

THE TOWN OF MAMAKATING TOWN BOARD MEETING HELD ON TUESDAY, MARCH 21, 2023 AT 6:00 P.M. AT 2948 ROUTE 209, WURTSBORO, N.Y. AND VIA ZOOM.

Present: Michael Robbins- Supervisor
John Rufer, Jr. – Deputy Supervisor - Councilman
Gary Forthoffer – Councilman
Peter Goodman – Councilman
Matthew Mordas - Councilman
Tyler Wood – Councilman
James Post - Councilman
J. Benjamin Gailey- Attorney for the Town
Jean M. Dougherty- Town Clerk

Also present: Thomas Morrow – Highway Superintendent (via Zoom)
Kerron Barnes – Interagency Coordinator
Jackie Broder – Director MEEC

Worksession Items for Discussion

1. Add Funds to NY Class
2. Court Audit
3. Open Development Area for S.B.L #23.-1-79 Landlocked Parcel
4. Budget Modifications
5. Annexation Petition

CALL TO ORDER/PLEDGE OF ALLEGIANCE

- The March 21, 2023 meeting was called to order with the pledge to the flag.

HIGHWAY SUPERINTENDENT’S REPORT

- Crews have been out continuing to clean tree debris from the shoulders of the road as well as cold mix patching.
- Employees have been busy the last few weeks with snow removal, hopefully we are into the ‘lamb’ part of March.
- The mower has been out working around town taking back shoulders and intersections.
- In the coming weeks we will get to spring time tasks such as sweeping the roads and prepping for our construction season.

SUPERVISOR'S REPORT

- The Town has earned over \$17,000.000 in interest from the monies invested in NYCLASS.
- Easter Egg Hunt to be held on April 1st. and is also looking for volunteers.
- Kudos to the highway department for a job well done during the last snow storm.
- Farmers Market to begin the end of May.

ABSTRACTS

A motion was made by J. Rufer, seconded by T. Wood to approve the following abstract as presented: Abstract #6 (Voucher #20230381-20230496) in the amount of \$174,048.27. All in favor.

FINANCIAL REPORTS

A motion was made by T. Wood, seconded by M. Mordas to acknowledge the receipt of the Expenditures, Encumbrances & Appropriations Report, Revenues & Expenditures Report. All in favor.

MINUTES

A motion was made by G. Forthoffer, seconded by M. Mordas the accept the Minutes of March 7, 2023. All in favor.

RESOLUTIONS

- A motion authorizing the transfer of \$1,000,000.00 from the DA fund and \$1,000,000.00 from the DB fund to the NYClass account was made by M. Mordas, seconded by P. Goodman. All in favor.
- A motion to approve the Budget Modifications as presented was made by G. Forthoffer, seconded by P. Goodman. All in favor.

TOWN OF MAMAKATING TOWN BOARD AUDIT OF COURT RECORDS

BE IT RESOLVED that the Town Board, pursuant to §2019-a of the Uniform Justice Court Act, has examined the records and dockets of the Town Justices, that said records and dockets are in order, and all fines collected have been turned over to the proper officials of the Town as required by law.

On a motion by Councilman G. Forthoffer, seconded by Councilman T. Wood, the foregoing resolution was adopted on a vote of 7 Ayes, 0 Nays.

**TOWN OF MAMAKATING TOWN BOARD
ESTABLISHMENT OF OPEN DEVELOPMENT AREA**

WHEREAS: The Trustee of the Langlitz Living Trust, owner of property located off Burlingham Road and identified Town of Mamakating Tax Map No. 23.-1-79, has requested the Building Department to commence the procedure pursuant to §199-9G of the zoning code, in accordance with §280-a of the state Town Law, to issue a building permit for a residence that would be located on a lot that does not have frontage on a public highway. The property owner has submitted all documents required by §199-9G of the zoning code, which have been reviewed and found adequate by the Town's attorney.

THEREFORE, IT IS RESOLVED that the Town Board establishes an Open Development Area pursuant to §280-a of the state Town Law to allow issuance of a building permit for a residence on the tax parcel identified as 23.-1-79, that driveway access to the lot shall not be a public right-of-way, and that the property owner may proceed with the procedure set forth in §199-9 of the zoning code. On a motion by Councilman M. Mordas, seconded by Councilman T. Wood, the foregoing resolution was adopted on a vote of 7 Ayes, 0 Nays.

**TOWN OF MAMAKATING TOWN BOARD
RESOLUTION AND ORDER
ROTHCHILD ANNEXATION PETITION**

WHEREAS: The Town Board has reviewed the Petition For Annexation ("petition") and other documents submitted by the petitioner Rivka Feige Rothchild to annex certain territory identified as Town of Mamakating Tax Map No. 46.-2-43 (the "territory") from the Town of Mamakating to the Village of Bloomingburg. The petitioner is the owner of the territory and also owns an adjoining parcel in the Village of Bloomingburg identified as Village of Bloomingburg Tax Map No. 201.-3-8. According to the County of Sullivan Image Mate Online report, the Town parcel is vacant, and the Village parcel contains a two-family residence. The petitioner's agent, Moses Fekete, submitted a letter, dated September 1, 2022, to the Town Board and the Village Board of Trustees stating that the existing building is located partly on the Town parcel and partly on the Village parcel. A survey map submitted with the petition shows that the building is located in both municipalities. The letter also states that the building is subject to the rules and regulations of both municipalities, and the owner seeks to annex the territory to the Village because it is in the over-all public interest not to have a building subject to the rules and regulations of two municipalities. The letter also states that annexing the territory will allow the owner to deal just with the Village of Bloomingburg, and the Village will be able to better implement the Village's rules and regulations regarding the building. Mr. Fekete repeated these statements at the public hearing. The letter also states that annexation will reduce confusion concerning the structure.

Upon due notice, a joint public hearing of the Town Board and the Village Board of Trustees was held on March 15, 2023, and then closed by the vote of each Board after all public comment had been received. At the public hearing, Mr. Fekete made an initial presentation and also responded to questions from members of the public.

Mr. Fekete essentially repeated the statements made in his September 1, 2022, letter. All of the public comments, aside from Mr. Fekete's comments, were either in the form of questions or were opposed to the proposed annexation.

The Town Board finds and determines (following the list of relevant determinations set forth in §705(1) of the state Municipal Annexation Law):

- (a) The person signing the annexation petition is qualified to sign.
- (b) Based on the Assessor's Certificate attached to the petition, the person signing the petition does represent the owners of a majority of the assessed valuation of the real property in the territory.
- (c) Not Applicable.
- (d) The petition does substantially comply in form and content with the provisions of the Municipal Annexation Law.
- (e) The proposed annexation is not in the over-all public interest.

(1) The proposed annexation is not in the interest of the territory proposed to be annexed. The petitioner's agent, Mr. Fekete, essentially stated that it is in the over-all public interest to annex the territory to the Village so the building is not subject to the rules and regulations of two municipalities, and the Village will be able to better implement the Village's rules and regulations regarding the building. If the owner proposes construction work on the Village parcel, such construction would be subject to the jurisdiction of the Village Building Department and Village laws and regulations, and would not involve the Town. If the owner proposes construction on the Town parcel, construction would be subject to the jurisdiction of the Town Building Department and Town laws, and would not involve the Village, unless the owner sought to construct additional bedrooms on the Town parcel, in which case the Town Building Department would notify the Village Building Department of the proposed additional sewage discharge to the Village sewer system. Mr. Fekete's September 1, 2022, letter also states that annexation would reduce confusion regarding the subject building, but there is no evidence of any such confusion.

(2) The proposed annexation is not in the public interest of the Town or of the Village. There is no evidence in the record that the proposed annexation is in the public interest of the Town or the Village. If any land use or construction issues arose (for example, as described above), the Town and Village would work cooperatively to address the issue.

(3) The proposed annexation is not in the public interest of the remaining area of the Town or Village. There is no evidence in the record that the proposed annexation is in the public interest of the remaining area of the Town or Village.

(4) The proposed annexation is not in the public interest of the Pine Bush School District, Bloomingburg Fire District or any other district corporation, public benefit corporation or district situated wholly or partly in the territory proposed to be annexed. There is no evidence in the record that the proposed annexation is in the public interest of such entities.

Since it is not in the over-all public interest to approve the proposed annexation, the Town Board disapproves the proposed annexation.

On a motion by Councilman Rufer, seconded by Councilman Mordas, the foregoing Resolution and Order is adopted on a vote of 6 Ayes, 1 Nays.

COMMITTEE REPORTS/ANNOUNCEMENTS

MEEC – Jackie Broder read by M. Mordas

The last two weeks at MEEC have been very busy. Pam Golben held her Bluebirds program which began the first successful week, ending with Mike Worden's "Lynched by a Mob" lecture. Everyone was so enthralled that they bought a book afterward. He has promised to be back in the fall.

This past week we saw an increase in drop-in visitors, due to the nice weather. The week ended with Pam doing an outreach program at Daniel Pierce Library in Grahamsville on Saturday and our first Junior Field Biologist Program on Sunday. Our total number of visitors for the past two weeks was 151.

Our second session of Nature Tots, which is a weekly Mommy and Me program, begins this coming week and Saturday, BKAA's Nature Watch Program will hold their annual training at MEEC. Keep a lookout for these volunteers at the boat launch starting April 22nd. They will have scopes zeroed in on the eagle nest and other wildlife of the Bashakill.

WARD MEETINGS

Ward 1 – J. Rufer – Tuesday, March 27th 6:00 p.m.

Ward 4 – P. Goodman – Thursday, April 13th 4:00 p.m. – 6:00 p.m.

NARCAN TRAINING

M. Robbins & P. Goodman announced that there would be a Narcan training class set up soon for town employees.

ADJOURNMENT

- A motion to adjourn the meeting at 6:40 p.m. was made by M. Mordas, seconded by T. Wood. All in favor.

Respectfully Submitted;

Jean M. Dougherty, Town Clerk