

**TOWN OF NEVERSINK TOWN BOARD
REGULAR MEETING
AUGUST 12, 2020**

CALL TO ORDER

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

ROLL CALL

Board Members

Supervisor Chris Mathews	PRESENT
Councilman Keith Zanetti	PRESENT
Councilwoman Nicole Gorr	PRESENT
Councilman Scott Grey	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

Mike Schiff*	Mike Callan*
Mike Brooks*	Doug Hamilton*
Eric Chaboty*	Howard Kreft*
Dave White*	Gleb Koslov*
Tom Matthews*	Kate Damestoy*
Jenny Lee*	Les Stone*
Kathy Viskup*	Debbra Nazzaro*
Lance Nazzaro*	Magaret Seiler*
Rebecca Daczka*	Christina Aby-Azar*
Edineria Soares*	Kane Maeda*
Joe Comando*	Max Cordella*
D Steele*	Kate Goodica*
Michael McGarry*	Ken Walter
Cher Wohl	

- **Supervisor Chris Mathews** welcomed everyone and introduced key individuals who were present tonight. **Howard Kreft**, NYS DEC Forest Ranger, addressed the residents above, marked with an asterisk, present about problems that are occurring at the Neversink River Public Fishing Access Site. **Mike Callan**, Supervising Forrester, also addressed the group. Public access was permitted to the area beginning in 2009. The parking lot can accommodate 6 vehicles. Some of the problems occurring are excessive crowds, parking on the road, garbage, fires, loud music/noise and trespassing on surrounding private property. **Town Attorney Walter Garigliano** spoke about what actions the Town Board was going to be considering at tonight's meeting. A resolution is to be considered that requests the Department of Environmental Conservation (DEC) to promulgate rules and regulations for the Neversink River Public Fishing

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Access Site (NRPFA) that it has at the Blue Hole Site that is located in the Town of Denning. The NRPFA is experiencing the same problems that the Blue Hole has and the Rules and Regulations that were put in place for the Blue Hole would benefit the NRPFA. The Board will also be considering a Resolution that will Introduce a Local Law that will regulate parking on County Road 19. If adopted it would prohibit parking on both sides of County Road 19 from its intersection with Hunter Road for a distance of approximately 1.3 miles to its intersection with Bungalow Brook Road. Once adopted no parking signs would be installed by the County and the Sheriff's Department would begin enforcing the local law. **Sheriff Mike Schiff** also spoke on what his department will be able to do once the Local Law is enacted and they begin their job to enforce it.

- **Cher Wohl**, Parks and Recreation Director, has been very busy taking inventory and organizing the equipment and supplies that Parks and Rec has on hand in the Town Hall. She has met with the Advisory Board. It is Cher's and the Personnel Committees opinion that they would like to re-advertise for candidates to fill the two vacancies on the Advisory Board and also decided to **add an alternate position**, making three positions available. The following motion was made:

A motion was made by Councilman Richard Coombe Jr., seconded by Councilman Keith Zanetti, to increase the Parks and Recreation Board by adding an alternate position, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

The Town Clerk was authorized to advertise for the two vacancies on the Parks and Rec Advisory Board and also for an alternate position with the letters of interest to be returned by August 31, 2020.

TOWN ATTORNEY

1. Town Attorney Walter Garigliano presented the following Resolution for the Board's consideration that would that requests the **Department of Environmental Conservation (DEC) to promulgate rules and regulations** for the **Neversink River Public Fishing Access Site** (NRPFA) that it has at the Blue Hole Site that is located in the Town of Denning. The NRPFA is experiencing the same problems that the Blue Hole has and the Rules and Regulations that were put in place for the Blue Hole would benefit the NRPFA.

**TOWN OF NEVERSINK
RESOLUTION NO. 13 OF 2020
RESOLUTION REQUESTING DEPARTMENT OF
ENVIRONMENTAL CONSERVATION
PROMULGATE RULES AND REGULATIONS
FOR THE NEVERSINK RIVER PUBLIC FISHING ACCESS SITE**

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At a meeting of the Town Board of the Town of Neversink (“Town”), Sullivan County, New York, held at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York 12740, on the 12th day of August, 2020 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 Nicole Gorr	X	
Councilman Scott Grey	X	
Councilman Richard Coombe, Jr.	X	

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

WHEREAS, the Neversink River Public Fishing Access site (“NRPFA”) on County Road 19 has experienced use far in excess of a reasonable level; and

WHEREAS, the New York State Department of Environmental Conservation (“DEC”) has the authority to promulgate regulations to protect the NRPFA from overuse and the environmental degradation associated therewith; and

WHEREAS, the DEC addressed a similar problem at the Blue Hole located in the Peekamoose Valley Riparian Corridor in the Town of Denning, Ulster County (“Blue Hole”); and

WHEREAS, the Town believes that Rules and Regulations similar to those promulgated to protect Blue Hole are necessary to protect the NRPFA and the downstream water supply of the City of New York.

NOW, THEREFORE, BE IT RESOLVED, that the Town hereby requests the DEC promulgate Rules and Regulations similar to those promulgated to protect Blue Hole, a copy of which rules and regulations are annexed to this Resolution.

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 Nicole Gorr	Voting	X		
Councilman Scott Grey	Voting	X		
Councilman Richard Coombe, Jr.	Voting	X		

The resolution was thereupon declared duly adopted.

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Dated: August 12, 2020
Town of Neversink
Grahamsville, New York

THOMSON REUTERS
WESTLAW New York Codes, Rules and Regulations

6 CRR-NY 190.35 NY-
CRR
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF
NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER 11. LANDS AND FORESTS
PART 190. USE OF STATE LANDS
SPECIFIC AREAS

6 CRR-NY 190.35
6 CRR-NY 190.35

190.35 Peekamoose Valley Riparian Corridor.

In addition to other applicable general provisions of this Part, the following requirements apply to the Peekamoose Valley Riparian Corridor. In the event of a conflict between this section and another section of this Part, the more restrictive provision will control.

(a)Description. For the purposes of this section, Peekamoose Valley Riparian Corridor means all those State forest preserve lands lying and situated in the Town of Denning in Ulster County located within 300 feet on either side of the centerline of the Roundout Creek, beginning at the New York State land boundary where it crosses Ulster County Route 42 southwest of the lower field parking area, thence heading northeast for approximately 3.75 miles, and ending with the New York State land boundary approximately one mile east of the Buttermilk Falls parking area, encompassing lands designated by the department as the Sundown Wild Forest and Slide Mountain Wilderness Area of the Catskill Park.

(b)No person shall kindle, build, maintain or use a fire within the Peekamoose Valley Riparian Corridor, including, but not limited to, charcoal fires, wood fires, gas grills, propane stoves or other portable stoves, except at designated campsites.

(c)No person shall possess a glass container within the Peekamoose Valley Riparian Corridor, except when necessary for the storage of prescribed medicines.

(d)No person shall possess a portable generator within the Peekamoose Valley Riparian Corridor, except at designated campsites.

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(e) No person shall play a musical instrument or audio device, including, but not limited to, radios, tape players, compact disc or digital players, except at designated campsites unless the noise is rendered inaudible to the public by personal noise-damping devices such as headphones or earbuds. At designated camp sites no person shall use any audio device which is audible outside the immediate area of the campsite.

(f) No person shall deposit or cause to be deposited any solid waste, garbage, food waste, human wastes or other sanitary waste products within the bounds of the Peekamoose Valley Riparian Corridor except at facilities provided and designated by the department.

(g) No person shall park any motor vehicle within the Peekamoose Valley Riparian Corridor except at areas designated and marked by the department as parking areas.

(h) No person shall enter the Peekamoose Valley Riparian Corridor area between one-half hour after sunset and one-half hour before sunrise except for:

- (1) persons camping at designated campsites;
- (2) licensed hunters and trappers for the purpose of hunting or trapping;
- (3) pedestrians using the marked hiking trails crossing the corridor; or
- (4) persons otherwise authorized by permit issued by the department.

(j) From May 15th through October 15th of each year on Saturdays, Sundays and State and Federal holidays, no person shall enter the Peekamoose Valley Riparian Corridor east of the County Route 42 bridge crossing the Rondout Creek, an area that includes that portion of the Rondout Creek known as the Blue Hole, except under permit from the department.

6 CRR-NY 190.35

Current through February 29, 2020

END OF 0 2020 Thomson Reuters. No claim to original U.S. Government Works. DOCUMENT

2. Mr. Garigliano presented the Board with Introductory Resolution for Introductory Local Law No. 1 of the Year 2020 to amend Chapter 47-9 of the Code of the Town of Neversink. This Local Law would **regulate parking on County Road 19.**

**TOWN OF NEVERSINK
RESOLUTION NO. 14 OF 2020**

**INTRODUCTORY RESOLUTION FOR
INTRODUCTORY LOCAL LAW NO. 1 OF THE YEAR 2020
TO AMEND CHAPTER 47-9 OF THE CODE
OF THE TOWN OF NEVERSINK**

**TOWN OF NEVERSINK TOWN BOARD
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At a meeting of the Town Board of the Town of Neversink (“Town Board”), Sullivan County, New York, held at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York 12740, in said town, on the 12th day of August, 2020 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	
Councilwoman Nicole Gorr	X	
Councilman Scott Grey	X	
Councilman Richard Coombe Jr.	X	

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

BE IT RESOLVED, that Introductory Local Law No. 1 of 2020 entitled “A Local Law to Regulate Parking on County Road 19” is hereby introduced before the Town Board of the Town of Neversink; and

BE IT FURTHER RESOLVED, that copies of the aforesaid Introductory Local Law have been laid upon the desk of each member of the Town Board of the Town of Neversink; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said Local Law at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York at 7:00 p.m., prevailing time, on August 26, 2020; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Neversink publish or cause to be published a public notice in the *Sullivan County Democrat*, of said public hearing at least five (5) days prior to such hearing.

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		
Councilwoman Nicole Gorr	Voting	X		
Councilman Scott Grey	Voting	X		
Councilman Richard Coombe Jr.	Voting	X		

The resolution was thereupon declared duly adopted.

Dated: August 12, 2020
Town of Neversink
Grahamsville, New York

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3. The Town Board had made a motion at the July 8th Meeting requesting that Town Attorney Walter Garigliano restore the mobile home law provision of 1978 effectively annulling the section of Local Law 3 of 2009 stating that all mobile homes be no older than twelve (12) years as measured from the date of manufacture. After discussion it was decided instead to amend Section 50-21 of the Code of the Town of Neversink relating to Mobile Homes to establish a waiver of the Mobile Home Standards set forth in Section 50.21.D.(9)(b)[1] or [2]. Before the Resolution can be considered for the above, the motion made at the July 9th meeting needs to be rescinded. The following motion was made:

A motion was made by Councilman Keith Zanetti, seconded by Councilman Richard Coombe Jr. to rescind the motion made at the July 8, 2020 Town Board Meeting to direct the Town Attorney to restore the mobile home law provision of 1978 effectively annulling the section of Local Law 3 of 2009 stating that all mobile homes be no older than twelve (12) years as measured from the date of manufacture, put to a vote and UNANIMOUSLY CARRIED.
VOTE: AYES 5 NAYS 0.

The following Introductory Resolution for Introductory Local Law 2 of the Year 2020 to Amend Chapter 50-21 of the Code of the Town of Neversink to Establish a Waiver of **Mobile Home Standards** was presented for the Board's consideration:

**TOWN OF NEVERSINK
RESOLUTION NO. 15 OF 2020
INTRODUCTORY RESOLUTION FOR
INTRODUCTORY LOCAL LAW NO. 2 OF THE YEAR 2020
TO AMEND CHAPTER 50-21 OF THE CODE
OF THE TOWN OF NEVERSINK TO ESTABLISH A WAIVER
OF MOBILE HOME STANDARDS**

At a meeting of the Town Board of the Town of Neversink ("Town Board"), Sullivan County, New York, held at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York 12740, in said town, on the 12th day of August, 2020 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	
Councilwoman Nicole Gorr	X	
Councilman Scott Grey	X	
Councilman Richard Coombe Jr.	X	

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

BE IT RESOLVED, that Introductory Local Law No. 2 of 2020 entitled “A Local Law to Amend Section 50-21 of the Code of the Town of Neversink Relating to Mobile Homes to Establish a Waiver of the Mobile Home Standards set forth in Section 50.21.D.(9)(b)[1] or [2]” is hereby introduced before the Town Board of the Town of Neversink; and

BE IT FURTHER RESOLVED, that copies of the aforesaid Introductory Local Law have been laid upon the desk of each member of the Town Board of the Town of Neversink; and

BE IT FURTHER RESOLVED, that the Town Board hold a public hearing on said Local Law at the Town of Neversink Town Hall, 273 Main Street, Grahamsville, New York at 7:15 p.m., prevailing time, on September 9, 2020; and

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Neversink publish or cause to be published a public notice in the *Sullivan County Democrat*, of said public hearing at least five (5) days prior to such hearing.

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		
Councilwoman Nicole Gorr	Voting	X		
Councilman Scott Grey	Voting	X		
Councilman Richard Coombe Jr.	Voting	X		

The resolution was thereupon declared duly adopted.

Dated: August 12, 2020
Town of Neversink
Grahamsville, New York

MINUTES OF PREVIOUS MEETING (S)

Minutes of the Regular Meeting held on July 8, 2020 was ACCEPTED AS SUBMITTED on motion by Councilman Keith Zanetti, seconded by Councilwoman Nicole Gorr, 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 July 2020 was ACCEPTED AS RECEIVED and filed on motion by Councilman Scott Grey, seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

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TOWN CLERK DECALS AND MONTHLY FEE REPORT

ACCEPTED AS SUBMITTED for the month of July 2020 to be filed on motion by Councilman Scott Grey, seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

TOWN CLERK MONTHLY PETTY CASH REPORT

Month of July 2020/August 2020

ORDERED RESTORED TO \$200.00 by the amount of \$32.99 for wrist bands and delivery fee for pool items on motion by Councilman Scott Grey, seconded by Councilman Keith Zanetti, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

CODE ENFORCEMENT OFFICER REPORT

Monthly Receipts Report and Mileage Log and Inspection Report for the month of July 2020 has been filed with the Town Clerk.

Code Enforcement Officer Keith Stryker:

- Logged 323 Miles and took in \$1,142.70
- 11 Building Permits, total 68 for year
- 0 Building Permit Renewal, total 0 for year
- 9 Cert of Occupancy/Compliance for the month, total 52 for year
- 5 Complaints, total 14 for year
- 1 Violations, total 4 for year
- 11 Municipal Searches, total 59 for year
- 1 Fire Inspections, total 6 for year
- 0 Junk Yard Permit, total 1 for year
- 0 Mobile Home Park Permit Renewals, total 2 for year
- 0 Temporary Use Permit, total 0 for year
- 0 Special Use Permit, total 1 for year
- 0 CEO Training Hours, total 0 for year
- 0 FOIL Requests, total 2 for year
- An update was given by Mr. Stryker on Jim Fedroff's activities with respect to property maintenance.

PLANNING BOARD

Agenda for August 5, 2020, Meeting Minutes – Draft July 1, 2020, Public Hearing Minutes March 4, 2020 and Regular Meeting Minutes March 4, 2020 were filed with the Town Clerk.

ZONING BOARD OF APPEALS

Agenda for July 21, 2020, Notice of Public Hearings July 21, 2020, Meeting Minutes – Draft for June 16, 2020 and Public Notice of Public Hearing August 18, 2020 were filed with the Town Clerk.

FILINGS AND CORRESPONDENCE FILED WITH TOWN CLERK

**TOWN OF NEVERSINK TOWN BOARD
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1. Notice of Filing for Diverse Properties LLC against Assessor of Town of Neversink, et.al
2. Oath of Office for Cher Wohl – Parks and Recreation Director
3. Sullivan County Abstract of Settlement for Tax Collection for 2020
4. Small Claims Assessment Review for Barry Papa 3.-1-6
5. NYS DOH Permit to operate an Agricultural Fairgrounds

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.

SUPERVISOR:

1. Supervisor Mathews informed the Board that at the end of August Ken Curry's **Water Operator's** status expires. Joe Bagley has not taken the course. The Town will have to find a water operator to use in the meantime. Chris will look into the Department of Health's list of certified water operators to see if there is any one local. The town's bathrooms at both parks will remain closed to the public for the remainder of the season. The pool bathrooms will close when the pool closes for the season.
2. The Town Clerk reported that there is one event left on the schedule that has not been cancelled. Because of the bathrooms not opening for the season, Lisa will call and inform them that the event cannot be held.
3. The **use** of the **upstairs conference room** by Parks and Rec for **games** was discussed. The Town Board would like to hold off for another month and revisit the request at the September 9th Meeting.

PAYMENTS OF CLAIMS AND VOUCHERS

• Abstract #8	\$ 190,299.87
• Vendor Payments	<u>2,742.66</u>
• Total	\$ 193,042.53

Vouchers, Claims were reviewed by the Board and authorized to be paid on motion by Councilman Scott Grey, seconded by Councilwoman Nicole Gorr, put to a vote and UNANIMOUSLY CARRIED.

VOTE: AYES 5 NAYS 0.

ADJOURN OR RECESS

On motion by Councilman Scott Grey, seconded by Councilman Keith Zanetti, the meeting was recessed at 9:26 pm, to reconvene on August 26, 2020 at 7:30 pm, put to a vote and UNANIMOUSLY CARRIED.

Respectfully submitted,

Lisa Garigliano, Town Clerk