

**THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, JUNE 21, 2016 AT 6:00 P.M. IN THE TOWN HALL, WURTSBORO, NEW YORK.**

**Present:** William E. Herrmann- Supervisor  
Brenda Giraldi- Councilwoman  
Janet Lybolt - Councilwoman  
Christine Saward – Councilwoman  
J. Benjamin Gailey- Attorney for the Town  
Jean M. Dougherty- Town Clerk

**Absent:** Matt Taylor - Councilman  
JoAnn Salamone – Deputy Highway Superintendent

**Also present:** Robert Fiore – Deputy Supervisor  
Catherine Owens-Herrmann – Confidential Secretary to the Supervisor/  
County Legislator  
Riley Platt III – Highway Superintendent  
Kerron Barnes – Interagency Coordinator

**Worksession Items for Discussion**

1. Close out Escrow for Environmental Forest Products, logging off Pine Kill Road
2. Summer Staff
3. Tennis Court
4. Camp-Na-Sho-Pa pick appraiser
5. Trail Acquisition
6. Budget Modification
7. Ward System update
8. Highway Bond
9. Compressor Local Law
10. LDC Update

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

The June 21, 2016 meeting was called to order with the pledge to the flag.

**HIGHWAY SUPERINTENDENT’S REPORT**

- Construction in Yankee and Masten Lake areas
- Pothole repair
- Drainage issue – Karen Joy Drive
- Requested a Town wide speed limit of 30 mph
- Staff had training from O&R on downed wires

## **SUPERVISOR'S REPORT**

- Installing new playground equipment
- Selling the old playground equipment
- Received a thank you note from the American Legion for the \$2,500. Donation
- Sole Assessor Alane Romer retiring July 29<sup>th</sup> and the obvious choice for her replacement is Amy Platt, Assessor Assistant
- Sullivan Renaissance intern is Mackenzie.
- Met with the Oneida Indian Nation regarding trespassing, people dumping garbage, dirt bikes and a shooting range on their property off County Route 172 (Wurtsboro Mt. Rd.) They also spoke about a possible environmental resort or shopping center for that property
- Met with a contingent of people from Japan interested in building a resort in Mamakating
- Received a \$10,000.00 grant from Sullivan County for parking lot lighting. Estimated cost is \$20,000.00

## **COUNTY LEGISLATIVE REPORT – Catherine Owens-Herrmann**

- Patriot's Day Race to benefit the Veterans will be held on August 7<sup>th</sup>. Runners and Sponsors are needed. Info on website
- Grant money for Mamakating exterior lighting comes from Sullivan County Plans and Progress Small Grants program
- Sullivan County to vote on overriding the 2% Tax Cap due to State unfunded mandates. A resolution to review override in 2019 when casino money comes in
- Constitutional Convention can force the State to pay its own mandates and will be on ballot in 2017
- Decision to actually override the tax cap will not be made until December and the legislature is pursuing considerable cost savings

## **ABSTRACT**

A motion was made by B. Giraldi, seconded by J. Lybolt to approve Abstract #13 in the amount of \$222,480.86 as presented. All in favor.

- a. AO FUND \$117,404.82
- b. BO FUND \$7,519.96
- c. DA FUND \$9,637.97
- d. DB FUND \$81,057.55
- e. SL FUND \$960.56
- f. SR FUNF \$5,900.00

## MINUTES

A motion to accept the Minutes of June 7, 2016 was made by J. Lybolt, seconded by B. Giraldi. 3 ayes, 1 abstention (C. Saward).

## RESOLUTIONS

### Settling of Tax Certiorari Claim

At a meeting of the Town Board of the Town of Mamakating, County of Sullivan, State of New York, held at Town Hall in said Town on the 21<sup>st</sup> day of June, 2016.

WHEREAS, **Beautiful Industry Group, LLC**, has commenced a tax certiorari proceeding against the Town of Mamakating in the Supreme Court of the State of New York, County of Sullivan for the 2015-16 tax assessment year bearing Sullivan County Index # 1706/15;

WHEREAS, it appears from the recommendation of the Town Attorney, Jacobowitz and Gubits, LLP, upon a thorough investigation of the claims that further proceedings and litigation by the Town would involve considerable expense with the attendant uncertainty of the outcome and that the settlement of the above matter as more fully set forth below is reasonable and in the best interests of the Town; and

WHEREAS, Beautiful Industry Group, LLC is willing to settle these proceedings without costs or disbursement, in the following manner:

(1) The assessed value of the real property, identified as Tax Map No. 2.-1-1-42, for the 2015-16 tax year is confirmed at \$1,125,000.00

(2) The assessed value of the real property, identified as Tax Map No. 2.-1-1-42, for the 2016-17 tax year is reduced to \$268,000.00.

(3) The Petitioner shall pay all real property taxes levied on the 2015 Town and County tax bill, 2015-16 School tax bill, and 2016 Town and County tax bill, together with all penalties and interest accrued as of the date of payment. Said payment shall be made to the County of Sullivan Treasurer within ninety (90) days after the date of the Consent Judgment.

NOW, BE IT THEREFORE RESOLVED, that the proposed settlement as set forth and described above is hereby accepted pursuant to § 68 of the Town Law; and it is further

**RESOLUTIONS (cont.)**

- At a meeting of the Town Board of the Town of Mamakating, County of Sullivan, State of New York, held at Town Hall in said Town on the 21st day of June, 2016;

WHEREAS, **CAMP NA-SHO-PA INC.**, has commenced a tax certiorari proceeding against the Town of Mamakating in the Supreme Court, State of New York, County of Sullivan, Index No. 1719/15; and

WHEREAS, it appears from the recommendation of the Town Assessor and J. Benjamin Gailey, Esq., of Jacobowitz and Gubits, counsel for the Town of Mamakating in the aforesaid proceeding, that preliminary appraisal information is needed and/or a full court appraisal of the above matter as more fully set forth below; and

WHEREAS, Michael DeWan has submitted a fee proposal as set forth in the attached; and

NOW, BE IT THEREFORE RESOLVED, that the fee proposal as set forth and described is hereby accepted and that Michael DeWan Appraisal & Associates be retained to provide the necessary appraisal opinions described above.

On a motion by Councilperson B. Giraldi, seconded by Councilperson J. Lybolt, the foregoing resolution was adopted on a vote of 4 Ayes, 0 Nays.

RESOLVED, that William Herrmann, Town Supervisor, and J. Benjamin Gailey, Esq., on behalf of Jacobowitz and Gubits, LLP, be and they hereby are designated as the officers of the Town who shall apply for such approval pursuant to the aforesaid section and law.

On a motion by Councilperson J. Lybolt, seconded by Councilperson C. Seward, the foregoing resolution was adopted to a vote of 4 Ayes, 0 Nays.

- **BOND RESOLUTION OF THE TOWN OF MAMAKATING, ADOPTED JUNE 21, 2016, AUTHORIZING PURCHASE OF HIGHWAY DEPARTMENT MACHINERY AND APPARATUS, STATING THAT THE ESTIMATED MAXIMUM COST THEREOF IS \$1,100,000.00, APPROPRIATING SAID AMOUNT THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,100,000.00 SERIAL BONDS TO FINANCE SAID APPROPRIATION**

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

WHEREAS, it is now desired to authorize the financing of such capital project;

NOW THEREFORE,

BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF MAMAKATING IN THE COUNTY OF SULLIVAN, NEW YORK, (by the favorable vote of not less than two-thirds of all the members of said Board) AS FOLLOWS:

Section 1. The Town is hereby authorized to purchase machinery and apparatus for the Town Highway Department, including a sweeper, loader, excavator, dump truck, trucks, tractor bodies and plows. The estimated maximum cost of said class of objects or purposes, including preliminary costs, legal documents and costs incidental hereto and the financing thereof, is \$1,100,000.00 and the said amount is hereby appropriated therefor. The plan of financing is the issuance of \$1,100,000.00 serial bonds to finance said appropriation and the levy of a tax on all the taxable real property within the Town to pay the principal of said bonds and interest thereon as the same shall become due and payable.

Section 2. Serial bonds in the principal amount of \$1,100,000.00 are hereby authorized to be issued pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and stated:

a) The period of probable usefulness applicable to the purpose for which said serial bonds herein authorized are to be issued, within the limitations of Section 11.00a.28 of the Law, is fifteen (15) years.

b) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

c) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

Section 4. The bonds authorized by this resolution and any bond anticipation notes in anticipation of the sale of said bonds, shall contain the recital of validity prescribed by Sec. 52.00 of the Law and said bonds and any notes issued in anticipation of such bonds, shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation of rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest of said bonds and any notes issued in anticipation of said bonds, and provisions shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and notes to mature in each year and (b) the payment of interest to be due and payable in each year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Sec. 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, and of Sec.30.00 relative to the authorization of the issuance of bond anticipation notes and of Sec. 50.00 and Sec. 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and relative to providing for substantially level or declining annual debt service, are hereby delegated to the Town Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution and of any notes issued in anticipation of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose of which the Town is not authorized to expend money, or

(b) the provisions of the law which should be complied with at the date of the publication of such resolution are not substantially complied with,

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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This resolution is subject to permissive referendum.

Section 8. The object or purpose described in Section 1 hereof has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act. Supervisor Herrmann offered the following resolution and moved its adoption:

RESOLVED BY THE TOWN BOARD OF THE TOWN OF MAMAKATING IN THE COUNTY OF SULLIVAN, NEW YORK, AS FOLLOWS:

Section 1. The Town Clerk is hereby authorized and directed to publish the foregoing bond resolution, in summary, in THE TIMES HERALD RECORD, a newspaper published in Mamakating, New York, the official newspaper of said Town and having a general circulation therein, together with Notice attached in substantially the form as prescribed by Sec. 81.00 of the Local Finance Law of the State of New York.

Section 2. This resolution shall take effect immediately.

\* \* \* \* \*

The adoption of the foregoing resolution was seconded by Councilperson Saward and duly put to a vote on roll call, which resulted as follows:

AYES: [ 4 ]

NOES: [ 0 ]

This resolution was declared unanimously adopted.

- A motion was made by B. Giraldi, seconded by J. Lybolt to release the **Logging Bond** of Environmental Forest Products in the amount of \$3,000.00 as per the recommendation of the highway superintendent. All in favor.
- A motion confirming the **Summer Staff** for camp was made by C. Saward, seconded by B. Giraldi. All in favor.
- A motion setting a public hearing on **Trail Acquisition** for Tuesday, July 5, 2016 at 6:00 p.m. was made by W. Herrmann, seconded by B. Giraldi. All in favor.
- A motion to set a public hearing on a Local Law establishing **Ward Boundaries** for Tuesday, July 5, 2016 at 6:00 p.m. was made by W. Herrmann, seconded by B. Giraldi. All in favor.
- A motion was made by C. Saward, seconded by B. Giraldi to appoint Stephanie Sherman as a **part time court clerk**. All in favor.
- A motion to accept the **budget modifications** as presented was made by B. Giraldi, seconded by J. Lybolt. All in favor.

#### EXECUTIVE SESSION

- A motion was made by J. Lybolt, seconded by C. Saward to go into Executive Session at 7:35 p.m. regarding contract negotiations, a vacancy, 2 litigation issues, price of real property and a personnel issue. All in favor.
- A motion was made at 8:55 p.m. by C. Saward, seconded by J. Lybolt to come out of Executive Session. All in favor.

#### ADJOURNMENT

A motion to adjourn the meeting was made by J. Lybolt, seconded by B. Giraldi. All in favor.

Respectfully submitted;

Jean M. Dougherty, Town Clerk