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Meeting ID: 529 894 4061

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

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

**TUESDAY, MARCH 07, 2023****7:00 PM MEETING****PUBLIC HEARING: 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**

**CALL TO ORDER****ROLL CALL****PLEDGE TO THE FLAG****APPROVAL OF PREVIOUS MINUTES: February 22, 2023 Regular Town Board Meeting****PUBLIC COMMENT****CORRESPONDENCE:**

- **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.
- **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 – 4<sup>th</sup> 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 3<sup>rd</sup> 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.
- **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.

#### **AGENDA ITEMS:**

- 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**
- 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**
- 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**
  - B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING – APRIL 4<sup>TH</sup>, 2023 AT 7PM**
- 4) SACKETT LAKE SEWER DISTRICT COLLECTION SYSTEM IMPROVEMENT PROJECT**
  - A) RESOLUTION TO ACCEPT REVISED MAP, PLAN & REPORT COMPLETED BY MHE, DATED 03/01/2023**
  - B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT**
- 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**
  - B) RESOLUTION TO ESTABLISH DATE FOR PUBLIC HEARING TO INCREASE BONDING OF PROJECT**

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

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

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

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
- 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
- C) REQUEST TO INCREASE PARK PROGRAMMING BUDGET BY \$10,000.00 FOR TOTAL OF \$20,000.00 (INCLUDED IN BUDGET AMENDMENTS)
- D) REQUEST TO INCREASE SUMMER YOUTH DAY CAMP PROGRAM BUDGET BY \$50,000.00 FOR TOTAL OF \$250,000.00 (INCLUDED IN BUDGET AMENDMENTS)

10) HIGHWAY DEPARTMENT ITEMS:

- A) RESOLUTION TO AWARD BIDS FOR 1A LOW ABRASION NON-WAPPINGER CRUSHED LIMESTONE
- B) RESOLUTION TO AWARD BIDS FOR ASPHALTIC CONCRETE PAVING MIXES
- C) RESOLUTION TO ESTABLISH DATE FOR BID OPENING: GRADALL LIMB LOPPER ASSEMBLY – 03/16/2023 @ 2PM

11) WATER & SEWER DEPARTMENT ITEMS:

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

12) BILLS OVER \$5,000.00

13) BUDGET TRANSFERS & AMENDMENTS

14) ORDER BILLS PAID

OLD BUSINESS  
NEW BUSINESS

REPORTS: SUPERVISOR, COUNCILMEN, & DEPARTMENT HEADS

PUBLIC COMMENT

ADJOURN

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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.

P.H.  
#1

**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



Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

*Proposed*

Local Law No. 2 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.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2023 of the Town of Thompson was duly passed by the Town Board on \_\_\_\_\_, 2023 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by Elective Chief Executive Officer\*)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_ of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

3. (Final adoption by referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_ of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory) (permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special) (annual) election held on \_\_\_\_\_ 20\_\_, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_ of 20\_\_ of the County/City/Town/Town/Village of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_ and was (approved) (not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_ in accordance with the applicable provisions of law.

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, chairman of the county legislative body, the mayor of a city or village or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of Sections 36/37 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at a special/general election held on \_\_\_\_\_ 20\_\_ became operative.

6. (County local law concerning adoption of Charter)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_ of 20\_\_ of the County of \_\_\_\_\_, State of New York, having been submitted to the electors at the General Election of November \_\_\_ 20\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide the appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

\_\_\_\_\_  
~~Clerk of the county legislative body, city, Town, village clerk or officer designated by local legislative body~~

Date: \_\_\_\_\_, 2023

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality)

STATE OF NEW YORK  
COUNTY OF SULLIVAN

I, the undersigned, do hereby certify that the foregoing local law contains the correct text and that all proper proceeding have been had or taken for the enactment of the local law annexed hereto.

Date: \_\_\_\_\_, 2023

\_\_\_\_\_  
Attorney for Town of Thompson

**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 **February 22, 2023.**

**ROLL CALL:**

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

**DRAFT**

**Also Present:** Marilee J. Calhoun, Town Clerk  
Michael B. Mednick, Town Attorney  
Melissa DeMarmels, Town Comptroller  
Kelly Murrin, Deputy Town Clerk  
James L. Carnell, Jr., Director of Building, Planning & Zoning

**REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 4:30 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.

**APPROVAL OF MINUTES:**

On a motion made by Councilwoman Meddaugh and seconded by Councilman Pavese the minutes of the February 7<sup>th</sup>, 2023 Regular Town Board Meeting were approved as presented.

Vote: Ayes 4 Rieber, Pavese, Meddaugh and Mace  
Nays 0  
Abstained 1 Schock

**PUBLIC COMMENT:**

There was no public comment given.

**CORRESPONDENCE:**

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

- **Kimberly Zeto, Director, Member & Employer Services Bureau, NYSLRS:**  
Letter dated 02/15/23 to Supervisor Rieber Re: Tier 4 Status Granted for Town Employee Mark S. Pavlak.

**AGENDA ITEMS:**



**1) TAX CERTIORARI SETTLEMENT: 12 HAY STREET, LLC – (2020, 2021 & 2022)**  
**FROM \$81,900.00 TO \$73,900.00, SBL # 110.-3-27**

**The Following Resolution Was Duly Adopted: Res. No. 117 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 110-3-7** 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 110-3-7** 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:

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

**2) BUILDING DEPARTMENT: MONTICELLO RESORTS – REQUEST RETURN OF \$4,000.00 CASH BOND FOR TEMPORARY CLASSROOM BUILDING**

Director Carnell requested authorization to return a \$4,000.00 cash bond to Monticello Resorts for two trailers used as temporary classroom buildings during construction. Director Carnell advised that the trailers have been removed and the cash bond can be returned. The Town Board took action to authorize return of cash bond as follows:

**The Following Resolution Was Duly Adopted: Res. No. 118 of the Year 2023.**

Resolved, that the Town Board of the Town of Thompson hereby authorizes the return of an Outstanding Cash Bond from 2014 in the amount of \$4,000.00 to Monticello Resorts for removal of two temporary trailers.

Moved by: Councilwoman Meddaugh  
Seconded by: Councilman Pavese

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

**3) PARKS & RECREATION DEPARTMENT: REQUEST TO EXTEND YOUTH BASKETBALL PROGRAM TO 04/01/2023**

**The Following Resolution Was Duly Adopted: Res. No. 119 of the Year 2023.**

Resolved, that the Town Board of the Town of Thompson hereby authorizes the extension of the Youth Basketball Program, operated by Stephan McGinnis from Saturday, 02/25/2023 to Saturday, 04/01/2023 at a cost of \$75.00 per event, additional cost not to exceed \$300.00. All events will continue to be held at the KL Rutherford Elementary School from 9am to 12pm. Authorization granted upon the request of the Town of Thompson Department of Parks and Recreation.

Moved by: Councilman Pavese  
Seconded by: Councilman Schock

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

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

**The Following Resolution Was Duly Adopted: Res. No. 120 of the Year 2023.**

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

**Delaware Engineering** **\$38,369.48 Total Cost**  
Invoice # 20-2090-5 – Engineering Services through January 2023 on the Kiamesha Lake WWTP Upgrade Project.

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

**5) BUDGET TRANSFERS & AMENDMENTS**

There were no budget transfers or amendments.

**6) ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 121 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.<sup>1</sup>

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

**OLD BUSINESS**

There was no old business reported on.

**NEW BUSINESS**

There was no new business reported on.

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

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

- No report provided.

**Councilwoman Melinda S. Meddaugh**

- Planning Board Member Arthur Knapp expressed an interest to serve on the Comprehensive Development Plan Advisory Committee as a representative of the Planning Board replacing Matthew Sush. The Town Board agreed and made appointment as follows:

**The Following Resolution Was Duly Adopted: Res. No. 122 of the Year 2023.**

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







# Building Standards and Codes

One Commerce Plaza  
 99 Washington Ave, Suite 1160  
 Albany, NY 12231-0001  
 (518) 474-4073  
 Fax: (518) 474-5788  
<https://www.dos.ny.gov/dcea>

## UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT (REPORTING YEAR: 2022)

### Instructions

The official who oversees code enforcement activities for your city, town, village, or county jurisdiction must complete this form. If your local government has transferred such responsibilities to another local government by opting out of enforcement or entering a shared services agreement as provided by law, then this official will be part of the other local government. Even if your local government is not required to submit the report because it has transferred responsibility, we recommend you complete this form to assure the Department of State has accurate information about who is responsible for code enforcement in your jurisdiction.

The **"Reporting Year"** is the calendar year (January through December) for which the reported data have been collected. The **"Uniform Code"** is the New York State Uniform Fire Prevention and Building Code. The **"Energy Code"** is the New York State Energy Conservation Code. The **"Code Official"** is the official enforcing the Uniform Code or Energy Code in the `{muni_type}`.

If you are submitting on behalf of a local government that administers the Uniform Code or the Energy Code for other local governments, you must submit a separate report on each city, town, village, and county for which you administer those services.

If you still have questions after reviewing this form and instructions, please contact the Division of Building Standards and Codes at (518) 474-4073.

Name of Municipality

**Town of Thompson (480382300000)**

Address

**4052 State Route 42**

City

**Monticello**

Zip Code

**12701**

### Responsibility for Enforcement of the Uniform Code and the Energy Code

Did the local government adopt a local law providing it will **\*not\*** enforce the Uniform Code and Energy Code that was in effect during the reporting period? **No**

Has the local government entered into an agreement pursuant to General Municipal Law, Article 5-G, with one or more other local governments to jointly administer the Uniform Code or Energy Code as authorized by Executive Law Section 381(2)? **No**

If yes and a different local government is responsible for administration of Uniform Code, specify:

If yes and a different local government is responsible for administration of Energy Code, specify:

Does the local government employ any code enforcement officials or building safety instructors to support its administration of the Uniform Code or Energy Code? **Yes**

### Submitting Official and Reporting Period

Local government which employs submitter

**Thompson**

Name of Person Submitting Report

**Logan Morey**

Phone

**845-794-2500**

Email

**lmorey@townofthompson.com**

Reporting Period

**Jan 1, 2022 - Dec 31, 2022**

**UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT  
(REPORTING YEAR: 2022)**

**Assignment of Responsibilities by Submitting Local Government**

Are third-party contracted services used to meet the requirements of 19 NYCRR Part 1203?	<b>Yes</b>
Does the third-party meet the education requirements of 1203.2(e)(1)?	<b>Unknown</b>
Does the fire department perform fire safety inspections?	If "No", who is responsible for fire safety inspections?
<b>No</b>	<b>Town of Thompson</b>

**Legislative Authorization**

Please list the local law, ordinance or other appropriate regulation that provides for the administration and enforcement of the NYS Uniform Fire Prevention and Building Code and Energy Conservation Construction Code in this municipality:

**LL#5 of 2022**

**Local Legislative Modifications of Uniform Code Standards**

Does the submitting local government have in effect any local law or ordinance that imposes construction standards that are different from the requirements imposed by the Uniform Code?	<b>Yes</b>
Is each such local law or ordinance approved or pending approval by the State Fire Prevention and Building Code Council pursuant to Executive Law Article 18, Section 379?	<b>No</b>

Specify the year and number of the local law(s) or ordinance(s): **LL#1 of 2005, LL#5 of 2006**

**Local Legislative Modifications of Energy Code Standards**

Does the submitting local government have in effect any local law or ordinance that imposes energy conservation standards that are different from the requirements imposed by the *Energy Code*?	<b>No</b>
Is each such local law or ordinance filed with State Fire Prevention and Building Code Council pursuant to Energy Law § 11-109?	

Specify the year and number of the local law(s) or ordinance(s):

**Building Permits**

Write the number of building permits issued for each occupancy type listed.

	New construction	Addition, alteration, or repair of existing
One-family dwellings, two-family dwellings, and townhouses	<b>67</b>	<b>122</b>
Other residential occupancies	<b>8</b>	<b>2</b>
Nonresidential buildings	<b>11</b>	<b>11</b>
All other permits (pools, sheds, decks, plumbing, HVAC, etc.)	<b>291</b>	Certificates of Occupancy or Compliance issued for all occupancies <b>404</b>

**Stop Work Orders**

Number of Stop Work Orders issued in reporting year?

**125**

**Notification of Fire or Explosion**

Have procedures been established for notification by the chief of your fire department(s) regarding fire or explosion involving any structural damage, fuel burning appliance, chimney, or gas vent?

**Yes**

**Unsafe Structures and Equipment**

Have procedures been established for identifying and addressing unsafe structures and equipment?

**Yes**

**UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT  
(REPORTING YEAR: 2022)**

**Operating Permits**

Are operating permits required by the municipality?	<b>Yes</b>
Manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in Tables 5003.1.1(1-4) of the Fire Code of New York State (see 19 NYCRR Part 1225):	<b>0</b>
Hazardous processes and activities, including but not limited to commercial and industrial operations which produce Combustible dust as a byproduct, fruit and crop ripening, and waste handling:	<b>0</b>
Use of pyrotechnic devices in assembly occupancies:	<b>0</b>
Buildings containing one or more areas of public assembly with an occupant load of 100 or more persons:	<b>0</b>
Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the government or agency charged with or accountable for administration and enforcement of the Uniform Code:	<b>0</b>
Parking garages:	<b>0</b>

**Other Operating Permits**

Describe operating permit category	Number of permits issued

**Special Inspections (as defined in Section 1702 of the Uniform Code)**

Does the local government require special inspections?	<b>Yes</b>
Does the local government retain special inspection reports?	<b>Yes</b>
Does the municipality require a statement of special inspections required as part of a condition for permit issuance?	<b>Yes</b>
Does the municipality require special inspection reports to be submitted prior to issuance of certificates of compliance or completion?	<b>Yes</b>

**Practices**

Please identify all procedures used by the municipality to ensure compliance with the Uniform Code:

**field\_inspections,plan\_reviews,software\_report,compliance\_checklist**

Please identify all procedures used by the municipality to ensure compliance with the Energy Code:

**field\_inspections,plan\_reviews,software\_report,compliance\_checklist**

**Record Keeping**

Has a system of records of the features and activities specified in 19 NYCRR 1203.3(a-j) been established and maintained?

**Yes**

<b>UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT</b> <b>(REPORTING YEAR: 2022)</b>
--

On average, how many site inspections are conducted for Uniform Code compliance for each new residential building?				<b>14</b>	
On average, how many site inspections are conducted for Uniform Code compliance for each new commercial building?				<b>19</b>	
On average, how many site inspections are conducted for Energy Code compliance for each new residential building?				<b>3</b>	
On average, how many site inspections are conducted for Energy Code compliance for each new commercial building?				<b>3</b>	
Buildings Containing One Or More Areas of Public Assembly (area with occupant load of 50 or greater)					
Number of buildings	<b>336</b>	Number inspected	<b>15</b>	Not inspected in last 12 months	<b>321</b>
Buildings Containing 3 or More Dwelling Units					
Number of buildings	<b>311</b>	Number inspected	<b>55</b>	Not inspected in last 36 months	
Number of dwelling units in such buildings				<b>934</b>	
Dormitories					
Number of buildings	<b>87</b>	Number inspected	<b>0</b>	Not inspected in last 36 months	<b>87</b>
Nonresidential Buildings					
Number of buildings	<b>468</b>	Number inspected	<b>27</b>	Not inspected in last 36 months	<b>441</b>

Are any of the numbers reported in this section estimates?	<b>Yes</b>
Please describe briefly which figures are estimated and how estimates were calculated.	
<b>There isn't a way for us to accurately count multi-family building and unit numbers.</b>	



**UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT  
(REPORTING YEAR: 2022)**

**Energy Code**

The State Energy Conservation Construction Code (Energy Code) was amended and updated in its entirety, effective October 3, 2016. The amended and updated version of the Energy Code includes specific requirements relating to construction documents, applications for building approvals of applications for building permits, and inspections and tests to be performed during construction. The questions in this section of this Report relate to the Municipality's familiarity with, and ability to enforce, these new provisions.

In this section of this Report, the term "2015 IECC" means the 2015 edition of the International Energy Conservation Code (Second Printing, May 2015), the term "2016 Energy Code Supplement" means the publication entitled "2016 Supplement to the New York State Energy Conservation Construction Code (Revised August 2016)," the term "residential building" is as defined in the 2016 Energy Code Supplement, and the term "commercial building" means any building that is not a residential building

The term "residential building" includes: (1) detached one-family dwellings having not more than three stories above grade plane; (2) detached two-family dwellings having not more than three stories above grade plane; (3) buildings that (i) consist of three or more attached townhouse units and (ii) have not more than three stories above grade plane; (4) buildings that (i) are classified in accordance with Chapter 3 of the 2015 International Building Code (as amended) in Group R-2, R-3 or R-4 and (ii) have not more than three stories above grade plane; (5) factory manufactured homes (as defined in section 372(8) of the New York State Executive Law); and (6) mobile homes (as defined in section 372(13) of the New York State Executive Law). For the purposes of this definition of the term "residential building," the term "townhouse unit" means a single-family dwelling unit constructed in a group of three or more attached units in which each unit (i) extends from the foundation to roof and (ii) has open space on at least two sides.

Does the Municipality require that construction documents submitted as part of an application for a building permit? show the following data and features of the building in sufficient detail to allow the Municipality to determine whether the building does or does not comply with the Energy Code:

Representation of building's thermal envelope?

**Yes**

Insulation materials and their R-values?

**Yes**

Fenestration U-factor and solar heat gain coefficient (SHGC)?

**Yes**

Area-weighted U-factor calculations and SHGC values (where applicable)?

**Yes**

Mechanical system design criteria (Manual "J" and Manual "S" for residential buildings)?

**No**

Mechanical and service water heating system and equipment types, sizes, and efficiencies?

**Yes**

Economizer description (in the case of a commercial building)?

**Yes**

Equipment and system controls (in the case of a commercial building)?

**Yes**

Fan motor horsepower (hp) and controls (in the case of a commercial building)?

**Yes**

Duct sealing, duct and pipe insulation and location?

**Yes**

Lighting Fixture schedule with wattage and control narrative (in the case of a commercial building)?

**Yes**

Location of daylight zones on floor plans (in the case of a commercial building)?

**No**

Air sealing details?

**Yes**

**UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT  
(REPORTING YEAR: 2022)**

When the Municipality determines the construction documents to be in compliance with the applicable requirements of the Energy Code and accept the documents, does the Municipality stamp the construction documents "Reviewed for Energy Code Compliance" and endorse the documents in writing?

**No**

Where the construction documents are required to be prepared by a New York State registered architect or licensed professional engineer, does the Municipality require that the documents bear the seal or stamp and signature of such registered architect or licensed professional engineer and include, immediately above the signature, a statement substantially similar to the following: "To the best of the knowledge, belief, and professional judgment of the undersigned [registered architect or licensed professional engineer], the plans and specifications depicted on these drawings are in compliance with the applicable provisions of the New York State Uniform Fire Prevention and Building Code and the New York State Energy Conservation Construction Code, as currently in effect."?

**Yes**

Are inspections completed for each of the following (where applicable):

Inspections of footings and foundations to verify compliance with the Energy Code as to R-value, location, thickness, depth of burial and protection of insulation as required by the Energy Code and approved plans and specifications?

**Yes**

Inspections at framing and rough-in, made before application of interior finish and to verify compliance with the Energy Code as to types of insulation and corresponding R-values and their correct location and proper installation, fenestration properties (U-factor and SHGC and, in the case of a commercial building, VT), and proper installation and air leakage components as required by the Energy Code and approved plans and specifications?

**Yes**

Inspections at plumbing rough-in to verify compliance as required by the Energy Code and approved plans and specifications as to types of insulation and corresponding R-values and protection, required controls, and required heat traps on potable water heaters?

**Yes**

Inspections at mechanical rough-in to verify compliance as required by the Energy Code and approved plans and specifications as to installed HVAC equipment type and size, required controls, system insulation, and corresponding R-value; system and damper air leakage (in the case of a commercial building) or system air leakage control (in the case of a residential building); and required energy recovery and economizers (in the case of a commercial building) or programmable thermostats, dampers, whole-house ventilation, and minimum fan efficiency (in the case of a residential building)?

**Yes**

Inspections at electrical rough-in to verify compliance as required by the Energy Code and approved plans and specifications as to installed lighting systems, components and controls and, if applicable, installation of an electric meter for each dwelling unit?

**Yes**

A final inspection that verifies, in the case of a commercial building, the installation and proper operation of all building controls required by the Energy Code, the receipt of documentation verifying that activities associated with building commissioning required by the Energy Code have been conducted and that findings of noncompliance corrected, and the receipt of the HVAC system certification required by the Energy Code; and the final inspection shall verify, in the case of a residential building, the installation of all building systems, equipment, and controls required by the Energy Code and their proper operation and the installation of the number of high-efficacy lamps and fixtures required by the Energy Code?

**Yes**

In the case of residential buildings:

Does the Municipality require that a permanent certificate listing the predominant R-values of insulation installed be completed by the builder or registered design professional and posted on a wall in the space where the furnace is located?

**No**

Does the Municipality require that building envelope values be confirmed as code compliant by at least one of the following methods? Prescriptive, Trade-off method (RESCheck), Energy Rating Index (2015 IECC Section R406)

**Yes**

In case of detached one-and-two family dwellings, townhouses, and multiple family dwellings of three stories or less, does the local government require that an air leakage test (blower door test) be performed on the completed building envelope?

**Yes**

## UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT (REPORTING YEAR: 2022)

Does the local government require verification that the air leakage rate is 3 ACH (50 pascals) or less?

**Yes**

Does the Municipality require that written report of the results of the ACH 50 test be signed by the party conducting the test and provided to the Municipality?

**Yes**

In a case where any part of the HVAC duct system located outside of the building envelope, does the Municipality require that a duct tightness test be performed?

**Yes**

Does the code official receive a written report of the results of the test signed by the party conducting the test?

**Yes**

In the case of commercial buildings:

Does the Municipality require the demonstration of compliance with one of the following compliance paths?

ASHRAE Compliance Path: Compliance with the requirements of ASHRAE 90.1-2013, as amended by the 2016 Energy Code Supplement.

Prescriptive Compliance Path: Compliance with the requirements of (1) Sections C402 through C405 of the 2015 IECC, as amended by the 2016 Energy Code Supplement, (2) Section C406 of the 2015 IECC, as amended by the 2016 Energy Code Supplement, and (3) in the case of tenant spaces, Section C406.1.1 of the 2015 IECC, as amended by the 2016 Energy Code Supplement.

Performance Compliance Path: Compliance with the requirements of Sections C402.5, C403.2, C404, C405.2, C405.3, C405.5, C405.6, and C407 of the 2015 IECC, as amended by the 2016 Energy Code Supplement, with building energy cost to be equal to or less than 85 percent of the standard reference design building.

**Yes**

Does the Municipality require construction documents to clearly indicate provisions for commissioning and completion requirements in accordance with Section C408 of the 2015 IECC?

**No**

### Project Compliance

For each of the following project categories, provide the total number of projects in each category that were completed during the year covered by this report and the number of such completed projects that comply with the applicable requirements of the Energy Code:

New commercial building construction projects completed	<b>7</b>	Completed new commercial building construction projects that are compliant	<b>7</b>
New residential building construction projects completed	<b>116</b>	Completed new residential building construction projects that are compliant	<b>116</b>
Existing commercial building construction projects completed	<b>15</b>	Completed existing commercial building construction projects that are compliant	<b>15</b>
Existing residential building construction projects completed	<b>62</b>	Completed existing residential building construction projects that are compliant	<b>62</b>

With respect to the response to previous question, provide a description of the methods used to verify such compliance with the Energy Code.

**Plan review, inspections, compliance reports**

**UNIFORM CODE ADMINISTRATION AND ENFORCEMENT REPORT  
(REPORTING YEAR: 2022)**

**Complaints**

Total number of all registered Uniform Code related complaints received for reporting year	<b>316</b>	Total number of all registered Uniform Code related complaints received for reporting year	<b>316</b>
Total number of all registered Energy Code related complaints received for reporting year	<b>0</b>	Total number of all registered Energy Code related complaints acted upon for reporting year	<b>0</b>

Are any of the numbers reported in this section estimates?  
(Answer 'Yes' if any of the numbers of occupancies or inspections reported were estimated rather than tabulated from electronic records or manual counting of records.)

**Yes**

Please describe briefly which figures are estimated and how estimates were calculated.

**We can't differentiate between what was acted on through a complaint and what was found on o**

**Additional Information**

Please provide any additional information or comments  
(Provide any additional information or comments that may prove helpful in processing the form and interpreting your response. Provide feedback on any data that were difficult to obtain and any concerns that might influence the accuracy, completeness, or precision of information you provided.)

**Complete your submission**

If you are using Google Chrome to submit, you may now print your application. Please click the PRINT button (image of a printer) on the upper right of this screen before you hit submit. This will allow you to print your completed form or save it to a PDF file if your computer supports that. You will not be able to retrieve the form once you submit it. Acknowledge that you have considered printing your form before you submit.

**OK**





**Department of Environmental Conservation** **State Pollutant Discharge Elimination System (SPDES) DISCHARGE PERMIT**

SIC Code:	4952	NAICS Code:	221320	SPDES Number:	NY 003 0724
Discharge Class (CL):	05	DEC Number:	3-4846-00039/00003		
Toxic Class (TX):	T	Effective Date (EDP):	March 1, 2023		
Major-Sub Drainage Basin:	14 - 02	Expiration Date (ExDP):	February 29, 2028		
Water Index Number:	D-1-38-3	Item No.:	815 - 102	Modification Dates (EDPM):	
Compact Area:	DRBC				

This SPDES permit is issued in compliance with Title 8 of Article 17 of the Environmental Conservation Law of New York State and in compliance with the Clean Water Act, as amended, (33 U.S.C. 1251 et.seq.)

PERMITTEE NAME AND ADDRESS					
Name:	Town of Thompson		Attention:	Michael Messenger, Superintendent	
Street:	4052 State Route 42		State:	NY	Zip Code: 12701
City:	Monticello		Phone:	(845) 794-5280	
Email:	mmessenger@townofthompson.com				

is authorized to discharge from the facility described below:

FACILITY NAME, ADDRESS, AND PRIMARY OUTFALL							
Name:	Consolidated Kiamesha Sewer District						
Address / Location:	128 Rock Ridge Drive / Monticello				County:	Sullivan	
City:	Monticello			State:	NY	Zip Code:	12701
Facility Location:	Latitude:	41 °	39 ' 43 " N	& Longitude:	74 °	39 ' 45 " W	
Primary Outfall No.:	001	Latitude:	41 °	39 ' 41 " N	& Longitude:	74 °	39 ' 49.5 " W
Outfall Description:	Treated Sanitary	Receiving Water:	Kiamesha Creek			Class:	C

in accordance with: effluent limitations; monitoring and reporting requirements; other provisions and conditions set forth in this permit; and 6 NYCRR Part 750-1 and 750-2.

This permit and the authorization to discharge shall expire on midnight of the expiration date shown above and the permittee shall not discharge after the expiration date unless this permit has been renewed or extended pursuant to law. To be authorized to discharge beyond the expiration date, the permittee shall apply for permit renewal not less than 180 days prior to the expiration date shown above.

**DISTRIBUTION:**

DEC CO BWP - Permit Coordinator  
 Alison Wasserbauer, DEC DOW  
 Helen Budrock, Delaware Engineering  
 EPA Region II  
 NYSEFC  
 DRBC  
 Town of Thompson Supervisor  
 NYS DOH – Sullivan County

Permit Administrator:	Rebecca S. Crist		
Address:	21 South Putt Corners Rd, New Paltz NY 12561		
Signature:	<i>Rebecca S. Crist</i>	Date:	02/28/2023

3

## **Marilee Calhoun (Town of Thompson)**

---

**From:** Meghan Taylor <Meghan.Taylor@rwnewyork.com>  
**Sent:** Thursday, February 23, 2023 2:32 PM  
**To:** Fraatz, Michael R (DEC); bob.stanion@eprkc.com  
**Cc:** marilee@townofthompson.com; Devine, Alysse (DEC)  
**Subject:** RE: Monster Golf Cart Bridge Rehab - 3-4846-00471/00001

Thank you Michael!

### **MEGHAN TAYLOR**

Vice President Government Affairs and Public Relations

O: 718-215-2834 | M: 347-306-3053



110-00 Rockaway Boulevard  
Jamaica, NY 11420

This e-mail and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the intended recipient, please e-mail the sender immediately by replying to this message and delete the material from any computer. This e-mail is attributed to the sender and may not necessarily reflect the view of Genting New York LLC d/b/a Resorts World New York, any subsidiary, parent or affiliate.

**From:** Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>  
**Sent:** Thursday, February 23, 2023 2:27 PM  
**To:** Meghan Taylor <Meghan.Taylor@rwnewyork.com>; bob.stanion@eprkc.com  
**Cc:** marilee@townofthompson.com; Devine, Alysse (DEC) <Alysse.Devine@dec.ny.gov>  
**Subject:** Monster Golf Cart Bridge Rehab - 3-4846-00471/00001

Meghan Taylor,

Please see attached for the signed General Permit for the work associated with the golf course bridge at the Monster Golf Course. Please let me know if you have any other questions, thanks.




**Michael Fraatz**

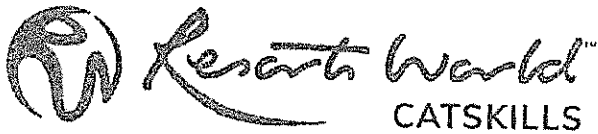
he/him/his

Biologist, Bureau of Ecosystem Health

New York State Department of Environmental Conservation

21 South Putt Corners Road, New Paltz, NY 12561  
P: (845) 256-3057 | [michael.fraatz@dec.ny.gov](mailto:michael.fraatz@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov) |  |  | 



January 18, 2023

Mr. Stephen Ryba  
Regulatory Branch, New York District  
U.S. Army Corps of Engineers  
26 Federal Plaza, Room 1937  
New York, NY 10278

Mr. John Petronella  
Regional Permit Administrator  
New York State Department of Environment  
21 South Putt Corners Rd  
New Paltz, NY 12561

Re: Joint Application for Permit  
Empire Resorts Real Estate I, LLC, Monster Golf Course – Cart Bridges Rehabilitation

Dear Messrs. Ryba and Petronella:

Empire Resorts Real Estate I, LLC is submitting this Joint Application requesting authorization from the U.S. Army Corps of Engineers (USACE) under Nationwide Permit 3 Maintenance, and from the New York State Department of Environmental Conservation (NYSDEC) under Article 15 of the New York Environmental Conservation Law (ECL) and the NYSDEC Stream Activities General Permit GP-0-20-002, for rehabilitation of three (3) existing golf cart bridges/culverts within the Monster Golf Course in Thompson, New York.

Three existing stone bridges with culverts will be removed from within Kiamesha Creek and USACE jurisdictional wetlands and replaced with pre-constructed bridges with open bottoms. The net reduction in fill within these waters is approximately 191 cubic yards. The new bridges have been designed to span a minimum of 1.25 times the width of the stream channel at Ordinary High Water.

Rehabilitation of the bridges will be completed over a total duration of approximately 5 months starting in March 2023, and does not involve tree clearing. The proposed project is within the scope of Type II actions under the State Environmental Quality Review (SEQR) regulations (6 NYCRR Part 617.5), which does not require environmental review under Environmental Conservation Law, Article 8. The rehabilitation falls under the category of exemption described in §617.5(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building or fire codes, unless such action meets or exceeds any of the thresholds in section 617.4 of this Part."

Please feel free to contact me at 347-306-3053 or [meghan.taylor@rwnewyork.com](mailto:meghan.taylor@rwnewyork.com) should you have any questions regarding this Joint Application or require additional information.

Sincerely,

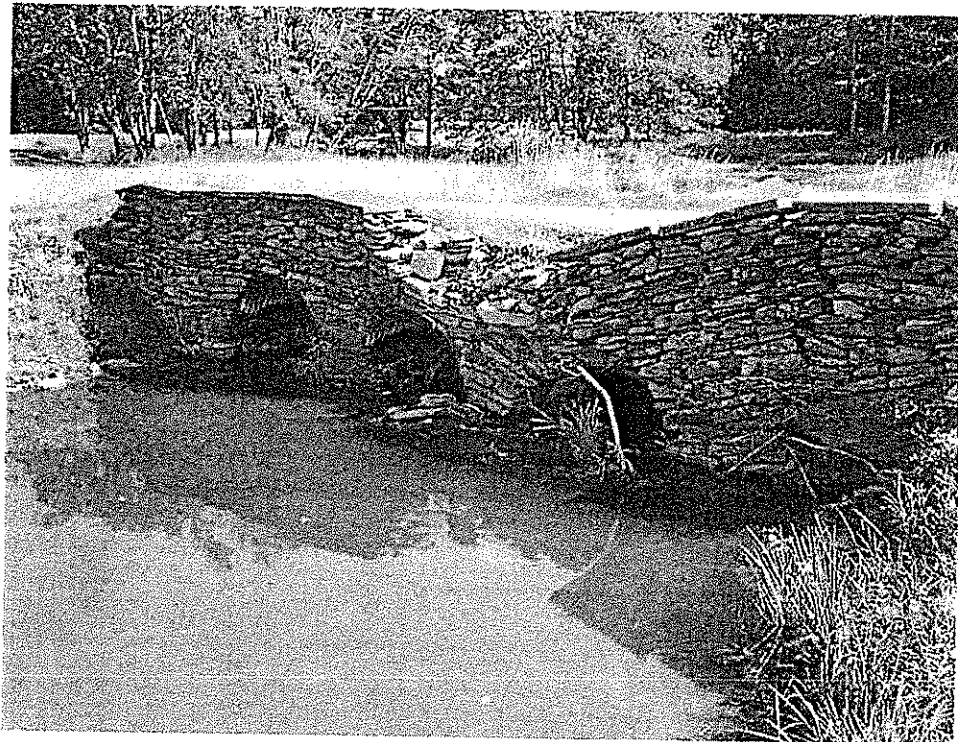
A handwritten signature in black ink that reads "Meghan Taylor".

Meghan Taylor  
Vice President, Government Affairs and Public Relations  
Genting Americas

cc: Bob Stanion, EPR Concord II, L.P.  
Megan Bury, Empire Resorts  
Edgar Choi, Empire Resorts  
George Duke, Connelly Foley  
Justin Seeney, AKRF  
Sandy Collins, AKRF

888 Resorts World Drive | Monticello, NY 12701 | [rwcatskills.com](http://rwcatskills.com)

# **Monster Golf Course Cart Bridges Rehabilitation**



## **Joint Application for Permits**

**Applicant:**

Empire Resorts Real Estate I, LLC

**January 2023**

**EMPIRE RESORTS REAL ESTATE I, LLC  
REQUEST FOR PERMIT**

**MONSTER GOLF COURSE CART BRIDGES REHABILITATION  
THOMPSON, NY**

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Joint Application Form

Figure 1: USGS Topographic Map

Environmental Questionnaire

NYSDEC 401 WQC Supplement

Attachment 1: Project Description

Attachment 2: Representative Photographs

Attachment 3: Engineering Drawings

Attachment 4: Structural Archaeological Assessment Form



Department of Environmental Conservation

Office of General Services

Department of State



US Army Corps of Engineers

**JOINT APPLICATION FORM**

For Permits for activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

**1. Applications To:**

**>NYS Department of Environmental Conservation**  Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:

<input checked="" type="checkbox"/> Stream Disturbance	<input type="checkbox"/> Dams and Impoundment Structures	<input type="checkbox"/> Tidal Wetlands	<input type="checkbox"/> Water Withdrawal
<input type="checkbox"/> Excavation and Fill in Navigable Waters	<input checked="" type="checkbox"/> 401 Water Quality Certification*	<input type="checkbox"/> Wild, Scenic and Recreational Rivers	<input type="checkbox"/> Long Island Well
<input type="checkbox"/> Docks, Moorings or Platforms	<input checked="" type="checkbox"/> Freshwater Wetlands	<input type="checkbox"/> Coastal Erosion Management	<input type="checkbox"/> Incidental Take of Endangered / Threatened Species

\* See Instructions (page 3)

**>US Army Corps of Engineers**  Check here to confirm you sent this form to USACE.

Check all permits that apply:  Section 404 Clean Water Act  Section 10 Rivers and Harbors Act

Is the project Federally funded? Yes  No

If yes, name of Federal Agency: \_\_\_\_\_

General Permit Type(s), if known:  \_\_\_\_\_

Preconstruction Notification:  Yes  No

**>NYS Office of General Services**  Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:

<input type="checkbox"/> State Owned Lands Under Water	<input type="checkbox"/> Utility Easement (pipelines, conduits, cables, etc.)	<input type="checkbox"/> Docks, Moorings or Platforms
--	---	---

**>NYS Department of State**  Check here to confirm you sent this form to NYSDOS.

Check if this applies:  Coastal Consistency Concurrence

**2. Name of Applicant**

<input type="text" value="Empire Resorts Real Estate I, LLC"/>	<input type="text" value="Taxpayer ID (if applicant is NOT an individual) 13-3714471"/>			
<input type="text" value="Mailing Address 888 Resorts World Drive"/>		<input type="text" value="Post Office / City Monticello"/>	<input type="text" value="State NY"/>	<input type="text" value="Zip 12701"/>
<input type="text" value="Telephone 347-306-3053"/>	<input type="text" value="Email meghan.taylor@rnnewyork.com"/>			

Applicant Must be (check all that apply):  Owner  Operator  Lessee

**3. Name of Property Owner (if different than Applicant)**

<input type="text" value="EPR Concord II, L.P."/>	<input type="text" value="Post Office / City Kansas City"/>		
<input type="text" value="Mailing Address 909 Walnut St. Suite 200"/>		<input type="text" value="State MO"/>	<input type="text" value="Zip 64106"/>
<input type="text" value="Telephone 816-472-1700"/>	<input type="text" value="Email bob.stanion@eprkc.com"/>		

**For Agency Use Only** Agency Application Number: \_\_\_\_\_

JOINT APPLICATION FORM – Continued. Submit this completed page as part of your Application.

**4. Name of Contact / Agent**  
 Meghan Taylor  
 Mailing Address: 110-00 Rockaway Blvd  
 Post Office / City: Jamaica  
 State: NY Zip: 11420  
 Telephone: 347-306-3053 Email: meghan.taylor@rwnewyork.com

**5. Project / Facility Name**  
 Monster Golf Course Cart Bridges  
 Property Tax Map Section / Block / Lot Number: Section 15, Block 1, Lot 15  
 Project Street Address, if applicable: 888 Resorts World Dr  
 Post Office / City: Monticello State: NY Zip: 12701  
 Provide directions and distances to roads, intersections, bridges and bodies of water:  
 Three golf cart bridges over Kiamesha Creek within the existing golf course, north of Thompsonville Road  
 ✓ Town: Thompson Village: County: Sullivan Stream/Waterbody Name: Kiamesha Creek  
 Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:  
 Latitude: 41° 39' 56.7" Longitude: 74° 39' 06.3"

**6. Project Description:** Provide the following information about your project. Continue each response and provide any additional information on other pages. Attach plans on separate pages.

a. Purpose of the proposed project:  
 To rehabilitate three golf cart path bridges/culverts at the Monster Golf Course that are in disrepair and unsafe for public use. The Monster Golf Course is anticipated to open to the public in 2023.

b. Description of current site conditions:  
 The existing cart path bridges cross over Kiamesha Creek, a NYSDEC Class C stream with water depth up to 4 feet. Portions of Kiamesha Creek at the project site contain NYSDEC-mapped freshwater wetlands along with previously delineated wetlands determined to be within the jurisdiction of the U.S. Army Corps of Engineers (see Drawings in Attachment 3).

c. Proposed site changes:  
 The proposed project will rehabilitate three golf cart path bridges spanning Kiamesha Creek within the Monster Golf Course. The three stone bridges with culverts will be removed and replaced with new bridge structures that are open beneath and will allow the unobstructed flow of Kiamesha Creek below them.

d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):  
 There is no permanent fill proposed below ordinary high water as part of the project. A temporary water diversion structure and turbidity curtain will be placed below ordinary high water and removed once bridge rehabilitation activities are complete.

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:  
 Approx. 177 cubic yards (CY) of the 3 existing bridge structures/culverts will be removed from Kiamesha Creek/ WOTUS. Approx. 14 CY of sediment will be removed within WOTUS to expand with of the Creek at Bridges 1 and 4 to meet the conditions of the NYSDEC Stream Activities General Permit GP-0-20-002.

f. Is tree cutting or clearing proposed? Yes If Yes, explain below.  No  
 Timing of the proposed cutting or clearing (month/year):  
 Number of trees to be cut: Acreage of trees to be cleared:



JOINT APPLICATION FORM – Continued. Submit this completed page as part of your Application.

g. Work methods and type of equipment to be used:

Skid steer, backhoe, dump truck, small pile driver, flatbed truck, and telescopic compact crane to place new bridge structures.

h. Describe the planned sequence of activities:

Establish water diversion structures, turbidity curtains, and erosion and sediment control measures, remove existing stone bridges and culverts, excavate bank to widen creek at Bridges 1 and 4, construct abutments and wing walls, place rip rap, place new bridge on abutment walls, upland grading, backfill, and topsoil placement for turf re-establishment, construct cart path, remove sediment and erosion control measures.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:

Establish water diversion structures and turbidity curtains, sediment and erosion control measures, such as a silt fence, compost filter socks, and stabilized construction lay down areas for stockpiling and vehicular access will be implemented during upland construction activities to mitigate potential environmental impacts.

j. Erosion and silt control methods that will be used to prevent water quality impacts:

A water diversion structure using bulk bags and piping will divert water around the site to allow demolition activities to be conducted in the dry creek bed, minimizing the potential for downstream water quality impacts from sediment releases. A turbidity curtain will be placed outside of the diversion structure for extra protection. Sediment and erosion control measures, such as a silt fencing and compost filter socks will be implemented during upland construction activities to reduce the potential for construction of the new bridge structures to impact water quality.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:

A No Action Alternative was considered but because the cart bridges are unsafe for use, the Monster Golf Course would be unable to reopen without the proposed rehabilitation activities. The design of the bridges minimizes impacts to the Creek to the extent possible, including widening Kiamesha Creek at Bridge 1 and Bridge 4 to meet the conditions of the NYSDEC Stream Activities General Permit GP-0-20-002, and General Condition G-8 of the Final Regional Conditions for the Nationwide Permits.

l. Proposed use:  Private  Public  Commercial

m. Proposed Start Date:  Estimated Completion Date:

n. Has work begun on project? Yes  If Yes, explain below. No

o. Will project occupy Federal, State, or Municipal Land? Yes  If Yes, explain below. No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:

USACE Permit #NAN 2012-00837 issued on 2-20-2015; NYSDEC Permit #3-4846-00429/00001, 00003, 00004 Water Quality Cert. issued in 1-15-2015. Permit modifications included USACE Permit #NAN 2012-00837-M1 issued in 2/8/2016, and NYSDEC Permit #3-4846-00429/00006 issued in 9/30/2016. These permits and permit mod requests did not include rehabilitation of the golf cart path bridges.

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?

Yes  If Yes, list below. No

JOINT APPLICATION FORM – Continued. Submit this completed page as part of your Application.

**7. Signatures.**

Applicant and Owner (If different) must sign the application. If the applicant is the landowner, the landowner attestation form can be used as an electronic signature as an alternative to the signature below, if necessary. Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

**Signature of Applicant**

*Meghan Taylor*

Date  
1/17/23

Applicant Must be (check all that apply):  Owner  Operator  Lessee

**Printed Name**

Meghan Taylor

**Title**

Vice President, Gov't Affairs and Public Relations

**Signature of Owner (if different than Applicant)**

*Craig L. Evans*

Date  
January 25, 2023

**Printed Name**

Craig L. Evans

**Title**

Vice President of EPR TRS Holdings, Inc., its general partner

**Signature of Contact / Agent**

*Meghan Taylor*

Date  
1/17/23

**Printed Name**

Meghan Taylor

**Title**

Vice President, Gov't Affairs and Public Relations

**For Agency Use Only**

**DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number

(Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

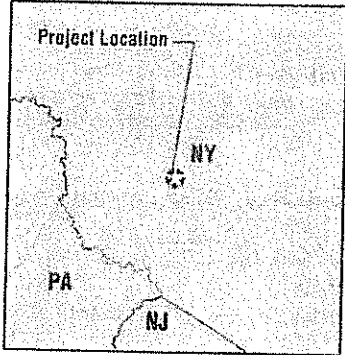
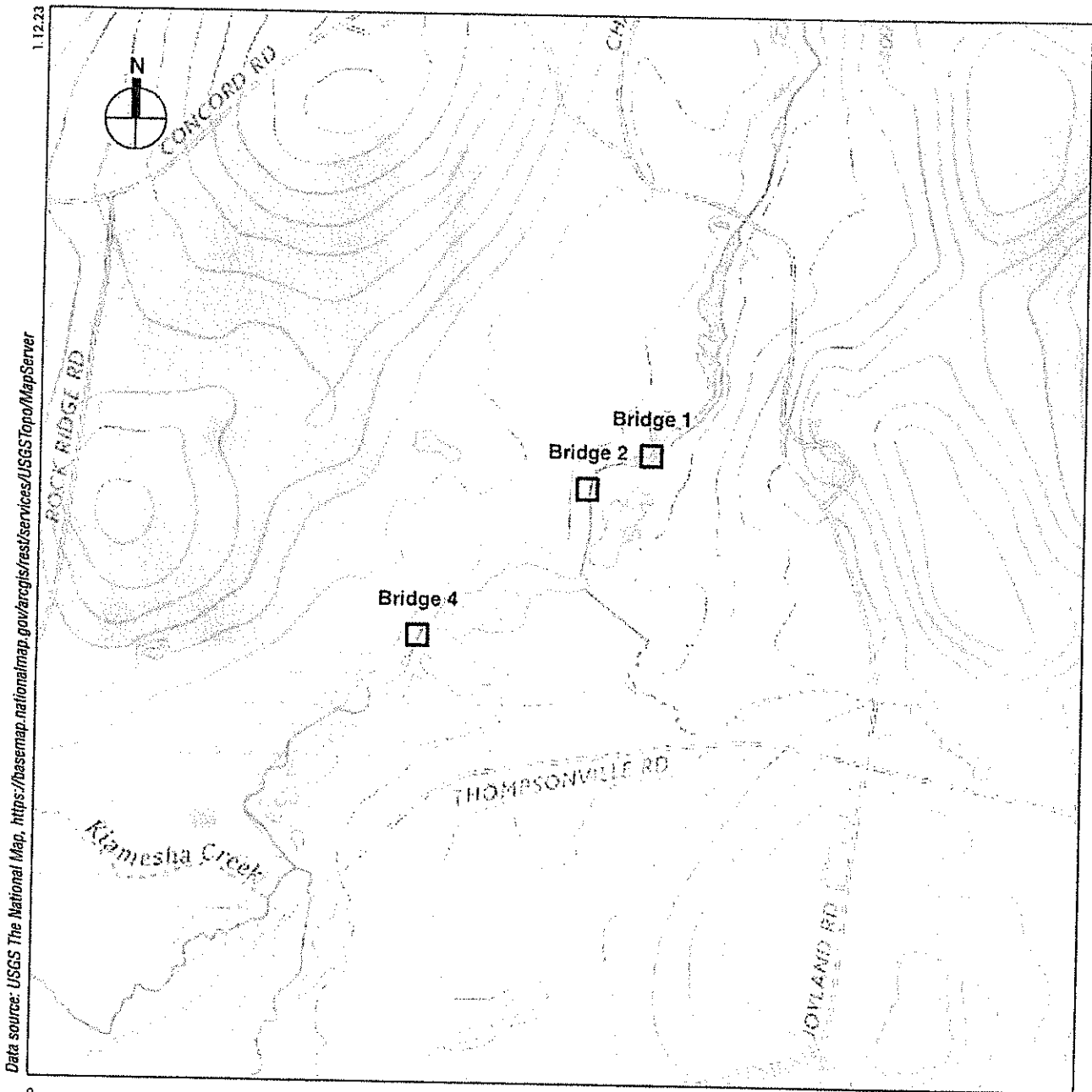
**Agency Representative:**

Printed Name

Title

Signature

Date



USGS Topographic Map – Monticello Quadrangle

MONSTER GOLF COURSE - CART BRIDGES

Figure 1

## **Marilee Calhoun (Town of Thompson)**

---

**From:** Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>  
**Sent:** Thursday, February 23, 2023 2:27 PM  
**To:** Meghan.Taylor@rwnyork.com; bob.stanion@eprkc.com  
**Cc:** marilee@townofthompson.com; Devine, Alysse (DEC)  
**Subject:** Monster Golf Cart Bridge Rehab - 3-4846-00471/00001  
**Attachments:** Joint Application\_Monster Golf Cart Bridge Rehab\_2023-1-25.pdf;  
MonsterGolfCourseGPSigned.pdf

Meghan Taylor,

Please see attached for the signed General Permit for the work associated with the golf course bridge at the Monster Golf Course. Please let me know if you have any other questions, thanks.

### **Michael Fraatz**




he/him/his

Biologist, Bureau of Ecosystem Health

**New York State Department of Environmental Conservation**

21 South Putt Corners Road, New Paltz, NY 12561

P: (845) 256-3057 | [michael.fraatz@dec.ny.gov](mailto:michael.fraatz@dec.ny.gov)

[www.dec.ny.gov](http://www.dec.ny.gov) |  |  | 



### PERMIT

### Under the Environmental Conservation Law (ECL)

### GENERAL PERMIT GP-0-20-002

### Stream Activities General Permit

#### Permittee and Facility Information

**Permit Issued To:**

Empire Resorts Real Estate 1, LLC  
888 Resorts World Drive  
Monticello, NY 12701

**Facility:**

Monster Golf Course  
SBC-15-1-15  
888 Resorts World Drive  
Monticello, NY 12701

**Applicable DEC Region(s):** ALL

**General Permit Authorized Activity:** This general permit authorizes the activities listed below that occur within regulated streams and rivers, in accordance with the special and general conditions included in this permit, and the project-specific plans approved by Department countersignature to this permit.

When Department approval is obtained by countersignature to this permit, one or more of the following activities may be authorized by this general permit:

1. In-place repair, replacement or re-setting of existing culverts and bridges.
2. Installation of a single new culvert or bridge to serve a single-family residence on an approved building lot, with no impact to state-regulated freshwater wetlands or adjacent areas;
3. In-place repair and replacement of existing bank stabilization structures.
4. Bank stabilization up to 500 linear feet using vegetation-based or bioengineering techniques (e.g., toe-wood structures, fascines, root-wads, brush mattresses, live-staking, etc.).
5. Bank stabilization up to 150 linear feet using rip-rap or similar materials, where use of vegetation-based or bioengineering techniques are not feasible.
6. Installation or repair of in-stream grade control structures consisting of rock or other natural materials (e.g., j-hooks, rock vanes, rock riffles, etc.).
7. Debris, gravel, and streambed material removal not exceeding 100 linear feet of the water course to remove blockages and restore natural stream channel dimensions and flows.
8. Installation or maintenance of dry hydrants for fire protection.
9. Repair of existing utility lines and associated structures (e.g., water, sewer, telecommunications, etc.).
10. Repair or installation of utility lines to serve a single-family, two-family, or three-family residence.
11. Temporary access or dewatering measures necessary to complete other activities authorized by this general permit.
12. Maintenance or repair of existing boat ramps, and access sites.

**Specific Activities Authorized for this Permit:**



**Permit Authorizations**

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Freshwater Wetlands - Under Article 24

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Stream Disturbance - Under Article 15, Title 5

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

Water Quality Certification - Under Section 401 - Clean Water Act

Effective Date: 05/21/2021 Expiration Date: 05/20/2026

**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

**General Permit Authorized by**

Permit Administrator: SCOTT E SHEELEY, Chief Permit Administrator

Address: NYSDEC Headquarters  
625 Broadway  
Albany, NY 12233

Authorized Signature: Scott E. Sheeley

Date: 05/21/2021

This permit is not effective without the signature below:

**Validation under this General Permit**

Authorized By: Michael Franz  
Biologist I  
Bureau of Ecosystem Health  
New Paltz, NY  
845-256-3057

Authorized Signature: Michael Franz

Date 2/23/23

**Permit Components**

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**STATE ENVIRONMENTAL QUALITY REVIEW ACT**  
**Notice Requiring Preparation of a Supplemental Impact Statement**  
**for the Project known as Lost Lake Resort**  
**Date of Notice: February 9, 2023**

- Project Name:** Lost Lake Resort Planned Development District
- Location:** Approximately 2079.51 acres located on St. Joseph's Road, Town of Forestburgh, Sullivan County, New York
- Lead Agency:** Town of Forestburgh Town Board, Forestburgh Town Hall, 332 King Road, PO Box 114, Forestburgh, New York 12777, Contact: Daniel S. Hogue, Jr., Supervisor
- Project Sponsor:** Lost Lake Holdings, LLC and Mishconos Mazah, LLC ("Developer"), successor-in-interest to Double Diamond Inc.
- SEQRA Status:** Type I
- Attachments:** Town Board Resolution dated February 2, 2023

**PLEASE TAKE NOTICE**, that the Town of Forestburgh at its February 2, 2023 meeting determined that Developer's changes and modifications to the Lost Lake Resort Project as fully detailed in the ZBA's November 15, 2022 Decision constituted "changes in the project" or "a change in the circumstance" as those terms are used in 6 NYCRR § 617.9 (a) (7) resulting in the potential for significant adverse environmental impacts not addressed or inadequately addressed in the EIS, and therefore Developer will be required to prepare a supplemental environmental impact statement ("SEIS") and obtain approvals for such modifications as required under applicable law or regulation. A copy of the ZBA Decision is available at: <http://forestburgh.net/wp-content/uploads/2022/11/zba-appeal-determination-w.-appx-1.pdf>.

The Town Board also suspended all Town issued permits and approvals, including the Resort Project's 2011 PDD Approval and 2013 Conditional Final Approval and any construction or land disturbance activities permitted thereunder are no longer authorized unless and until Developer submits its proposed changes to the Town Board to undergo additional review under SEQRA, and obtain necessary and appropriate modifications to the terms and conditions of the Project Approval.

A copy of the DEIS and FEIS is on file for public inspection at Town of Forestburgh Town Clerk's Office, 332 King Road, Forestburgh, New York 12777. A digital copy of the DEIS and FEIS is available online at: <https://forestburgh.net/boards-and-committees/zoning-board-of-appeals/lost-lake/>

Copies of this Notice sent to the attached Service List.

<p>Dept. of the Army Corps of Engineers  NY District, Western Permits Section  26 Federal Plaza, Room 1937  New York, New York 10278-0090</p>	<p>Sullivan Co. Division of Public Works  Edward McAndrew, P.E., Commissioner  100 North Street  P.O. Box 5012  Monticello, New York 12701</p>
<p>US Fish &amp; Wildlife Service  New York Field Office  3817 Luker Road  Cortland, New York 13045</p>	<p>Sullivan Co. Division of Planning and Environmental  Management  Attn: Freda Eisenberg, AICP, Commissioner  100 North Street  Monticello, New York 12701</p>
<p>NYS Dept of Environmental Conservation  Attn: Basil Seggos, Commissioner  625 Broadway  Albany, New York 12233-3508</p>	<p>Sullivan County Sheriff's Department  Attn: Michael Schiff, Sheriff  58 Old Route 17  Monticello, New York 12701</p>
<p>NYS Dept of Environmental Conservation  Region 3, Div of Environmental Permits  21 South Putt corners Road  New Paltz, New York 12561-1696</p>	<p>Monticello Central School District  Attn: Matthew Evans, Ed. D., Superintendent  150 Wood Avenue  Monticello, New York 12701</p>
<p>NYS Department of Transportation  Region 9  Attn: Thomas Wiser, P.E., Regional Director  44 Hawley Street  Binghamton, New York 13901-3200</p>	<p>Town of Thompson  Attn: Marilee J. Calhoun, Town Clerk  4052 Route 42  Monticello, New York 12701</p>
<p>NYS Department of Health  Monticello District  50 North Street, Suite 2  Monticello, New York 12701-1171</p>	<p>Crawford Public Library  479 Broadway  Monticello, New York 12701-1353</p>
<p>NYS Office of Parks, Recreation and Historic  Preservation-Field Services Bureau  Attn: Erik Kulleseid, Commissioner  Peebles Island, P.O. Box 189  Waterford, New York 12188-0189</p>	<p>Forestburgh Fire Company #1  Attn: Zach Petrowsky, Chief  2674 Route 42  Forestburgh, New York 12777</p>
<p>Delaware River Basin Commission  25 State Police Drive  PO Box 7360  West Trenton, New Jersey 08628-0360</p>	<p>Town of Forestburgh Conservation Advisory Board  332 King Road - P.O. Box 114  Forestburgh, New York 12777</p>
<p>Merriewold Board of Governors  284 Godwin Avenue  Ridgewood, NJ 07450-3606</p>	<p>The Hartwood Club  Attn: Tom Gravina, President  195 Baer Road  Forestburgh, New York 12777</p>
<p>Lake Joseph Homeowners Assn, Inc.  Ihor Mandicz, President  P.O. Box 97  Forestburgh, New York 12777</p>	<p>Forestburgh Civic and Taxpayers Assn, Inc.  P.O. Box 69  Forestburgh, New York 12777</p>



# Town of Forestburgh

## RESOLUTION 2023-02

### Requiring Supplemental Environmental Review and Authorizing Legal Action Against the Owners of the Lost Lake Resort Property Located on Cold Spring Road, Town of Forestburgh

Dated: February 2, 2023

At a meeting of the Town Board of the Town of Forestburgh, Sullivan County, New York, held at the Town Hall, 332 King Road, Forestburgh, N.Y., on the 2nd day of February, 2023:

Councilperson Ellsweig offered the following resolution and moved for its adoption:

WHEREAS, in September of 2008, Double Diamond Inc. (“Double Diamond”) proposed to develop a planned resort and residential community on approximately 2,100 acres located in the Town known as the Lost Lake Resort (“Resort Project”);

WHEREAS, Double Diamond proposed to construct a resort development consisting of a gated community of over 2,600 building lots, an 18-hole championship golf course, a clubhouse, hotel, restaurant, conference center, spa, swimming facilities, tennis facilities, wilderness trails, and other resort amenities;

WHEREAS, the Resort Project application was subject to review under the State Environmental Quality Review Act (“SEQRA”), including the preparation of a Draft Environmental Impact Statement (“DEIS”), a Final Environmental Impact Statement (“FEIS”), and a SEQRA Findings Statement;

WHEREAS, the Town Board’s review under SEQRA was based on the resort development proposed by Double Diamond, including representations made by Double Diamond that the project was intended for primarily a second-home and non-resident population for weekend and vacation use and that the developer would not build single-family homes but rather sell vacant lots to individuals;

WHEREAS, the SEQRA Findings Statement for the Resort Project included enforceable terms, restrictions, and mitigation measures specifically tailored to mitigate or avoid impacts arising from the Resort Project as proposed by Double Diamond;

WHEREAS, after completing environmental review under SEQRA and adopting the Finding Statement, the Town Board granted PDD approval to the Resort Project by resolution dated August 4, 2011 (“2011 PDD Approval”), and granted conditional final site plan and subdivision approval for the first of seven project phases by resolution on June 25, 2013 (“2013 Conditional Final Approval”);

WHEREAS, the 2011 PDD Approval and 2013 Conditional Final Approval were expressly conditioned on compliance with the specific mitigation measures considered in the DEIS / FEIS, and incorporated into the SEQRA Findings Statement;

WHEREAS, in June of 2020, Double Diamond sold the Project to Lost Lake Holdings, LLC and Mishconos Mazah, LLC (collectively "Developer") without having completed the infrastructure improvements;

WHEREAS, Developer sought and was initially issued building permits for Resort Project Lots 301 and 302 but the Lot 302 permit was later revoked;

WHEREAS, in June of 2021, Developer applied for a building permit to construct a single-family residential dwelling on Resort Project Lot 303;

WHEREAS, on November 23, 2021, the Building Inspector denied Developer's Lot 303 building permit application on the basis that Developer's intended housing development was inconsistent with the Resort Project approval conditions, terms and restrictions;

WHEREAS, Developer appealed the Building Inspector's decision to the Town Zoning Board of Appeals ("ZBA");

WHEREAS, Developer's appeal was subject to a formal evidentiary hearing and included six days of witness direct and cross-examination testimony at which the ZBA developed an extensive record;

WHEREAS, by decision dated November 15, 2022, the ZBA issued a comprehensive 36-page ruling affirming the Building Inspector's denial and finding that Developer's intent to construct and sell housing units based on Developer's own design specifications is inconsistent with and materially different from the Resort Project approval conditions, terms and restrictions that authorized Double Diamond to sell vacant lots to individual owners who would build single-family homes in accordance with the design specifications and requirements approved by the Town and incorporated into the SEQRA Findings Statement;

WHEREAS, the PDD Local Law requires that project approvals and its conditions, terms and restrictions may not be modified or amended without reassessment of impacts under SEQRA and Town Board approval;

WHEREAS, despite the ZBA Ruling, Developer continued with construction activities on the Lost Lake Resort Property;

WHEREAS, on January 1, 2023, the Building Inspector issued a stop work order requiring Developer to cease construction on Lot 301;

WHEREAS, on February 1, 2023, the Building Inspector issued a stop work order and notice of violation related to Developer's continued infrastructure construction activities;

WHEREAS, the Town is authorized under New York State Town Law to maintain an action or proceeding in the name of the Town to enforce its local laws and zoning regulations.

**NOW THEREFORE BE IT RESOLVED** that the Town Board finds that Developer's changes and modifications to the Resort Project as fully detailed in the ZBA's November 15, 2022 Decision constitutes "changes in the project" or "a change in the circumstance" as those terms are used in 6 NYCRR § 617.9 (a) (7) and therefore Developer will be required to prepare a supplemental environmental impact statement and obtain approvals for such modifications as required under PDD Local Law § 85-19 (B) (2), and other applicable law or regulation;

**BE IT FURTHER RESOLVED** that all Town issued permits and approvals, including the Resort Project's 2011 PDD Approval and 2013 Conditional Final Approval are hereby suspended and any construction or land disturbance activities permitted thereunder are no longer authorized unless and until Developer submits its proposed changes to the Town Board to undergo additional review under SEQRA, and obtain necessary and appropriate modifications to the terms and conditions of the Project Approvals;

**BE IT FURTHER RESOLVED** that the Town Clerk shall provide notice and a copy of this Resolution to all interested and involved parties identified in the Resort Project DEIS and shall make the Resolution accessible on the Town's website;

**BE IT FURTHER RESOLVED** that Harris Beach, PLLC, as Special Counsel for the Town of Forestburgh, is authorized to institute legal action or proceeding in the name of the Town of Forestburgh and the Town Board against the owners of the Lost Lake Resort Property and/or any related party, in Supreme Court of the State of New York to compel compliance with or to restrain by injunction the violation of any applicable Town Code, local law, ordinance, rule or regulation; and to prevent, restrain, correct or abate such violation; and to prevent any illegal act, conduct, business or use in or about such the Property.

**BE IT FURTHER RESOLVED** that Special Counsel is hereby vested with the discretion to seek monetary and/or punitive damages, injunctive relief, including restraint or specific performance, and/or permanent, preliminary or temporary injunctive relief.

On a motion by Councilperson Ellsweig, seconded by Councilperson Landis, the resolution was adopted on a roll call vote, the results which follow:

Supervisor Daniel S. Hogue, Jr.	Aye
Councilmember Steven Budofsky	Aye
Councilmember Karen Ellsweig	Aye
Councilmember Vincent Galligan	Aye
Councilmember Susan Parks-Landis	Aye

**Adopted this 2nd day of February 2023.**

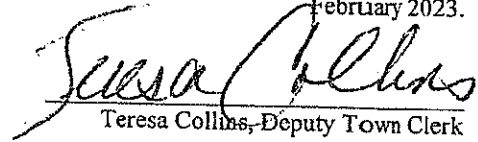
**By Order of the Forestburgh Town Board**

**Teresa Collins, Deputy Town Clerk**

I, **TERESA COLLINS**, Deput Town Clerk of the Town of Forestburgh, Sullivan County, New York, **DO HEREBY CERTIFY** that the foregoing local law was approved by the Town Board of the Town of Forestburgh on February 2, 2023, and that the foregoing is a true and correct transcript of the original local law and of the whole thereof and that said original local law is on file in the Town Clerk's office.

**I DO FURTHER CERTIFY** that each of the members of the Town Board had due notice of the said Town Board meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the Town of Forestburgh this 2nd day of February 2023.

  
Teresa Collins, Deputy Town Clerk





L/P Filed 5  
12-17-2022  
INQ # 2022-36

## Notice to Tenants of Buildings in Foreclosure

New York State Law requires that we provide you this notice about the foreclosure process. Please read it carefully.

We, Walkoff Holdings LLC, is the foreclosing party and are located c/o Sills Cummis & Gross P.C., 1037 Raymond Boulevard, Newark, New Jersey 07102. We can be reached at 973-643-5391.

The dwelling where your unit is located is the subject of a foreclosure proceeding. If you have a lease, are not the owner of the residence, and the lease requires payment of rent that at the time it was entered into was not substantially less than the fair market rent for the property, you may be entitled to remain in occupancy for the remainder of your lease term. If you do not have a lease, you will be entitled to remain in your home until ninety days after any person or entity who acquires title to the property provides you with a notice as required by section 1305 of the Real Property Actions and Proceedings Law. The notice shall provide information regarding the name and address of the new owner and your rights to remain in your home. These rights are in addition to any others you may have if you are a subsidized tenant under federal, state or local law or if you are a tenant subject to rent control, rent stabilization or a federal statutory scheme.

**ALL RENT-STABILIZED TENANTS AND RENT-CONTROLLED TENANTS ARE PROTECTED UNDER THE RENT REGULATIONS WITH RESPECT TO EVICTION AND LEASE RENEWALS. THESE RIGHTS ARE UNAFFECTED BY A BUILDING ENTERING FORECLOSURE STATUS. THE TENANTS IN RENT-STABILIZED AND RENT-CONTROLLED BUILDINGS CONTINUE TO BE AFFORDED THE SAME LEVEL OF PROTECTION EVEN THOUGH THE BUILDING IS THE SUBJECT OF FORECLOSURE. EVICTIONS CAN ONLY OCCUR IN NEW YORK STATE PURSUANT TO A COURT ORDER AND AFTER A FULL HEARING IN COURT.**

If you need further information, please call the New York State Department of Financial Services' toll-free helpline at 1-800-342-3736 or visit the Department's website at [www.dfs.ny.gov](http://www.dfs.ny.gov).

Waverly  
Gardens





**SULLIVAN COUNTY**  
PARTNERSHIP FOR ECONOMIC DEVELOPMENT

February 16, 2023

Marilee Calhoun  
Town Clerk  
4052 Route 42  
Monticello, New York 12701

Dear Marilee,

The Sullivan County Partnership for Economic Development is hosting its second annual (and free) breakfast seminar about Economic Development in Sullivan County and essential tips for project success on Thursday, March 23<sup>rd</sup> at The Kartrite Resort and Indoor Waterpark from 7:30-10:00 AM. I'd like to cordially invite your Town Supervisor, Town board, planning board and ZBA members to join us for a hearty breakfast and even heartier discussion about how Economic Development in the County can affect your town, your businesses, and your taxes. Our panel of experts will discuss the unique challenges and benefits of developing in rural communities. We'll talk to representatives with expertise in Planning/Zoning, Construction, Infrastructure, Site Selection, Energy, Incentives and more.

With Sullivan County experiencing increased interest and activity, our economy continues to come back strong; particularly because it means we are developing a more diverse portfolio of industries. The talk about recession, inflation and higher interest rates among other factors underscores how important Economic Development is as the foundation for vibrant, thriving communities. It is ever more crucial that we continue to prepare sites for diverse development in our commercial industrial corridors and that all of our communities be ready for the variety of business interests seeking to invest in our county; particularly in hospitality, healthcare, logistics, green energy and more.

This event is too important to miss, and I encourage at least one representative from your town to join us as we highlight the positive impact of investment in our communities and speak to the challenges we face in our quest to help our economy continue to grow. The attached flyer contains all of the information to sign up on-line or give us a call at 845-794-1110.

Respectfully,

Marc A. Baez  
President/CEO

196 Bridgeville Road, Suite 2, Monticello, NY 12701  
P: (845) 794-1110

# ECONOMIC DEVELOPMENT

SUMMIT

INFORMATIONAL BREAKFAST EVENT

FREE EVENT

## ECONOMIC DEVELOPMENT - ESSENTIAL TIPS FOR PROJECT SUCCESS -

Join us for this educational opportunity as well as a hearty breakfast as our expert panel explores how Economic Development in the county affects you, your business, your community and taxes. Have you ever wondered how projects get started and completed? How do developers and entrepreneurs “discover” Sullivan County and why now? What are the challenges and benefits of developing in rural communities?

Our expert panel includes representatives from the Sullivan County Economic Development Community, with expertise in Construction, Infrastructure, Site Selection and more.

### EVENT DETAILS

THURSDAY, MARCH 23, 2023 | 7:30 - 10:00 AM

Discussion begins promptly at 8AM.

THE KARTRITE RESORT & INDOOR WATERPARK

555 Resorts World Dr, Monticello, NY 12701

RSVP Deadline March 16th

Online Sign-Up:

[www.scpartnership.com/about-sc-partnership/events/](http://www.scpartnership.com/about-sc-partnership/events/)

Email: [vanessa@scpartnership.com](mailto:vanessa@scpartnership.com)

Tel: 845-794-1110



**Patrice Chester (Town of Thompson)**

---

**From:** NYSERDA No Reply <no-reply@nyserda.ny.gov>  
**Sent:** Thursday, February 16, 2023 11:11 AM  
**To:** pchester@townofthompson.com  
**Cc:** cec@nyserda.ny.gov; alison.khachadourian@nyserda.ny.gov  
**Subject:** GRANT APPROVAL NOTIFICATION: Clean Energy Communities Program – Town Highway Facility Lighting Upgrade

According to NYSERDA records, recently submitted a grant application in the amount of \$5,000 under the Clean Energy Communities Program.

**Congratulations! Your application has been approved by NYSERDA.**

The grant funds will be paid in full directly by check or direct deposit.

NYSERDA will not be issuing a press release regarding your grant. If you would like to issue a release, please send us a version to review to cec@nyserda.ny.gov and we will work with our communications department to provide you a quote. Please leave ample time for review prior to planned distribution.

For more information, please review the program [Guidance Document](#).

If you have any questions, please do not hesitate to contact your local Clean Energy Communities Coordinator who is working on NYSERDA’s behalf to help you navigate the program. You may also send us an email at cec@nyserda.ny.gov.

Thank you for your interest in NYSERDA’s Clean Energy Communities Program.

Again, congratulations!

Clean Energy Communities Team NYSERDA 17 Columbia Circle | Albany, NY 12203-6399 [nyserda.ny.gov](http://nyserda.ny.gov) [follow](#) : [friend](#) : [connect with NYSERDA](#)





Department of Health

KATHY HOCHUL
Governor

JAMES V. McDONALD, M.D., M.P.H.
Acting Commissioner

MEGAN E. BALDWIN
Acting Executive Deputy Commissioner

February 14, 2023

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

Re: Kiamesha - Route 42 WD
Town of Thompson
Boil Water Order Rescind

Supervisor Rieber,

Results of total coliform analysis from water samples collected within the above referenced water district on February 12, 2023, and February 13, 2023 indicated the water supply to be of a satisfactory bacteriological quality at the time of sampling. The boil water order issued on February 4, 2023, is hereby rescinded and normal use of this supply may resume.

Please note this boil water order rescind notice only applies to customers served by the Kiamesha - Route 42 Water District. Water within this district must continue to be supplied by the Adelaar Water District until the boil water order for Kiamesha Artesian Spring Water Company has been rescinded or as otherwise approved by this office.

Customers outside the Kiamesha - Route 42 Water District that receive water from Kiamesha Artesian Spring Water Company remain on boil water order until further notice.

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

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

If you have any questions regarding this matter, please contact this office at 845-794-2045.

Thank you,
Andrew Kalter
Andrew Kalter
District Director

cc: Michael Messenger, (T) Thompson
File



**Department  
of Health**

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, M.D., M.P.H.**  
Acting Commissioner

**MEGAN E. BALDWIN**  
Acting Executive Deputy Commissioner

March 2, 2023

Allan Schachnovsky  
Kiamesha Artesian Spring Water Company  
4666 State Route 42  
Kiamesha Lake, NY

Re: Kiamesha Artesian Spring Water Co.  
Boil Water Order Rescind Notice  
Town of Thompson

Dear Mr. Schachnovsky,

Results of total coliform analysis from water samples collected from the above referenced water system on February 27, 2023 and February 28, 2023 indicated the water supply to be of a satisfactory bacteriological quality at the time of sampling. The boil water order issued by this department on February 5, 2023 is hereby rescinded and normal use of this supply may resume.

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

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

If you have any questions regarding this matter, please contact this office at 845-794-2045.

Thank you,

Andrew Kalter  
District Director

cc: William Rieber, Supervisor, (T) Thompson  
File

State of New York  
Unified Court System



*Tamiko A. Amaker*  
Acting Chief Administrative Judge

25 Beaver Street  
New York, N.Y. 10004  
(212) 428-2100

February 23, 2023

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

Dear Supervisor Rieber:

Section 2019-a of the Uniform Justice Court Act requires that town justices annually provide their court records and dockets to the auditing board of the town, and that such records then be examined, and that fact be entered into the minutes of the board's proceedings.

The Unified Court System's Internal Audit office is responsible for monitoring town board compliance with Section 2019-a. Accordingly, I am requesting that you provide a copy of the audit of your local court's records for fiscal year ending in 2022 and a copy of your board resolution acknowledging that the required examination was conducted. Please email the report and resolution to [jcasazza@nycourts.gov](mailto:jcasazza@nycourts.gov) or mail to Daniel Johnson, Chief Internal Auditor, NYS Unified Court System, 185 Jordan Road, Suite 1, Troy, NY 12180. Please respond by March 31, 2023.

If you have any questions, please contact Joan Casazza at (518) 238-4303 or at the email listed above. Thank you for your cooperation.

Very truly yours,

A handwritten signature in cursive script that reads "Tamiko Amaker".

smw

c: Daniel Johnson, CPA  
Joan Casazza, CIA



February 3, 2023

NY0628  
 TOWN OF THOMPSON  
 TOWN OF THOMPSON-13  
 TOWN HALL  
 4052 ROUTE 42 N  
 MONTICEELO, NY 12701

RE: Quarterly Franchise Fee Payment

Dear Sir or Madam:

Enclosed, please find our franchise fee remittance covering the period from October 1, 2022 to December 31, 2022, for Charter Communications ("Charter"). This franchise fee computation has been prepared in accordance with the terms and conditions of our local cable television franchise agreement, or if Charter is operating under a state issued franchise in your community, in accordance with the requirements of the state franchising law. This payment specifically complies with all of Charter's contractual and/or statutory duties, and includes the required percentage, flat rate, or per sub payment, and includes all required categories of revenue.

This payment was calculated as follows:

Franchise Fee Base	\$1,018,882.67
Franchise Fee (as defined in Agreement):	5.00 %
Fee Adjustment (see detail)	\$0.00
Fee Due	\$50,944.13

Please contact your Government Relations representative or send an email directly to CharterFranchiseNotices@charter.com \*\* for any address updates or corrections.

We would also like to remind you of an alternative to US mail-delivered paper checks for franchise fee payments. You now have the option of signing up for an electronic direct payment process for franchise fees, assuring a more efficient and timely manner of receiving your funds. If you would like to pursue the electronic payment process, please contact your Government Relations representative for instructions. We believe this convenient method will be of significant value to you.

Charter Communications is proud to serve your community and our customers with cable television service. Please feel free to contact our office via email at svc\_Corp\_MM\_franchise\_fees@charter.com \*\* if any additional information is required.

Sincerely,

Steve Lottmann  
 Senior Director, Revenue Accounting  
 15076 - 1503NY - 6002670  
 \*\*(Please note new email addresses)

Enclosure

**ATTACHMENT CONTAINS TRADE SECRET INFORMATION AND IS CONFIDENTIAL & PROPRIETARY  
 - NOT FOR PUBLIC DISCLOSURE**

314.288.3103 www.charter.com	12405 Powerscourt Drive St. Louis, Missouri 63131-3764
---------------------------------	---

400 Atlantic St  
Stamford, CT

STUB 1 OF 1

CHECK DATE: 02/03/23

NO. 80669446

DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT	DEDUCTIONS	AMOUNT PAID
11/30/22	Q202211	FRANCHISE FEE	18,346.52	0.00	18,346.52
12/31/22	Q202212	FRANCHISE FEE	15,762.49	0.00	15,762.49
10/31/22	Q202210	FRANCHISE FEE	16,835.12	0.00	16,835.12
				<b>TOTAL</b>	<b>50,944.13</b>

6002670 TOWN OF THOMPSON

WARNING: ORIGINAL DOCUMENT HAS VISIBLE FIBERS, INVISIBLE FLUORESCENT FIBERS & CHEMICAL REACTIVE PAPER.

**Charter**  
COMMUNICATIONS

12405 Powerscourt Drive  
St. Louis, MO 63131-3674

Charter Communications is an Equal Opportunity Employer/Contractor

80-1769/0815

US BANK  
MEMPHIS, MO

NO. 80669446

6002670

DATE

02/03/23

AMOUNT

\$\*\*\*\*\*50,944.13

PAY FIFTY THOUSAND NINE HUNDRED FORTY-FOUR AND 13/100\*\*\*\*\*

TO TOWN OF THOMPSON  
THE ATTN TOWN HALL  
ORDER 4052 RTE 42 N  
OF MONTICEELO NY 12701  
IS

  
AUTHORIZED SIGNATURE

THE FACE OF THIS CHECK HAS A VOID FEATURE PANTOGRAPH, A MICROTYPED BORDER AND A SECURITY BACKER.

⑈0000010⑈



**Town of Thompson**  
**General Ledger Detail Transaction Report**  
**Fiscal Year 2022**

Account Number	Account Description	Journal Date	Type/Num	Reference	Budget Amount	Debit	Credit	Enc/Liq	Act Exp
B000.1170.000	AM FRANCHISE FEES								
YEAR FORWARD BALANCE									
Rebuild BY Journal									
Franchise Fees - 1st Qtr 2022	1	1/1/2021	BY1-1	Mth 1 Total	(\$150,000.00)	\$0.00	\$0.00	\$0.00	\$0.00
Franchise Fees - 2nd Qtr 2022	5	5/17/2022	CR111015	Charter Ck # 80500435	(\$150,000.00)	\$0.00	\$0.00	\$0.00	\$0.00
Franchise Fees - 2nd Qtr 2022	8	8/16/2022	CR111479	Mth 5 Charter ck#80551723	\$0.00	\$0.00	\$46,019.75	\$0.00	(\$46,019.75)
Franchise Fees - Audit Period 01/2018-12/2021	9	9/20/2022	CR111577	Mth 8 Charter ck# 80567648	\$0.00	\$0.00	\$48,825.75	\$0.00	(\$48,825.75)
TROY & BANKS, INC. 08302022 PROFESSIONAL FEES FOR CABLE FRANCHISE AUDIT	10	10/1/2022	AP111646	Mth 9 Vendor#: 4299	\$0.00	\$0.00	\$21,100.00	\$0.00	(\$21,100.00)
Franchise Fees -3rd Qtr 2022	11	11/17/2022	CR111819	Mth 10 Charter ck#80607801	\$0.00	\$10,550.00	\$0.00	\$0.00	\$10,550.00
YTD Total for B000.1170.000				Mth 11 Total	(\$150,000.00)	\$10,550.00	\$169,412.07	\$0.00	(\$53,466.57)
Total for Fund B000						\$10,550.00	\$169,412.07	\$0.00	(\$158,862.07)
Grand Total						\$10,550.00	\$169,412.07	\$0.00	(\$158,862.07)





**Town of Thompson**  
**General Ledger Detail Transaction Report**  
**Fiscal Year 2021**

Account Number	Account Description	Journal Date	Type/Num	Reference	Budget Amount	Debit	Credit	Enc/Liq	Act Exp
<b>B000.1170.000</b>	<b>FRANCHISE FEES</b>								
YEAR FORWARD BALANCE									
Rebuild BY Journal		1/1/2021	BY1-1	Total	(\$150,000.00)	\$0.00	\$0.00	\$0.00	\$0.00
1st Qtr Franchise Fee		5/18/2021	CR109361	Mth 1 Charter ck#80298377	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Franchise Fees - 2nd Qtr 2021		8/17/2021	CR109824	Mth 5 Total Charter ck#80352448	\$0.00	\$0.00	\$43,117.90	\$0.00	(\$43,117.90)
Franchise Fees - 3rd Qtr 2021		11/16/2021	CR110200	Mth 8 Total Charter ck#80400162	\$0.00	\$0.00	\$49,063.22	\$0.00	(\$49,063.22)
Year End Revenue Accruals		12/31/2021	JE110725	Mth 11 Total 4th Quarter Franchise Fees	\$0.00	\$0.00	\$53,154.24	\$0.00	(\$53,154.24)
Budget Transfers & Amendments - Town Board Meeting 03/15/2022		12/31/2021	BE110734		(\$41,095.00)	\$0.00	\$0.00	\$0.00	(\$41,095.00)
<b>YTD Total for B000.1170.000</b>	<b>FRANCHISE FEES</b>			<b>Total</b>	<b>(\$191,095.00)</b>	<b>\$0.00</b>	<b>\$191,095.76</b>	<b>\$0.00</b>	<b>(\$191,095.76)</b>
<b>Total for Fund B000</b>					<b>(\$191,095.00)</b>	<b>\$0.00</b>	<b>\$191,095.76</b>	<b>\$0.00</b>	<b>(\$191,095.76)</b>
<b>Grand Total</b>					<b>(\$191,095.00)</b>	<b>\$0.00</b>	<b>\$191,095.76</b>	<b>\$0.00</b>	<b>(\$191,095.76)</b>

# State of New York

**A**

## REMITTANCE ADVICE for CHECK NO. 09158795

**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
GAM01 NYS Gaming Commission		00032222	Resorts Distrib 3rd Qtr 22/23	01/30/23	705,688.17

GOV'T ENTITIES, VENDORS, NOT-FOR-PROFITS:

Non-Negotiable	Check Total	\$705,688.17
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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

12644580

# State of New York

Check No. 09158795

**\$705,688.17**

DEPARTMENT OF TAXATION AND FINANCE  
DIVISION OF THE TREASURY

29-55  
213

**A**

FEBRUARY 07, 2023 GAM01

**KNOW YOUR ENDORSER**

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

**\$705,688.17**

Security Features Included Details on back

*Thomas P. DiNapoli*  
**Thomas P. DiNapoli**  
 State Comptroller

KeyBank N.A.

*Amanda Hiller*  
**Amanda Hiller**  
 Acting Commissioner, Taxation and Finance

⑈09158795⑈



County of Sullivan  
 GENERAL FUND  
 100 North Street, P.O. Box 5012  
 Monticello, N.Y. 12701

KEY BANK MONTICELLO  
 BROADWAY  
 MONTICELLO, NY 12701

Check Number **299257**

Vendor Number	Check Date	Check Amount
3020	02/24/2023	\$28,300.65

Twenty-Eight Thousand Three Hundred and 65/100 Dollars \*\*\*\*\*

Pay To The Order Of

3020  
 TOWN OF THOMPSON  
 4052 ROUTE 42  
 MONTICELLO, NY 12701

*Nancy Buck*  
 County Treasurer

DOCUMENT INCLUDES A HIDDEN WORD. DO NOT CASH IF THE WORD VOID IS VISIBLE. ALSO INCLUDES AN ORIGINAL WATERMARK

⑈ 299257 ⑈

County of Sullivan - GENERAL FUND

P.O. Box 5012 Monticello, N.Y. 12701

INVOICE DATE	INVOICE NO.	DESCRIPTION	INVOICE AMOUNT
12/21/2022	1PEM219FINAL	PEM/PLANS & PROGRESS SMALL GRANT PROGRAM PO#	8,300.65
12/31/2022	1PEM211FINAL	G/L Account: A-8020-90-47-4796 PEM/RUST GRANT PROGRAM PO# G/L Account: A-8020-90-47-4752	20,000.00

Vendor No	Vendor Name	Check No.	Check Date	Check Amount
3020	TOWN OF THOMPSON	299257	02/24/2023	\$28,300.65



Department of Taxation and Finance

OFFICE OF REAL PROPERTY TAX SERVICES
TIMOTHY J. MAHER
Director of Real Property Tax Services

TO: Assessors, Mayors and Clerks
FROM: Rebecca Bellard
SUBJECT: 2023 Tentative Special Franchise Full Values

Enclosed is your municipality's Notice of Tentative Special Franchise Full Values for the 2023 assessment roll. Municipalities will need to equalize these full values using their current 2023 roll level of assessment. Assessments shall in no case exceed full value. If your stated level of assessment is not accepted as a state equalization rate, these full values will have to be equalized using the state equalization rate when that rate is established. The only exception to this change is municipalities which still have "base" utility property. These municipalities will receive assessed values which are to be put directly on the assessment roll. Your special franchise certificate will indicate whether you are receiving full values or equalized assessments. Please note, companies that do not appear on this Notice of Tentative Special Franchise, do not have taxable utility property in your municipality in the public right-of-way.

Please note that there may be changes in your special franchise values due to obsolescence adjustments, new companies or purchases that have occurred this past year.

Obsolescence

The companies listed on the attachment have applied for and been granted functional and/or economic obsolescence on all or a portion of their special franchise utility property.

If you have any questions related to your special franchise values, please contact

Rebecca Bellard via e-mail at ORPTS.special.franchise@tax.ny.gov.

Enclosure

cc: County Real Property Tax Directors



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES  
WA Harriman State Campus  
Albany, N Y 12227  
(518)474-5711

RP7026  
Dated  
February 09, 2023

**NOTICE OF TENTATIVE SPECIAL FRANCHISE FULL VALUE**

For city and town assessment roll to be filed in 2023

Town of Thompson, Sullivan County - 484600

Hearing Date and Location:  
March 24, 2023 at 10:00 am  
CR2 A, Bldg 9, 2nd Floor  
WA Harriman State Campus  
Albany, New York

The State Office of Real Property Tax Services has determined the tentative special franchise full values for the following special franchise companies at the amounts shown below. The full values were determined in accordance with Article 6 of the Real Property Tax Law and Part 8197 of Title 20 of the Official Compilation of Codes, Rules and Regulations of the State of New York. The full values include both the value of the tangible property situated in, upon, under or above public streets, highways, waters and other public places and the value of the franchise, right, authority or permission to occupy such public streets, highways, waters and other public places.

The State Office or its duly authorized representative will conduct a hearing in its office in the City of Albany on the day indicated above as the "Hearing Date" to hear any complaints concerning such full values. Complaints must be filed in accordance with the procedure provided in Section 610 of the Real Property Tax Law. In order for a complaint to be considered by the State Office, a complainant must:

- (1) Specify its objections to the tentative special franchise full values on Form RP-7141 available from the Office of Real Property Tax Services.
- (2) Serve its complaint to the State Office at least ten (10) days prior to the hearing date. Service may be made in person or by mail.
- (3) Serve a copy of the complaint upon the appropriate special franchise company.
- (4) File with the State Office, at least five (5) days prior to the hearing date, an affidavit stating in substance that the copy required in step 3 above has been served.

Town of Thompson, Sullivan County	<u>Full Value Number</u>	<u>Tentative Full Value</u>	<u>Pct Change From Prior Roll</u>
New York State Electric & Gas One City Center, Avangrid Management 5th floor Portland, ME 04101 Village of Monticello Town Outside Villages		\$2,800,693	2.9
		<u>\$10,174,383</u>	<u>5.5</u>
Total Town:	131600-4846	\$12,975,076	4.9
Orange & Rockland Util.,Inc. One Blue Hill Plaza4th Floor Pearl River, NY 10965 Town Outside Villages		\$2,839	-0.8
		<u>\$2,839</u>	<u>-0.8</u>
Total Town:	134100-4846	\$2,839	-0.8
Kiamesha Art. Spring Water Co. P.O. Box 205 Kiamesha Lake, NY 12751 Town Outside Villages		\$93,353	7.0
		<u>\$93,353</u>	<u>7.0</u>
Total Town:	225100-4846	\$93,353	7.0
Citizens Telecom Co of NY P.O. Box 2629 Addison, TX 75001			



STATE OF NEW YORK  
DEPARTMENT OF TAXATION AND FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES  
WA Harriman State Campus  
Albany, N Y 12227  
(518)474-5711

RP7026  
Dated  
February 09, 2023

NOTICE OF TENTATIVE SPECIAL FRANCHISE FULL VALUE

Town of Thompson, Sullivan County	Full Value Number	Tentative Full Value	Pct Change From Prior Roll
Citizens Telecom Co of NY P.O. Box 2629 Addison, TX 75001 Town Outside Villages		\$50	4.2
Total Town:	618750-4846	\$50	4.2
Verizon New York Inc. P.O. Box 521807 Longwood, FL 32752 Village of Monticello Town Outside Villages		\$1,029,615 \$2,366,915	7.2 9.5
Total Town:	631900-4846	\$3,396,530	8.8
First Light Fiber 27 Fair Street Norway, ME 04268 Village of Monticello Town Outside Villages		\$82,426 \$13,831	1.3 -2.5
Total Town:	701390-4846	\$96,257	0.7
CrownCastleFiber LLC 2000 Corporate Drive, Tax Department Canonsburg, PA 15317 Village of Monticello Town Outside Villages		\$1,107,966 \$488,581	-2.1 -0.8
Total Town:	797400-4846	\$1,596,547	-1.8
Time Warner Mid-Hudson 7820 Crescent Executive Drive Charlotte, NC 28217 Village of Monticello Town Outside Villages		\$632,381 \$1,497,582	8.4 33.2
Total Town:	937400-4846	\$2,129,963	24.7
Grand Total		\$20,290,615	

*Edward Martorana*  
Edward Martorana  
Valuation Services Bureau

Note: The amounts of the special franchise full values set forth in this notice are "tentative" and must not be entered on the assessment roll. The final full values for entry on the assessment roll will be transmitted at a later date.



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**

Michael Zager  
PO Box 134  
Rock Hill, NY 12775-0134  
(845) 798-2660

**Facility:**

Zager Property  
10 Elm Rd  
Rock Hill, NY 12775

**Facility Application Contact:**

Donia VanKeuren  
10 Elm Rd  
Rock Hill, NY 12775

**Facility Location:** in THOMPSON in SULLIVAN COUNTY

**Facility Principal Reference Point:** NYTM-E: 537.1080111134741 NYTM-N:  
4607.64759420273

Latitude: 41°37'10.9" Longitude: 74°33'16.5"

**Authorized Activity:** This permit authorizes fill to the shore of Lake Wanaksink (D-1-39-P53) associated with selective placement of stone in areas of erosion along 75 linear feet of shoreline.

**Permit Authorizations**

**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Permit ID 3-4846-00504/00002

New Permit

Effective Date: 2/13/2023

Expiration Date: 12/31/2028

**NYSDEC Approval**

**By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.**

Permit Administrator: CHRISTOPHER LANG, Deputy Regional Permit Administrator

Address: NYSDEC Region 3 Headquarters  
21 S Putt Corners Rd  
New Paltz, NY 12561

Authorized Signature: \_\_\_\_\_

**Chris Lang**

Digitally signed by Chris Lang

Date: 2023.02.13 09:40:07 -05'00'



**Distribution List**

Donia VanKeuren  
Brian Drumm; NYSDEC  
Brian Orzel; USACE  
Town of Thompson

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

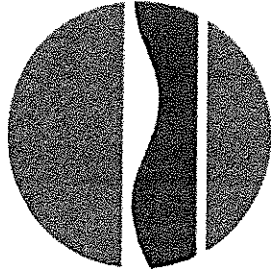
**Permit Attachments**

Permit Sign

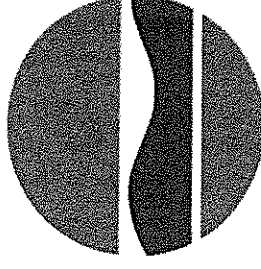
**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: EXCAVATION & FILL IN NAVIGABLE WATERS**

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by applicant and received by DEC on February 10, 2023.
- 2. Prior Approval of Changes** If the permittee desires to make any minor changes to the scope of work shown in the approved plans referenced in Natural Resource Permit Condition 1, the permittee shall submit a request via email to Brian Drumm of the DEC Bureau of Ecosystem Health (brian.drumm@dec.ny.gov) to make such proposed changes. The proposed changes shall not be implemented unless authorized in writing by the Department. Issuance of such approval without modification of the permit is at the Department's discretion.
- 3. Notice of Intent to Commence Work** The permittee or their representative must notify Brian Drumm of the DEC Bureau of Ecosystem Health via email (brian.drumm@dec.ny.gov) no less than 48 hours prior to the commencement of work.
- 4. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 5. Construction of Stone Bulkhead Prohibited** This permit does not authorize the construction of a laid up stone bulkhead.

New York State  
Department of Environmental Conservation



# NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department condition on it, contact the DEC at 845-256-3054 or [dep.r3@dec.ny.gov](mailto:dep.r3@dec.ny.gov). Please refer to the permit number shown when contacting the DEC.

Permittee: Michael Zager

Permit No. 3-4846-00504/00002

Effective Date: 2/13/2023

Expiration Date: 12/31/2028

Applicable if checked. No instream work allowed between October 1 & April 30

**NOTE:** This notice is **NOT** a permit.

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Water, Region 3  
21 South Putt Corners Road, New Paltz, NY 12561-1620  
P: (845) 256-3000 | F: (845) 255-3414  
www.dec.ny.gov

February 13, 2023

Supervisor and Town Board  
Town Hall  
4052 Route 42  
Monticello, NY 12701

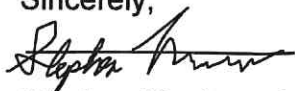
**Re: Annual Compliance Inspection**  
Comprehensive Compliance Inspection  
Melody Lake SD Sewage Treatment Plant  
Town of Thompson, Sullivan County  
SPDES Permit No.: NY0030708

Dear Permittee:

On December 2, 2022, a compliance inspection of the above referenced facility was performed to evaluate compliance with the State Pollutant Discharge Elimination System (SPDES) Permit and Article 17 of the Environmental Conservation Law (ECL). Please refer to the attached Wastewater Treatment Facility Inspection Form and note the satisfactory rating.

Your cooperation in operating and maintaining this facility, complying with the SPDES Permit, and the protection of New York's waters is anticipated. Should you have any questions, please contact me at 845-256-3162 or [Stephen.Monteverde2@dec.ny.gov](mailto:Stephen.Monteverde2@dec.ny.gov).

Sincerely,



Stephen Monteverde  
Engineer Trainee

cc: Douglas Upright, P.E., NYSDEC  
Mike Messenger, Superintendent, Town of Thompson



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
DIVISION OF WATER  
MUNICIPAL WASTEWATER TREATMENT FACILITY INSPECTION**



Violations of 6 NYCRR Part 750 are subject to applicable civil, administrative, and criminal sanctions set forth in ECL Article 17 and as appropriate, the Clean Water Act. This form is a record of conditions which are observed in the field at the time of inspection and documentation of compliance with Part 750.

<b>Facility Name, Address, Phone Number(s):</b> Melody Lake SD STP, Hemlock Drive, Monticello, NY 12701	
<b>Permittee Name, Address, Phone Number(s):</b> Town of Thompson, Town Hall, 4052 Route 42, Monticello, NY 12701 Supervisor@townofthompson.com	
<b>Permittee/LRP E-mail:</b> supervisor@townofthompson.com	<b>Municipality (C/T/V):</b> Thompson (T) <b>County:</b> Sullivan <b>SPDES Number:</b> NY 0030708 <b>DEC Region:</b> 03
<b>Inspector's Name and Title:</b> Stephen Monteverde, Engineer Trainee	
<b>Facility Representative(s) and Company(ies):</b> Mike Messenger, mmessenger@townofthompson.com	
<b>Name and Class of Receiving Water:</b> Turner Brook, Class B	
<b>Inspection Type:</b> COMPREHENSIVE	
<b>ANNOUNCED</b> <b>Overall Inspection Rating:</b> SATISFACTORY	
<b>CODES:</b> S = Satisfactory      M = Marginal      U = Unsatisfactory      F = Follow-up      NR: Not Rated      NA: Not Applicable      NI = Not Inspected	<input type="checkbox"/> NI <input type="checkbox"/> NA

<b>A. Facility Description / General:</b>	<b>Rating</b>	<b>Item:</b>	<b>Comments</b>	<b>Citation/Reference</b>	<b>F</b>
1.	S	A copy of SPDES permit available on-site?		Part 750-2.1	
2.	S	(a) Permit valid or expired (Date if expired)?	Permit expires 2/28/2025.	Part 750-2.1	
3.	S	Are all outfall discharge points permitted?		Part 750-1.12	
4.	NA	Notified DEC of new/modified discharges?		Part 750-1.12	
5.	S	Housekeeping (Office/grounds/lab)?		Part 750-2.8	
6.	S	Flow metering (Types/location/calibration)?	Ultrasonic meter at effluent. Calibrated on 3/10/2022, annual calibration.	Part 750-2.5	
7.	S	Odor complaints/issue? (If any odor issues, dates/corrective actions)	None.	Part 750-2.8	
8.	S	Noise complaints/issue? (If any noise issues, dates/corrective actions)	None.	Part 750-2.8	
9.	S	WTCs used/records properly maintained?	None.	Part 750-2.5	
10.	NA	Nearby water supply (concerns)?		Part 750-2.8	
		Other (Specify)?			

**Click Left Button to Clear the Form**

**B. Collection System / Pump Station:**

NI  NA

100 % Separate,  % Combined.

Population of collection system: 62 homes Miles of Pipe:

Number of pump stations in system: 0

Number pump stations inspected: 0

Rating	Item:	F
S	Sewer overflows upstream of the plant? If any CSO/SSO (List reason/location)	<input type="checkbox"/>
NA	Unpermitted overflows/bypasses inside the plant since last inspection? (If any, list date/corrective action)	<input type="checkbox"/>
NA	Date when overflow/bypass channel used?	<input type="checkbox"/>
NA	Any other in plant bypass designed for WWTP?	<input type="checkbox"/>
	(a) List bypass frequency (Times per year).	<input type="checkbox"/>
	(b) List average duration of bypass (Hours).	<input type="checkbox"/>
NA	CSO/SSO reported via NY-Alert/corrective action?	<input type="checkbox"/>
NA	CSO/SSO routinely inspected?	<input type="checkbox"/>
S	Infiltration/Inflow (I/I) (Present)?	<input type="checkbox"/>
S	I/I corrective actions? (TV/lining/sealing/replacement/inspections)	<input type="checkbox"/>
S	Collection system inspection program?	<input type="checkbox"/>
NA	(a) Pump station inspection program?	<input type="checkbox"/>
S	BMP/Wet Weather Plan (Date/reviewed)?	<input type="checkbox"/>
S	Sewer Use Ordinance (SUO) (Date/copy)?	<input type="checkbox"/>
NA	Are all pump stations operational? (Backup/SCADA/telemetry/monitoring)	<input type="checkbox"/>
	(a) No. pumps operational (Dry/wet weather)?	<input type="checkbox"/>
S	Backup/spare pumps/parts available?	<input type="checkbox"/>
NA	Other (Specify)?	<input type="checkbox"/>

None.

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.7

Part 750-2.8

Part 750-2.9

Part 750-2.9

Part 750-2.8

Part 750-2.8

Part 750-2.9

Part 750-2.9

Part 750-2.8

Part 750-2.8

Part 750-2.8

**C. Industrial Waste/Pretreatment:**

Rating	Item:	NI	NA
	1. Mini program required by SPDES permit?	<input type="checkbox"/>	<input type="checkbox"/>
	2. Industrial waste discharge permits issued?	<input type="checkbox"/>	<input type="checkbox"/>
	3. Industrial waste accepted (Problems)?	<input type="checkbox"/>	<input type="checkbox"/>
	4. Outside septage accepted (Problems)?	<input type="checkbox"/>	<input type="checkbox"/>
	5. Monitoring reqd./available for hauled waste?	<input type="checkbox"/>	<input type="checkbox"/>
	6. Other (Specify)?	<input type="checkbox"/>	<input type="checkbox"/>

**D. Preliminary/Primary Treatment:**

Rating	Item:	NI	NA
	1. Influent pumps/wet wells/SCADA?	<input type="checkbox"/>	<input type="checkbox"/>
	2. (a) Corrosion observed?	<input type="checkbox"/>	<input type="checkbox"/>
	3. Screens/Comminutor?	<input type="checkbox"/>	<input type="checkbox"/>
	4. (a) No./type/cleaning method (Auto/manual)?	<input type="checkbox"/>	<input type="checkbox"/>
	5. Screenings/Grit removal (records)?	<input type="checkbox"/>	<input type="checkbox"/>
	6. Flow equalization present/needed?	<input type="checkbox"/>	<input type="checkbox"/>
	7. Settling/Septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>
	8. Sludge depth in primary clarifiers?	<input type="checkbox"/>	<input type="checkbox"/>
	9. Condition of primary clarifier effluent?	<input type="checkbox"/>	<input type="checkbox"/>
	10. Other (Specify)?	<input type="checkbox"/>	<input type="checkbox"/>

**E. Secondary Biological Treatment:**

Rating	Item:	NI	NA
	1. Fixed film/Suspended growth? (Specify recycle rate)	<input type="checkbox"/>	<input type="checkbox"/>
	2. Rotating Biological Contactors? (Specify shaft weight/flow)	<input type="checkbox"/>	<input type="checkbox"/>
	3. Activated sludge/MBR/SBRs?	<input type="checkbox"/>	<input type="checkbox"/>

Oxidation ditch and extended aeration.

4.	NA	Foaming/filamentous issues?	_____	Part 750-2.8	<input type="checkbox"/>
5.	NA	Stabilization Ponds/Lagoons?	_____	Part 750-2.8	<input type="checkbox"/>
6.	NA	Sand filter (recycle rate) ?	_____	Part 750-2.8	<input type="checkbox"/>
7.	S	Process control values?	_____	Part 750-2.8	<input type="checkbox"/>
8.	NA	Other(Specify)?	_____		<input type="checkbox"/>

**F. Secondary Clarifier:**  NI  NA

Rating	Item:		F
1.	S	Foam/solids/grease present on surface?	<input type="checkbox"/>
2.	S	Tank/weir cleaning date & weir level?	<input type="checkbox"/>
3.	S	Denitrification/gas bubbles on surface?	<input type="checkbox"/>
4.	NA	Sludge blanket depth & RAS/WAS rates?	<input type="checkbox"/>
5.	NA	Scum arm condition?	<input type="checkbox"/>
6.	S	Secondary effluent quality?	<input type="checkbox"/>
7.	S	Loss of solids reported/observed? Other	<input type="checkbox"/>
8.	NA	(Specify)?	<input type="checkbox"/>

Units are cleaned daily during rounds.  
None.

No loss.

**G. Tertiary Treatment:**  NI  NA

Rating	Item:		F
1.		Filtration (Specify type)?	<input type="checkbox"/>
2.		Microfiltration?	<input type="checkbox"/>
3.		Activated carbon adsorption?	<input type="checkbox"/>
4.		Nitrification?	<input type="checkbox"/>
5.		Denitrification?	<input type="checkbox"/>
6.		Post-aeration?	<input type="checkbox"/>
7.		Phosphorus removal?	<input type="checkbox"/>
8.		Other (i.e. Polishing ponds, Ammonia stripping, etc.) (Specify)?	<input type="checkbox"/>

**H. Disinfection:**

Rating	Item:	<input type="checkbox"/> NI	<input type="checkbox"/> NA
1. S	Chlorination/Dechlorination type (Gas/Liquid/Solid)? (Dose/feed pump settings)		
2. S	Chlorine monitoring (Level)?		
3. NA	Ultraviolet (UV) light (Setting)?		
4. S	Other (Specify)?		

Chlorination and Dechlorination with Sodium Bisulfite.

Part 750-2.8

Part 750-2.8

Part 750-2.8

Post aeration after contact tank.

**I. Final Effluent:**

Rating	Item:	<input type="checkbox"/> NI	<input type="checkbox"/> NA
1. NA	Polishing pond (Odor/foam/solids/algae)?		
2. S	Effluent quality (Odor/turbidity/color)?		
3. S	Receiving water condition(Up/downstream)		
4. S	Outfall sign at each discharge point?		
5. NA	Other (Specify)?		

No odor and no contrast.

No contrast. Clear flows upstream and downstream.

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-1.12

**J. Sludge Handling:**

Rating	Item:	<input type="checkbox"/> NI	<input type="checkbox"/> NA
1. S	Sludge disposal? (List name and loc. of disposal sites/hauler)		
2. NA	Digestion (Functioning properly/type)?		
3. S	Sludge pumps?		
4. S	Sludge Dewatering (Type)?		
5. S	Maintenance of sludge pumps ?		
6. S	Records available for disposal practices?		
7. NA	Other (Specify)?		

Self haul to Kiamesha Lake WWTP, Hauler Permit # 3A-682.

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.8

Part 750-2.5

Sump pump used to decant.

Airlifts installed in 2019 for solids.

**K. Sampling Evaluation and Lab Information:**

Rating	Item:	NI	NA
S	Written sampling plan? (Plan being followed)?	<input type="checkbox"/>	<input type="checkbox"/>
NA	Need to modify sampling frequency/types? (Explain)	<input type="checkbox"/>	<input type="checkbox"/>
S	Samples collected at specified locations?	<input type="checkbox"/>	<input type="checkbox"/>
S	Adequate for representative sample?	<input type="checkbox"/>	<input type="checkbox"/>
NA	Automatic sampler used? (Condition)	<input type="checkbox"/>	<input type="checkbox"/>
S	Type of samples collected (Grab/composite)?	<input type="checkbox"/>	<input type="checkbox"/>
NA	If composite, minimum of 8 grab samples?	<input type="checkbox"/>	<input type="checkbox"/>
NA	Permittee ELAP certified? (If yes, provide ELAP certificate #)	<input type="checkbox"/>	<input type="checkbox"/>
S	Is the commercial laboratory ELAP certified? (List lab name, address and ELAP cert. #)	<input type="checkbox"/>	<input type="checkbox"/>
S	EPA-approved testing procedures followed?	<input type="checkbox"/>	<input type="checkbox"/>
S	Testing done for all parameters as required?	<input type="checkbox"/>	<input type="checkbox"/>
NA	WET (Whole Effluent Toxicity) testing?	<input type="checkbox"/>	<input type="checkbox"/>
S	Instrumentation calibrated & maintained?	<input type="checkbox"/>	<input type="checkbox"/>
S	Daily calibration, log books maintained?	<input type="checkbox"/>	<input type="checkbox"/>
S	Lab supplies are not expired? (Date if expired)	<input type="checkbox"/>	<input type="checkbox"/>
S	Are lab records retained at facility?	<input type="checkbox"/>	<input type="checkbox"/>
S	Is process control testing performed? (Discuss target values)	<input type="checkbox"/>	<input type="checkbox"/>
S	MLSS for day/week/month?	<input type="checkbox"/>	<input type="checkbox"/>
S	SVI for day/week/month?	<input type="checkbox"/>	<input type="checkbox"/>
S	Microscopic analysis of MLSS?	<input type="checkbox"/>	<input type="checkbox"/>
S	5/30 minutes settleometer (Day/week/month)?	<input type="checkbox"/>	<input type="checkbox"/>
S	Monitoring records kept minimum 5 years?	<input type="checkbox"/>	<input type="checkbox"/>
S	Flow records maintained (Influent/effluent)?	<input type="checkbox"/>	<input type="checkbox"/>
NA	Other (Specify)	<input type="checkbox"/>	<input type="checkbox"/>

Calendared grab sampling and schedule.

Daily grab samples.

Sullivan County Labs. Sometimes Envirotest.

Testing done in line with permit requirements.

Service calendar followed for all procedures and systems.

Daily sheets available and lab book records for flow, TSS, Alkalinity, and sludge depth.

Buffer solutions are good. Supplies are up to date.

Daily lab sheets. Full records at Kiamasha Lake WWTP.

Alkalinity, MLSS, and clarifier sludge depth.

Daily.

Once per week.

Kiamasha Lake WWTP.

All flow records are available at Kiamasha Lake WWTP.

**L. Operation and Maintenance (Additional Info.):**

Rating	Item:	<input type="checkbox"/> NI	<input type="checkbox"/> NA	F
1. S	Preventive maintenance plan (Method)?			<input type="checkbox"/>
2. S	Records of maintenance/repair cost maintained (Method)?			<input type="checkbox"/>
3. S	Spare parts inventory?			<input type="checkbox"/>
4. S	Current O&M manual?			<input type="checkbox"/>
5. S	O & M manual maintained?			<input type="checkbox"/>
6. S	Organizational chart for O &M staff?			<input type="checkbox"/>
7. S	Alarm systems (List)?			<input type="checkbox"/>
8. S	Back-up power (Exercised)?			<input type="checkbox"/>
9. NA	Unapproved bypass during power failure (If any, date/corrective action)			<input type="checkbox"/>
10. S	Written back-up power emergency plan?			<input type="checkbox"/>
11. S	All required treatment units in service during back-up power use?			<input type="checkbox"/>
12. NA	Hydraulic/organic overloads?			<input type="checkbox"/>
13. S	Schedule for removing critical equipment from service for routine maintenance?			<input type="checkbox"/>
14. S	Safety railings/gratings in place/good condition?			<input type="checkbox"/>
15. S	Lights, ventilation operational (Wet wells)?			<input type="checkbox"/>
16. S	As-built plans for collection system /WWTP?			<input type="checkbox"/>
17. NA	Other (Specify)?			<input type="checkbox"/>

**M. Staffing / Personnel Information:**

Rating	Item:	<input type="checkbox"/> NI	<input type="checkbox"/> NA	F
1. S	Staffing adequate?			<input type="checkbox"/>
2. S	Certification/grade adequate?			<input type="checkbox"/>
3. S	Plant score and grade?			<input type="checkbox"/>

Monthly inspection of sewers and blowers routinely serviced.

O&M maintained at Kiamesha Lake WWTP.

Direct call out by autodialer.

Automatic diesel generator tested weekly. Peak Power Service, 15 minute test on Mondays.

Rely on automatic generator.

All units in service during power loss.

Never enough flow to overload. Usually between 12,000 and 26,000 gpd.

Maintenance schedule attached equipment and blowers.

As-built plans stored at Kiamesha Lake.

Plant score 25, scored in 2012.

- 4.  S Chief operator name, Grade, Cert. #, Exp? Mike Messenger, 3A Cert. # 13049, 10/1/2025.  & Part 650  
 Part 750-2.8 & Part 650
- 5.  S Asst. operator Name, Grade, Cert. #, Exp.? Shane Reid, 3A Cert. # 17509, 6/1/2027.  Part 750-2.8 & Part 650
- 6.  S WWTP responsible for collection system? Part 650  Part 650
- 7.  NA Operators responsible for water supply? Part 650  Part 650
- 8.  S Is Chief Operator present at the WWTP as per required guideline? Part 650  Part 650
- 9.  S Is certified WWTP operator present at the plant as per required guideline? Part 650  Part 650

**N. Fiscal:**  NI  NA

How sewer rates are assessed (Flat vs metering)? Flat rate basis billing system.

How is the plant budget developed? Town Board

Asset Management Plan (AMP)? Town Board AMP Prepared/Date? Plans to update AMP?

Is AMP used to assess/prioritize critical system components? Plans to update AMP?

**Compliance Status (Orders, Schedules, etc.):**

**Comments:**

Only two exceedances recorded over last two years for TDS.

Photographs attached:

Attachments (graphs, diagrams, etc.):

DMR Issues:

SPRTK Issues:

NetDMR Issues:

Stephen Aron  
Inspector's Signature / Date

2/13/2023





**SIEGEL & MOSES, P.C.**  
ATTORNEYS AT LAW  
8700 WEST BRYN MAWR AVE. SUITE 720N  
CHICAGO, ILLINOIS 60631

TELEPHONE (312) 658-2000  
FACSIMILE (312) 658-2022  
WWW.SMLAW.ORG

JENNIFER G. GALLERY  
[JENNIFER@SMLAW.ORG](mailto:JENNIFER@SMLAW.ORG)

**VIA OVERNIGHT CARRIER**

February 10, 2023

Ms. Marilee J. Calhoun,  
Town Clerk / Registrar  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

**Re: Standardized Notice Form for License Application  
Monster Golf Course (@Resorts World Catskills)**

Dear Ms. Calhoun:

Please be advised that our office is working with the prospective operator of the Monster Golf Course (a golf course that is reopening later this year in the Resorts World Catskills) with securing the required liquor licenses for operations. As part of the Application process, it is necessary to provide the Town with the enclosed 30-Day Notice Form regarding the intent to apply for liquor licenses. If you have any questions regarding the above or enclosed, please contact me. Thank you.

Sincerely,

**SIEGEL & MOSES, P.C.**

A handwritten signature in cursive script, appearing to read 'Jennifer G. Gallery'.

JGG/ea  
Enclosures





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:  1a. Delivered by:

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  Temporary Retail Permit  Removal  
 Class Change  Method of Operation  Corporate Change  Renewal  Alteration



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:

**Applicant/Licensee Information:**

4. Licensee Serial Number (if applicable):  Expiration Date (if applicable):

5. Applicant or Licensee Name:

6. Trade Name (if any):

7. Street Address of Establishment:

8. City, Town or Village:  , NY Zip Code:

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:   
 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:

Name

Serial Number

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:

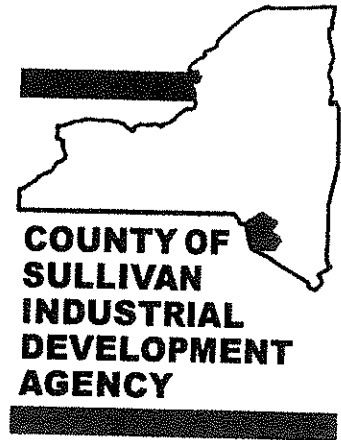
I am the applicant or licensee holder or a principal of the legal entity that holds or is applying for the license. Representations in this form are in conformity with representations made in submitted documents relied upon by the Authority when granting the license. I understand that representations 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: *X Ruth Engle*

548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX  
TTY 711



February 17, 2023

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

**Re: 2023 Distribution of PILOT Payments**

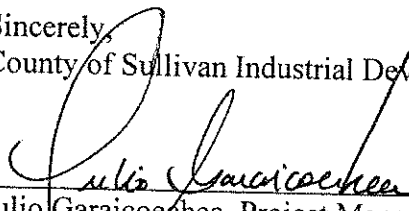
Dear Supervisor Rieber,

In accordance with the County of Sullivan Industrial Development Agency's ("IDA") current Payment In Lieu Of Tax agreements, enclosed please find IDA check # ~~2705~~ dated February 17, 2023 in the amount of **\$4,184.67**, payable to the Town of Thompson. This check relates to the projects listed below. This payment is detailed in the attached calculations.

Project Name	PILOT Payment Due Town of Thompson
Loughlin & Billig PC	\$ 374.49
NY Thompson I LLC	\$ 2,498.48
NY Thompson II LLC	\$ 1,311.70
<b>TOTAL</b>	<b>\$ 4,184.67</b>

Please do not hesitate to contact me if you have any questions. Thank you.

Sincerely,  
County of Sullivan Industrial Development Agency

  
Julio Garaicoechea, Project Manager

enc.

**COUNTY OF SULLIVAN  
INDUSTRIAL DEVELOPMENT AGENCY  
548 BROADWAY  
MONTICELLO NY 12701-1154**

JEFF BANK  
www.jeff.bank

2305

50-934/219

CHECK ASSUR  
FRAUD PROTECTION

2/17/2023

PAY TO THE ORDER OF Town of Thompson

\$ **\*\*4,184.67**

Four Thousand One Hundred Eighty-Four and 67/100\*\*\*\*\*

DOLLARS

Town of Thompson  
4052 Route 42  
Monticello, New York 12701

MEMO

2023 PILOT Distribution #3



AUTHORIZED SIGNATURE

⑈002305⑈

COUNTY OF SULLIVAN

INDUSTRIAL DEVELOPMENT AGENCY

2305

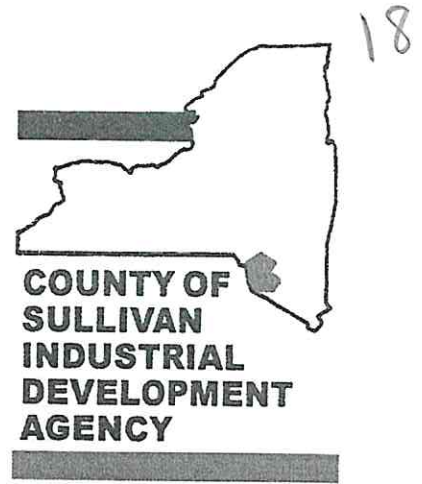
Town of Thompson				2/17/2023	
Date	Type Reference	Original Amt.	Balance Due	Discount	Payment
2/17/2023	Bill	4,184.67	4,184.67		4,184.67
				Check Amount	4,184.67

Jeff Bank IDA Checki 2023 PILOT Distribution #3

4,184.67



548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX  
TTY 711



February 17, 2023

Mr. Van B. Krzywicki, Assessor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

**Re: County of Sullivan Industrial Development Agency with Mountain Kosher Food Corp. and 286 EB LLC: SBL #113.-4-3**

Dear Mr. Krzywicki,

Enclosed please find the following items related to the above-referenced project located within the Town of Thompson:

1. Original RP-412-a Form
2. Payment in Lieu of Taxation Agreement
3. Lease to Agency
4. Leaseback to Company

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

Sincerely,

Jennifer M Flad  
Executive Director

enclosure

cc: Robert Doherty, Chairman, Sullivan County Legislature (w/ enclosures)  
Joshua Potossek, County Manager (w/ enclosures)  
Nancy Buck, County Treasurer (w/ enclosures)  
William J. Rieber, Jr., Supervisor, Town of Thompson (w/ enclosures)  
George Nikolados, Mayor, Village of Monticello (w/ enclosures)  
Matthew T. Evans, Ed.D., Superintendent, Monticello Central School (w/ enclosures)  
ec: Elizabeth Terwilliger, Accountant/ Treasurer, Monticello Central School (w/ enclosures)



NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)

Name County of Sullivan IDA  
Street 548 Broadway  
City Monticello, New York 12701  
Telephone no. Day (845 )428-7575  
Evening ( ) \_\_\_\_\_  
Contact Jennifer Flad  
Title Executive Director

2. OCCUPANT (IF OTHER THAN IDA)

(If more than one occupant attach separate listing)

Name see attached listing  
Street \_\_\_\_\_  
City \_\_\_\_\_  
Telephone no. Day ( ) \_\_\_\_\_  
Evening ( ) \_\_\_\_\_  
Contact \_\_\_\_\_  
Title \_\_\_\_\_

3. DESCRIPTION OF PARCEL

- a. Assessment roll description (tax map no./roll year) SBL# 113.-4-3
- b. Street address 286 East Broadway, Monticello
- c. City, Town or Village V: Monticello; T: Thompson
- d. School District Monticello
- e. County Sullivan
- f. Current assessment \$374,000
- g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (rec. 12/20/22; #2022-12575)

4. GENERAL DESCRIPTION OF PROPERTY (if necessary, attach plans or specifications)

- a. Brief description (include property use) supermarket and accessory warehousing space
- b. Type of construction demolition of existing building and construction of new building
- c. Square footage 27,000
- d. Total cost \$6,750,000
- e. Date construction commenced 2022
- f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA) 02/15/2039

5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION

(Attach copy of the agreement or extract of the terms relating to the project).

- a. Formula for payment Please see attached Payment in Lieu of Taxation Agreement.

- b. Projected expiration date of agreement 02/01/2039

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Sullivan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Thompson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School District <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Gerald Neiman  
 Title Pres., Mountain Kosher Food Corp. & 286 EB LLC  
 Address 1179 E. 17 Street  
Brooklyn, NY 11230

e. Is the IDA the owner of the property?  Yes  No (check one)  
If "No" identify owner and explain IDA rights or interest in an attached statement.

Telephone \_\_\_\_\_

IDA leasehold interest. Please see attached Lease to Agency and Leaseback to Company.

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one)  Yes  No

If yes, list the statutory exemption reference and assessment roll year on which granted:  
exemption \_\_\_\_\_ assessment roll year \_\_\_\_\_

7. A copy of this application, including all attachments, has been mailed or delivered on 2-17-23 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Jennifer Flad, Executive Director \_\_\_\_\_ of \_\_\_\_\_  
 Name Title  
County of Sullivan Industrial Development Agency hereby certify that the information  
 Organization  
 on this application and accompanying papers constitutes a true statement of facts.

2-17-23  
Date

Jennifer Flad  
Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special as valorem levies for which the parcel is liable:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assessor's signature



**RP 412-a Attachment**

**County of Sullivan Industrial Development Agency SBL# 113.-4-3**

**2. Occupant (if other than IDA)**

Name:	Mountain Kosher Food Corp.
Street:	1179 E. 17 <sup>th</sup> Street
City, State, Zip:	Brooklyn, NY 11230
Telephone No.	
Contact:	Gerald Neiman
Title:	President

Name:	286 EB LLC
Street:	1179 E. 17 <sup>th</sup> Street
City, state, Zip:	Brooklyn, NY 11230
Telephone No.	
Contact:	Gerald Neiman
Title:	President

*February 6, 2023*

548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX  
TTY 711



February 17, 2023

Mr. Van Krzywicki, Assessor  
Town of Thompson  
4052 State Route 42  
Monticello, New York 12701

**Re: New York State Department of Taxation and Finance Form RP-412-a (Empire Resorts Real Estate I, LLC—Golf Course Project)**

Dear Mr. Krzywicki,

Enclosed please find an amended NYS RP-412-a Form for the above referenced project. The original 412-a Form was submitted to your office on February 22, 2017. The enclosed amended form reflects changes to the property description and PILOT term.

Also enclosed are:

- First Amended Payment in Lieu of Taxation Agreement
- Omnibus Amendment to Project Documents

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

Sincerely,



Jennifer M. Flad  
Executive Director

enclosures

cc: Robert Doherty, Chairman, Sullivan County Legislature  
Joshua Potossek, Sullivan County Manager  
Nancy Buck, Sullivan County Treasurer  
William J. Rieber, Jr., Supervisor, Town of Thompson  
Matthew T. Evans, Ed.D., Superintendent, Monticello Central School District  
Elizabeth Terwilliger, Accountant/ Treasurer, Monticello Central School District



**NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES**

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)**

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name Co. of Sullivan Industrial Development Agency  
 Street 548 Broadway  
 City Monticello  
 Telephone no. Day (845 ) 428-7575  
 Evening ( ) \_\_\_\_\_  
 Contact Jennifer M. Flad  
 Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Empire Resorts Real Estate I, LLC  
 Street 888 Resorts World Drive  
 City Monticello  
 Telephone no. Day ( ) \_\_\_\_\_  
 Evening ( ) \_\_\_\_\_  
 Contact Robert DeSalvio  
 Title President

**3. DESCRIPTION OF PARCEL**

a. Assessment roll description (tax map no./roll year)  
SBL #15.-1-15  
 b. Street address 201 Thompson Road  
 c. City, Town or Village Thompson

d. School District Monticello  
 e. County Sullivan  
 f. Current assessment \$3,092,900.  
 g. Deed to IDA (date recorded; liber and page)  
lease to IDA (Instr. #2017-302, 1/12/17)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

a. Brief description (include property use) golf course  
 b. Type of construction renovation and new construction  
 c. Square footage approx. 5,000  
 d. Total cost \$33,700,000  
 e. Date construction commenced 2018  
 f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)  
2040

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

a. Formula for payment see enclosed First Amended Payment in Lieu of Taxation Agreement  
 b. Projected expiration date of agreement 2040

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Sullivan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Thompson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>Thompson</u>	<input type="checkbox"/>	<input type="checkbox"/>
School District <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Robert DeSalvio  
 Title President  
 Address 888 Resorts World Drive  
Monticello, NY 12701

e. Is the IDA the owner of the property?  Yes  No (check one)  
 If "No" identify owner and explain IDA rights or interest Telephone \_\_\_\_\_  
 in an attached statement. IDA holds a leasehold interest (see attached lease agreement)

6. Is the property receiving or has the property ever received any other exemption from real property taxation?  
 (check one)  Yes  No

If yes, list the statutory exemption reference and assessment roll year on which granted:  
 exemption MIDA assessment roll year 2014-present

7. A copy of this application, including all attachments, has been mailed or delivered on 2-17-23 (date)  
 to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Jennifer M. Flad, Executive Director of \_\_\_\_\_  
 Name Title  
County of Sullivan Industrial Development Agency hereby certify that the information  
 Organization  
 on this application and accompanying papers constitutes a true statement of facts.

2-17-23  
 Date

Jennifer M. Flad  
 Signature

**FOR USE BY ASSESSOR**

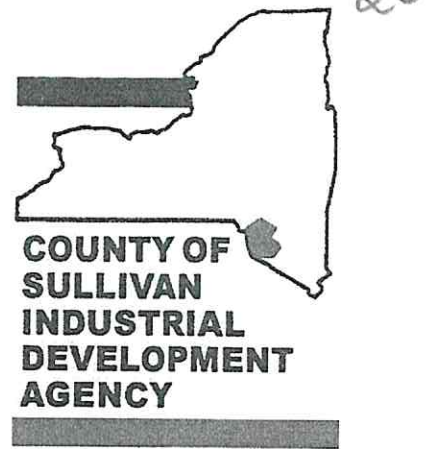
1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special ad valorem levies for which the parcel is liable:

\_\_\_\_\_  
 \_\_\_\_\_

Date

Assessor's signature

548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX  
TTY 711



February 17, 2023

Mr. Van B. Krzywicki, IAO  
Town of Thompson Assessor  
4052 Route 42  
Monticello, New York 12701

**Re: County of Sullivan Industrial Development Agency with Empire Resorts Real Estate II, LLC  
(SBL #23.-1-54.6)**

Dear Mr. Krzywicki,

Enclosed please find the following items relating to the above referenced project located within the Town of Thompson:

1. Amended RP-412-a Form
2. First Amended Payment in Lieu of Taxation Agreement (PILOT)
3. Omnibus Amendment to Project Documents

The original RP-412-a Form was submitted to your office on September 27, 2018. The enclosed amended Form reflects changes to the property description and references the First Amended PILOT, which includes an amended PILOT payment schedule.

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

Sincerely,

  
Jennifer M. Flad  
Executive Director

enclosures

cc: Robert Doherty, Chairman, Sullivan County Legislature  
Joshua Potosek, Sullivan County Manager (via e-mail)  
Nancy Buck, Sullivan County Treasurer (via e-mail)  
William J. Rieber, Jr., Supervisor, Town of Thompson  
Matthew T. Evans, Ed.D., Superintendent, Monticello Central School District  
Elizabeth Terwilliger, Accountant/ Treasurer, Monticello Central School District (via e-mail)



NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

RP-412-a (1/95)

**INDUSTRIAL DEVELOPMENT AGENCIES**  
**APPLICATION FOR REAL PROPERTY TAX EXEMPTION**  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name Co. of Sullivan Industrial Development Agency  
Street 548 Broadway  
City Monticello  
Telephone no. Day (845) 428-7575  
Evening ( ) \_\_\_\_\_  
Contact Jennifer M. Flad  
Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Empire Resorts Real Estate II, LLC  
Street 888 Resorts World Drive  
City Monticello  
Telephone no. Day ( ) \_\_\_\_\_  
Evening ( ) \_\_\_\_\_  
Contact Robert DeSalvio  
Title President

**3. DESCRIPTION OF PARCEL**

a. Assessment roll description (tax map no./roll year)  
Thompson 23.-1-54.6  
b. Street address 750 Resorts World Drive  
c. City, Town or Village Thompson

d. School District Monticello  
e. County Sullivan  
f. Current assessment \$13,214,600.00  
g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (4/3/18; 2018-2311)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

a. Brief description (include property use) Hotel. Construction is substantially complete as contemplated by original 2018 IDA Lease, Leaseback, and PILOT. Additional improvements described in attached First Amended PILOT dated 3/31/22.  
b. Type of construction new  
c. Square footage approx. 69,000  
d. Total cost \$52,200,000.00  
e. Date construction commenced 2018  
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)  
February 15, 2034

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

a. Formula for payment Please see attached First Amended Payment in Lieu of Taxation Agreement.

b. Projected expiration date of agreement 2034

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Sullivan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Thompson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>1</u>	<input type="checkbox"/>	<input type="checkbox"/>
School District <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Robert DeSalvio  
 Title President  
 Address 888 Resorts World Drive  
Monticello, NY 12701

e. Is the IDA the owner of the property?  Yes  No (check one)

If "No" identify owner and explain IDA rights or interest in an attached statement.

Telephone \_\_\_\_\_

IDA holds a leasehold interest (see enclosed Lease and Leaseback documents)

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one)  Yes  No

If yes, list the statutory exemption reference and assessment roll year on which granted:  
 exemption MIDA assessment roll year 2014- current

7. A copy of this application, including all attachments, has been mailed or delivered on 2-17-23 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Jennifer M. Flad, Executive Director of  
 Name Title  
County of Sullivan Industrial Development Agency hereby certify that the information  
 Organization

on this application and accompanying papers constitutes a true statement of facts.

2-17-23  
Date

Jennifer M. Flad  
Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_
2. Applicable taxable status date \_\_\_\_\_
- 3a. Agreement (or extract) date \_\_\_\_\_
- 3b. Projected exemption expiration (year) \_\_\_\_\_
4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_
5. Special assessments and special as valorem levies for which the parcel is liable:  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assessor's signature



548 Broadway  
Monticello, New York 12701  
(845) 428-7575  
(845) 428-7577 FAX  
TTY 711



February 17, 2023

Mr. Van B. Krzywicki, Assessor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

**Re: County of Sullivan Industrial Development Agency with Monticello Industrial Park  
LLC: SBL #130.-1-19.2**

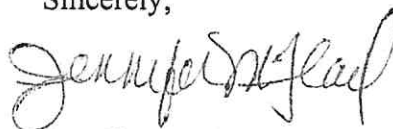
Dear Mr. Krzywicki,

Enclosed please find the following items related to the above-referenced project located within the Town of Thompson:

1. Original RP-412-a Form
2. Payment in Lieu of Taxation Agreement
3. Lease to Agency
4. Leaseback to Company

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

Sincerely,



Jennifer M Flad  
Executive Director

enclosure

cc: Robert Doherty, Chairman, Sullivan County Legislature (w/ enclosures)  
Joshua Potosek, County Manager (w/ enclosures)  
Nancy Buck, County Treasurer (w/ enclosures)  
William J. Rieber, Jr., Supervisor, Town of Thompson (w/ enclosures)  
George Nikolados, Mayor, Village of Monticello (w/ enclosures)  
Matthew T. Evans, Ed.D., Superintendent, Monticello Central School (w/ enclosures)  
ec: Elizabeth Terwilliger, Accountant/ Treasurer, Monticello Central School (w/ enclosures)





NYS DEPARTMENT OF TAXATION & FINANCE  
OFFICE OF REAL PROPERTY TAX SERVICES

RP-412-a (1/95)

INDUSTRIAL DEVELOPMENT AGENCIES  
APPLICATION FOR REAL PROPERTY TAX EXEMPTION  
(Real Property Tax Law, Section 412-a and General Municipal Law, Section 874)

**1. INDUSTRIAL DEVELOPMENT AGENCY (IDA)**

Name County of Sullivan IDA  
Street 548 Broadway  
City Monticello, New York 12701  
Telephone no. Day (845 ) 428-7575  
Evening ( ) \_\_\_\_\_  
Contact Jennifer Flad  
Title Executive Director

**2. OCCUPANT (IF OTHER THAN IDA)**

(If more than one occupant attach separate listing)

Name Monticello Industrial Park LLC  
Street 171 East Industry Court  
City Deer Park, New York 11729  
Telephone no. Day ( ) \_\_\_\_\_  
Evening ( ) \_\_\_\_\_  
Contact Cono Cimino  
Title Sole Member

**3. DESCRIPTION OF PARCEL**

a. Assessment roll description (tax map no./roll year)  
130.-1-19.2  
b. Street address Rose Valley Road  
c. City, Town or Village V: Monticello; T: Thompson

d. School District Monticello  
e. County Sullivan  
f. Current assessment \$322,300  
g. Deed to IDA (date recorded; liber and page)  
Lease to IDA (rec. 12/7/22; #2022-12177)

**4. GENERAL DESCRIPTION OF PROPERTY** (if necessary, attach plans or specifications)

a. Brief description (include property use) development of water, sewer, roadway, and drainage infrastructure, and installation of utilities, electricity, lighting and connectivity infrastructure  
b. Type of construction infrastructure  
c. Square footage 0  
d. Total cost \$3,692,000  
e. Date construction commenced 2022  
f. Projected expiration of exemption (i.e. date when property is no longer possessed, controlled, supervised or under the jurisdiction of IDA)  
02/15/2033

**5. SUMMARIZE AGREEMENT (IF ANY) AND METHOD TO BE USED FOR PAYMENTS TO BE MADE TO MUNICIPALITY REGARDLESS OF STATUTORY EXEMPTION**

(Attach copy of the agreement or extract of the terms relating to the project).

a. Formula for payment Please see attached Payment in Lieu of Taxation Agreement.

b. Projected expiration date of agreement 02/01/2033

c. Municipal corporations to which payments will be made

	Yes	No
County <u>Sullivan</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Town/City <u>Thompson</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Village <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School District <u>Monticello</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Person or entity responsible for payment

Name Gono Cimino  
 Title Sole Member, Mont. Ind. Pk. LLC  
 Address 171 East Industry Court  
Deer Park, New York 11729

e. Is the IDA the owner of the property?  Yes  No (check one)

If "No" identify owner and explain IDA rights or interest in an attached statement. Telephone \_\_\_\_\_

IDA leasehold interest. Please see attached Lease to Agency and Leaseback to Company.

6. Is the property receiving or has the property ever received any other exemption from real property taxation? (check one)  Yes  No

If yes, list the statutory exemption reference and assessment roll year on which granted: exemption N/P Charity assessment roll year 2021-2022

7. A copy of this application, including all attachments, has been mailed or delivered on 2-17-23 (date) to the chief executive official of each municipality within which the project is located as indicated in Item 3.

**CERTIFICATION**

I, Jennifer Flad, Executive Director of County of Sullivan Industrial Development Agency hereby certify that the information on this application and accompanying papers constitutes a true statement of facts.

2-17-23  
Date

Jennifer Flad  
Signature

**FOR USE BY ASSESSOR**

1. Date application filed \_\_\_\_\_

2. Applicable taxable status date \_\_\_\_\_

3a. Agreement (or extract) date \_\_\_\_\_

3b. Projected exemption expiration (year) \_\_\_\_\_

4. Assessed valuation of parcel in first year of exemption \$ \_\_\_\_\_

5. Special assessments and special as valorem levies for which the parcel is liable:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Assessor's signature

SULLIVAN COUNTY FUNDING CORPORATION  
548 Broadway  
Monticello, New York 12701

February 17, 2023

Mr. Van B. Krzywicki, Assessor  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

Re: SBL #130.-1-19.2

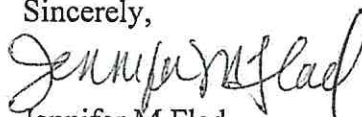
Dear Mr. Krzywicki,

In 2021 the Sullivan County Funding Corporation submitted Form RP-420a/b and related forms to apply for a real property tax exemption for the referenced parcel. In 2022 we submitted a renewal application to maintain this exemption.

The Sullivan County Funding Corporation no longer has an interest in this parcel, and does not seek a renewal of the real property tax exemption under Section 420-a of New York State's Real Property Tax Law. Enclosed please find a copy of the Quitclaim Deed dated December 2, 2022 transferring the subject parcel to Monticello Industrial Park LLC.

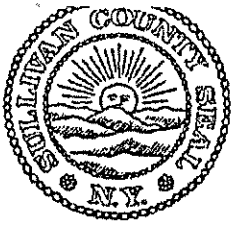
Monticello Industrial Park LLC has entered into a straight lease transaction with the County of Sullivan Industrial Development Agency ("Agency") relating to this parcel. Under separate cover the Agency will submit an application for real property tax exemption under Section 412-a of the Real Property Tax Law.

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

Sincerely,  
  
Jennifer M Flad  
Executive Director

enclosure

- cc: Robert Doherty, Chairman, Sullivan County Legislature (w/ enclosures)
- Joshua Potosek, County Manager (w/ enclosures)
- Nancy Buck, County Treasurer (w/ enclosures)
- William J. Rieber, Jr., Supervisor, Town of Thompson (w/ enclosures)
- George Nikolados, Mayor, Village of Monticello (w/ enclosures)
- Matthew T. Evans, Ed.D., Superintendent, Monticello Central School (w/ enclosures)
- ec: Elizabeth Terwilliger, Accountant/ Treasurer, Monticello Central School (w/ enclosures)



SULLIVAN COUNTY – STATE OF NEW YORK  
 RUSSELL H. REEVES, COUNTY CLERK  
 100 NORTH STREET, MONTICELLO, NY 12701

COUNTY CLERK'S RECORDING PAGE

\*\*\*THIS PAGE IS PART OF THE DOCUMENT – DO NOT DETACH\*\*\*



INSTRUMENT #: 2022-12176

Receipt#: 2022967978  
 Clerk: BT  
 Rec Date: 12/07/2022 11:54:31 AM  
 Doc Grp: RP  
 Descrip: DEED  
 Num Pgs: 6  
 Rec'd Frm: NEW SOUTHERN TIER TITLE AGENCY  
 LLC

Party1: SULLIVAN COUNTY FUNDING CORPORATION  
 Party2: MONTICELLO INDUSTRIAL PARK LLC  
 Town: MONTICELLO VILL  
 130.-1-19.2

Recording:  
 Cover Page 5.00  
 Recording Fee 45.00  
 Cultural Ed 14.25  
 Records Management - Coun 1.00  
 Records Management - Stat 4.75  
 TP584 5.00  
 RP5217 - County 9.00  
 RP5217 All others - State 241.00

Sub Total: 325.00

Transfer Tax  
 Transfer Tax 2500.00

Sub Total: 2500.00

Total: 2825.00

\*\*\*\* NOTICE: THIS IS NOT A BILL \*\*\*\*

\*\*\*\*\* Transfer Tax \*\*\*\*\*  
 Transfer Tax #: 1750  
 Transfer Tax  
 Consideration: 625000.00

Transfer Tax 2500.00

Total: 2500.00

I hereby certify that the within and foregoing was recorded in the Sullivan County Clerk's Office

Record and Return To:

Russell H. Reeves  
 Sullivan County Clerk

ELECTRONICALLY RECORDED BY SIMPLIFILE

\*\*\*THIS IS NOT AN INVOICE\*\*\*

BARGAIN AND SALE DEED

THIS INDENTURE, made December 2 2022.

BETWEEN Sullivan County Funding Corporation, a not-for-profit local development corporation existing under the laws of the State of New York, having its principal office located at 548 Broadway, Monticello, New York 12701, party of the first part;  
and

Monticello Industrial Park LLC, a New York limited liability company with a mailing address of 171 East Industry Court, Deer Park, New York 11729, party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten and 00/100 (\$10.00) Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, or the successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, situated in the Village of Monticello, Town of Thompson, County of Sullivan and State of New York as more particularly described in Schedule A attached hereto.

BEING the same premises described in a deed dated February 24, 2021 between County of Sullivan to Sullivan County Funding Corporation and recorded in the Sullivan County Clerk's Office on February 24, 2021 as Instrument No. 2021-1972.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center line thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, or the successors and assigns of the party of the second part forever.

The party of the second part hereby covenants and agrees that:

(a) The party of the second part shall complete the development of the Property as a multi-tenanted industrial park (the "Proposed Project") within twenty-four (24) months following the date hereof ("Development Completion"). Development Completion shall mean the investment by the party of the second part of not less than Two Million and 00/100 (\$2,000,000.00) Dollars in infrastructure and buildings (including the cost of purchasing the land from the party of the first part) and the issuance of a Certificate of Occupancy for a building of not less than 20,000 square feet; or additional square footage in the event the new building is an addition to an adjacent pre-existing building owned by RGG Realty, LLC ("New Building"). The New Building may be located either on the land or on the adjoining parcel owned by RGG Realty, LLC.

NEW SOUTHERN TIER TITLE AGENCY  
548 BROADWAY  
MONTICELLO NY 12701  
TEL: (845) 791-7777 FAX: (845) 791-7785  
FILE NUMBER: 6367

(b) In the event Development Completion does not occur within twenty-four (24) months of the date hereof, the party of the first part shall have the option, but not the obligation, to repurchase the Property for a purchase price of Six Hundred Twenty-Five Thousand and 00/100 (\$625,000.00) Dollars at any time after twenty-four (24) months and prior to thirty-six (36) months following the date hereof.

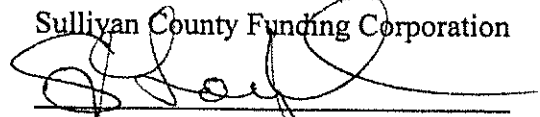
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of improvement before using any part of the total of the same for any other purpose.

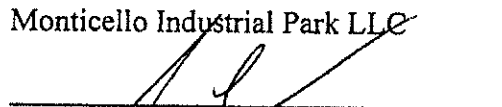
70329-038v5

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Sullivan County Funding Corporation


  
By: Suzanne Loughlin, Chairperson

Monticello Industrial Park LLC

  
By: Cono Cimino, Managing Member

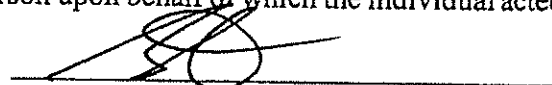
STATE OF NEW YORK    )  
                                  )ss.:  
COUNTY OF SULLIVAN    )

On the 1<sup>st</sup> day of December in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared SUZANNE LOUGHLIN, 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 she executed the same in her capacity and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
SUE JAHN  
Notary Public, State of New York  
NYS Registration No. 01JA4989241  
Qualified in Sullivan County  
Commission Expires December 2, 2025

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

On the 2<sup>nd</sup> day of December in the year 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared CONO CIMINO, 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

Record & Return To:  
Connell Foley LLP  
875 Third Avenue, 21<sup>st</sup> Floor  
New York, New York 10022  
Attn: George C. D. Duke, Esq.

**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/2026

## Schedule "A" Description

ALL THAT TRACT OR PARCEL OF LAND situate in the Town of Thompson, County of Sullivan, State of New York, being all of the property now or formerly of Sullivan County Funding Corporation described in Instrument 2021-1972 as recorded in the Sullivan County Clerk's Office on February 24, 2021 (TM# 130.-1-19.2), bounded and described as follows:

BEGINNING at a 3/4 inch rebar on the southeasterly end of Plaza Drive at its intersection with the division line between the property now or formerly of 77ONY LLC per Inst. 2019-6731 (TM# 31.-1-9.2) on the east and said Sullivan County Funding Corporation on the west;

RUNNING THENCE  $S06^{\circ}27'22''W$  along said division line, a distance of 47.10 feet to a 5/8 inch rebar at its intersection with the division line between the property now or formerly of RGG Realty, LLC per Inst. 2020-9855 (TM# 130.-1-17) on the southeast and said Sullivan County Funding Corporation on the northwest; thence along the division lines between said RGG Realty and said Sullivan County Funding Corporation the following three (3) courses and distances:

- 1)  $S24^{\circ}56'22''W$ , a distance of 244.71 feet to a 5/8 inch rebar capped "KEYSTONE BING NY" (KEYSTONE capped rebar);
- 2)  $S15^{\circ}03'38''E$ , a distance of 224.53 feet to a KEYSTONE capped rebar;
- 3)  $S85^{\circ}03'38''E$ , a distance of 346.58 feet to a point at its intersection with the centerline of Rose Valley Road; thence along said centerline of Rose Valley Road the following eight (8) courses and distances
  - 1) On a curve to the left having a radius of 8811.79 feet, an arc length of 431.39 feet to a point, said curve being subtended by a chord having a bearing of  $S06^{\circ}06'55''W$  and a length of 431.34 feet;
  - 2)  $S00^{\circ}03'43''W$ , a distance of 51.59 feet to a point;
  - 3) On a curve to the left having a radius of 218.34 feet, an arc length of 156.96 feet to a point, the last mentioned curve being subtended by a chord having a bearing of  $S22^{\circ}59'03''E$  and a length of 153.61 feet;
  - 4)  $S43^{\circ}34'46''E$ , a distance of 105.21 feet to a point;
  - 5) On a curve to the left having a radius of 265.40 feet, an arc length of 226.08 feet to a point, the last mentioned curve being subtended by a chord having a bearing of  $S20^{\circ}31'36''E$  and a length of 219.30 feet;
  - 6)  $S02^{\circ}17'38''W$ , a distance of 482.25 feet to a point;
  - 7) On a curve to the right having a radius of 2548.48 feet, an arc length of 371.43 feet to a point, the last mentioned curve being subtended by a chord having a bearing of  $S06^{\circ}28'09''W$  and a length of 371.10 feet;
  - 8) On a curve to the left having a radius of 8530.60 feet, an arc length of 675.08 feet to a point at its intersection with the division line between the property now or formerly of Jorge Flores & Ernesto Flores per Inst. 2005-9335 (TM# 31.-1-3.4) on the south and said Sullivan County Funding Corporation on the north, the last mentioned curve being subtended by a chord having a bearing of  $S09^{\circ}07'38''W$  and a length of 674.90 feet; thence  $N80^{\circ}42'17''W$  along the last mentioned division line, a distance of 1419.41 feet to a 1/2 inch rebar at its intersection with the division line between the property now or



## Schedule "A" Description

formerly of The Village of Monticello per Inst. 2019-2905 (TM# 130.-1-18) on the west and said Sullivan County Funding Corporation on the east; thence N05°50'35"E along the last mentioned division line, a distance of 2855.92 feet to a KEYSTONE capped rebar at its intersection with the division line between the property now or formerly of the County of Sullivan per Inst. 2019-1223 (TM# 130.-1-19.1) on the north and said Sullivan County Funding Corporation on the south; thence S80°40'40"E along the last mentioned division line, along the division line between the property now or formerly of Sullivan Property Acquisitions I, LLC per Inst. 2015-981 (TM# 130.-1-14.1) on the north and said Sullivan County Funding Corporation on the south and along the southerly end of Plaza Drive, a distance of 830.61 feet to the POINT OF BEGINNING.

The above described parcel contains 3,641,653 square feet or 83.601 acres, more or less.

The above described parcel is subject to the following as recorded in the Sullivan County Clerk's Office:

- 1) Drainage Easement in L. 2015 P. 981 on February 18, 2015.
- 2) Easement for Ingress and Egress through TM# 130.-1-19.2 into TM# 130.-1-17 in Inst. 2020-9855 on December 08, 2020.

The above described parcel is subject to any and all other easements of record and/or as found in the field.

Subject to the rights of the public to Rose Valley Road.

Bearings are referred to True North at the 74°30' Meridian of West Longitude.

Reference is made to a map entitled "Boundary Survey for Sullivan County Funding Corporation, Rose Valley Road, Town of Thompson, Sullivan County, New York State" prepared by Keystone Associates Architects, Engineers and Surveyors, LLC as project number 3134.12221, sheet B-1 dated July 27, 2021

AI  
#1

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. 2 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. 2 for the year 2023, Town of Thompson, State of New York, which Local Law is annexed hereto and made a part hereof.

Moved by:

Seconded by:

Adopted on Motion March 07, 2023

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

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 to enact Local Law No. \_\_\_\_ of 2023 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 said 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

#2

-----X  
In the Matter of Extension No. 2 of the CONSOLIDATED  
**ROCK HILL-EMERALD GREEN SEWER DISTRICT**  
in the Town of Thompson, County of  
Sullivan, State of New York.

**FINAL ORDER EXPANDING  
CONSOLIDATED ROCK  
HILL-EMERALD GREEN  
SEWER DISTRICT**

-----X

A Resolution having been duly adopted by the Town Board of the Town of Thompson directing Town Engineers, MHE Engineering, D.P.C., for the preparation of a map, plan and report relating to the extension of the Consolidated Rock Hill-Emerald Green Sewer District in the Town of Thompson, and said map, plan and report were duly filed in the office of the Town Clerk, and an order having been duly adopted by the said Town Board on September 20, 2022, reciting a description of the boundaries of the said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that a map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying the 18<sup>th</sup> day of October, 2022, at 7:00 o'clock, P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the proposal to expand the said sewer district and after due publication and posting of said order according to law, said hearing was duly held by said Board at such time and place, and the Town Board having considered said proposal and heard all persons interested in the same, and did, on October 18, 2022, resolve and determine that the Notice of Hearing for October 18, 2022, was published and posted as required by law, and otherwise sufficient, that all the property and property owners within the created district would be benefitted thereby, that all property and property owners benefitted were included within the

limits of the created district, and that it was in the public interest to grant and hold the relief sought, and it having been then and there further duly resolved that the creation of such district as proposed be approved subject to permissive referendum in the manner provided in Article 7 of the Town Law, and a certificate of the Town Clerk having been duly filed pursuant to subdivision 4 of Section 209-e of the Town Law certifying that no petition was filed requesting such a referendum, and it appearing to the satisfaction to the said Town Board that no application pursuant to Town Law Section 209-f is required to be made to the State Department of Audit and Control,

**NOW, THEREFORE, IT IS HEREBY**

**ORDERED**, that the Consolidated Rock Hill-Emerald Green Sewer District, in the Town of Thompson, Sullivan County, New York, be, and the same hereby is, extended, to be bounded and described as more particularly set forth in Schedule "A" annexed hereto and made a part hereof; and it is further

**ORDERED**, that the Town Board, acting for and on behalf of the said Consolidated Rock Hill-Emerald Green Sewer District, as extended be, and it hereby is, authorized to make such improvements in said district as may be required for the proposed operation thereof, provided that the required funds for the same are made available or provided for; and it is further

**ORDERED**, that the entire amount to be expended for such improvements, including, but not limited to, costs of construction, engineering, administrative, legal and other fees and expenses, shall be borne solely and entirely by the landowners, namely Avon Commercial Park @ RH Towne Center, and it is further

**ORDERED**, that the Town Clerk of the Town of Thompson be, and he hereby is, authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of Sullivan County, in which the Town of Thompson is located, within ten (10) days after adoption of this order; and it is further

**ORDERED**, that the Town Clerk be, and he hereby is, authorized and directed to file a certified copy of this order in the office of the Department of Audit and Control, Albany, New York, within ten (10) days after the adoption hereof, if so required.

Dated: Monticello, New York  
March 7, 2023

\_\_\_\_\_  
WILLIAM J. RIEBER, JR., Supervisor

\_\_\_\_\_  
SCOTT MACE, Councilman

\_\_\_\_\_  
JOHN A. PAVESE, Councilman

\_\_\_\_\_  
MELINDA S. MEDDAUGH, Councilman

\_\_\_\_\_  
RYAN SCHOCK, Councilman

**SCHEDULE "A"**

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

I, the undersigned Clerk of the Town of Thompson, Sullivan County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the Resolution contained therein, held on the 7<sup>th</sup> day of March, 2023, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 99 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that **PRIOR** to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or news media as follows:

<b>Newspaper and/or other news media</b>	<b>Date given</b>
--	-------------------

Sullivan County Democrat	
WSUL Radio	
WVOS Radio	

I FURTHER CERTIFY that **PRIOR** to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

<b>Designated Location(s) of posted notice</b>	<b>Date of Posting</b>
--	------------------------

Town Hall	
Village Hall	
Sullivan County Courthouse	

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this \_\_\_\_\_ day of March, 2023.

(CORPORATE SEAL)

\_\_\_\_\_  
Town Clerk





Connell Foley LLP  
875 Third Avenue  
21st Floor  
New York, NY 10022  
P 212.307.3700 F 212.542.3790

**George C. D. Duke**  
Partner  
Direct Dial 212.542.3772  
GDuke@connellfoley.com

February 24, 2023

*VIA Electronic Mail (supervisor@townofthompson.com)*

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

**Re: Resolution No. 78, Duly Adopted by the Town Board of the Town of  
Thompson on January 3, 2023**

Dear Supervisor Rieber:

We write on behalf of Glen Wild Land Company, LLC, (“Glen Wild”) a duly qualified property owner of taxable real property within the Town of Thompson, Sullivan County, New York, to confirm the present status of Resolution No. 78.

As you are aware, on May 28, 2021, Glen Wild filed a petition with the Town Board pursuant to Town Law Article 12 (NY CLS Town § 190) for the proposed extension of the Rock Hill – Emerald Green Consolidated Sewer District (“Extension Petition”). As stated in the Extension Petition, the proposed extension would not result in any increased costs for district users. Following consideration and approval of the Extension Petition, on the 3<sup>rd</sup> day of January 2023, the Town Board duly adopted Resolution No. 78 for the purpose of approving the extension of the consolidated Rock Hill-Emerald Green Sewer District and further approving the construction of the improvements proposed therefore. Despite being adopted in response to a filed petition, pursuant to Town Law Article 12, Resolution No. 78 was adopted subject to permissive referendum.

On February 1, 2023, a petition (“Referendum Petition”) was filed with the Town Clerk of the Town of Thompson, protesting against the adoption of Resolution No. 78 and requesting the submission of the Resolution to the qualified electors of the Town of Thompson for their approval or disapproval. On February 6, 2023, consistent with Town Law § 91, Glen Wild timely filed

written objections to the Referendum Petition with the Town Clerk of the Town of Thompson and filed a Verified Petition and Order to Show Cause with the Sullivan County Supreme Court (Index # E2023-231), seeking to invalidate the Referendum Petition.

On February 14, 2023, the Town Clerk of the Town of Thompson issued a Referendum Certification concerning the sufficiency of the Referendum Petition. As acknowledged in this Referendum Certification, pursuant to Town Law § 209-e(3) "A petition requesting a referendum shall be sufficient if signed and acknowledged, or proved in the same manner prescribed by the election law for the authentication of nominating petitions, by the owners of taxable real property situate in the proposed district or proposed extended district as shown upon the latest completed assessment roll of said town, in number equal to at least five (5) percent of the total of such owners, or by one hundred (100) of such owners, whichever is the lesser." Here, the Consolidated Rock Hill-Emerald Green Sewer District has 2,058 different property owners within the description of the Consolidated Sewer District as contained on the most recent Town of Thompson Assessment Rolls and, as such, requires 100 valid signatures on a petition for permissive referendum to be sufficient pursuant to Town Law Article 12-A, §209-e(3) to force a referendum on the extension. The Town Clerk determined that the Referendum Petition contained only 98 valid signatures, which is insufficient pursuant to Town Law Article 12-A, §209-e(3).

As a courtesy to the various property owners in the district, the Referendum Certification provided any interested parties the opportunity to file an appropriate action in the Supreme Court within five (5) business days to challenge this determination. As of the time of this writing, this five (5) day period has now expired without judicial challenge; thus, pursuant to the express findings of the Referendum Certification, the Referendum Petition is deemed insufficient. No other petition for permissive referendum was received within the thirty (30) day period permitted under Town Law Article 12-A following the adoption of Resolution No. 78.

Accordingly, Glen Wild looks forward to the issuance of a final order approving the extension of the Consolidated Rock Hill-Emerald Green Sewer District at the March 7, 2023 Town Board meeting.

Thank you for your consideration in this matter.

Very truly yours,

CONNELL FOLEY LLP

By:   
George Duke



Connell Foley LLP  
875 Third Avenue  
21st Floor  
New York, NY 10022  
P 212.307.3700 F 212.542.3790

Naomi Jawahar  
Associate  
njawahar@connellfoley.com

March 1, 2023

**VIA FEDEX OVERNIGHT**

Marilee J. Calhoun, Town Clerk of the Town of Thompson, Respondent,  
Office of the Town Clerk, Town of Thompson,  
4052 NY-42  
Monticello, New York 12701

**Re: Glen Wild Land Company, LLC v. Town of Thompson  
Index No. E2023-231**

Dear Ms. Calhoun:

This firm represents defendant, GLEN WILD LAND COMPANY, LLC in the above-referenced matter.

Enclosed for service upon plaintiff, please find defendant GLEN WILD LAND COMPANY, LLC's: (i) Verified Petition with exhibits and (ii) Proposed Order to Show Cause.

Should you have any questions please feel free to contact the undersigned

Very truly yours,

Naomi Jawahar

Enclosures

RECEIVED  
MAR 02 2023  
TOWN CLERK  
TOWN OF THOMPSON  
11:15 AM  
MO

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Sullivan, at 414 Broadway, Monticello, New York 12701, on the 24<sup>th</sup> day of FEBRUARY, 2023.

Present: ~~Hon.~~ HON. STEPHAN G. SCHICK, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

-----X  
In the Matter of

GLEN WILD LAND COMPANY, LLC,

**ORDER TO SHOW CAUSE**

*Petitioner.*

Index No.:

-against-

TOWN OF THOMPSON,

*Respondent.*  
-----X

PLEASE TAKE NOTICE, that upon reading the affixed Petition of GLEN WILD LAND COMPANY, LLC, verified on the 6<sup>th</sup> day of February, 2023, and the exhibits annexed thereto, let the Respondents show cause at an IAS Part of this court before Justice \_\_\_\_\_ to be held in and for the County of Sullivan at the County Court House in the City of Monticello, New York, on the 24<sup>th</sup> day of FEBRUARY, 2023, at 1:30 pm 9:30 am, or as soon thereafter as counsel can be heard, why an Order should not be made herein pursuant to Article 16 of the Election Law, and Article 7 of the Town Law for a determination and order: (a) to accelerate the return date of this Petition and grant this matter a preference pursuant to Elec. Law § 16-116; (b) adjudging the referendum petition annexed to the Petition of GLEN WILD LAND COMPANY, LLC, as Exhibit "C" void, insufficient, and not in accordance with law; (c) restraining the submission of Resolution

No. 78 of 2023 annexed to the Petition as Exhibit "B", to the owners of taxable real property situate in the proposed district or proposed extended district, as shown upon the latest completed assessment roll of said Town for their approval or disapproval; (d) adjudging said Resolution duly and legally adopted in accordance with law and in full force and effect; and, (e) for such other and further relief as to the court may seem just and proper.

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, it is ORDERED:

(1) That service of a copy of this Order to Show Cause and Petition on the Respondent on or before March 6, 2023 shall be accomplished as follows:

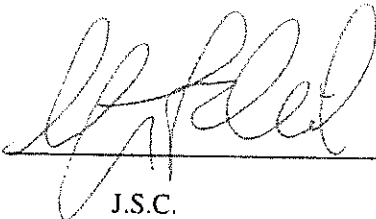
UPON Marilee J. Calhoun, Town Clerk of the Town of Thompson, Respondent, by delivery of same personally or to a responsible person in the Office of the Town Clerk, Town of Thompson, 4052 New York 42, Monticello, New York 12701.

~~(2) That answering papers, if any, are required to be filed on or before \_\_\_\_\_, 2023 and served on Petitioner's counsel, George Duke of Connell Foley LLP, by NYSCEF and electronic mail to gduke@connellfoley.com.~~

(3) That reply papers, if any, are required to be filed on or before \_\_\_\_\_, 2023.

ENTER:

Dated: February 24, 2023

Hon.   
J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

Index # E2023-231

-----X  
In the Matter of

GLEN WILD LAND COMPANY, LLC,

**VERIFIED PETITION**

*Petitioner,*

-against-

TOWN OF THOMPSON,

*Respondent.*  
-----X

Petitioner Glen Wild Land Company, LLC (“Glen Wild Land”) respectfully alleges, as for their Verified Petition, as follows:

**INTRODUCTION**

1. The Town of Thompson, New York (the “Town”) is a town in the County of Sullivan duly organized and existing under and by virtue of the Laws of the State of New York.

2. The Petitioner, at all of the times hereinafter mentioned, was and now is a property owner of taxable real property in the Town, property which has petitioned to be included in the Rock Hill – Emerald Green Consolidated Sewer District.

3. The Petitioner is the owner of the property identified on the Tax Map of the Town of Thompson as SBLs 32-1-6, 32-1-7, 32-1-9.2 and 32-1-10, which is located on the north side of Rockhill Drive, in the Hamlet of Rock Hill in the Town of Thompson.

4. On the 28<sup>th</sup> day of May 2021, Petitioner filed a petition (hereinafter “Extension Petition”) with the Town Board pursuant to Town Law Article 12 (NY CLS Town § 190) for the proposed extension of an improvement district known as the consolidated Rock Hill-Emerald

Green Consolidated Sewer District in the Town of Thompson, Sullivan County, New York. A copy of said petition is annexed hereto as Exhibit "A" and made a part hereof.

5. Following consideration and approval of the Extension Petition, on the 3<sup>rd</sup> day of January 2023, the Town Board duly adopted Resolution No. 78 for the purpose of approving the extension of the consolidated Rock Hill-Emerald Green Sewer District in the Town of Thompson, Sullivan County, New York, and further approving the construction of the improvements proposed therefore. A copy of said Resolution No. 78 is annexed hereto as Exhibit "B" and made a part hereof.

6. Resolution No. 78 was improperly approved subject to permissive referendum pursuant to the alternative procedure set forth at Town Law Article 12-a (NY CLS Town § 209), despite the initiation of the extension by petition pursuant to Town Law Article 12 (NY CLS Town § 190).

7. On the 1<sup>st</sup> day of February 2023, a petition (hereinafter "Referendum Petition") was filed with the Town Clerk of the Town of Thompson, protesting against aforesaid Resolution and requesting that the same be submitted to the qualified electors of said Town for their approval or disapproval. A copy of said Referendum Petition is annexed hereto as Exhibit "C" and made a part hereof.

8. On the 6<sup>th</sup> day of February 2023, pursuant to Town Law § 91, Petitioner timely filed written objections to the Referendum Petition with the Town Clerk of the Town of Thompson. A copy of the written objections filed with the Town Clerk of the Town of Thompson is annexed hereto as Exhibit "D".

9. Pursuant to Town Law Article 12 (NY CLS Town § 190), improvement district establishment or extension initiated by petition are only subject to permissive referendum where

the district extension is proposed within an incorporated village. NY CLS Town § 194, governing the consideration and approval of such a petition for district establishment or expansion, does not require or even reference permissive referenda.

10. By contrast, the “alternative procedure” set forth in Town Law Article 12-a (NY CLS Town § 209), requires that the establishment or expansion of improvement districts initiated by the Town Board’s own motion and wholly at the expense of the district be subject to permissive referendum. (NY CLS Town § 209-e).

11. The availability of permissive referendum pursuant to Article 12-a is reasonable given that the resulting establishment or extension is at the expense of the district; accordingly, the proposed action presents a disproportionate effect or special burden for owners of taxable real property within the district who are thus permitted an opportunity to vote on the same. See, generally, Lane v. Town of Oyster Bay, 149 Misc. 2d 237, 240, 564 N.Y.S.2d 655, 657 (Sup. Ct. 1990). This is simply not the case for improvement district establishment or extensions pursuant to Town Law Article 12.

12. New York courts have repeatedly confirmed this distinction between Town Law Article 12 and Article 12-a. See, e.g., In re Ingrid Beer v. Town of New Paltz, 2020 NY Slip Op 00191, ¶1, 179 A.D.3d 1238, 1241-42, 118 N.Y.S.3d 755, 760 (App. Div.) (“[S]ince the establishment of the district was initiated via a citizens’ petition pursuant to Town Law article 12, as opposed to the Town Board’s own motion pursuant to Town Law article 12-a, the Town Board was not required to conduct a permissive referendum regarding the formation of this ‘no cost improvement district’”); Matter of Angelis v. Town of New Balt, 2006 NY Slip Op 5185, ¶ 3, 30 A.D.3d 940, 943, 818 N.Y.S.2d 635, 638 (App. Div.) (upholding a Town Board’s approval of a petition for the establishment of a water district under Article 12 without referendum).



13. The subject proposed extension of the consolidated Rock Hill-Emerald Green Sewer District in the Town of Thompson, Sullivan County, New York was initiated by petition and will not result in increased costs for existing users within the District<sup>1</sup> and, therefore, falls within the purview of Town Law Article 12 (NY CLS Town § 190) and not the alternative procedure of Article 12-a.

14. As this extension is not proposed within an incorporated village, the Town Board erred in adopting Resolution No. 78 subject to permissive referendum; for this reason alone, the aforesaid Referendum Petition should be deemed invalid and void.

15. Even assuming, arguendo, that the proposed extension is subject to permissive referendum, the aforesaid Referendum Petition is insufficient, void, and not in accordance with the provisions of the Town Law of the State of New York and the Election Law of the State of New York in that:

- (a) The Referendum Petition fails to include the essential authentication required by Town Law Article 12-A, §209-e (3), which requires that the petition be “...signed, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner prescribed by the election law for the authentication of nominating petitions.” (emphasis added). As the Referendum Petition fails to conform to the said statutory requirement in the stated manner, the Referendum Petition does not meet the requirements of New York Town Law and Election Law, and none of the signatures should be deemed to have been filed;

---

<sup>1</sup> See Map Plan and Report prepared by MHE Engineering, D.P.C., dated August 30, 2022, annexed hereto as Exhibit “F”.

- (b) Upon information and belief, the form Referendum Petition purports to list “qualified voters” in the Town of Thompson and does not specify that the petitioners are owners of taxable real property situate within the specific extension district, here the consolidated Rock Hill-Emerald Green Sewer District in the Town of Thompson, Sullivan County, New York. Town Law Article 12-A, §209-e (3), requires that the petition be “...signed, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner prescribed by the election law for the authentication of nominating petitions, by the owners of taxable real property situate in the proposed district or proposed extended district...” (emphasis added). The Office of the New York State Comptroller has confirmed that “qualified voters” for the extension of an improvement district are only those voters who own taxable real property within the specific extension district. See Office of the New York Comptroller, Opinion 92-39. Accordingly, as the Referendum Petition does not purport to identify any owners of taxable real property within the consolidated Rock Hill-Emerald Green Sewer District in the Town of Thompson, none of the signatures should be deemed to have been filed;
- (c) Upon information and belief, and as detailed on the attached Exhibit “E,” there are 27 petition sheets signed by a witness who is not a resident of the district, as required by New York Town Law §209-e and New York Election Law. Accordingly, the 97 signatures contained in these petition sheets are invalid;
- (d) Upon information and belief, and as detailed on the attached Exhibit “E,” there are 15 petition sheets signed by a witness who is not identified as a Trustee to the Trust which owns the real property identified, as required by New York Town Law §209-

e and New York Election Law. Accordingly, the 70 signatures contained in these petition sheets are invalid;

- (e) Upon information and belief, and as detailed on the attached Exhibit "E," contrary to the requirements of New York Town Law and Election Law, there are at least 42 individual signatures<sup>2</sup> on the Referendum Petition by persons who are not owners of the identified taxable real property situate in the proposed extended district as shown upon the latest completed assessment-roll of the Town of Thompson. As such, these 42 signatures are invalid;
- (f) Upon information and belief, and as detailed on the attached Exhibit "E," contrary to the requirements of New York Town Law and Election Law, there are at least 129 individual signatures on the Referendum Petition where the taxable real property identified opposite his/her signature is not situate in the proposed extended district. As such, these 129 signatures are invalid;
- (g) Upon information and belief, and as detailed on the attached Exhibit "E," contrary to the requirements of New York Town Law and Election Law, there is at least 1 individual entry on the Referendum Petition by persons which is missing a proper signature. As such, this signature is invalid;
- (h) Upon information and belief, and as detailed on the attached Exhibit "E," contrary to the requirements of New York Town Law and Election Law, there is at least 1 individual entry on the Referendum Petition by a person who signed a previous petition sheet. As such, this duplicate signature is invalid.

---

<sup>2</sup> Please note that for one of these entries, the owner of the identified taxable real property is deceased.

16. By reason of these fatal deficiencies, the aforesaid Referendum Petition does not set forth valid signatures of the owners of taxable real property situate in the proposed district or proposed extended district, as shown upon the latest completed assessment-roll of said town, in number equal to at least five per cent of the total number of such owners, or by one hundred of such owners, whichever is the lesser, as required by Town Law Article 12-A, §209-c(3). As such, the Referendum Petition is insufficient, void, and not in accordance with the provisions of the Town Law of the State of New York and the Election Law of the State of New York.

17. No previous application for the relief sought herein has been made to any court or judge.

**WHEREFORE**, the Petitioner respectfully requests that an order be entered herein adjudging the aforesaid Referendum Petition void, insufficient, and not in accordance with law, restraining the submission of the aforesaid Resolution No. 78 of 2023, to the owners of taxable real property situate in the proposed district or proposed extended district, as shown upon the latest completed assessment roll of said Town for their approval or disapproval, adjudging said Resolution duly and legally adopted in accordance with law and in full force and effect, and granting such other, further and different relief as to the court may seem just and proper.

Dated: New York, New York  
February 6, 2023

CONNELL FOLEY LLP

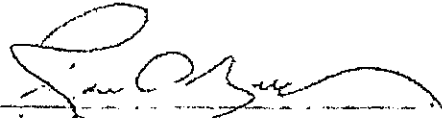
By: /s/ George C. D. Duke  
George C. D. Duke, Esq.  
*Attorneys for Petitioner*  
GLEN WILD LAND COMPANY, LLC  
875 Third Avenue, 21<sup>st</sup> Floor  
New York, NY 10022

VERIFICATION

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

Robert Berman being duly sworn, deposes and says:

I am the General Partner of Avon Road Partnership L.P., majority owner and Manager of Glen Wild Land Co. LLC, the Petitioner in the above entitled action. I have read the annexed Verified Petition, know the contents thereof, and the same is true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters not stated upon knowledge, is based upon material contained in my file.

  
Robert Berman

Sworn to before me this  
6<sup>th</sup> day of February, 2023

  
NOTARY PUBLIC

**STEVEN VEGLIANTE**  
*Notary Public-State of New York*  
Sullivan County Clerk #2307  
My Commission Expires 7/5/2026



#3  
(A)



**MAP, PLAN AND REPORT**

**FOR**

**EXTENSION NO. 1**

**OF THE**

**CONSOLIDATED HARRIS SEWER DISTRICT**

**TOWN OF THOMPSON**

**SULLIVAN COUNTY, NEW YORK**

**Client:**

**Town of Thompson**  
**4052 Route 42**  
**Monticello, NY 12701**

**Prepared by:**

**MHE Engineering, D.P.C.**  
**33 Airport Center Drive, Suite 202**  
**New Windsor, New York 12553**

**ANY UNAUTHORIZED ALTERATION OR  
ADDITION TO THIS DOCUMENT IS A  
NEW YORK STATE EDUCATION LAW.**

**Job No.: 95-55.2, 23-100**  
**Date: February 16, 2023**

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Attachment 1	Correspondence
Attachment 2	District Extension Map
Attachment 3	Description of District Extension
Attachment 4	Town Code Chapter 194 Part 2 Sewer Rents 2020 Schedule of Points
Attachment 5	Local Law No. 4 of 2022



A. **INTRODUCTION**

The owners of Tax Map Parcel 29.-2-14, 180 Waverly Ave, LLC, have petitioned the Town of Thompson Town Board, in correspondence dated September 28, 2022 from Dubi Minsky, for the consideration of an extension to the Consolidated Harris Sewer District. The Town Board, therefore, authorized MHE Engineering D.P.C. at the December 20, 2022 Town Board meeting to prepare the following Map, Plan and Report for the District Extension. The correspondence and authorization are provided as Attachment 1 to this report.

B. **BENEFIT AREA**

The area to be benefited includes the following parcel:

- Tax Map Parcel 29.-2-14, which is located on the west side of Waverly Avenue and is approximately 0.26 acres in size. The parcel is currently vacant land. The property classification is 311 – Residential vacant land.

The District extension is more formerly shown on the map provided as Attachment No. 2 and described in Attachment No. 3.

C. **PROJECT DESCRIPTION**

The owner of Tax Map Parcel 29.-2-14 is proposing to construct a seven (7) bedroom residential dwelling on the property. The proposed improvements will result in a future anticipated sewage flow of approximately 770 gpd. Sewage flows generated by this portion of the Harris Sewer District are tributary to the Village of Monticello WWTP.

This report will identify any improvements necessary for the connection of the subject property to the Consolidated Harris Sewer District and costs associated to provide service to the property.

D. **EXISTING AND PROPOSED IMPROVEMENTS**

1. Village of Monticello WWTP Capacity:

The Village of Monticello Wastewater Treatment Plant has a permitted capacity of 3,100,000 gallons per day. The plant operates under SPDES Permit NY-0022454. Proposed District Extension Number 1 has an estimate sewage flow of 770 gpd. The existing WWTP has capacity to accept flows from the proposed extension without further improvements. The Monticello Village Board Authorized the extension of the District to accept these flows by resolution at their meeting on December 7, 2022. A copy of the Board meeting minutes is provided in Attachment 1.

2. Collection System Mains:

The existing Sewer District Collection System extends north on Waverly Avenue towards the Village of Monticello and the WWTP. The main is 8" diameter gravity sewer and is located within Waverly Avenue in front of Tax Map Parcel 29.-2-14.

The 8" diameter gravity sewer main has sufficient capacity to receive an additional 770 gpd from the parcel without additional improvements to the collection system.

E. **PROJECT COSTS**

The property owners will be responsible for all design, permitting and construction costs associated with the installation of infrastructure improvements for the collection and conveyance of wastewater from the property to the connection point at the existing 8" gravity sewer main in Waverly Avenue. There will be no cost to the current District for these improvements.

F. ANNUAL COSTS

The Consolidated Harris Sewer District assesses Annual Debt Costs and Operation and Maintenance (O&M) Costs on a point system, which is based upon Property Use Classification, and which is defined in the Town Code, chapter 194, Part 2 Sewer Rents. Part 2 and the current Schedule of Points for the District is provided in Attachment 4.

The parcel included in the District Extension is currently classified as Property Use 311 – Residential Vacant Land. If developed as a residential dwelling as proposed, it would be classified as Property Use 210 – Single Family Residential with Five or More Bedrooms.

The Town of Thompson Town Board has adopted Local Law No. 04 of 2022, provided as Attachment 5, which establishes the following rates for the Consolidated Harris Sewer District Assessment:

Capital Debt Service = \$1.45/Point

Annual O&M Cost = \$30.20/Point

The Annual Sewer Fee for a parcel in the District Extension will be calculated by multiplying the sewer points for the property classification by the rates noted above.

For this parcel, a single-family residence with 7 bedrooms and property classification of 210 would be assessed the following annual cost:

O&M (Rent) 20 Points (\$30.20/Point) = \$604.00

Capital Debt 20 Points (\$1.45/Point) = \$29.00

Total Annual Cost = \$633.00

For the typical single-family residence with 1-4 bedrooms, Property Classification of 210, would be assessed the following annual costs:

O&M (Rent) 10 Points (\$30.20/Point) = \$300.20

Capital Debt 10 Points (\$1.45/Point) = \$14.50

Total Annual Cost = \$314.70

G. **CONCLUSIONS**

The costs associated with Extension No. 1 of the existing Consolidated Harris Sewer District to service the benefit area are described above. The extension will not result in increased costs for existing District users. Costs associated with the connection of the subject property to the existing collection system will be the responsibility of the property owner.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in cursive script that reads "Matthew J. Sickler". The signature is written in black ink and extends to the right with a long horizontal stroke.

Matthew J. Sickler, P.E.

Associate

#3(B)

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 7<sup>th</sup> day of March, 2023, at 7:00 o'clock P.M., Prevailing Time.

PRESENT:

- WILLIAM J. RIEBER, JR., Supervisor
- SCOTT 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 hereof, 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**

**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 4<sup>th</sup> 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.

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 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  
(A)

**MAP, PLAN AND REPORT**  
For  
**SACKETT LAKE SEWER DISTRICT**  
**COLLECTION SYSTEM IMPROVEMENT PROJECT**



**SULLIVAN COUNTY, NEW YORK**

**Client:**

Town of Thompson  
4052 Route 42  
Monticello, NY 12701

**Prepared by:**

MHE Engineering, D.P.C.  
33 Airport Center Drive, Suite 202  
New Windsor, New York 12553

**NOTE: ANY UNAUTHORIZED ALTERATION OR  
ADDITION TO THIS DOCUMENT IS A  
VIOLATION OF SECTION 7209(2) OF THE  
NEW YORK STATE EDUCATION LAW.**

**Job No.:** 95-55.2  
**Date:** 01 March 2023

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## **1.0 PROJECT BACKGROUND AND HISTORY**

### **a. Site Information**

The Town of Thompson and the New York State Department of Environmental Conservation entered into an Order on Consent in 2015 related to discharge violations at the Sackett Lake WWTP. The majority of these violations were attributed to Inflow and Infiltration, which diluted influent concentrations and raised plant flows. The Town completed an SSES Report in 2016, and an additional update in 2018, which identified the gravity main which runs from the southern end of Sackett Lake to the WWTP as the most likely source of inflow and infiltration to the system. The Town subsequently applied for and received an Engineering Planning Grant to further evaluate this section of main and provide for recommendations to address the issue. The remainder of this report will discuss the cost associated with implementing the recommended scope of work.

The Sackett Lake WWTP provides sanitary sewer service to the residential community, which has developed around Sackett Lake over the past 50 plus years. The Sackett Lake Community is located approximately four (4) miles southwest of Monticello and to the west of New York State Route 42. A plan showing the area and containing location maps is provided in Attachment A of this report. Sackett Lake Road passes through the area from Route 42 south to the Town of Forestburgh line.

The outlet of Sackett Lake is a Class B stream that flows from North to South, through a small pond and Forest Lake. The stream then passes the WWTP and receives effluent from the outfall. A New York State regulated wetland exists to the west of the WWTP site. According to the NYS DEC Environmental Resource Mapper, there are no critical environment areas, threatened or endangered animals or plants or archeological sites within the project area.

According to Firm Community Panel 36105CO582F, a 100-year flood plain does exist in the area where the outlet of Sackett Lake crosses Sackett Lake Road. Proposed work will be constructed with appropriate requirements for structures within the flood plain. There are no unusual geologic conditions in the project area and the soils in the vicinity do not appear to pose unusual construction challenges.

### **b. Ownership and Service Area**

The Town of Thompson owns and operates the Sackett Lake WWTP and associated collection system. There are approximately 635 parcels in the District. A total of 464 parcels are developed with residential dwellings. The limits of the Sewer District are shown on the plan provided in Attachment A of this report. There are no outside district users and the system does not accept any hauled wastes.

The United States Census Bureau indicated a population of approximately 15,000 for the Town of Thompson. This represents a change of approximately -2% from the 2010 data. The population in

the Sackett Lake service area appears to follow this trend and is relatively unchanged. There are no major developments proposed within the service area at this time.

**c. Existing Facilities and Present Condition**

The Sackett Lake WWTP is permitted to discharge an average day flow of 0.5 MGD as set forth in SPDES Permit NY 0030716. The permit has an effective date of 4/1/2022 and expires on 3/31/2026. As noted in Section 1, the Town has entered into an Order on Consent related to previous violations at the WWTP. The purpose of this report is to evaluate a portion of the collection system, which was previously identified as potentially contributing inflow and infiltration, to the system which impacted plant performance. Therefore, this report will focus on the area of concern and information regarding the existing WWTP is not provided herein.

The previous SSES reports identified the section of gravity main from Manhole A31, which is located at the south end of Sackett Lake, to Manhole A1, which is located just north of the WWTP, for further evaluation. This section was cleaned and inspected utilizing CCTV in February and March 2020.

The gravity main section evaluated is approximately 6,400 feet in length and consist of 12" diameter main. Approximately 5,200 feet of main is asbestos cement (ac) while the remaining 1,200 feet is ductile iron material. The main is not installed in roadways, and large sections pass through vacant wooded land. The inspection logs detail many areas of root intrusion, pipe joint separation and areas of infiltration. There are also several sections of main with sags that exceed 50% of the cross sectional area of the main.

The minimum slope noted in the collection system appears to be 0.25%, which complies with the States Standards for a 12" main. At this slope, the 12" diameter main has a capacity of 1.28 MGD. The peak flow rate for the collection system is not known. However, the operator has not reported issues with surcharging in the system.

The sewer manholes in this portion of the collection system appear to be constructed of brick or concrete block. Most of the manholes are in fair condition with some root penetration and seepage at joints. Manhole A3 was noted to be in poor condition with leaks at joints and main penetrations.

**d. Definition of the Problem**

In order to evaluate the potential of Inflow and Infiltration to impact the WWTP, the facility monthly discharge reports were reviewed and effluent flow versus daily precipitation were graphed for 2018 and 2019. As demonstrated on the graphs, flows at the WWTP increase significantly during periods of precipitation. For example, during May 12<sup>th</sup> and 13<sup>th</sup>, 2019, 1.6" of precipitation was recorded and plant flows for those two days was 0.5098 and 0.5785 MGD. Flows for the month of May 2019 only averaged 0.21 MGD.

The increased inflow and infiltration results in wasted energy and chemical usage to treat these additional flows. This also results in a diluted effluent strength, which has contributed to the WWTP not meeting percent removal limits for BOD and TSS, as the influent values are extremely low.

**e. Financial Status**

The Sackett Lake Sewer District currently generates operating revenue by assessing Operations and Maintenance (O&M) charges to users of the system. Current rates as established in Local Law 4 of 2022 are \$61.12 per point for Operations & Maintenance (O&M), and \$1.12 per point for Capital Debt Service. A single-family dwelling with 4 bedrooms is assessed at 10 points for O&M and 10 points for Capital Debt Service. A current sewer bill for a single family dwelling with 4 bedrooms was, therefore, \$622.40 for the year. The adopted operating budget for the District was approximately \$380,637 for the 2023 fiscal year.

**2.0 PROPOSED PROJECT**

**a. Description**


The Engineering Report prepared utilizing the EPG evaluated two alternatives available to address the inflow and infiltration being experienced in this portion of the Sackett Lake collection system. There is a third alternative, No Action, which is not being considered. Ignoring the problem will continue to allow inflow and infiltration into the system and will no doubt cause permit violations at the WWTP. The two alternatives evaluated consisted of main replacement or main rehabilitation utilizing trenchless technology. The Report recommended the main rehabilitation, which is described below.

The System Rehabilitation Alternative (the project) consists of utilizing cured-in-place pipe (CIPP) to line the existing main. This alternative does not require excavation of the pipe. Manholes are repaired with grout and then sealed utilizing a cured-in-place fiberglass liner. This method works well in areas where the pipe is structurally sound, which is the majority of the system reviewed. However, the CIPP method will not address large sags or defects in the main. The CCTV inspections revealed large sags in the pipe runs between Manholes A6 and A1, A30-A29 and also between Manholes A18 and A17. These runs are approximately 1,800 feet in length and are not suited for CIPP. These portions need to be replaced with new main and manholes. Capacity of the CIPP mains will be slightly increased as compared to the existing main as the roughness coefficient of the CIPP main is decreased. The estimated construction schedule for partial replacement and CIPP rehabilitation of the system is six (6) weeks. A plan showing the proposed limits and scope of work is provided as Attachment D.

**b. Cost Estimate**

A Project Cost Estimates has been prepared and is provided in the Table below:

Sewer Main Partial Replacement and CIPP Rehabilitation:

		Sackett Lake Sewer District Collection System Improvement Project NYSEFC Engineering Planning Grant Town of Thompson Sullivan County, New York				Last Revised: 1-Feb-23 Revised By: MJS	
CIPP/Partial Replacement Estimate of Probable Construction Cost							
BID ITEM	DESCRIPTION	SOURCE	QUANTITY	UNIT	UNIT PRICE AVG	TOTALS AVG	
1	mobilization/demob/MPT - 8-10% of bid total		4	EA	\$ 37,500.00	\$	150,000
2	12" sewer main lining		4,800	LF	\$ 90.00	\$	432,000
3	point repair		10	EA	\$ 10,000.00	\$	100,000
4	12" sewer main replacement		1,500	LF	\$ 400.00	\$	600,000
5	Manhole lining, verticle foot		200	VF	\$ 1,500.00	\$	300,000
6	manhole replacement		5	EA	\$ 15,000	\$	75,000
C-1	rock excavation		20	CY	\$ 100	\$	2,000
C-2	test pits		25	CY	\$ 200	\$	5,000
C-3	Additional Select Fill		150	CY	\$ 50	\$	7,500
C-4	Additional Crushed Stone		25	CY	\$ 65	\$	1,625
C-5	Additional class 3 concrete		10	CY	\$ 500	\$	5,000
C-6	Additional manhole frame and cover		2	EA	\$ 2,000	\$	4,000
C-7	additional restoration allowance		1	EA	\$ 5,000	\$	5,000
<b>Subtotal</b>						\$	<b>1,687,125</b>
<i>Project Contingencies</i>						\$	<i>150,000</i>
<b>Estimated Total Construction Cost</b>						\$	<b>1,837,125</b>
<i>Engineering Design, agency approval, grant administration 10%</i>						\$	<i>168,713</i>
<i>Construction observation 7%</i>						\$	<i>118,099</i>
<i>Bond Counsel, Legal &amp; Admin</i>						\$	<i>40,000</i>
<b>Total Design and Construction Cost</b>						\$	<b>2,163,936</b>

**3.0 BENEFIT AREA**

The proposed project will benefit the entire existing Sackett Lake Sewer District. The District is not being expanded. A map showing the current District boundary is provided as Attachment A and a list of parcels within the District is provided as Attachment B of this Report.

**4.0 FINANCIAL ANALYSIS**

The Sackett Lake Sewer District currently assesses sewer rents on a point system, which is based upon the property classification. The schedule of points by property use in Attachment C of this Report.

The current sewer rents for the Sackett Lake District are \$61.12/Point for annual operation and maintenance (O&M) costs and \$1.12 /Point for Capital Debt Service. For example, a 4 bedroom single family residence, Property Classification 210, would pay the following sewer rents:

Capital Costs (Debt) = 10 Points (\$1.12/Point) = \$11.20

O&M Costs = 10 Point (\$61.12/Point) = \$611.20

Total Annual Sewer Costs = \$622.40

The estimated cost of the proposed project is \$2,163,936.00. If the project is funded through CWSRF there will be an estimated \$38,950.00 in issuance cost bringing the project total to \$2,202,886.00. The Town has received a WIIA Grant for the project, which will offset \$421,281 of the project cost. Considering the Grant, the Town intends to finance the balance of the project cost (\$1,781,605.00) through the CWSRF, the following is the estimated annual cost:

Project Cost to be financed = \$1,781,605.00

Annual Payment, 30 years @ 2% Interest = \$79,548.52

Total District Sewer Debt Points = 8966.28

Annual Project Cost Per Point = \$8.87

Upon completion of the project, the estimated annual cost for a 4 bedroom single-family home would be:

O&M Costs = 10 Point (\$61.12/Point) = \$611.20

Capital Debt Cost = 10 Point (\$9.99/Point) = \$99.90

Total Annual Cost = \$711.10

Respectfully submitted,

MHE Engineering, D.P.C.



Matthew Sickler, P.E.

#5  
(A)



**MAP, PLAN AND REPORT**  
**- FOR -**  
**ROCKHILL/EMERALD GREEN SEWER DISTRICT**  
**PUMP STATION #1, #2 & #3 IMPROVEMENTS**



**SULLIVAN COUNTY, NEW YORK**

**Client:**

Town of Thompson  
4052 Route 42  
Monticello, New York 12701

**Prepared By:**

MHE Engineering, D.P.C.  
33 Airport Center Drive, Suite 202  
New Windsor, NY 12553

**NOTE: ANY UNAUTHORIZED ALTERATION OR  
ADDITION TO THIS DOCUMENT IS A  
VIOLATION OF SECTION 7209(2) OF THE  
NEW YORK STATE EDUCATION LAW.**

**Job No.:** 20-715  
**Date:** 1 March 2023

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Millford, PA 18307  
570-296-2765 | F: 570-296-2767 | mhspa@mhepc.com

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**1.0 INTRODUCTION**

Emerald Green is a lake community in the Hamlet of Rock Hill located within in the Town of Thompson (the Town) in Sullivan County, New York. In 2021, the Town consolidated the Rock Hill and Emerald Green Sewer Districts into one District known as the Rock Hill/Emerald Green Sewer District (the District.) The consolidation is effective January 1, 2022. A map of the District Boundary is provided in Attachment A. In general, the District is comprised of a network of gravity sewer mains, pump stations, and force mains, which ultimately collect and convey raw sewage to the Emerald Green WWTP for treatment. As most of the collection system and pump stations were constructed over 50 years ago, the Town has been working to upgrade existing facilities throughout the District.

The area along the Eastern shore of Lake Louise Marie currently utilizes a series of pump stations to collect and convey sewage toward the Emerald Green WWTP. Improvements are proposed for three (3) of these existing pump stations, including Emerald Green Pump Station #1 (PS #1), Emerald Green Pump Station #2 (PS #2) and Emerald Green Pump Station #3 (PS #3). Existing PS #1 and facilities are over 40-years old, in poor condition, and are well beyond their usable life. As such, replacement of this station is proposed, which subsequently prompted the proposed rerouting of the existing force main from PS #3 in an effort to reduce the overall pump size for replacement of PS #1.

The Sewer District has a total of 11 pump stations. Currently, only Emerald Green #9 and the Rock Hill pump stations have a standby generator. Existing Stations #2, #7 #8 and #10 and new PS #1, are small and can be hauled with the Town’s sewer truck or run on a portable generator. Stations #3, #4, #5 and #6 require the installation of permanent generators.

Pursuant to a request by the Town of Thompson Town Board, our office has prepared this Map, Plan and Report for the proposed improvements to the Rock Hill/Emerald Green Sewer District.

**2.0 EXISTING FACILITIES**

In general, the majority of sewage in this area is collected via a series of gravity sewer mains and directed to PS #3. From PS #3 sewage is conveyed via an 8” Ø force main from PS #3 to PS #1. An intermediate pump station, PS #2, is tied in along the force main route. From PS #1, sewage is conveyed via an 8” Ø force main from PS #1 to SMH #C1-9, where the conveyance switches to gravity. From SMH C1-9 raw sewage is conveyed via gravity to the Emerald Green WWTP for subsequent treatment.

Current estimated tributary wastewater flows for each pump station are listed in Table 2.1 as follows:

Table 2.1 Existing Tributary Wastewater Flows		
Facility	Average Daily Flow (gpd)	Peak Flow (gpm)
Emerald Green PS #3	135,000	375
Emerald Green PS #2	14,400	40
Emerald Green PS #1	183,400	510

Each of these existing pump stations are described in further detail as follows:

- *Emerald Green Pump Station #1*

The Emerald Green PS #1 is located off of Crescent Circle adjacent to Lake Louise Marie Lake and Lake Louise Marie Road. This station receives flows from PS #2 & #3, as well as flows generated by adjacent lots including a single institutional property (currently Crescent Hill Synagogue) and approximately eighty-four (84) single-family residential homes in the vicinity of Crescent View and Crescent Circle. Sewage from this station is conveyed through approximately 530 linear feet of 8" Ø force main along Crescent Circle; and subsequently, discharge to SMH #C1-9 where the conveyance switches to gravity. From SMH #C1-9, gravity main continues along Lake Louise Marie Road flowing directly to the Emerald Green WWTP. The pumps in this station are equipped with 10 HP motors having a capacity of a capacity of 750 gpm. The existing total dynamic head is 35-feet.

The Emerald Green PS #1 pump station is a subsurface structure with a conventional "dry-pit" pump station design, which were constructed in the early 1970s. The existing Fairbanks Nijhuis pump station includes a vault to house the duplex dry pit non-clog pumps, a separate wet well and electrical distribution and controls at grade. There is severe deterioration of the pump station's physical components, including piping, electrical wiring, electrical controls, valves, etc. The existing pump station is well beyond its useable life and, therefore, should be replaced in the near future.

- *Emerald Green Pump Station #2*

The Emerald Green PS #2 is located adjacent to Lake Louise Marie Road and S.R. 17 near the entrance of to Lake Louise Marie County Club. This station receives flows from adjacent lots, including four single-family residential homes, a single commercial property and the country club. This station is tied into the 8" Ø force main from Emerald Green PS #3 along Lake Marie Louise Road. The station consists of a 5' Ø precast concrete wet well, duplex submersible grinder pumps, a float system, electrical controls, etc. The pumps in this station are equipped with 2 HP motors having a capacity of approximately 40 gpm. The total dynamic head is 65-feet.

- *Emerald Green Pump Station #3*

The Emerald Green PS #3 is located just north of the intersection of Lake Shore Drive East and Lake Louise Marie Road adjacent to S.R. 17. This station receives flows from the portion of the Emerald Green Sewer District located Southeast of Lake Louis Marie Lake, which includes primarily single-family residential homes tied into gravity sewer mains, as well as flows from Emerald Green Pump Station #4 & #5. As indicated in Table 2.1, the estimated average daily flow for the area tributary to PS #3 is 135,000 gpd.

Sewage from this station is conveyed through approximately 2,000 linear feet of 8" Ø force main along Lake Louise Marie Road and, subsequently, discharged to SMH # 1B-7 where the conveyance switches to gravity. From SMH #1B-7, a series of gravity sewer mains convey sewage to PS #1. The existing Smith and Loveless Station consists of a 6' Ø precast concrete wet well, duplex vacuum lift pumps, a float system, electrical controls, etc. The pumps in this station are equipped with 20 HP motors having a capacity of approximately 750 gpm. The total dynamic head is 68-feet.

An overall map depicting the existing configuration and layout of this portion of the District described herein has been included for reference as Attachment B.

### 3.0 PROPOSED IMPROVEMENTS

In general, the office is proposing replacement of PS #1 and rerouting of PS #2 and PS #3 to ultimately convey sewage to a common discharge point at SMH C1-9. This would require upgrades and reconfiguration of the existing conveyance system as described herein.

#### a. Reconfiguration of PS #2 & #3

In effort to reduce flow at PS #1, our office is proposing rerouting the existing force main along Lake Marie Louise Road to convey flow from PS #2 & PS #3 to a common discharge point at SMH C1-9. The proposed rerouting would require installation of approximately an additional 810 linear feet of 8" Ø force main along Lake Louise Marie Road from SMH #1B-7 to SMH #C1-9.

Additionally, upgrade of the existing pump impellers at PS #3 would be required to meet the desired operating conditions. The design criteria for proposed rerouting of PS #3 is as follows:

Existing Pump(s):	(2) Wet Well Mounted, 20 HP
Wet Well:	Pre-cast Concrete, 6' Ø
Average Daily Flow:	270,000 gpd
Peak Flow:	750 gpm
Force main Length:	2,805 LF
Force main Size:	8" Ø

Hazen-Williams Coefficient:	120 (HDPE)
Static Head:	39-feet
Friction Loss:	23.3-feet @ 600 gpm
Total Dynamic Head:	62.8-feet @ 600 gpm

Smith and Loveless, Inc. has selected an 8-inch, Model 4B2X\*1, X-PELLER® impeller to satisfy the proposed design requirements.

The proposed improvements herein would make the PS #1 independent from PS #2 and #3 ultimately allowing for downsizing of PS #1, which is discussed in further detail within Section 3.2.

**b. Replacement of PS #1**

Due to the age and poor condition of the existing PS #1, replacement of this facility is highly recommended. The plan to reroute PS #2 & #3 force main (as described in Section 3.1) would reduce incoming peak flow at PS #1 from approximately 885 gpm to 95 gpm, ultimately allowing the Town to reduce the replacement pump motor size from 20 HP to 3 HP. Installation of a new pump station facility would include, but not be limited to the following:

- Wet Well
- Variable Frequency Drives
- Valve Vault & Valves
- Flow Meter
- Bypass Connection
- Force main
- Submersible Pumps
- Pump Controls
- Float System
- Electrical Panel & Enclosure
- Stilling Well
- Submersible Level Transmitter

In addition, due to the reduction in flow, downsizing of the existing force main from PS #1 to SMH #C1-9 would be required. This would involve the installation of approximately 530 linear feet of 4" Ø SDR-26 polyethylene force main.

The design criteria for the proposed replacement of PS #1 is as follows:

Pump(s):	(2) Submersible, 3 HP
Wet Well:	Pre-cast Concrete, 4' Ø
Average Daily Flow:	34,000 gpd
Peak Flow:	95 gpm
Force main Length:	530 LF
Force main Size:	4" Ø
Hazen-Williams Coefficient:	120 (HDPE)

Static Head:	20-feet
Friction Loss:	4.2-feet @ 95 gpm
Total Dynamic Head:	24.5-feet @ 95 gpm

The proposed replacement pump station shall be located directly adjacent to existing PS #1 within existing easement limits. As such, the proposed pump station would utilize the existing access drive and be tied directly into existing power supply.

**c. Emergency Generators**

To ensure continued operations and to prevent sewer overflows during power outages, emergency generators are proposed for Pump Stations #3, #4, #5 and #6. The generator sets will be diesel powered and include automatic transfers switches. The new PS#1 will include a manual transfer switch and connection to allow the Town’s portable generator to operate the station.

**4.0 COST OF IMPROVEMENTS/FINANCE**

A Schematic Estimate of Probable Construction Cost, included herein as Attachment C, has been prepared based on available quotes and current unit costs. The anticipated construction cost for the proposed improvements described in Section 3.0 herein are estimated at \$3,221,000. The Town is applying for a WIIA Grant through NYS EFC, which would cover 25% of project costs. If the Grant is not obtained, the Town will finance the total cost of construction through the CWSRF. Issuance costs associated with this financing are estimated to be \$58,000, which would bring the total project cost to \$3,279,000.00.

The proposed 2023 Annual Budget for the Rock Hill/Emerald Green Sewer District is \$977,931.00. Sewer fees are assessed to properties within the District on a point basis. A schedule of points is provided in Attachment D. Points are assigned based upon property classification. A list of parcels within the District, their associated property use classification and assessed points is provided in Attachment E.

The 2023 budget for the District will assess costs of \$18.61 per point for debt service and \$54.63 per point for Operations and Maintenance costs (O&M). A single-family home, Use Classification 210, will pay the following costs for 2022:

$$\text{Debt service} = 10 \text{ points } (\$18.61/\text{pt}) = \$186.10$$

$$\text{O\&M costs} = 10 \text{ points } (\$54.63/\text{pt}) = \$546.30$$

$$\text{Total estimated cost} = \$732.40$$

As noted above, the total cost for the proposed improvements is \$3,279,000.00, including EFC issuance cost. The District assesses a total of 14,933.55 points for Debt service. The increased annual cost associated with the project is estimated as follows:

Project cost = \$3,279,000.00

Finance 30 years @ 2% annual payment = \$146,407.10

Cost per point =  $\$146,407.10 / 14,933.55 \text{ points} = \$9.80/\text{pt}$

Estimated cost after project =  $\$732.40 + (10 \text{ pts})(\$9.80/\text{pt}) = \$830.34$  per 4 bedroom single family home

## 5.0 RECOMMENDATIONS/CONCLUSIONS

As noted above, the proposed project would result in an increased sewer fee of \$98.00 per year for a single-family home. We recommend that the Town continue to pursue grant funding for the project to potentially reduce the annual debt service per user in addition to EFC CWSRF financing.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in cursive script that reads "Matthew Sickler". The signature is written in black ink and includes a horizontal line extending to the right.

Matthew Sickler, P.E.

F:\2020\20-715 Emerald Green PS #1, #2, #3\efc application\MPR Emerald Green PS 3-1-23.docx

#6

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 7, 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 a 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:

Seconded by:

The Members voted on the foregoing Resolution as follows:

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





#7  
(A+B)

## 2023 SULLIVAN 180 COMMUNITY DEVELOPMENT GRANTS

	COMMUNITY IMPACT GRANT	MUNICIPAL PARTNERSHIP GRANTS	TECHNICAL ASSISTANCE GRANTS	NEIGHBORHOOD REVITALIZATION GRANTS
	This grant program, made possible with funding from Assemblywoman Aileen Gunther, provides substantial funding for a capital project that would have a transformational impact on a community. Examples include corridor enhancements, public plazas, downtown sidewalks & streetscapes, recreational facilities and community centers.	This program provides funding to local governments to care for public spaces, develop youth initiatives, build healthy communities and/or engage in environmental stewardship. Funds can be used to hire seasonal personnel, or for direct project costs like material, equipment and contracted services.	This program provides funding for professional services from architects, landscape architects, engineers and other design professionals for eligible projects. In most cases, payment will be made directly to a consultant.	This program supports projects that involve block revitalization and community engagement in neighborhoods. Examples include clean-up projects, pocket parks, street art and cultural celebrations. *See Note 5 below
Eligibility	Municipalities	Municipalities	Municipalities Non-profit Organizations School Districts	Municipalities Non-profit Organizations School Districts
Deadlines	Application: April 1 Completion: within 2 years	Application: March 15 Completion: October 1	Application: Rolling Completion: October 1	Application: Rolling Completion: October 1
Grant Amount	\$100,000-\$350,000	Up to \$20,000	Up to \$5,000	Up to \$2,500
Required Match	\$25,000-\$50,000	25% Match in the form of funds or in-kind services	Dollar for Dollar in the form of funds, in-kind, or donated goods and services	Under \$500: None Over \$500: Dollar for Dollar in the form of funds, in-kind, or donated goods and services
Intern	No	Yes <i>Separate application required</i>	No	No
Crew <sup>2</sup>	No	Yes	No	No
Volunteer Corps <sup>3</sup>	No	Yes	No	Yes

**NOTES:**

1. Flower dollars and bulb dollars are special coupons that can only be used at participating local garden centers and nurseries.
2. A team of seasonal employees available to assist with major tasks such as renovating garden beds, edging, mulching, dividing perennials, transplanting shrubs and trees, etc.
3. A group of volunteers who are available upon request to help on workdays or with routine maintenance.
4. Municipalities receiving grants through this program are required to submit monthly progress reports detailing their accomplishments.
5. The Neighborhood Revitalization Program also offers technical assistance and support for community building through facilitated meetings and "visioning." Over a series of meetings, participants will work together to formulate a project or neighborhood action plan which may include initiatives listed above.

#8

**William J. Rieber, Jr.**

---

**From:** ajwolkoff  
**Sent:** Friday, February 17, 2023 7:17 AM  
**To:** bill jr.  
**Subject:** Town Historian Resignation

Good Morning Bill,

I am writing to you to let you know that I am resigning my position as the Town of Thompson Historian effective March 1, 2023. Please know that this was a difficult decision and I feel it best for me at this time.

I want to thank you for giving me the opportunity to serve as Town Historian. I am willing to assist with the transition once you find someone for the position.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Judy Wolkoff

#9  
(A-D)

Board Approval:

- A) Resolution to pay \$16.00 to Holiday Mountain on 1/26/2023  
Went over budget (\$3,000.00)
- B) Resolution to Pay \$2,465.00 to Holiday Mountain on 2/2/2023 and 2/23/2023  
Went over budget (\$4,000.00)
- C) Would like to increase my <sup>Park</sup> Youth Programming amount by \$10,000.00
- D) Increase the Camp Budget \$50,000.00 to make the total Camp budget of \$250,000.00



#10  
(A+B)

# Town of Thompson Highway Dept

Rich Benjamin Jr. Superintendent of Highways  
33 Jefferson St. Monticello, NY 12701  
Phone: 794-5560

Todd Mitchell Deputy Superintendent  
davehiway@gmail.com  
Fax: 794-5722

February 24, 2023

Town Board,

- 1) I recommend the board awards the bid for delivered 1a stone to JKN Trucking, Inc @ \$35.50 a ton.
- 2) I recommend the board awards the bid for Asphaltic Concrete to Callanan Industries, Monticello Blacktop and Morlyn. The bids are so close in price that availability of the plant, waiting time and mileage would far out way the slight difference in price.

Thanks,

Rich



#10  
(C)

**LEGAL NOTICE  
NOTICE TO BIDDERS**

**NOTICE IS HEREBY GIVEN**, that the Town Board of the Town of Thompson will receive bids in accordance with specifications prepared therefore which may be obtained without charge at the Office of the Town Clerk of the Town of Thompson, Town Hall, 4052 State Route 42, Monticello, New York for the following item:

**Gradall Limb Lopper Assembly**

Said bids shall be mailed or delivered so that they shall be received at the office of the said Town Clerk on or before 2:00 o'clock P.M., Prevailing Time on Thursday, March 16, 2023 at which date and hour all bids shall be publicly opened and read.

By Order of the Town Board  
Dated Monticello, New York  
March 07, 2023  
Marilee J. Calhoun  
Town Clerk

#11



P.O. Box 271  
Mountaintale, New York 12763  
276 East Broadway  
Monticello, New York 12701  
Tel/Fax (845) 794-8084

Commercial & Residential Phone Systems  
Sales • Service • Installation

Email: scot@bedik.com

PROPOSAL

Thursday, March 2, 2023

Bill Rieber  
Town of Thompson  
4052 Route 42  
Monticello, NY 12701

Re: Water & Sewer Dept.

Tel: 794-5280  
Fax: 794-2777  
Email: kschaefer@townofthompson.com

Scope of Work:

Furnish and install a new NEC SL2100 telephone system to replace the existing End of Life SL1100 telephone system. We will reuse all of the existing telephones but anything new going forward will need the newer model SL2100 telephones.

We will program the new system complete to mirror the existing data base you currently have.

The cost of the above Scope of Work is:

Equipment	\$1,600.00
Estimated Labor:	\$ 500.00

Please note: Bedik Communications, Inc. will pay a prevailing wage rate as mandatory by New York State Department of Labor.

The undersigned acknowledges and agrees to the following terms:  
Terms: 50% due upon signing proposal, balance due upon installation.

\_\_\_\_\_  
Town of Thompson Water & Sewer Dept.

\_\_\_\_\_  
Date

#1a

# Town of Thompson

Town Hall  
4052 State Route 42  
Monticello, NY 12701

Water and Sewer Department

Phone: (845) 794-5280

Fax: (845) 794-2777

Email: [waterandsewer@townofthompson.com](mailto:waterandsewer@townofthompson.com)

Michael Messenger, Superintendent  
Keith Rieber, Assistant Superintendent

## BILLS OVER \$2500.00

We are requesting permission to pay the following:

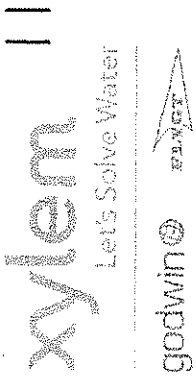
VENDOR: XYLEM DEWATERING SOLUTIONS, INC.

DESCRIPTION: Dri-Prime HL125M Diesel Pump

AMOUNT: \$ 97,961.24

\* Res - 362 of 2022  
Res - 383 of 2022  
See Attached \*





**Sold by:**

**Invoice**

Branch 032  
1373 Indian Fields Rd  
Feura Bush, NY 12067  
Tel: 518-767-2340  
Fax: 518-767-2354

**Remit to:** Xylem Dewatering Solutions, Inc.  
26717 Network Place  
Chicago, IL 60673-1267  
Phone: 1.855.278.2248 (Opt 1)

**NOTE:** Valued customers, please note the NEW remit address change included on this invoice.

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Town of Thompson  
4052 State Route 42  
Monticello, NY 12701-3221

Town of Thompson  
33 Jefferson St  
Monticello, NY 12701

Cust. No.	Invoice Date	Invoice No.
00119428	02-24-2023	401233863

Page 1 of 1

Customer PO	Ordered By	Contract Date	Date Shipped	Sale Contract #	Sales Representative	Order Taken By	Payment Terms
6DP	Mr Keith Rieber	02-24-2023	02-24-2023	232005077	Seth Morris	Seth Morris	Net 30
ITEM	DESCRIPTION						
PMHL040DCN230	Dri-Prime HL125M Diesel Pump • 28% Chromium Steel Hardened Wearplates • 6" x 4" 150# Flange Suction & Discharge • John Deere 4045HFC04-FT4 134HP Diesel • Includes PrimeGuard Engine Controller • Skid-mounted • 6" FQD x 150#FL Mounting Kit  Pumpend S/N: 22094205-1 Engine S/N: PE4045U178341 Base S/N: K230043 FST IMEI: E-Code: 238965						
DZONE04ROLLBACK	Delivery Zone 4 - Rollback						
	QTY ORDERED	QTY SHIPPED	QTY B/O'd	SELL PRICE	EXTENDED SELL		
	1	1	0	97,961.24	97,961.24		
	1	1	0	0.00	0.00		

Merchandise	Labor	Shipping	Misc. Charges	Taxes
\$ 97,961.24	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
<b>Total Invoice</b>				<b>\$ 97,961.24</b>

ALL PAST DUE INVOICES ARE SUBJECT TO 1 1/2% PER MONTH SERVICE CHARGE

**Important Information:** Due to fraud attempts any communication for changes of bank account details have to be confirmed by a call-back with your respective Xylem contact person.

Further Be It Resolved, that the Town Supervisor hereby be authorized to execute the necessary contract once presented in order to accept said grant funds.

Motion by: Councilman Schock                      Seconded by: Councilwoman Meddaugh

Vote: Ayes 4      Rieber, Schock, Meddaugh and Mace

Nays 0

Absent 1      Pavese

**6) COMPREHENSIVE PLAN ADVISORY COMMITTEE FORMATION & APPOINTMENTS**

Supervisor Rieber advised that this matter will be tabled until the next Town Board meeting. There was no action taken, matter to be rescheduled for 11/01/2022 Town Board meeting.

**7) ESTABLISH DATE FOR PUBLIC HEARINGS: KIAMESHA LAKE WWTP & EMERALD GREEN WWTP UPGRADE PROJECTS – TO BE HELD ON TUESDAY, 11/15/2022 AT 6:00 PM & 6:30 PM**

**The Following Resolution Was Duly Adopted: Res. No. 361 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson hereby authorizes the establishment of (2) Public Informational Sessions to be held on Tuesday, November 15<sup>th</sup>, 2022 to discuss Town of Thompson Sewer Plant Upgrades as follows:

- 1) Kiamesha Lake Wastewater Treatment Plant Upgrades from 6PM to 6:30 PM and
- 2) Emerald Green Wastewater Treatment Plant Upgrades from 6:30 PM to 7PM.

Further Be It Resolved, that these informational sessions will provide an overview of both upgrades, which are in the final stages of permitting. Both informational sessions will be held prior to the Town Board Meeting and will also be available via Zoom. Zoom link meeting details will be available on the Town website [www.townofthompson.com](http://www.townofthompson.com).

Motion by: Councilman Schock                      Seconded by: Councilman Mace

Vote: Ayes 4      Rieber, Schock, Meddaugh and Mace

Nays 0

Absent 1      Pavese

**8) WATER & SEWER DEPARTMENT: DISCUSS PURCHASE OF NEW EMERGENCY BYPASS DIESEL PUMP – A RENTAL IS CURRENTLY BEING USED AT THE HARRIS BENMOSCHE PUMP STATION**

**The Following Resolution Was Duly Adopted: Res. No. 362 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson hereby authorize the Water & Sewer Department Superintendent Michael Messenger approval to purchase a new Godwin Model HL125M Emergency Bypass Pump (RGT) Version off the HGAC Cooperative Buying Contract # 465-11 from Xylem Dewatering Solutions, Inc. in the amount of \$102,337.82.

Motion by: Councilman Mace

Seconded by: Councilwoman Meddaugh

**WATER & SEWER DEPARTMENT: DISCUSSION REGARDING PURCHASE OF NEW EMERGENCY BYPASS DIESEL PUMP**

Supt. Messenger reported that at the last Town Board meeting they approved the emergency purchase of a new bypass diesel pump Trailer version from Xylem Dewatering Solutions, Inc. in the amount of \$102,337.82. The delivery wait time is approximately 12-14 weeks. Supt. Messenger said that the Town has the option to purchase the used pump currently being used at the Harris BenMosche Pump Station for \$56,000.00 from Xylem Dewatering Solutions, Inc. or they can purchase the new skid based (SB) version (non-trailer version) from Xylem Dewatering Solutions, Inc. for \$97,961.24 off the same HGAC Cooperative Buying Contract # 465-11 and delivery can be expedited 8-10 weeks. After further discussion it was decided that the Town should purchase of the new non-trailer version for \$97,961.24. Action to approve the purchase was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 383 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson hereby authorize the Water & Sewer Department Superintendent Michael Messenger approval to purchase a new Godwin Emergency Bypass Pump Skid Based (SB) Version off the HGAC Cooperative Buying Contract # 465-11 from Xylem Dewatering Solutions, Inc. in the amount of \$97,961.24.

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

**DISCUSSION: EMERALD GREEN & KIAMESHA LAKE WWTP UPGRADES – PROPOSED DRAFT SCHEDULE & RECOMMENDATIONS**

Delaware Engineering is recommending that the Town not phase out the Kiamesha upgrades and proceed with final design work immediately including bidding and construction. Financing would be determined at a later date. They also recommend that the Town continue to complete the Emerald Green upgrades in two separate phases. Phase I UV Disinfection and phase II Final Design once financing is in place. The recommendations of Delaware Engineering, DPC and Proposed Schedule of the WWTP Upgrades was discussed. Supervisor Rieber agrees with the recommendations and suggested that the Town Board consider authorizing the Town to proceed with final design work for the Kiamesha Sewer District WWTP upgrade improvements project.

**The Following Resolution Was Duly Adopted: Res. No. 384 of the Year 2022.**

Resolved, that the Town Board of the Town of Thompson upon the recommendation of Delaware Engineering, DPC, Engineers on behalf of the Town hereby be authorize to move forward with the Kiamesha Sewer District WWTP Upgrade Improvements Project final design engineering plans to proceed with the balance of the project, with financing options to be determined in near future.

Motion by: Councilman Pavese                      Seconded by: Councilman Mace