

**TOWN OF NEVERSINK TOWN BOARD
REGULAR MEETING
JULY 10, 2019**

CALL TO ORDER

The regular meeting of the Town Board of the Town of Neversink was called to order at 7:30 P.M. by Supervisor Chris Mathews.

ROLL CALL

Board Members

Supervisor Chris Mathews	PRESENT
Councilman Keith Zanetti	PRESENT
Councilman Michael Brooks	PRESENT
Councilman Scott Grey	OUT OF TOWN
Councilman Richard Coombe Jr.	PRESENT

Other Officials

Code Enforcement Officer Keith Stryker	PRESENT
Highway Superintendent Preston Kelly	PRESENT
Town Attorney Walter Garigliano	ARRIVED AT 7:40 PM

GUESTS

Jim Stangel	Andrew McCabe
Nicole Gore	Walt Zeitschel
Brent Gotsch	Priscilla Bassett
Steve Porter	Jennifer Manierre

- **Jennifer Manierre, NYSEERDA**, gave a presentation to the Board about **Battery Energy Storage Systems**.
- **Steve Porter** addressed the Board about his concerns that the Town be proactive about creating regulations for the Town about Battery Energy Storage Systems.
- **James Stangel**, Chairman of the **Planning Board**, reviewed the business at the last two Planning Board meetings.
- **Brent Gotsch**, Chairman of the **ZBA**, reviewed the upcoming business for the July ZBA meeting.

EXECUTIVE SESSION

The Board **entered** into **Executive Session** at 8:05 pm on motion made by Councilman Keith Zanetti, seconded by Councilman Michael Brooks, **to discuss a legal matter**, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

The Board **returned** from **Executive Session** at 10:11 pm on motion made by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

TOWN ATTORNEY

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The following resolution was presented and explained by Town Attorney Walter Garigliano and recommended for adoption:

**TOWN OF NEVERSINK
RESOLUTION NO. 20 OF 2019
GENERAL MUNICIPAL LAW SECTION 239 REFERRAL EXEMPTION
AGREEMENT BETWEEN COUNTY OF SULLIVAN
AND
TOWN OF NEVERSINK**

AGREEMENT made as of the 10th day of July, 2019, consists of the following terms and conditions:

WITNESSETH:

WHEREAS, General Municipal Law Sections 239-l, m and n (GML 239) require that certain planning and zoning actions be referred to the Sullivan County Division of Planning before any action is taken by the municipality having jurisdiction; and

WHEREAS, the General Municipal Law Section 239 further requires the County to assess all such implications as to whether the requested action would have a “countywide” or “inter-community” impact and to comment on same; and

WHEREAS, the current referral process results in the ongoing processing and review of applications from Sullivan County’s 21 municipalities, a portion of which have neither countywide or inter-community impact; and

WHEREAS, General Municipal Law, Section 239-m-3-c, authorizes the County to enter into agreements with local municipalities in order to exempt actions deemed to be of strictly local concern from mandatory referral; and

WHEREAS, in an effort to improve governmental efficiency, Sullivan County and the Town of Neversink propose to eliminate the necessity of the County’s review and comment on such local actions; and

WHEREAS, it is hereby mutually agreed by and between the parties hereto as follows:

1. **PARTIES:** This Agreement is by and between the County of Sullivan, a municipal corporation of the State of New York with its offices at the Sullivan County Government Center, 100 North Street, Monticello, New York 12701, hereinafter, designated as "County" and the Town of Neversink with an address of 273 Main Street, Grahamsville, NY 12740, hereinafter designated as “Municipality”.
2. **TERM OF AGREEMENT:** This agreement shall be effective July 10th, 2019 with the

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initial term ending April 18th, 2020. This Agreement shall renew annually, for up to four (4) additional periods each starting April 19 and ending April 18, unless either party provides written notice to the other at least thirty (30) days before the end of any then in effect term.

3. **EXEMPTIONS:** The actions attached in Schedule A shall be eliminated from the General Municipal Law Section 239 referral and review process, pursuant to Resolution No. 155-19.
4. **REFERRALS NOT TO BE ELIMINATED:** The following actions shall not be eliminated from the referral and review process:
 - a) Land use plans including comprehensive plans, master plans, and neighborhood, district or corridor plans;
 - b) Amendments to the municipal zoning code or zoning district map;
 - c) Other proposed local laws and/or authorizations adopted pursuant to zoning (wetlands, historic preservation, affordable housing, moratoria, etc.);
 - d) Site plan review, except for the exemptions detailed in item 3 above;
 - e) any action that constitutes a Type 1 action under SEQRA; and
 - f) Special permits, use variances, and area variances for all non-residential uses and multi-family developments.
5. **REVIEW REQUEST:** The Sullivan County Division of Planning reserves the right to request a review and recommendation on any of the aforementioned exempt actions, if in their opinion such review and recommendation are warranted due to the specific circumstances of the requested action.
6. **TERMINATION:** Either party may terminate this Agreement upon thirty days prior written notice to the other.
7. **MODIFICATION:** This Agreement may be modified only by a writing signed by both parties.
8. **AUTHORIZATION:** This Agreement is authorized by Resolution No. 155-19, adopted by the Sullivan County Legislature on April 18th, 2019.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date noted above.

TOWN OF NEVERSINK

By: Christopher Mathews, Supervisor

COUNTY OF SULLIVAN

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By: Joshua Potossek, County Manager

APPROVED AS TO FORM

By: County Attorney

Moved by: Councilman Michael Brooks

Seconded by: Councilman Keith Zanetti

And Adopted on Motion: July 10, 2019

MINUTES OF PREVIOUS MEETING (S)

Minutes of the Regular Meeting held on June 12, 2019 was ACCEPTED AS SUBMITTED on motion by Councilman Keith Zanetti seconded by Councilman Michael Brooks, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

SUPERVISOR'S RECEIPTS AND DISBURSEMENTS REPORT

The Supervisor's Report for the month of June 2019 was ACCEPTED AS RECEIVED and filed on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

TOWN CLERK DECALS AND MONTHLY FEE REPORT

ACCEPTED AS SUBMITTED for the month of June 2019 to be filed on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

TOWN CLERK MONTHLY PETTY CASH REPORT

Month of June 2019/July 2019

ORDERED RESTORED TO \$200.00 by the amount of \$1.50 for Tolls on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

HIGHWAY SUPERINTENDENT

1. Highway Superintendent Preston Kelly received notice that the Extreme Winter Recovery (ERW) Program has been reinstated. An **Amended Agreement for Expenditure of Highway Funds** needs to be signed and filed to reflect the increase of \$46,633.09 in funds for road maintenance for the Town of Neversink.

A motion was made by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, to accept the amended CHIPS agreement due to the

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reinstatement of the Extreme Winter Recovery Program and to authorize the signing and filing of an Amended Agreement for Expenditure of Highway Money, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

2. Preston finally got the written approval notice for the **Grant** from Albany for the **roller and patch box**. Due to the 18 month delay there has been a minor price increase. Preston ordered the items.
3. The **old excavator** has been all cleaned up and painted. It will be posted on **Auctions International** with a closing date of August 13th for the August 14th meeting.
4. Bi-centennial Square and Town Hall work has basically been completed except for the paving.
5. The **repair** work on the **Bridge** at the **Fairgrounds** began on July 8, 2019.
6. Preston received the **DEC Permit** to do the repair work on the retaining wall on the inlet side of the **bridge**.

CODE ENFORCEMENT OFFICER REPORT

Monthly Receipts Report and Mileage Log and Inspection Report for the month of June 2019 has been filed with the Town Clerk.

Code Enforcement Officer Keith Stryker:

- Logged 262 Miles and took in \$1,136.60
- 7 Building Permits, 45 for the year
- 0 Building Permit Renewal, 0 for the year
- 8 Cert of Occupancy/Compliance for the month, 38 for the year
- 0 Complaints, 0 for the year
- 2 Violations, 3 for the year
- 5 Municipal Searches, 27 for the year
- 0 Fire Inspections, 1 for the year
- 0 Junk Yard Permit, 1 for year
- 0 Mobile Home Park Permit Renewals, 2 for the year
- 0 Temporary Use Permit, 0 for the year
- 0 Special Use Permit, total 0 for year
- 0 CEO Training Hours, total 39 for year
- 0 FOIL request, total 1 for year

PLANNING BOARD

Public Hearing Notice for July 3, 2019 has been filed with the Town Clerk.

ZONING BOARD OF APPEALS

Public Hearing Notice for July 23, 2019 has been filed with the Town Clerk.

FILINGS AND CORRESPONDENCE FILED WITH TOWN CLERK

1. Oath of Office for Dana McCarthy – Parks and Recreation Advisory Board
2. From Sullivan County Clerk's Office – Survey Map of Lot Improvement for Fernando Costa

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3. Auctions International Paid Invoice for 2014 Ford Escape SUV
 4. NYS DOH Permit to operate a swimming pool
 5. Complaint letter from Elizabeth Ruhren about neighbor
 6. From Sullivan County Division of Planning and Community Development – notice of 3 hours of training for Ian Constable and Andrew Schwartz
 7. NYS DOT Highway Work Permit for placement of banners, baskets and flags
- Items were ORDERED LOGGED and FILED on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

SUPERVISOR

1. The following Resolutions were presented for the Board’s consideration:

**TOWN OF NEVERSINK
RESOLUTION NO. 18 OF 2019
BUDGET AMENDMENT**

Whereas, A Sullivan County Community Development Sullivan Signs Program Grant was approved in 2018 to Town of Neversink for a sign to replace the existing entrance sign at the Grahamsville Fair Grounds, at an amount of \$5,466.00, the project is being done currently, and an appropriation needs to be made for it, and

Whereas, appropriation A7110.2 Park Capital Outlay needs to be increased for \$5,466.00, and Estimated Revenue A3889 Other Culture & Recreation Aid needs to be increased for \$5,466.00,

Now, Therefore Be it Resolved, that the Town Board authorizes the Supervisor to increase these appropriations, and that the following budget amendment be made;

A510- Estimated Revenue - \$5,466.00
A3889- Other Culture & Recreation Aid – 5,466.00
A960- Appropriation - 5,466.00
A7110.2- Park Capital Outlay- 5,466.00

Moved by: Councilman Richard Coombe Jr.

Seconded by: Councilman Michael Brooks

And Adopted on Motion: July 10, 2019

**TOWN OF NEVERSINK
RESOLUTION NO. 19 OF 2019
BUDGET AMENDMENT**

Whereas, Town of Neversink Town Board has approved of the purchase of a 2019 Caterpillar Excavator on State Contract (PC66988) from HO Penn for \$ 115,000.00,

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Whereas, the funds to pay for the truck are to come from Highway Fund Balance,

Now, therefore be it resolved that the Town Board authorizes the Supervisor to transfer \$ 115,000.00 from Fund Balance, to DA5130.2 Machinery, Equipment, and that the following budget amendment be made;

DA599 Appropriated Fund Balance- \$ 115,000.00
DA960 Appropriation – 115,000.00
DA5130.2 Machinery, Equip. – 115,000.00

Moved by: Councilman Michael Brooks
Seconded by: Councilman Keith Zanetti
And Adopted on Motion: July 10, 2019

2. Supervisor Mathews gave an update on the **pool**. The filling of the pool from the upper stream worked great. The race lane markers could not be saved and had to be removed when the pool was resurfaced but can be painted on next year before the pool is filled. Purchasing of a cover for the pool was discussed.
3. The progress on the **Renaissance Community Grant** was discussed.
4. The Town was contacted by an heir of **John Sherman**. Supervisor Mathews spoke to him on the phone about the **property**.

PAYMENTS OF CLAIMS AND VOUCHERS

- | | |
|-------------------|-------------------|
| • Vendor Payments | \$ 1,734.64 |
| • Abstract #7 | <u>167,877.90</u> |
| • Total | \$169,612.54 |

Vouchers, Claims were reviewed by the Board and authorized to be paid on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 4 NAYS 0 ABSENT 1 (Grey).

ADJOURN OR RECESS

On motion by Councilman Michael Brooks, seconded by Councilman Keith Zanetti, the meeting was adjourned at 9:31 pm, put to a vote and UNANIMOUSLY CARRIED.

Respectfully submitted,

Lisa Garigliano, Town Clerk