially conform to the description in Seller's Documentation and shall be free from defects in material and workmanship and (ii) the Services shall be performed in a timely and workmanlike manner. Determination of suitability of treated water for any use by Buyer shall be the sole and exclusive responsibility of Buyer, and Seller disclaims any warranty regarding such suitability. The foregoing warranty shall not apply to any Work that is specified or otherwise demanded by Buyer and is not manufactured or selected by Seller, as to which (i) Seller hereby assigns to Buyer, to the extent assignable, any warranties made to Seller and (ii) Seller shall have no other liability to Buyer under warranty, tort or any other legal theory. The Seller warrants the Work, or any components thereof, through the earlier of (i) eighteen (18) months from delivery of the Work, or (ii) twelve (12) months from Buyer's initial operation of the Work, or in the case of services performed as part of the Work, ninety (90) days from the performance of the services (the "Warranty Period"). If Buyer gives Seller prompt written notice of breach of this warranty within the Warranty Period, Seller shall, at its sole option and as Buyer's sole and exclusive remedy, repair or replace the subject parts, re-perform the Service or refund the purchase price. Unless otherwise agreed to in writing by Seller, (i) Buyer shall be responsible for any labor required to gain access to the Work so that Seller can assess the available remedies and (ii) Buyer shall be responsible for all costs of installation of repaired or replaced Work. If Seller determines that any claimed breach is not, in fact, covered by this warranty, Buyer shall pay Seller its then customary charges for any repair or replacement made by Seller. Seller's warranty is conditioned on Buyer's (i) operating and maintaining the Work in accordance with Seller's instructions, (ii) not making any unauthorized repairs or alterations, and (iii) not being in default of any payment obligation to Seller. Seller's warranty does not cover (i) damage caused by chemical action or abrasive material, improper thermal or electrical capacity, misuse or improper installation (unless installed by Seller) and (ii) media goods (such as, but not limited to, resin, membranes, or granular activated carbon media) once media goods are installed. THE WARRANTIES SET FORTH IN THIS SECTION ARE THE SELLER'S SOLE AND EXCLUSIVE WARRANTIES AND ARE SUBJECT TO THE LIMITATION OF LIABILITY PROVISION BELOW. SELLER MAKES NO OTHER WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PURPOSE.
8. **Indemnity.** Seller shall indemnify, defend, and hold Buyer harmless from any claim, cause of action, or liability incurred by Buyer as a result of third-party claims for personal injury, death, or damage to tangible property, to the extent caused by Seller's negligence. Seller shall have the sole authority to direct the defense of and settle any indemnified claim. Seller's indemnification is conditioned on Buyer (i) promptly notifying Seller of any

claim, and (ii) providing reasonable cooperation in the defense of any claim. Buyer shall indemnify, defend, and hold harmless Seller from any claim, cause of action, or liability incurred by Seller as a result of third-party claims for personal injury, death, or damage to tangible property, to the extent caused by Buyer's negligence. Buyer shall have the sole authority to direct the defense of and settle any such indemnified claim. Buyer's indemnification is conditioned on Seller (i) promptly notifying Buyer of any claim, and (ii) providing reasonable cooperation in the defense of any claim.

9. **Assignment.** Neither party may assign this Agreement, in whole or in part, nor any rights or obligations hereunder without the prior written consent of the other party; provided, however, the Seller may assign its rights and obligations under these terms to its affiliates or in connection with the sale or transfer of the Seller's business, and Seller may grant a security interest in the Agreement and/or assign proceeds of the agreement without Buyer's consent.

10. **Termination.** Either party may, in addition to any other available remedy, terminate this agreement for a material breach upon issuance of a written notice of the breach and expiration of a thirty (30) day cure period. In the event of (i) a voluntary or involuntary petition in bankruptcy, (ii) an assignment for the benefit of a creditor, or (iii) a receivership, liquidation, or dissolution, Seller may terminate the agreement immediately, in addition to seeking any other available remedy. If Buyer suspends an order without a change order for ninety (90) or more days, Seller may thereafter terminate this Agreement without liability, upon fifteen (15) days written notice to Buyer, and shall be entitled to payment for work performed, whether delivered or undelivered, prior to the date of termination.

11. **Dispute Resolution.** In the event of any claim, dispute, or controversy arising out of or relating in any way to this Agreement (collectively, a "Claim"), Seller and Buyer shall first negotiate in good faith in an effort to resolve the Claim. If, despite good faith efforts, the parties are unable to resolve a Claim through negotiations, the parties shall mediate the Claim in accordance with the commercial mediation procedures of the American Arbitration Association ("AAA"), with such mediation to take place in Pittsburgh, Pennsylvania. If the parties are unable to resolve the Claim through such mediation, then the Claim shall be resolved through final and binding arbitration pursuant to the commercial arbitration procedures of the AAA, with such arbitration to take place in Pittsburgh, Pennsylvania before one arbitrator, who shall have authority to rule on jurisdiction over the Claim. Seller and Buyer agree to the exclusive jurisdiction of the federal and state courts situated in Allegheny County, Pennsylvania for purposes of entering judgment upon the arbitrator's award. The substantially prevailing party, as determined by the arbitrator, shall be entitled to recover all costs, expenses, and charges, including, without limitation, reasonable attorneys' fees and expert witness fees, incurred in connection with the Claim. In case of an Agreement under which Seller ships the Work outside of the United States, or under which Seller's and Buyer's places of business are in different countries, any Claim which is not resolved by the good faith negotiations and mediation required by this Section shall then be determined by arbitration administered by the International Center for Dispute Resolution in accordance with its International Arbitration Rules, with such arbitration taking place in Pittsburgh, Pennsylvania, USA, before one arbitrator, with English as the language of the arbitration. This Agreement and any Claim shall be governed by the laws of the Commonwealth of Pennsylvania, without giving effect to the choice of law principles thereof.

12. **Export Compliance.** All items, and technologies, software, and work products are controlled by the U.S. Government and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. government or as otherwise authorized by U.S. law and regulations. Any diversion contrary to U.S. law is prohibited. Buyer acknowledges that Seller is required to comply with applicable export laws and regulations relating to the sale, exportation, transfer, assignment, disposal, and usage of the Work provided under this Agreement, including any export license requirements. Buyer agrees that such Work shall not at any time directly or indirectly be used, exported, sold, transferred, assigned, or otherwise disposed of in a manner which will result in non-compliance with such applicable export laws and regulations. It shall be a condition of the continuing performance by Seller of its obligations hereunder that compliance with such export laws and regulations be maintained at all times. BUYER AGREES TO INDEMNIFY AND HOLD SELLER HARMLESS FROM ANY AND ALL COSTS, LIABILITIES, PENALTIES, SANCTIONS AND FINES RELATED TO NON-COMPLIANCE WITH APPLICABLE EXPORT LAWS AND REGULATIONS.

13. **Anti-Kickback Statute - Discounts.** It is the intent of both Buyer and Seller to comply with the Anti-Kickback Statute (42 U.S.C. §1320a-7b(b)) and the Discount Safe Harbor and Warranties Safe Harbor regulations set forth in 42 C.F.R. 1001.952(h) and (g), respectively. Buyer's price may constitute a 'discount or other reduction in price' under the Anti-Kickback Statute. Seller shall provide Buyer with invoices that fully and accurately disclose the discounted price of all Products purchased under this Agreement to allow Buyer to comply with this Section and the Discount Safe Harbor regulations, including sufficient information to enable it to accurately report its actual cost for all purchases of Products. Buyer acknowledges that, if applicable, it will fully and accurately report all discounts or other price reductions, including warranty items, in the costs claimed or charges made under any Federal or State healthcare program and provide information upon request to third party reimbursement programs, including Medicare and Medicaid. Buyer will be solely responsible for determining whether any savings or discount or warranty item it receives must be reported or passed on to payors.

14. **Federal Program Participation.** Seller represents and warrants that neither it nor any of its current directors, officers, or key personnel: (i) are currently excluded, debarred or otherwise ineligible to participate in federal health care programs as defined in 42 U.S.C. §1320a-7b(f) (the "Federal Healthcare Programs"); (ii) have been convicted of a criminal offense related to the provision of healthcare items or services during the last five (5) years; or (iii) have been excluded, debarred or otherwise declared ineligible to participate during the last five (5) years in Federal Healthcare Programs. Seller will notify Buyer of any change in the status of the representations and warranties set forth above.

15. **LIMITATION OF LIABILITY.** NOTWITHSTANDING ANYTHING ELSE TO THE CONTRARY, SELLER SHALL NOT BE LIABLE FOR ANY CONSEQUENTIAL, INCIDENTAL, SPECIAL, PUNITIVE OR OTHER INDIRECT DAMAGES, AND SELLER'S TOTAL LIABILITY ARISING AT ANY TIME FROM THE SALE OR USE OF THE WORK, INCLUDING WITHOUT LIMITATION ANY LIABILITY FOR ALL WARRANTY CLAIMS OR FOR ANY BREACH OR FAILURE TO PERFORM ANY OBLIGATION UNDER THE AGREEMENT, SHALL NOT EXCEED THE PURCHASE PRICE PAID FOR THE WORK. THESE LIMITATIONS APPLY WHETHER THE LIABILITY IS BASED ON CONTRACT, TORT, STRICT LIABILITY OR ANY OTHER THEORY.



16. **Miscellaneous.** These terms, together with any related Contract Documents issued or signed by the Seller, comprise the complete and exclusive statement of the agreement between the parties (the "Agreement") and supersede any terms contained in Buyer's documents, unless separately signed by Seller. No part of the Agreement may be changed or cancelled except by a written document signed by Seller and Buyer. No course of dealing or performance, usage of trade or failure to enforce any term shall be used to modify the Agreement. To the extent the Agreement is considered a subcontract under Buyer's prime contract with an agency of the United States government, in case of Federal Acquisition Regulations (FARs) flow down terms, Seller will be in compliance with Section 44.403 of the FAR relating to commercial items and those additional clauses as specifically listed in 52.244-6, Subcontracts for Commercial Items (OCT 2014). If any of these terms is unenforceable, such term shall be limited only to the extent necessary to make it enforceable, and all other terms shall remain in full force and effect. The Agreement shall be governed by the laws of the Commonwealth of Pennsylvania without regard to its conflict of laws provisions. Both Buyer and Seller reject the applicability of the United Nations Convention on Contracts for the international sales of goods to the relationship between the parties and to all transactions arising from said relationship.

Only in the event that the Work contemplated in this Order is related to the provision of medical devices, the following additional terms apply:

17. **Medical Devices Act and Regulatory Disclaimer.** Buyer acknowledges that it is familiar with the U.S. Safe Medical Devices Act of 1990 (the "Devices Act") and the reporting obligations imposed on device users thereunder. In this regard, Buyer agrees to notify Seller within ten (10) days of the occurrence of any event identified in the Devices Act imposing a reporting obligation on Buyer and/or Seller (except for events representing an imminent hazard that require notification to the United States Food and Drug Administration (the "FDA") within seventy-two (72) hours (or such shorter time as required by law), in which case, such notice will be delivered to the FDA and Seller within said period). Buyer will maintain adequate tracking for the Products to enable Seller to meet the FDA requirements applicable to the tracking of medical devices. Although Seller has the required registrations, approvals, and licenses (e.g., U.S. 510(k) pre-market notifications) for all or substantially all of its systems, the purchase of parts and system components from Seller does not provide 510(k) compliance or compliance under any other law, rule or regulation for Buyer's system.

Only in the event that the Work contemplated in this Order is related to the provision of leased or rented equipment ("Leased Equipment"), the following additional terms apply:

18. **Rental Equipment / Services.** Any Leased Equipment provided by Seller shall at all times be the property of Seller with the exception of certain miscellaneous installation materials purchased by the Buyer, and no right or property interest is transferred to the Buyer, except the right to use any such Leased Equipment as provided herein. Buyer agrees that it shall not pledge, lend, or create a security interest in, part with possession of, or relocate the Leased Equipment. Buyer shall be responsible to maintain the Leased Equipment in good and efficient working order. At the end of the initial term specified in the order, the terms shall automatically renew for the identical period unless canceled in writing by Buyer or Seller not sooner than three (3) months nor later than one (1) month from termination of the initial order or any renewal terms. Upon any renewal, Seller shall have the right to issue notice of increased pricing which shall be effective for any renewed terms unless Buyer objects in writing within fifteen (15) days of issuance of said notice. If Buyer timely cancels service in writing prior to the end of the initial or any renewal term this shall not relieve Buyer of its obligations under the order for the monthly rental service charge which shall continue to be due and owing. Upon the expiration or termination of this Agreement, Buyer shall promptly make any Leased Equipment available to Seller for removal. Buyer hereby agrees that it shall grant Seller access to the Leased Equipment location and shall permit Seller to take possession of and remove the Leased Equipment without resort to legal process and hereby releases Seller from any claim or right of action for trespass or damages caused by reason of such entry and removal.

Accepted by: _____

Print: _____

Date: _____



COUNTY OF SULLIVAN
BUREAU OF FIRE
SULLIVAN COUNTY GOVERNMENT CENTER
100 NORTH STREET
PO BOX 5012
MONTICELLO, NY 12701

For Immediate Release:

March 16, 2023

Burn Ban Now in Effect Statewide

Monticello, NY – With the New York State Burn Ban starting today and running through May 14, Sullivan County Fire Coordinator John Hauschild is emphasizing the fact that open burning isn't just illegal – it's incredibly dangerous.

“The snow cover remains, but vegetation is still dry and easily set aflame by sparks and ash,” he explained. “I’m urging everyone to avoid open burning and the consequences that can come with it: callouts of local fire departments, damage to plants and properties, and injuries – even death.”

According to the NYS Department of Environmental Conservation (DEC), open burning of debris is the single-largest cause of spring wildfires in the State. For details on the burn ban, visit the DEC's website at www.dec.ny.gov/chemical/32060.html.



This was just some of the damage caused by a brush fire in Westbrookville a couple years ago, and local fire departments are bracing for numerous callouts, should residents not heed the current Statewide burn ban.