

DONNA AKERLEY

*Town Clerk, Registrar  
Tax Collector  
and Marriage Officer*

www.townoffallsburg.com



TOWN CLERK'S OFFICE  
TOWN OF FALLSBURG

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**Monday, March 28, 2016  
The Town of Fallsburg Town Board  
Conducted their Regular Legislative Meeting  
At Town Hall, 19 Railroad Plaza  
South Fallsburg, NY  
6:00 pm**

**PRESENT:**

Supervisor Steven Vegliante  
Councilman Arnold Seletsky  
Councilman Nathan Steingart  
Councilman Mike Weiner  
Councilman Joe Levner

Town Clerk Donna Akerley  
Attorney Jacob Billig  
Chief of Police Simmie Williams  
David Fanslau, Center for Discovery

**Absent:**

Supervisor's Secretary Linda Ingber  
Comptroller Scott DuBois

**Salute to the Flag:** By Councilman Mike Weiner

**Supervisor's Report: Supervisor Vegliante Stated:** "Good evening everyone, thank you for coming. Spring has sprung as they say. Our parks are getting up to speed. Our golf course Lochmor didn't open up but Tarry Brae opened up this weekend, Lochmor soon to follow. Got some cold weather coming up but other than that we look for a successful season. The board has been busy getting ready for couple of events. I think we will mention one of them in our Liaison report. We have begun the tour of the roads; we know we have some roads that have to be done. We are going to try to add some more where we can. Luckily with oil prices being low we can add little more mileage this year. As of last week the asphalt plant has not opened yet so we don't know the opening price for asphalt will be. Once we do we will be able to finalize our road budget. Obviously, every year we have more roads that we need to have done than we can afford to do. We will prioritize that. The board along with me and our highway superintendent will be touring the roads within the next few weeks. Usually that tour can't happen until later in April luckily with the warm weather we can do it now. The roads seem to already settle. We are continuing in the next couple of weeks

we will be meeting with Pattern for Progress who is going to assist us with in our code review and prepare to look at our comprehensive plan. “

**Legislator’s Report:** None

**Liaison’s Reports:** **By Councilman Weiner:** “Next Monday marks the 190<sup>th</sup> Anniversary of the Town. There will be a small little celebration here. There will be a series of events throughout the year honoring the Town for its 190<sup>th</sup> Birthday. I will make a presentation next week around 7:00 o’clock pm.”

**Correspondence:** None

**Citizens’ Comments:**

**Timothy Smith:** “I live on Lindholm Road by the Neversink Reservoir. I hear you are doing a road drive around? I would like to challenge the board to take your personal car down and see if you like to ride that road every day. I lived there since 1979; it has been done over a couple of times. It isn’t getting any better. I hear you are doing a road project going on and wanted to make sure that road is in there some place.”

**Supervisor Vegliante:** “Some people have come to the meetings are probably tired of hearing this have this statistic. Just to give you some prospective we have about 188 miles of road I believe. We can only afford to do 5 or 6. We always recognize that we are kind of fighting a losing battle. I will certainly take a ride up to take a look. If we can fix it up this year if we can’t get to it, most definitely can do some work to fix it up.”

**David Fanslau:** “If I can indulge the board for a moment. I have a video. I am here to talk about a proposed traffic signal in the Hamlet of Hurleyville at Main Street. If I can just play a quick video for the board, I presented the clerk with a draft resolution for your consideration. It is a county decision but we are looking for the support of the Town Board to go along with the traffic assessment that we have.”

**Councilman Seletsky:** Asked if this a stop light or hit the button light and cross?

**David Fanslau:** “It will be a stop light but would be designed to basically to aid those crossing as well as motorists.

**Supervisor Vegliante:** “So it is a pedestrian crossing? I have seen part of the video David Fanslau has previously. I will explain it. The Center for Discovery deals with developmentally and physically disabled clients what they try to do is show how long it takes someone in a wheel chair to actually cross safely across Main Street. Being they are doing development on both sides this is a pressing matter. They are looking for our support.”

**David Fanslau:** “It took Lee an employee of the Center, 45 seconds to go from curb to curb. That is with us having people stop traffic in both directions. Compare an able body with dogs with no mobility challenge can cross Main Street within 15 seconds. On the heels of the projects that we are doing in Hurleyville with be the Art Center will be opening in the fall; will follow the parking lots and hopefully the traffic light. The 1.27 million dollar DOT Grant that will hopefully have construction that we will see this summer. We believe there are going to be a lot of people that will be coming to Hurleyville to use that as the destination to go onto the rail trails, to come to the Art Center to come to the neighbors lab and of course you know about our Big Barn facility about half mile up the road. We believe that the traffic engineer will be able warrant the light particularly under special circumstances like you have seen with Lee and folks mobility challenge trying to cross. Through your cooperation you created the Hurleyville Parking District, which are included properties that Center for Discovery owns. That will maintain the rail trail that we proposed that the Supervisor will pay for the traffic light and the county of course will maintain the light moving forward. The financial burden will be on the Center for Discovery and our benefactors for the installation of the light and not be on the Town of Fallsburg and the County of Sullivan. The timing is critical we should have the final documentation from our traffic engineer end of April. Then take all this information to our county legislator.”

**Operations:**

**Motion # 100**

Motion to approve Resolution authorizing actions to be taken in connection with New York State Legislation A07449 for the conveyance of the Sullivan Annex at the Sullivan Correctional Facility to the Town of Fallsburg.

**Motion by Councilman Weiner, Seconded by Councilman Seletsky**

**Motion carried 5 ayes**

**Motion # 101**

Motion to approve Stipulation of Settlement between Kaleil D. Isaza Tuzman, SBL 12.-1-39.3, 59 Hazelnis Dr., Loch Sheldrake and the Town of Fallsburg

**Jacob Billig:** "In this case the assessment was based in part on an indoor pool. That is really not living space as much as if you have been there or seen it or in a picture. It is technically not living space, so therefore that square footage is something we need to take into consideration in the litigation. The reduction proposed which Alice and I negotiated with the other side and recommended to be approved."

**Motion by Councilman Steingart, Seconded by Councilman Levner**

**Motion carried 5 ayes**

**Finance:**

**Motion # 102**

Motion to review and approve Warrant #03B16 dated 3/23/16 in the amount of \$338,903.68.

**Motion by Councilman Steingart, Seconded by Councilman Levner**

**Motion carried 5 ayes**

**Motion # 103**

Motion to review and approve Warrant #03C16 dated 3/23/16 in the amount of \$70,778.12.

**Motion by Councilman Seletsky, Seconded by Councilman Weiner**

**Motion carried 5 ayes**

**Motion # 104**

Motion to award Residential and Municipal Refuse bid of May 1, 2014 to Thompson Sanitation for the contract period of May 1, 2016 thru April 30, 2018 and June 1, 2016 thru May 31, 2018.

**Motion by Councilman Weiner, Seconded by Councilman Seletsky**

**Motion carried 5 ayes**

**Motion # 105**

Motion to pass resolution supporting warrants for traffic signal on main street (CR104) at Mongaup Road and Railroad Avenue, at the Bisection of the "Milk Train Rail Trail" in the hamlet of Hurleyville, to control pedestrian and vehicular and pedestrian interactions.

**Motion by Councilman Seletsky Seconded by Councilman Weiner**

**Motion carried 5 ayes**

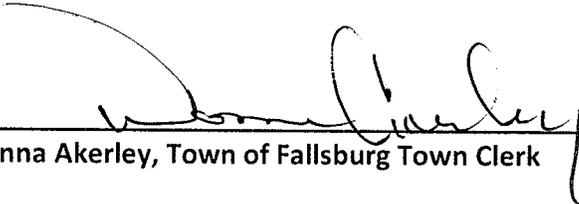
**Executive Session:**

**6:25 p.m.** Motion to enter into Executive Session as set forth in Public Officers Law Sec. 105 (1) regarding: **Personnel, Possible Litigation and Contract Negotiations.**

Motioned by: Councilman Seletsky Seconded by: Councilman Weiner

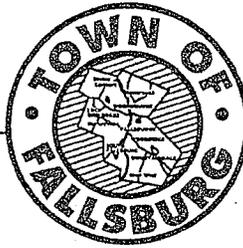
**7:45 p.m.** Motion to adjourn Executive Session & Legislative Meeting

Motioned by: Councilman Seletsky Seconded by: Councilman Weiner

  
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Donna Akerley, Town of Fallsburg Town Clerk

Steven Vegliante, Town Supervisor  
Arnold Seletsky, Deputy Supervisor  
Michael Weiner, Councilman  
Nathan Steingart, Councilman  
Joe Levner, Councilman

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**RESOLUTION # 100 of 2016 OF THE TOWN BOARD  
OF THE TOWN OF FALLSBURG AUTHORIZING ACTIONS TO BE TAKEN  
IN CONNECTION WITH NEW YORK STATE LEGISLATION A07449 FOR THE  
CONVEYANCE OF THE SULLIVAN ANNEX AT THE SULLIVAN CORRECTIONAL  
FACILITY TO THE TOWN OF FALLSBURG**

WHEREAS, the Town of Fallsburg is desirous of obtaining the Sullivan Annex at Sullivan Correctional Facility, and

WHEREAS, attached hereto is the New York State Assembly Memorandum in Support of Legislation and Bill A07449 list of actions and summary; and

WHEREAS, New York State Assembly Memorandum in Support of Legislation A07449 authorizes the Commissioner of the Office of General Services (OGS) to convey the Sullivan Annex at the Sullivan Correctional Facility to the Town of Fallsburg which is attached hereto, and

WHEREAS, the description in section 2 of Bill A07449 is not intended to be a legal description, but is intended to identify the lands to be conveyed and the Town of Fallsburg will submit to the Commissioner of OGS an accurate survey and description of the lands to be conveyed, and

WHEREAS, the authorization to convey the property to the Town shall be subject to the condition precedent that such conveyance shall not impair or result in any diminution of the obligations to holders of any bonds which financed, refinanced, or are secured by correctional facilities, and shall not adversely affect any exemption of interest on such bonds from federal income, and

WHEREAS, the land described in the act shall be used exclusively for the Town of Fallsburg and in the event the premises are not used for such purpose, it shall revert to the State of New York; and

WHEREAS, the OGS shall not transfer or convey the lands unless an application is made by the Town within one year after the effective date (11-20-2015) of Act A07449, and

WHEREAS, the Town of Fallsburg declares its intent to make application for the conveyance of the land; and

BE IT RESOLVED, that the Town of Fallsburg Supervisor shall cause the aforementioned property to be surveyed and a metes and bounds description created; and

BE IT FURTHER RESOLVED, that the Town of Fallsburg Supervisor shall cause said survey and metes and bounds description to be submitted to OGS; and

BE IT FURTHER RESOLVED, that the Town of Fallsburg shall submit the required application to OGS; and

BE IT FURTHER RESOLVED, that the Town of Fallsburg Supervisor is hereby authorized to sign all documents to facilitate the conveyance of the aforementioned property;

MOVED by Council Person Weiner SECONDED by Council Person Selitsky

VOTE: 5 Ayes

0 Nays

I, DONNA AKERLEY, Town Clerk of the Town of Fallsburg, do hereby certify that I have compared the foregoing copy of a Resolution with the original thereof now on file in my office, and that the same is correct therefore and the whole of said original.

WITNESS, my hand and seal of said Board the 28<sup>th</sup> day of March 2016.

  
Donna Akerley, Town of Fallsburg Town Clerk

Dated: 3-29-16

Town Seal

RESOLUTION # 101

RESOLUTION - CERTIORARI SETTLEMENT

WHEREAS, the Town of Fallsburg has reached a Stipulation of Settlement through a tax assessment certiorari identified as Index Nos. 1761-2014 and 1741-2015 with Kaleil D. Isaza Tuzman, the owner of the property located in the Town of Fallsburg and being more particularly described on the Sullivan County Tax Rolls as Town of Fallsburg SBL No. 12.-1-39.3 (having an address of 59 Hazelnis Drive, Loch Sheldrake, New York); and

WHEREAS, a settlement has been reached with the recommendation and approval of the Town of Fallsburg Assessor; and

WHEREAS, this settlement shall be for the petitions brought against the Town by Kaleil D. Isaza Tuzman for the years 2014 and 2015; and

WHEREAS, Kaleil D. Isaza Tuzman will receive a tax reduction for the year 2014 (2015 Town/County Tax and 2014/2015 School Tax) and for the year 2015 (2016 Town/County Tax and 2015/2016 School Tax), and will continue on the 2016, 2017 and 2018 tax assessment rolls; and

WHEREAS, the amended and reduced value for 2014 and 2015 will be as follows:

SBL: 12.-1-39.3

\$210,000.00

WHEREAS, the Supervisor of the Town of Fallsburg and or the attorney for the Town of Fallsburg, Jacob R. Billig, Esq., are hereby authorized to execute the stipulation of settlement with Kaleil D. Isaza Tuzman and the Town of Fallsburg as agreed to by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Fallsburg approved the authorization of the Supervisor or the Town's attorney to enter into a stipulation of settlement for the Town of Fallsburg with Kaleil D. Isaza Tuzman as above stated.

MOTION BY: Councilman Skingact

SECOND BY: Councilman Lerner

VOTE: 5 ayes

Adopted by the Town of Fallsburg Town Board on March 28, 2016

Donna Akerley  
Donna Akerley

FILED this 28 day of March, 2016

Town of Fallsburg Town Clerk's Office

**RESOLUTION SUPPORTING WARRANTS FOR A TRAFFIC SIGNAL ON MAIN STREET (CR 104) AT MONGAUP ROAD AND RAILROAD AVENUE, AT THE BISECTION OF THE "MILK TRAIN RAIL TRAIL" IN THE HAMLET OF HURLEYVILLE, TO CONTROL PEDESTRIAN CIRCULATION AND VEHICULAR AND PEDESTRIAN INTERACTIONS**

**WHEREAS**, The Center For Discovery, Inc. has petitioned the Town of Fallsburg and the County of Sullivan to provide for traffic signal on Main Street (CR 104) at Mongaup Road and Railroad Avenue, at the bisection of the "Milk-Train Rail Trail" in the Hamlet of Hurleyville, to control pedestrian circulation and vehicular and pedestrian interactions, to provide for the public safety, and

**WHEREAS**, the New York State Department of Transportation (NYSDOT) and the Town of Fallsburg have executed an Agreement, which provides a grant of \$1.27 million for the development of the "Milk-Train Rail Trail" - an accessible recreational municipal park that is bisected by Main Street (CR 104) in the Hamlet of Hurleyville, which is unique, and which will be a destination recreational opportunity for the mobility challenged, and

**WHEREAS**, The Center For Discovery, Inc. and their benefactors, have invested multiple millions of dollars to revitalize the Hamlet of Hurleyville, with the Michael Ritchie Big Barn Environmental Education Center, the Hurleyville Maker's Lab, and the Hurleyville Arts Centre, and

**WHEREAS**, the Sullivan County Sheriff and the Sullivan County Commissioner of Public Safety have issued letters supporting the warrants for the installation of a traffic light on Main Street (CR 104) at Railroad Avenue and Mongaup Road, and

**WHEREAS**, the Hurleyville Parking District, which was created in 2015 shall underwrite the cost of the traffic light, and the sole property owner within the Hurleyville Parking District is the Center for Discovery, Inc., and

**WHEREAS**, a timed video demonstration proved that a physically and mobility challenged adult would need a signalized crosswalk to safely cross Main Street, with a timed red light providing 45 seconds for such individual to safely cross Main Street, and

**WHEREAS**, the impact on individuals that have visual- perceptual challenges such that they cannot judge the speed of, or even perceive, an approaching vehicle, and,

**WHEREAS**, the nature of many of the people that are served by The Center For Discovery, supports the urgency of the need for the signal, and

**WHEREAS**, there will be hundreds of people using the crosswalk to go between the new recreational and work facilities at or near the intersection, and the existence of classes and Day program / work for individuals with challenges and student groups and individuals with disabilities utilizing the assets, and the community at large will all benefit from the installation of a traffic signal, and

**WHEREAS**, it is in the best interest of the Town of Fallsburg to for the installation of a traffic signal on Main Street (CR 104) at Mongaup Road and Railroad Avenue, at the bisection of the "Milk-Train Rail Trail" in the Hamlet of Hurleyville, to control pedestrian circulation and vehicular and pedestrian interactions, to provide for the public safety.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Fallsburg, in the best interest of the public safety, hereby supports the special conditions for the warrants for the installation of a traffic signal on Main Street (CR 104) at Mongaup Road and Railroad Avenue, at the bisection of the "Milk-Train Rail Trail" in the Hamlet of Hurleyville, to control pedestrian circulation and vehicular and pedestrian interactions, and

**BE IT FURTHER RESOLVED**, that the Town Board hereby requests that the Commissioner of the Division of Public Works recommend to the Sullivan County Legislature, to approve the special conditions for the warrants for the installation of a traffic signal on Main Street (CR 104) at Mongaup Road and Railroad Avenue, at the bisection of the "Milk-Train Rail Trail" in the Hamlet of Hurleyville, to control pedestrian circulation and vehicular and pedestrian interactions, and

**BE IT FURTHER RESOLVED**, that the Town Board hereby requests that the Sullivan County Legislature adopt a resolution authorizing the installation of a traffic signal on Main Street (CR 104) at Mongaup Road and Railroad Avenue, at the bisection of the "Milk-Train Rail Trail" in the Hamlet of Hurleyville, to control pedestrian circulation and vehicular and pedestrian interactions, providing for installation to be completed by August 31, 2016, and

**BE IT FURTHER RESOLVED**, that the Hurleyville Parking District, which was created in 2015 shall underwrite the cost of the traffic light, and the sole property owner within the Hurleyville Parking District is the Center for Discovery, Inc., and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Sullivan County Legislature, the Sullivan County Manager, the Sullivan County Attorney, the Sullivan County Commissioner of the Division of Public Works, the Sullivan County Sheriff, the Sullivan County Commissioner of Public Safety, the Fallsburg Planning Board, the Fallsburg Engineer, the Chief of Police of the Town of Fallsburg, and The Center For Discovery, Inc.

**BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD**

**State of New York, County of Sullivan  
Town Clerk's Office of the Town of Fallsburg Certification**

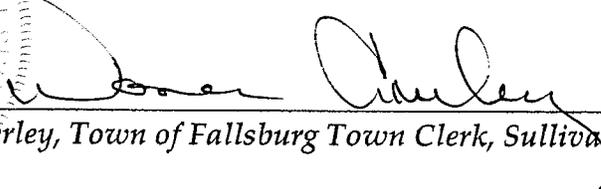
I, **Donna Akerley**, Town Clerk of the Town of Fallsburg, Sullivan County, New York, do hereby certify that I have compared the annexed copy of:

**Resolution Supporting Warrants for a Traffic Signal on Main Street (CR104) at Mongaup Road and Railroad Avenue, at the Bisection of the "Milk Train Rail Trail" in the Hamlet of Hurleyville, to control Pedestrian Circulation and Vehicular and Pedestrian Interactions**

with one remaining on record in this office and that the same is a correct transcript and copy thereof, and of the whole of said original. In testimony whereof, I have hereunto set my hand and affixed the seal of the Town of Fallsburg.

This 28<sup>th</sup> Day of March 2016 A.D.



  
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*Donna Akerley, Town of Fallsburg Town Clerk, Sullivan County, New York*