

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, June 22, 2020

The Town of Fallsburg Town Board
Will Conduct a Legislative Meeting via Video Conference Call
19 Railroad Plaza, South Fallsburg, NY

Beginning at 5:40 pm

Video Conference Link to be posted to main page of website:

Join Zoom Meeting

<https://zoom.us/j/548420343>

Meeting ID: 548 420 343

One tap mobile

+19292056099, 548420343 # US (New York)

PRESENT:

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

Town Clerk Donna Akerley
Attorney for the Town Paula E. Kay
Supervisor's Secretary Melissa Melko
Comptroller Scott DuBois
Police Chief Simmie Williams

*** Supervisor Vegliante gave members of the public instructions as to how to address the board during the meetings on Zoom. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen. All persons wishing to be heard must be properly identified on screen with their first and last names so that we may identify them appropriately. ***

*** Town Clerk Donna Akerley read the Legal Notices for each Public Hearing aloud prior to the beginning of their subject. ***

Motion by Councilperson Pratt to open Public Hearing, seconded by Councilperson Steingart

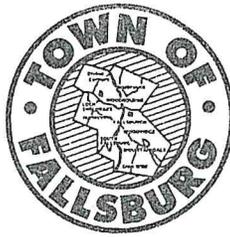
5:40pm: Public Hearing relative to proposed Local Law # of 2020 relative to amending §2.2 of Article II of Chapter 310 of the Town of Fallsburg Code relating to User Road definition.

*** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.*

Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Weiner to adjourn Public Hearing, seconded by Councilperson Pratt

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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 proposed Local Law # _____ of 2020 relative to amending User Road definition 2.2 Article II of Chapter 310.

Said Public Hearing will commence on **June 22, 2020** at 5:40 pm via Video Conference Link Join Zoom Meeting, <https://zoom.us/j/548420343>, Meeting ID: 548 420 343, One tap mobile +19292056099,,548420343# US (New York).

BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD

Dated: Friday, June 12, 2020

Donna Akerley
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845-887-5200 Fax: 845-887-5386

Affidavit of Publication

State of New York

SS:

County of Sullivan

Legal Notice Ad

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Depose and say: That I am the Publisher of
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Fred W. Stabbert, III

Sworn to before me this 12th day of June



Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2023

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Said Public Hearing will commence on **June 22, 2020** at 5
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84037

Motion by Councilperson Steingart to open Public Hearing, seconded by Councilperson Pratt

5:40pm: Public Hearing relative to proposed Local Law # of 2020 relative to amending various enforcement provisions within the Code of the Town of Fallsburg relating to building and zoning, noise, peddling and soliciting, solid waste, street and sidewalks, swimming pools, water, land disturbance permits, and the Architectural Review Board: §96-15, §197.6, §213.19, §250-26, §257-10, §266-12, §299-11, §310-5.30, §310-11.2, and §310-30.9.

** Attorney Paula Kay: Stated that this looks like a lot of items, but it really isn't. We are making sure that all the codes refer back to the same section of our code so that everything is in alignment throughout our code. For violations and penalties its \$250.00 per day, per violation and now all of them will refer to that same amount within the entire code. Basically, we are finding little inconsistencies in the code and getting rid of them.

** Supervisor Vegliante stated that one of the things you will find in a town code and if you spend the time going through it, and we by the way have been cleaning up our code for the last five or six years on a regular basis. It is just a pretty massive document so this is not unheard of to do and it is making our code much easier to navigate.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Weiner to adjourn Public Hearing, seconded by Councilperson Levner

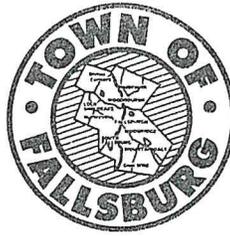
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Said Public Hearing will commence on **June 22, 2020** at 5:40 pm via Video Conference Link Join Zoom Meeting, <https://zoom.us/j/548420343>, , Meeting ID: 548 420 343, One tap mobile +19292056099,,548420343# US (New York).

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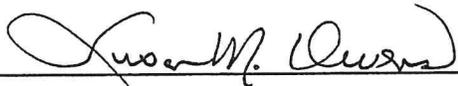
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Fred W. Stabbert, III

Sworn to before me this 12th day of June



Susan M. Owens

Notary Public, State of New York

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84038

Motion by Councilperson Weiner to open Public Hearing, seconded by Councilperson Levner

5:40pm: Public Hearing relative to proposed Local Law # of 2020 relative to amending §2.2 of Article II of Chapter 310 of the Town of Fallsburg Code relating to Substantial Construction.

** Code Enf. Officer Mollie Messenger read aloud the section of the code the public hearing is relating to, explaining what a substantial construction actually is.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Weiner to adjourn Public Hearing, seconded by Councilperson Pratt

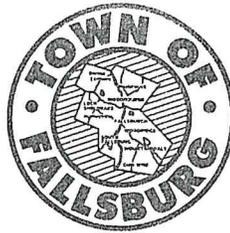
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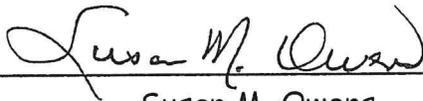
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84036

Motion by Councilperson Weiner to open Public Hearing, seconded by Councilperson Levner

5:45pm: Public Hearing relative to proposed Local Law # of 2020 relative to Amending Town of Fallsburg Municipal Code Section #310-7.11 relating to Expiration of Approval.

** Attorney Paula Kay stated the purpose of this hearing is to create more certainty between the planning board and the developers As to when exactly approvals are expiring. We have had a lot of open ended projects, and this way will have more of an end date. The planning board reviewed this proposed law and has passed down a comment to amend it slightly.

** Code Enf. Officer Mollie Messenger stated the proposal right now is to have a one year approval and then have a twelve month extension. We are running into the issue that one year isn't long enough to get the third part approvals so everyone is always coming back for an extension. The planning board is suggesting that perhaps we just do a two year approval so that everyone will have the time they need to get all their approvals they need in order to move the project forward. This way there won't be a need for an extension and if they don't get what they need done within the two years then they are done at that point.

** Supervisor Vegliante stated from his perspective, I would like to see an eighteen (18) month approval as it will give people a good chance to get started on their third parties which can take longer and then give six (6) month extensions because honestly, giving someone a whole other year if they aren't making progress by then I don't feel it is making any sense. We can talk more about this later on before we approve.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

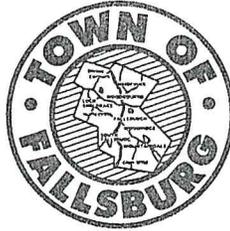
Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Levner to adjourn Public Hearing, seconded by Councilperson Weiner

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BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD

Dated: Friday, May 15 2020

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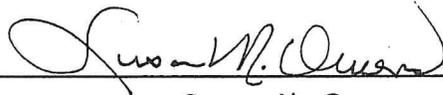
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BY ORDER OF
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83318

Motion by Councilperson Levner to open Public Hearing, seconded by Councilperson Weiner

5:48 pm: Public Hearing relative to proposed Local Law # of 2020 relative to Amending Town of Fallsburg Municipal Code Section #310-4.3 relating to Separation Distances.

** Code Enf. Officer Mollie Messenger stated we have direction from the State of New York that in our law if you don't have the 31' separation and if you don't have it for fire flow that you go to 25'. The State said that we actually have to call out the ISO is what we are using as our barometer. So we just had to put that into our code.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

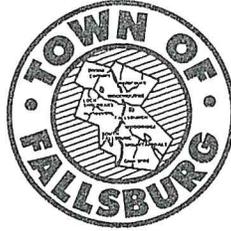
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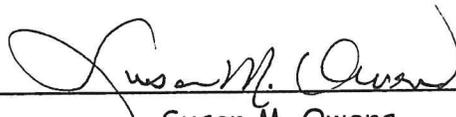
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Motion by Councilperson Levner to open Public Hearing, seconded by Councilperson Steingart

5:51pm: Public Hearing relative to proposed Local Law # of 2020 regarding amending the Town of Fallsburg Municipal Code Chapter #179 relating to Transient and Short Term Residential Rentals .

** Supervisor Vegliante asked the board to consider holding this public hearing open because we had significant public comment last time. We told people we were going to bring it up later in the year and I notice there just aren't a lot of people on this call. I think it would be proper for the people who had given us comment in the past to let them know that we are reconsidering it.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

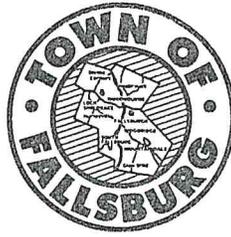
Being there were no public comments, Supervisor Vegliante asked for a motion to hold this public hearing open until the next Legislative Meeting Agenda for Monday, July 13, 2020 @ 5:55 pm via Zoom. We will continue to accept any written comments between now and then, and this will be our final public hearing on this matter.

Motion by Councilperson Pratt to hold open Public Hearing until July 13, 2020 @ 5:55 pm via Zoom, seconded by Councilperson Weiner

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(845) 434-8810 Ext. 1 p
(845) 434-8809 f
www.townoffallsburg.com
donna@fallsburgny.com

Conclude
P.H. - on
7/13
5:55 PM
Zoom

Sullivan County Democrat
5 Lower Main St., PO Box 308
Callicoon, NY 12723-0308
845-887-5200 Fax: 845-887-5386

Affidavit of Publication

State of New York

SS:

County of Sullivan

Legal Notice Ad

I, Fred W. Stabbert, III, being duly sworn,
Depose and say: That I am the Publisher of
Sullivan County Democrat, a twice weekly
newspaper of general circulation published in
Callicoon, County of Sullivan, State of New
York; and that a notice, of which the annexed
is a printed copy, was duly published in
Sullivan County Democrat 5/15/20



Fred W. Stabbert, III

Sworn to before me this 15th day of May, 2020



Susan M. Owens

Notary Public, State of New York

No. #010W8025547

Qualified in Sullivan County

My commission expires on June 1, 2023

**LEGAL NOTICE
TOWN OF
FALLSBURG TOWN
BOARD**

Notice is hereby given: The Town of Fallsburg Town Board will hold a Public Hearing relative to proposed Local Law# of 2020 relative to Amending Town of Fallsburg Municipal Code Chapter #179 relating to Transient and Short Term Residential Rentals. Said Public Hearing will commence on Monday, June 22, 2020 at 5:51pm

Said Public Hearing will commence on Monday, June 22, 2020 at 5:45 pm via Video Conference Link Join Zoom Meeting
<https://zoom.us/j/548420343>,

Meeting ID: 548 420 343, One tap mobile +19292056099, 548420343# US (New York).

BY ORDER OF THE TOWN OF FALLSBURG TOWN BOARD

Dated: Friday, May 15 2020

Donna Akerley
Town of Fallsburg
Town Clerk, Tax
Collector,

Registrar, Marriage Officer, RMO, FOIL Officer & Notary Public

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donna@fallsburgny.com
83320

Motion by Councilperson Levner to open Public Hearing, seconded by Councilperson Pratt

5:54pm: Public Hearing relative to proposed Local Law # of 2020 relative to Amending Town of Fallsburg Municipal Code Section #299-5 relating to Water Meters.

** Code Enf. Officer Mollie Messenger stated we added a section to the water meter law which states: All condominium housing units in the Town of Fallsburg are required to have individual meters and pay quarterly fees for usage. In the event the condominium development does not have individual meters at each unit the Town of fallsburg shall have the right to bill each individually owned unit the quarterly minimum. The master meter shall still be used to dictate the actual usage for each billing cycle. We have multiple properties that do not have individual meters at their homes and it is unfair that those are not being billed quarterly for the billing fees.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Weiner to adjourn Public Hearing, seconded by Councilperson Levner

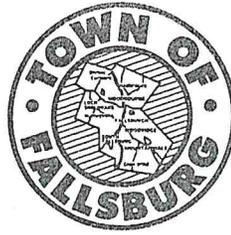
DONNA AKERLEY

Town Clerk, Registrar

Tax Collector

and Marriage Officer

www.townoffallsburg.com



TOWN CLERK'S OFFICE

TOWN OF FALLSBURG

P.O. Box 2019

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Phone: (845) 434-8810 Ext. 1

Fax: (845) 434-8809

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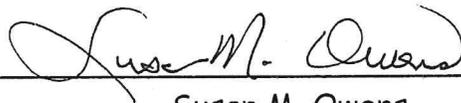
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burgny.com
83321

Motion by Councilperson Weiner to open Public Hearing, seconded by Councilperson Levner

5:55pm: Public Hearing relative to proposed Local Law # of 2020 relative to Amending Town of Fallsburg Municipal Code Section #310-5.5 relating to Fences and Hedges.

** Attorney Paula Kay stated this was essentially done because there was an application before the zoning board for a fence. As it turned out when we were reviewing the code section, 310-5.5 a, was unclear and we wanted to clarify. We are taking one word out (and) and revising it to be the word (or) which will make the code more clear.

** Supervisor Vegliante asked if there were any members of the public who wished to be heard regarding this public hearing. If they wish to speak, they need to "raise their hand" in the Zoom Participants area on their computer screen.

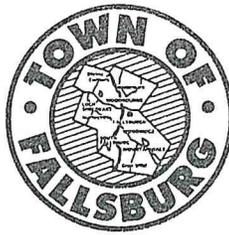
Being there were no public comments, Supervisor Vegliante asked for a motion to adjourn the public hearing.

Motion by Councilperson Levner to adjourn Public Hearing, seconded by Councilperson Weiner

DONNA AKERLEY

*Town Clerk, Registrar
Tax Collector
and Marriage Officer*

www.townoffallsburg.com



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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 proposed Local Law #___ of 2020 relative to Amending Town of Fallsburg Municipal Code Section #310-5.5 relating to Fences and Hedges. Said Public Hearing will commence on Monday, June 22, 2020 at 5:57 pm

Said Public Hearing will commence on Monday, June 22, 2020 at 5:45 pm via Video Conference Link Join Zoom Meeting, <https://zoom.us/j/548420343>, , Meeting ID: 548 420 343, One tap mobile +19292056099,,548420343# US (New York).

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83316

Regular Legislative Meeting Agenda:

Salute to the Flag: Supervisor Vegliante called the meeting to order and led the Salute to the Flag.

Supervisor's Report:

Stated we are in the midst of getting ready for our busy season. We expect a vibrant summer here in the Town of Fallsburg. All of our departments are up to speed making sure everyone is working hard and making sure everything remains safe and our services are without any interruption. All of our departments have been very busy and operating in difficult situations, maintaining social distance and still getting all their work done. It is not easy and I would ask the public to please understand that. We are getting through things as quickly as we can and are operating under the rules, the laws and executive orders as we understand them. While the Governor's Office and the Department of Health said there will be no summer camps, those properties will continue to be used under resident's permits which is issued by the Department of Health. We have our own concerns at a town level, but those concerns will not allow us to do anything except follow those rules as we understand them. When it comes to things like social distancing, sanitizing and washing your hands, these are personal choices that pretty much everyone has to do on their own. We will continue to advise people to do so, we will ask businesses to help us and we will ask that everyone care enough for their neighbor to take this small step. With regard to our parks, we at this point do not feel comfortable opening up our parks or our dog park, but we are keeping our rail trails and exterior parks open. Our campgrounds are opening solely to seasonal users with the understanding that they are to follow the same guidelines as we are. While day camps are allowed to open up under the guidelines of the DOH, we as a board have made the decision not to open our summer day camp as we are not comfortable in the fact that we can do so where the benefit would outweigh the risk.

Liaison's Reports:

None

Correspondence:

None

Citizens' Comments:

Penny Esposito: Resident of Woodbourne stated that there has been an ongoing issue with a family who resides in the neighborhood. Loud music, fireworks etc., at all hours of the day and night. She is asking that the Town send extra police patrol or enforce a noise / nuisance code. She asked if the code can be amended to a more suitable noise level.

Heidi Stack: Resident of Woodbourne also commented that the noise issue in the Woodbourne neighborhood was out of control and she would also like something to be done about it.

Supervisor Vegliante: Stated that he has been made aware of the problem and that our Police Department is actively working on it. Our Police Chief Simmie Williams is also on this meeting tonight and he too is working on the issue directly with the family in question. Supervisor Vegliante also stated that the town is taking a look into the code and the noise level within it to see if there is room for an update that is more suitable for our residential areas.

Operations

Motion # 136

- Motion to approve Minutes from Legislative meeting dated June 8, 2020.

Motion by Councilperson Pratt, seconded by Councilperson Levner

Motion Carried 5 Ayes

Motion # 137

- Motion to approve Minutes from Work Session meeting dated June 15, 2020.

Motion by Councilperson Weiner, seconded by Councilperson Steingart

Motion Carried 5 Ayes

Motion # 138

- Motion to approve Stipulation of Settlement for Yeshiva Binyan David.

Motion by Councilperson Steingart, seconded by Councilperson Pratt

Motion carried 5 Ayes

Motion # 139

- Motion to approve Resolution to apply for and obtain grant funding from the State of New York's State and Municipal Facilities Capital Grant Program.

Motion by Councilperson Weiner, seconded by Councilperson Pratt

Motion Carried 5 Ayes

Motion # 140

- Motion to approve Well Replacement Agreement and General Release between Mongiello's Italian Cheese Specialties, LLC and the Town of Fallsburg. Principal place of business located at 250 Hilldale Road in the Hamlet of Loch Sheldrake, NY, SBL # 11.-1-22.

Motion Carried 5 Ayes

Motion # 141

- Motion to set a time and date for a Public Hearing relative to Proposed Sewer and Water District for Camp Nitra in the hamlet of Woodbourne SBL No. 16-1-19.3 and 24.2. Such Public Hearing will commence on Monday, July 13 at 5:55PM via Video Conference call <https://zoom.us/j/548420343> - Meeting ID: 548 420 343 - One tap mobile +19292056099,,548420343# US (New York).

Motion by Councilperson Weiner, seconded by Councilperson Levner

Motion Carried 5 Ayes

Personnel:

Motion # 142

- Motion to appoint the following for 2020 Seasonal Employment in the Parks Department:
 - Angelina Fontana effective June 9, 2020.
 - Keith Regan effective June 11, 2020.
 - Sean Rush effective June 15, 2020.

Motion by Councilperson Weiner, seconded by Councilperson Steingart

Motion Carried 5 Ayes

Motion # 143

Motion to accept the resignation of John Parisi from the Wastewater Treatment Plant effective 06/12/2020.

Motion by Councilperson Levner, seconded by Councilperson Weiner

Motion Carried 5 Ayes

Motion # 144

Motion to accept the resignation of Michael Lorino from the Highway Department effective 06/15/2020.

Motion by Councilperson Weiner, seconded by Councilperson Levner

Motion Carried 5 Ayes

Finance:

Motion # 145

- Motion to approve Warrant #06B20 dated 06/24/2020 in the amount of \$426,191.30.

Motion by Councilperson Steingart, seconded by Councilperson Levner

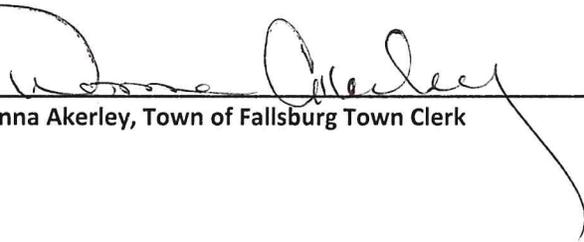
Motion Carried 5 Ayes

EXECUTIVE SESSION:

- **6:18 p.m.** Motion to enter into Executive Session as set forth in Public Officers Law
-
- Sec. 105 (1) regarding: **Employment matter and a Pending Litigation Issue.**

*** Supervisor Vegliante stated that he does not expect to return for further business thereafter.*

- Motioned by: **Councilperson Weiner**, Seconded by: **Councilperson Steingart**
- **7:15 p.m.** Motion to adjourn Executive Session
- Motioned by: **Councilperson Pratt**, Seconded by: **Councilperson Weiner**



Donna Akerley, Town of Fallsburg Town Clerk