

DONNA AKERLEY

*Town Clerk, Registrar
Tax Collector
and Marriage Officer*

www.townoffallsburg.com



TOWN CLERK'S OFFICE
TOWN OF FALLSBURG

P.O. Box 2019
19 Railroad Plaza
South Fallsburg, New York 12779
Phone: (845) 434-8810 Ext. 1
Fax: (845) 434-8809

Monday, January 27, 2020

The Town of Fallsburg Town Board
Conducted a Continued Public Hearing and a Legislative Meeting combined
Work Session Meeting at the Town Hall,
19 Railroad Plaza, South Fallsburg, NY
6:00 pm

PRESENT:

*Supervisor Steven Vegliante
Councilperson Nathan Steingart
Councilperson Mike Weiner
Councilperson Joe Levner
Councilperson Rebecca Pratt*

*Town Clerk Donna Akerley
Supervisor's Secretary Melissa Melko
Attorney for the Town Paula Kay
Comptroller Scott DuBois
Code Enf. Officer Mollie Messenger*

*Motion to re-open Public Hearing by Councilperson Weiner, Seconded by
Councilperson Pratt*

*5:55 p.m. – Continued Public Hearing relative to Local Law # of 2020 entitled “Various code
changes related to Zoning, Water and Sewer, and Fire Safety”.*

Supervisor Vegliante asked if there were any comments from the public regarding the continued Public Hearing. Being there were none, he then asked for a motion to adjourn.

*Motion to adjourn Public Hearing by Councilperson Weiner, Seconded by Councilperson
Steingart*

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*Continued
For 1/27/2020*

LEGAL NOTICE OF THE

TOWN OF FALLSBURG TOWN BOARD

Notice is hereby given: The Town of Fallsburg Town Board will hold a Public Hearing relative to Local Law # _____ of 2020 entitled "Various code changes relating to Zoning, Water and Sewer, and Fire Safety" on January 13, 2020 @ 5:50PM at Town Hall, 19 Rail Road Plaza South Fallsburg, NY.

All interested parties are encouraged to attend.

BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD

Dated: Friday, December 13, 2019

Donna Akerley
Town of Fallsburg
Town Clerk, Tax Collector,
Registrar, Marriage Officer, RMO,
FOIL Officer & Notary Public
PO Box 2019
19 Railroad Plaza
South Fallsburg, NY 12779
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donna@fallsburgny.com

6:00 p.m. Legislative Meeting called to order by Supervisor Steven Vegliante.

Salute to the Flag:

Attorney, Jay Zeiger

Supervisor's Report:

Supervisor Vegliante: "No time like the present". One of the things we have been working on even though we are really not ready to make any announcements tonight, this Town Board has authorized and it is our priority to increase healthy alternatives for our residents. The next few months you will be seeing renewed interests in improving the parks we have now, locating and identifying where we can improve them, increasing the length of our rail trails and increasing the types of activities we can enjoy on those trails. Downstate and parts of Upstate southern tier, some of the biggest attractions the municipalities have are their trails which are built on rail road sites and former canal sites. This will allow our residents a healthy place to exercise and enjoy nature as well to attract visitors to our town and tourists spend on food, gas and entertainment. This is something we will be working on going forward. I want to thank Mike Weiner who has been working directly with our Parks Dept to make some improvements to both our fields and our scoreboards. We maintain the fields that are used by our local teams, our football team and baseball team. They have been dealing with a lousy scoreboard for a while; I give Mike a lot of credit it took hours of time and research to put together the right alternative and working with the Parks dept. and expect to have that completed by this year's sports season."

Liaison's Reports:

None

Correspondence:

None

Citizens' Comments:

None

Operations:

Motion # 48

Motion to approve Legislative Meeting Minutes of January 13, 2020.

Motioned by Councilperson Steingart, Seconded by Councilperson Levner

Motioned carried 5 Ayes

Motion # 49

Motion to approve Resolution to Increase Residential and Commercial Water and Sewer Rates.

Motioned by Councilperson Weiner, Seconded by Councilperson Steingart

Motioned carried 5 Ayes

Motion # 50

Motion to introduce Resolution authorizing the Town Board of Fallsburg to commence and pursue to conclusion the process, through its eminent domain powers if necessary, of acquiring certain real property for economic development purposes for the Grandview Palace.

Motioned by Councilperson Weiner Seconded by Councilperson Pratt

Motioned carried 5 Ayes

Motion # 51

Motion to approve relative resolution entitled "Additional Water Fees".

Motioned by Councilperson Pratt, Seconded by Councilperson Weiner

Motioned carried 5 Ayes

Motion # 52

Motion to set time and date for Unsafe Building Hearing relative to SBL #12-1-57 - Maplewood Estates of NY LLC – 38 & 40 Karmel Jacobs Rd., Loch Sheldrake on February 10, 2020 at 5:55 p.m.

Motioned by Councilperson Weiner, Seconded by Councilperson Steingart

Motioned carried 5 Ayes

Motion # 53

Motion to approve resolution to authorize the addition of signage on existing hamlet signage congratulating The Center for Discovery on winning the Good Food Award for Charcuterie for the entry of Prosciutto Speciale.

Motioned by Councilperson Pratt, Seconded by Councilperson Weiner

Motioned carried 5 Ayes

Personnel:

Motion # 54

Motion to accept resignation of Theodore Gilmore from Sewer effective January 30, 2020. With regret.

Motioned by Councilperson Weiner Seconded by Councilperson Steingart

Motioned carried 5 Ayes

Motion # 55

Motion to accept resignation of David Markovits as a member of the Planning Board effective 1/27/2020.

Motioned by Councilperson Pratt, Seconded by Councilperson Weiner

Motioned carried 5 Ayes

Motion # 56

Motion to appoint Cody Vegliante a 7 year term as a member of the Planning Board effective 1/27/2020 to expire 12/31/2026.

Motioned by Councilperson Weiner, Seconded by Councilperson Pratt

Motioned carried 4 Ayes / 1 Abstain - Supervisor Vegliante

Motion # 57

Motion to reappoint Michael Kirtack a 7 year term as a member of the Planning Board effective 1/27/2020 to expire 12/31/2026.

Motioned by Councilperson Weiner Seconded by Councilperson Steingart

Motioned carried 5 Ayes

Motion # 58

Motion to accept vacancy of the Board of Assessment Review left by member Charles Cohen. With regret.

Motioned by Councilperson Weiner, Seconded by Councilperson Pratt

Motioned carried 5 Ayes

Motion # 59

Motion to appoint James Legari a 5 year term as a member of the Board of Assessment Review effective 1/27/2020 to expire 09/30/2025.

Motioned by Councilperson Pratt, Seconded by Councilperson Weiner

Motioned carried 5 Ayes

Motion # 60

Motion to reappoint Seymour Berenson a 5 year term as a member of the Board of Assessment Review for term 10/01/2019 – 9/30/2024.

Motioned by Councilperson Weiner, Seconded by Councilperson Pratt

Motioned carried 5 Ayes

Motion # 61

Motion to approve the 30 day filing waiver notice for Liquor License for Willow and Post, 81 Mountindale Road, Mountindale, NY 12763

Motioned by Councilperson Weiner, Seconded by Councilperson Steingart

Motioned carried 4 Ayes / 1 Abstain – Supervisor Vegliante

Finance:

Motion # 62

Motion to approve Warrant #01B20 dated 1/22/2020 in the amount of \$110,200.79.

Motioned by Councilperson Steingart, Seconded by Councilperson Pratt

Motioned carried 5 Ayes

Motion # 63

Motion to approve Warrant #12E19 dated 1/22/2020 in the amount of \$235,959.49.

Motioned by Councilperson Pratt, Seconded by Councilperson Steingart

Motioned carried 5 Ayes

Work Session Discussion Items:

Jay Zeiger – Ohr Shalom Duplex Development (Woodbourne Gardens LLC)

Police Chief Simmie Williams - Parking Meters.

Executive Session:

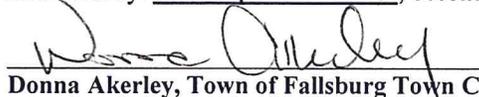
6:37 p.m. Motion to enter into Executive Session as set forth in Public Officers Law

Sec. 105 (1) regarding: **Pending Litigation**

Motioned by: **Councilperson Weiner**, Seconded by: **Councilperson Levner**

8:00 p.m. Motion to adjourn Executive Session

Motioned by: **Councilperson Weiner**, Seconded by: **Councilperson Steingart**


Donna Akerley, Town of Fallsburg Town Clerk

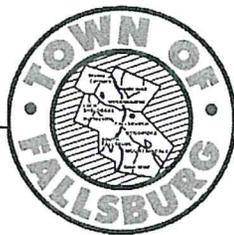
Steven Vegliante, Town Supervisor

Nathan Steingart, Deputy Supervisor

Michael Weiner, Councilperson

Joe Levner, Councilperson

Rebecca Pratt, Councilperson



#49

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Resolution of the Fallsburg Town Board to Increase Residential and Commercial Water and Sewer Rates.

BE IT RESOLVED, the Fallsburg Town Board has approved the "Additional Water Fees".

<u>Water – In-District Users</u>	
0 to 15,000 gallons	\$43.86
15,000 to 2,000,000 gallons	\$2.96 /1,000 gallons
2,000,000 and over	\$1.89 /1,000 gallons

<u>Water – Out-of-District Users</u>	
0 to 15,000 gallons	\$109.65
15,000 to 2,000,000 gallons	\$7.40 /1,000 gallons
2,000,000 and over	\$4.69 /1,000 gallons

<u>Sewer</u>	
0 to 30,000 gallons	\$88.18
30,000 to 2,000,000 gallons	\$2.82 /1,000 gallons
2,000,000 gallons and over	\$0.61 /1,000 gallons
NYS Dept. of Corrections	\$3.68 /1,000 gallons
Murray Bresky (MB Consultants)	\$1.46 /1,000 gallons. Industrial User Rate

BE IT FURTHER RESOLVED, that the "Additional Water Fees" revisions will be effective immediately.

MOVED by Council Person Weiner

SECONDED by Council Person Steingart

Vote as follows: 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 said original.

WITNESS, my hand and seal of said Board the 27 day of January, 2020

Donna Akerley
Donna Akerley, Town of Fallsburg Town Clerk

Steven Vegliante, Town Supervisor

Nathan Steingart, *Deputy Supervisor*

Michael Weiner, *Councilperson*

Joe Levner, *Councilperson*

Rebecca Pratt, *Councilperson*



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**RESOLUTION
(GRANDVIEW PALACE / GRANDVIEW PALACE CONDOMINIUMS)**

A regular meeting of the Town Board of the Town of Fallsburg (the "Town") was convened in public session on January 27, 2020

Resolution No. 50/2020 - ___

RESOLUTION AUTHORIZING THE TOWN BOARD OF THE TOWN OF FALLSBURG TO COMMENCE AND PURSUE TO CONCLUSION THE PROCESS, THROUGH ITS EMINENT DOMAIN POWERS IF NECESSARY, OF ACQUIRING CERTAIN REAL PROPERTY FOR ECONOMIC DEVELOPMENT PURPOSES.

WHEREAS, the Town desires to acquire all or a portion of certain real property located at 1500 State Route 52 E, Liberty, New York (known as the Grandview Palace and/or Grandview Palace Condominiums) including, but not limited to, any related private road(s), residential house(s), outbuilding(s), garage(s), accessory structure(s) and/or related improvements (collectively, the "Property") for purposes of facilitating the productive use of such vacant and/or underutilized Property through residential, municipal and/or commercial economic development projects (the "Project"); and

WHEREAS, the Town shall exercise its power of eminent domain for the public purposes of advancing the general prosperity and economic welfare of the residents of the Town of Fallsburg by returning the vacant and/or underutilized Property to productive use thereby promoting employment and increasing the property tax base within the Town of Fallsburg; and

WHEREAS, in order to complete the Project, it may be necessary for the Town to exercise its power of eminent domain if a voluntary transfer of all or some of the Property is not consummated; and

WHEREAS, no alternative locations exist in the Town of Fallsburg or are being considered for the Project; and

WHEREAS, the Town desires to adopt a resolution authorizing the appropriate parties to commence condemnation proceedings in compliance with the New York State Eminent Domain Procedure Law (the "EDPL"); and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF FALLSBURG AS FOLLOWS:

Section 1. The members, officers, employees and agents of the Town (including the Town Attorney and special counsel to the Town) are hereby authorized to commence proceedings under the EDPL including, but not limited to, the scheduling of a public hearing to be held at a date, time and place to be determined to consider proceeding with the condemnation of the Property in connection with the Project (the "Public Hearing"), as well as undertake all other action as permitted or required by law in connection with the condemnation or other acquisition of the Property.

Section 2. At any such Public Hearing, all interested parties shall be invited to attend the Public Hearing and be afforded an opportunity to comment on the Project and the proposed condemnation. Persons who are unable to attend any Public Hearing, or persons in attendance, may submit to the Town any written comments or other related documents regarding the proposed condemnation and Project. Any comments and related documents will be brought to the attention of the Town and will become part of the official public hearing record.

Section 3. The members, officers, employees and agents of the Town (including the Town Attorney and special counsel to the Town) are hereby authorized and directed for and in the name and on behalf of the Town to do all acts and things required and to execute and deliver all certificates, instruments and documents, to pay all fees, charges and expenses and to do all further acts and things as may be necessary or, in the opinion of the member, officer, employee or agent of the Town, desirable and proper to effectuate the purposes of the foregoing resolutions and to cause compliance by the Town with all of the terms, covenants and provisions of any documents executed for and on behalf of the Town for purposes of effectuating any of the foregoing.

Section 4. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to vote on roll call, which resulted as follows:

	<i>Yea</i>	<i>Nea</i>	<i>Absent</i>	<i>Abstain</i>
Supervisor Steven Vegliante	[✓]	[]	[]	[]
Nathan Steingart, Deputy	[✓]	[]	[]	[]
Michael Weiner	[✓]	[]	[]	[]
Joe Levner	[✓]	[]	[]	[]
Rebecca Pratt	[✓]	[]	[]	[]

The Resolutions were thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF SULLIVAN) SS.:

The undersigned, being the Clerk of the Town of Fallsburg, DOES HEREBY CERTIFY THAT:

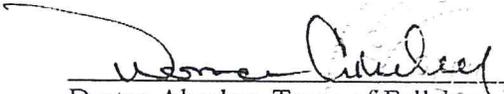
I have compared the foregoing extract of the minutes of the meeting of Town of Fallsburg (the "Town") including the resolution contained therein, held on the 27 day of January, 2020, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Town and of such resolution set forth therein and of the whole of said original insofar as the same relates to the subject in matters therein referred to.

I FURTHER CERTIFY that all members of said Town had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

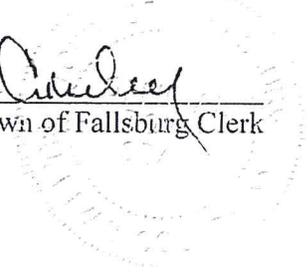
I FURTHER CERTIFY that there was a quorum of the members of the Town present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Town this 27 day of January 2020.



Donna Akerley, Town of Fallsburg Clerk



Steven Vegliante, Town Supervisor

Nathan Steingart, *Deputy Supervisor*

Michael Weiner, *Councilperson*

Joe Levner, *Councilperson*

Rebecca Pratt, *Councilperson*



#51

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Resolution of the Fallsburg Town Board to Revise “Additional Water Fees”.

BE IT RESOLVED, the Fallsburg Town Board has approved the “Additional Water Fees”.

§ 135-13.1 Additional water fees.

All fees and charges outlined in this section may be changed by Town Board resolution, and such fees shall be maintained on the Town’s website and available in the Town Clerk’s office.

- A. New water account setup fees
 - (1) Five-eighths-inch-by-three-quarter-inch: \$282.
 - (2) Full three-quarter-inch: \$328.
 - (3) One-inch: \$466.
 - (4) One-and-one-half-inch disc: \$820.
 - (5) Two-inch disc: \$1,117.
 - (6) Five-eighths-inch-by-three-quarter-inch ultrasonic: \$325.
 - (7) Three-quarter-inch ultrasonic: \$351.
 - (8) One-inch ultrasonic: \$395.
 - (9) Charges for meters/accounts larger than two-inch disc shall be based on the actual cost to the Town.
- B. Seasonal water meter installation and service turn-on: \$30.
- C. Seasonal water meter removal and service turn-off: \$30.
- D. Service turn-on/off, emergency/after-hours, weekends, holidays: \$125.
- E. Water meter repair:
 - (1) Labor to repair any water meter, emergency/after-hours, weekends, holidays: \$125, plus cost of parts.
 - (2) Labor to repair any water meter during regular working hours: \$25, plus cost parts.
- F. Water meter testing (charged only if Town finds meter tests correctly; based on actual cost to Town for size meter tested): \$25 — \$125.
- G. Line location and leak-detection services: \$50/hour, one-hour minimum.
- H. Water-tapping permit fee schedule:
 - (1) Three-quarter-inch: \$703.31, plus nonrefundable inspection fee as outlined below.
 - (2) One-inch: \$837.24, plus nonrefundable inspection fee as outlined below.
 - (3) Two-inch: \$1,204.72, plus nonrefundable inspection fee as outlined below.
 - (4) Inspection fees:
 - (a) Residential: \$50 per unit
 - (b) Commercial: \$100.
- I. Standby water for sprinkler systems and private hydrant lines (on a yearly basis).
 - (1) Less than eight-inch diameter sprinkler line: \$50.
 - (2) Eight-inch diameter and over sprinkler line: \$60.
 - (3) Per-hydrant charge: \$50.
 - (4) Deposit for use of water from any fire hydrant: \$50.
- J. Parts prices:

- (1) Five-eighths-inch-by-three-quarter-inch cast frost bottom: \$19.
- (2) Five-eighths-inch-by-three-quarter-inch bronze frost bottom: \$26.
- (3) Five-eighths-inch-by-three-quarter-inch chamber: \$35.
- (4) Five-eighths-inch-by-three-quarter-inch screen: \$2.
- (5) Five-eighths-inch-by-three-quarter-inch bare meter: \$77.
- (6) Five-eighths-inch-by-three-quarter-inch ultrasonic meter: \$308.
- (7) Three-quarter-inch cast frost bottom: \$13.
- (8) Three-quarter-inch bronze frost bottom: \$28.
- (9) Three-quarter-inch chamber: \$39.
- (10) Three-quarter-inch screen: \$3.
- (11) Three-quarter-inch bare meter: \$119.
- (12) Three-quarter-inch ultrasonic meter: \$336.
- (13) One-inch cast frost bottom: \$34.
- (14) One-inch bronze frost bottom: \$92.
- (15) One-inch chamber: \$124.
- (16) One-inch screen: \$6.
- (17) One-inch bare meter: \$231.
- (18) One-inch ultrasonic meter: \$370.
- (19) One and half inch chamber: \$220.
- (20) Two-inch chamber: \$236.
- (21) Obstruction of fire hydrant fine \$100 Plus \$50 for each additional hour of obstruction
- (22) Jumper installed to bypass meter fine \$1,000.

BE IT FURTHER RESOLVED, that the "Additional Water Fees" revisions will be effective immediately.

MOVED by Council Person Pratt

SECONDED by Council Person Weiner

Vote as follows: 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 said original.

WITNESS my hand and seal of said Board the 27 day of January, 2020

Donna Akerley
Donna Akerley, Town of Fallsburg Town Clerk

Steven Vegliante, Town Supervisor

Nathan Steingart, *Deputy Supervisor*

Michael Weiner, *Councilperson*

Joe Levner, *Councilperson*

Rebecca Pratt, *Councilperson*



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**RESOLUTION NO 53 TO AUTHORIZE THE INSTALLATION OF
"HURLEYVILLE HOME OF AMERICA'S BEST PROSCIUTTO" SIGNS AT
ENTRANCES TO THE HAMLET OF HURLEYVILLE, AND RECOGNIZING CHEF
CESARE CASELLA'S AWARD FROM THE GOOD FOOD FOUNDATION FOR
CASELLA'S PROSCIUTTO SPECIALE OF HURLEYVILLE NY**

WHEREAS, The Good Food Foundation, an organization dedicated to empowering the often-overlooked contributors to the American food movement – namely, food crafters and independent food merchants – to better the nation's food system, has awarded Casella's Prosciutto Speciale – Casella's Salumi Speciali of Hurleyville, New York, as the best prosciutto in America, with over 2,000 entries each year, the competition is fierce for a Good Food Award; and

WHEREAS, The Center For Discovery's Chief of the Department of Nourishment Arts was the winner of the acclaimed Good Food Award for Charcuterie! Chef Casella's " Prosciutto Speciale was chosen by a blind tasting panel which sampled more than 1,800 entries; and

WHEREAS, the taste is not the only ingredient in a Good Food Winner. Each finalist must meet the organization's criteria as a responsible hand-craftsman who honors the environment and uses only local, organic ingredients, and never utilizes pesticides, herbicides, fungicides, fertilizers, antibiotics, and hormones; and

WHEREAS, the mission of the Good Food Foundation is to transform the American food system – which of course makes this award that much more special! Chef Casella's deep commitment to nourishing our community as well as his commitment to our land, animals and sustainable farm practices, is unrivalled. He received his award at the Good Foods 10th Anniversary reception in San Francisco earlier this month.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Fallsburg hereby authorizes the installation of signs at the entrances to the Hamlet of Hurleyville – "Hurleyville, Home of America's Best Prosciutto"; and

BE IT FURTHER RESOLVED that, the Town Board congratulates Chef Cesare Casella for his Good Food award; and

BE IT FURTHER RESOLVED that, The Center For Discovery, Inc., shall provide the Town of Fallsburg with the signs to be installed; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to Chef Cesare Casella The Center For Discovery, Inc.

The undersigned, being the Clerk of the Town of Fallsburg, DOES HEREBY CERTIFY THAT:

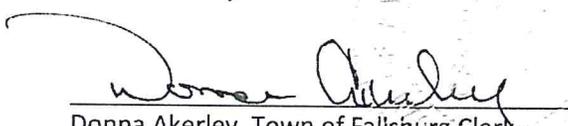
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I FURTHER CERTIFY that all members of said Town had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY that there was a quorum of the members of the Town present throughout said meeting.

I FURTHER CERTIFY that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Town this 27 day of January 2020.


Donna Akerley, Town of Fallsburg Clerk