

**TOWN OF NEVERSINK TOWN BOARD
REGULAR MEETING
JANUARY 13, 2016**

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 Michael Mullen	PRESENT
Councilman Richard Coombe Jr.	PRESENT

Other Officials

Highway Superintendent Preston Kelly	PRESENT
Code Enforcement Officer Keith Stryker	PRESENT
Town Attorney Walter Garigliano	PRESENT

GUESTS

Jim Stangel	Brent Gotsch
Jamie Dymond-Brooks	Tom Mitchell
Cathy Russo	Teri Lockhart

- **Jamie Dymond-Brooks**, Parks and Recreation Director, updated the Town Board on past and upcoming Parks and Recreation events.
- **Tom Mitchell and Cathy Russo** asked to meet with the Town Board to talk about the Route 42 Park on another night. The Board decided to recess tonight's meeting and reconvene on January 27, 2016 at 7:30 pm.
- **Brent Gotsch**, Chairman ZBA, updated the Town Board on ZBA activities. He and the Board discussed two issues with the application before the ZBA for the **Dollar General** being proposed in Neversink. They are seeking a variance for the number of parking spaces required for the size of the store. The other issue is that the parcel is actually in two zones, Hamlet and RS. The store is permitted in the Hamlet but not in the RS. The store itself is in the Hamlet portion of the parcel. The retention pond/storm water area, some parking spaces and the garbage area would end up being in the RS. A public hearing is scheduled for January 19, 2016.
- **Jim Stangel**, Chairman Planning Board, commented on the issues involving the proposed **Dollar General**. Jim and the Board discussed the sign issue involving **lighted/moving signs** in the Town. He feels that our zoning concerning signs needs to be revisited and updated to reflect today's needs. Supervisor Mathews would like to form a committee to come up with recommendations concerning the sign issue. Mike Brooks, Keith Zanetti, Brent Gotsch and Jim Stangel will be on the committee.

MINUTES OF PREVIOUS MEETING (S)

Minutes of the Regular Meeting held on December 9, 2015, Recessed Meeting held on December 29, 2015 and Organizational Meeting held on January 5, 2016 were

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ACCEPTED AS SUBMITTED on motion by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

SUPERVISOR'S RECEIPTS AND DISBURSEMENTS REPORT

The Supervisor's Report for the month of December 2015 was ACCEPTED AS RECEIVED and filed on motion by Councilman Richard Coombe Jr., seconded by Councilman Michael Brooks, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

TOWN CLERK DECALS AND MONTHLY FEE REPORT

ACCEPTED AS SUBMITTED to be filed on motion by Councilman Richard Coombe Jr., seconded by Councilman Michael Mullen, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

TOWN CLERK MONTHLY PETTY CASH REPORT

No expenditures made.

PLANNING BOARD

Meeting Minutes for December 2, 2015, Agenda for January 6, 2016 and Public Notice of Public Hearing on January 6, 2016 for Estate of Archie Dean have been filed with the Town Clerk.

ZONING BOARD OF APPEALS

Public Hearing Minutes for December 15, 2015, Meeting Minutes for December 15, 2015, Public Notice of Public Hearing on January 19, 2016 for Dollar General and Meeting Agenda for January 19, 2016 have been filed with the Town Clerk.

TOWN ATTORNEY

1. Town Attorney Walter Garigliano requested the Board go into **executive session** to discuss **pending litigation against the Town of Neversink concerning the earthwork contract.**

EXECUTIVE SESSION

The Board entered into Executive Session at 7:31 pm on motion made by Councilman Michael Brooks, seconded by Councilman Michael Mullen, to discuss pending litigation against the Town of Neversink concerning the earthwork contract, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

The Board returned from Executive Session at 8:10 pm on motion made by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

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REPORTS AND MATTERS OF TOWN OFFICIALS

CODE ENFORCEMENT OFFICER REPORT

Monthly Receipts Report and Mileage Log and Inspection Report for the month of December 2015 has been filed with the Town Clerk.

Code Enforcement Officer Keith Stryker:

1. Logged 338 Miles and took in \$614.10
2. 8 Building Permits, 110 for the year
3. 19 Cert of Occupancy/Compliance for the month, 99 for the year
4. 0 Complaints, 3 for the year
5. 1 Violations, 14 for the year
6. 3 Municipal Searches, 51 for the year
7. 0 Fire Inspections, 30 for the year
8. 1 Junk Yard Permit Renewal for 2015
9. 1 Mobile Home Park Permit Renewal for 2015
10. Completed 30 hours of required CEO training for 2015
11. Submitted and reviewed with the Board the 2015 Annual Report of Activity

HIGHWAY SUPERINTENDENT

1. Highway Superintendent Preston Kelly received the **Road Inventory** back from Sullivan County DPW and it has been submitted to NYS DOT for review with the **removal of Shields Road** from our inventory. The removal brings the Town's road mileage to 105.56 (211.12 land miles).
2. NYS DOT is not plowing County Route 17 from Maxon's to Moe's as was previously thought. Teri will prepare a resolution for next month's meeting to adjust the budget to reflect that the Town of Neversink is again plowing this section.
3. Preston is in favor of signing the **Shared Services Agreement for Emergency Assistance with NYS DOT**. The following motion was made:

A motion was made by Councilman Michael Mullen, seconded by Councilman Keith Zanetti to authorize Highway Superintendent Preston Kelly to sign the Shared Services Agreement for Emergency Assistance on behalf of the Town of Neversink with NYS DOT, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

FILINGS AND CORRESPONDENCE FILED WITH TOWN CLERK

1. Certificate of Results of Canvas of Annual Fire District Election for Grahamsville Fire District and Claryville Fire District
2. Notice of Conditional Renewal from Selective Insurance
3. Oath of Office for Howard Petro as Neversink Fire District Commissioner
4. Oath of Office for Allison Ruef as Secretary Neversink Fire District
5. Oath of Office for Teri Lockhart as Treasurer Grahamsville Fire District
6. Oath of Office for Scott Raymond as Secretary Grahamsville Fire District
7. Oath of Office for Mike Garigliano as Grahamsville Fire District Commissioner
8. Oath of Office for Jim Tisch as Secretary-Treasurer for Claryville Fire District
9. Oath of Office for Peter Donnolo as Claryville Fire District Commissioner
10. Oath of Office for Daniel Forger Jr. as Claryville Fire District Commissioner

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- 11.Consent to Change Attorney from Shantz & Belkin for Hartung v. TON
- 12.Appt form for Russel Turner to the Sull. Co. Fire Advisory Board for 2016
- 13.Agricultural & Farmland Protection Plan

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 5 NAYS 0.

TOWN CLERK

1. Lisa read the announcement from the Association of Towns regarding the **2016 Training School and Annual Meeting of the Association of Towns** being held in New York City on **February 15-17, 2016**. The information was made available to anyone interested.

SUPERVISOR

1. Bookkeeper Teri Lockhart presented the following resolutions for the Boards consideration. Teri explained to the Board why each resolution was needed.

**TOWN OF NEVERSINK
RESOLUTION NO. 1 OF 2016
2015 BUDGET TRANSFERS**

Whereas, Appropriations need to be increased in the 2015 Budget in Highway Fund in DA5110.4 General Road Repairs Contractual Expense for \$ 500.00, and to decrease DA5110.1 General Road Repairs, Personal Services for 500.00,

Now, therefore be it resolved that the Town Board authorizes the Supervisor to do the above transfers and that the following budget amendments be made;

DA960 Appropriations - \$	500.00	
DA5110.1 General Rd Repairs Personal Serv -	500.00	
DA960 Appropriations -		500.00
DA5110.4 General Rd Repairs Cont Exp-		500.00

Moved by: Councilman Richard Coombe Jr.

Seconded by: Councilman Keith Zanetti

And Adopted on Motion: January 13, 2016

**TOWN OF NEVERSINK
RESOLUTION NO. 2 OF 2016
2015 Budget Amendment**

Whereas, the Town of Neversink assisted the Neversink Agricultural Society with demolition and preparations of buildings at the Fairgrounds in 2015. The Neversink Agricultural Society is refunding the Town for material and tipping fee expenses that were made. There was expenses for materials from E. Tetz and Sons, Inc., and Cranesville Block Co. Inc. for 4,003.75,

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and the tipping fee expenses to the Sullivan County Landfill were \$2,073.85. The total expenses were 6,077.60 and were charged to A7110.4 Parks, Contractual Expense,

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

A510 Estimated Revenue -	\$ 6,077.60	
A2770 Other (Ag Soc) Revenues -	6,077.60	
A960 Appropriations -		6,077.60
A7110.4 Park, Cont Exp	-	6,077.60

Moved by: Councilman Richard Coombe Jr.

Seconded by: Councilman Keith Zanetti

And Adopted on Motion: January 13, 2016

**TOWN OF NEVERSINK
RESOLUTION NO. 3 OF 2016
2015 BUDGET TRANSFERS**

Whereas, at the end of 2015 some appropriations need to be increased in the 2015 Budget in General Fund, A1220.4 Supervisor, Contractual Exp. For \$ 1,178.00, A1355.1 Assessors, Personal Services for 1,745.00, A1420.1 Attorney, Personal Services for 7,740.00, A1440.4 Engineer, Contractual Exp. For 425.00, A3620.1 Safety Inspection, Personal Services for 1,250.00, A5010.1 Supt. Of Highway, Personal Services for 1,045.00 and A7110.4 Parks, Contractual Exp. For 978.00, and

Whereas, the following appropriations need to be decreased to be transferred into the necessary above accounts. A1910.4 Contingent for \$ 3,626.00, A1410.1 Town Clerk, Personal Services for 1,250.00, A1420.4 Attorney, Contractual Exp. for 7,740.00, A1430.1 Personnel, Personal Services for 1,300.00, and A8020.1 Planning, Personal Services for 445.00,

Now, therefore be it resolved that the Town Board authorizes the Supervisor to do the above transfers and that the following budget amendments be made;

A960 Appropriations-	\$ 14,361.00	
A1410.1 Town Clerk, Pers Serv-	1,250.00	
A1420.4 Attorney, Cont Exp	7,740.00	
A1430.1 Personnel, Pers Serv	1,300.00	
A1910.4 Contingent	3,626.00	
A8020.1 Planning, Pers Serv-	445.00	
A960 Appropriations-	\$ 14,361.00	
A1220.4 Supervisor, Cont. Exp.-		1,178.00
A1355.1 Assessors, Pers Serv-		1,745.00
A1420.1 Attorney, Pers Serv		7,740.00
A1440.4 Engineer, Cont Exp		425.00
A3620.1 Safety Inspection, Pers Serv		1,250.00

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A5010.1 Supt. Of Hwy, Pers Serv	1,045.00
A7110.4 Parks, Cont. Exp.-	978.00

Moved by: Councilman Richard Coombe Jr.

Seconded by: Councilman Keith Zanetti

And Adopted on Motion: January 13, 2016

**TOWN OF NEVERSINK
RESOLUTION NO. 4 OF 2016
2015 BUDGET AMENDMENT**

Whereas, the construction of a new roof at the Old Highway Garage has been approved in 2015 by the Town Board, the bid for the job was \$ 87,000.00, there is a work change order being done with an additional expense of \$ 1,500.00, making the total cost of the construction \$88,500.00,

Now Therefore Be It Resolved, that the Town Board authorizes the Supervisor to appropriate \$ 88,500.00 to H-1-5132.2 Garage, Capital Outlay , and for \$ 87,000.00 to be taken from H-1-599 Building and Improvement Capital Reserve Fund Balance, and 1,500.00 from H-1-5031 Interfund Transfer (General Fund) and that the following budget amendment be made;

A599 General Fund Balance-	\$ 1,500.00
A960 Appropriation-	1,500.00
A 9901.9 Interfund Transfer-	1,500.00
H-1-510 Estimated Revenue -	\$ 1,500.00
H-1-5031 Interfund Transfer	1,500.00
H-1-599 Appropriated Fund Balance -	87,000.00
H-1-960 Appropriations -	88,500.00
H-1-5132.2 Garage, Capital Outlay-	88,500.00

Moved by: Councilman Richard Coombe Jr.

Seconded by: Councilman Keith Zanetti

And Adopted on Motion: January 13, 2016

2. Teri and the Town Board discussed the **salaries** for **lifeguards** at the pool and **lifeguards and WSIs** at the summer swim program. She would like to change the way the salaries are calculated. The Board discussed salaries with Teri and the following motions were made:

A motion was made by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti to set the salary for Pool Lifeguards at \$10.75 and Head Lifeguard at \$11.75 per hour, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

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A motion was made by Councilman Keith Zanetti, seconded by Councilman Richard Coombe Jr. to set the salary for Summer Swim Program Lifeguards at \$10.75, Water Safety Instructors at \$11.75 and Water Safety Instructor/21 years of age and over at \$15.00 per hour, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

3. Teri will prepare a resolution for the February meeting to transfer funds for **repairs** that need to be made at the **pool bathrooms**.
4. **Parks and Recreation** ended up with a **balance** of around \$1,500 left in the **2015 budget**. Jamie has asked if that balance or a portion of it can be rolled over to her 2016 budget. This is not a practice that has been done in the past. The Board asked for a specific list of where she would like to use the money.
5. Teri and the Town Board discussed plans for short term funding of the **Route 42 Park's** expenses while waiting for FEMA funds to be received.

A Motion was made by Councilman Richard Coombe Jr., seconded by Councilman Michael Mullen to move \$120,000.00 from the General Fund to Parks, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

6. A voucher was presented for the Board's signature that will approve a Journal Entry for **Mileage Reimbursement** to the Highway Department for the Fleet Vehicle for 2015. The Voucher was UNANIMOUSLY APPROVED.
7. Supervisor Chris Mathews would like to look into purchasing a **cell phone booster** for Town Hall to enable cell phone service in the Town Hall and parking lot area. Chris would like to start with AT&T and then look into Verizon. The Board gave the go ahead.
8. The **SWPPS inspections** will be going to **monthly** during the winter months.
9. Chris brought the Board up to date on the **roof replacement** on the old Town Barn.
10. Chris spoke to Frank from **Advanced Recovery** about picking up the electronics at the Transfer Station.
11. The Board discussed the **2016 Municipal Partnership Grant Program** that is being offered by Sullivan Renaissance. The Board did submit the expression of interest in the program at the end of November. The formal grant proposal, which is due by February 1, 2016, has been written. The Board discussed the content of the grant proposal.
12. The following Resolution was submitted for the Board's consideration:

**TOWN OF NEVERSINK
RESOLUTION NO. 5 OF 2015
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

Motion by Councilman Richard Coombe Jr., seconded by Councilman Michael Mullen to adopt the following resolution as written.

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**RESOLUTION OF THE TOWN BOARD
TOWN OF NEVERSINK,
SULLIVAN COUNTY, NEW YORK
APPROVING THE FORM OF OFFICIAL
UNDERTAKING OF MUNICIPAL OFFICERS OF
THE TOWN AND THE MANNER OF EXECUTION
AND THE SUFFICIENCY OF THE TOWN'S INSURANCE
COMPANY SURETY**

RESOLVED, that the Town Board of the Town of Neversink, Sullivan County, New York, herein and hereby approves the attached form of official undertaking of municipal officers of the Town as well as the manner of execution and sufficiency of the Town's insurance company as surety under same

A roll call vote was taken with the following results:

Supervisor Christopher Mathews voting	YES	
Councilman Keith Zanetti voting	YES	
Councilman Michael Brooks voting	YES	
Councilman Michael Mullen voting	YES	
Councilman Richard Coombe Jr. voting	YES	Carried 5-0

**TOWN OF NEVERSINK,
SULLIVAN COUNTY, NEW YORK
OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS**

WHEREAS, Christopher Mathews of the Town of Neversink, County of Sullivan, New York, has been elected to the office of Supervisor of the Town of Neversink; and

WHEREAS, Lisa Garigliano, of the Town of Neversink, County of Sullivan, New York, has been elected to the office of Town Clerk/Tax Collector of the Town of Neversink; and

WHEREAS, Barbara Garigliano, of the Town of Neversink, County of Sullivan, New York, has been elected to the office of Town Justice of the Town of Neversink; and

WHEREAS, Brian Edwards, of the Town of Neversink, County of Sullivan, New York, has been elected to the office of Town Justice of the Town of Neversink; and

WHEREAS, Richard I. Coombe Jr., of the Town of Neversink, County of Sullivan, New York, has been appointed to the office of Deputy Supervisor of the Town of Neversink; and

WHEREAS, Teri Lockhart of the Town of Neversink, County of Sullivan, New York, has been appointed to the office of Bookkeeper/Budget Officer of the Town of Neversink; and

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NOW THEREFORE, we as respective officers above, do hereby undertake with the Town of Neversink that we will faithfully perform and discharge the duties of our office, and will promptly account for and pay over all moneys or property received as a Town Officer, in accordance with the law; and

This undertaking of the Town Supervisor is further conditioned upon that he will well and truly keep, pay over and account for all moneys and property, including any special district funds, belonging to the Town and coming into his hands as such Supervisor; and

This undertaking of the Town Clerk/Tax Collector is further conditioned that she will well and truly keep, pay over and account for all moneys and property coming into her hands as such Town Clerk/Tax Collector; and

The Town does and shall maintain insurance coverage, presently with Selective Insurance in the sum of \$100,000.00 plus an additional \$750,000.00 for the Town Clerk/Tax Collector, \$750,000.00 for the Town Supervisor, \$100,000.00 for the Deputy Supervisor, \$750,000.00 for the Bookkeeper/Budget Officer and \$100,000.00 for each Town Justice to indemnify against losses through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all monies or property received by virtue of their positions or employment, and through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

13.The following Resolution was introduced to adopt Local Law 1 of 2016:

**TOWN OF NEVERSINK
RESOLUTION NO. 6 OF 2016**

**RESOLUTION ADOPTING LOCAL LAW NO. 1 OF THE YEAR 2016
ENTITLED A LOCAL LAW AUTHORIZING THE REAL PROPERTY TAX
EXEMPTION FOR PERSONS SIXTY-FIVE YEARS OF AGE OR OLDER AS
PROVIDED FOR IN REAL PROPERTY TAX LAW §467, AND BY INCREASING
THE MAXIMUM INCOME ELIGIBILITY AS DETAILED IN REAL PROPERTY
TAX LAW §467 (3)**

At a meeting of the Town Board of the Town of Neversink, Sullivan County, New York, held at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York 12740, in said town, on the 13th day of January, 2016 at 7:30 p.m. prevailing time.

The meeting was called to order by Supervisor Christopher Mathews and upon roll being called the following were:

	PRESENT	ABSENT
Supervisor Christopher Mathews	X	
Councilman Keith Zanetti	X	
Councilman Michael Brooks	X	
Councilman Michael Mullen	X	

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Councilman Richard Coombe Jr. X

The following resolution was introduced by Councilman Michael Mullen who moved for its adoption, and seconded by Councilman Keith Zanetti, to wit:

WHEREAS, that proposed Introductory Local Law No. 5 of 2015, entitled “A Local Law authorizing the Real Property Tax Exemption for persons Sixty-Five years of age or older as provided for in Real Property Tax Law §467, and by increasing the maximum income eligibility as detailed in Real Property Tax Law §467 (3)” was introduced before the Town Board of the Town of Neversink on December 9, 2015 pursuant to Resolution No. 32 of 2015, duly adopted on December 9, 2015; and

WHEREAS, that a public hearing was held at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York at 7:15 p.m., prevailing time, on January 13, 2016; and

WHEREAS, that the Town Clerk of the Town of Neversink published or caused to be published a public notice in the *Ye Old Tri Valley Townsman*, of said public hearing at least five (5) days prior to such hearing.

NOW, THEREFORE, BE IT RESOLVED, that Local Law No. 1 of 2016 entitled “A Local Law authorizing the Real Property Tax Exemption for persons Sixty-Five years of age or older as provided for in Real Property Tax Law §467, and by increasing the maximum income eligibility as detailed in Real Property Tax Law §467 (3)” be enacted, a copy of which is attached hereto.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, resulting as follows:

		AYE	NAY	ABSENT
Supervisor Christopher Mathews	Voting	X		
Councilman Keith Zanetti	Voting	X		
Councilman Michael Brooks	Voting	X		
Councilman Michael Mullen	Voting	X		
Councilman Richard Coombe Jr.	Voting	X		

The resolution was thereupon declared duly adopted.

Dated: January 13, 2016
Town of Neversink
Grahamsville, New York

PAYMENTS OF CLAIMS AND VOUCHERS

• Abstract #1	\$ 118,861.29
• Abstract #1A - 2015	<u>36,202.13</u>
Total \$	155,063.42

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Vouchers and Claims were reviewed by the Board and authorized to be paid on motion by Councilman Michael Mullen, seconded by Councilman Richard Coombe Jr., put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

ADJOURN OR RECESS

On motion by Councilman Richard Coombe Jr., seconded by Councilman Michael Mullen, the meeting was recessed at 11:20 P.M. to reconvene on January 27, 2016 at 7:30 pm, put to a vote and UNANIMOUSLY CARRIED.

Respectfully submitted,

Lisa Garigliano, Town Clerk