

Minutes of a Regular Meeting of the Town Board of the Town of Thompson held at the Town Hall, 4052 State Route 42, Monticello, New York on **January 15, 2013.**

ROLL CALL:

Present: Supervisor Anthony P. Cellini, Presiding
Councilman Richard Sush
Councilman Sharon Jankiewicz
Councilman Peter T. Briggs
Councilman Scott Mace

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
Paula E. Kay, Deputy Attorney for the Town
Richard D. McGoey, Town Engineer
William D. Culligan, Water & Sewer Superintendent
Richard Benjamin, Highway Superintendent
Logan E. Ottino, Code Enforcement Officer
Gary J. Lasher, Comptroller
Kelly M. Murrin, Deputy Town Clerk
Thomas J. Kelly, Deputy Town Clerk & Grants
Gerald Fielding, Town Historian

**COMBINED PUBLIC HEARINGS: PROPOSED LOCAL LAW # 12 OF 2012 –
AMENDING VARIOUS PROVISIONS OF THE TOWN CODE CHAPTER 250
SECTION 27.2 “PLANNED RESORT DEVELOPMENT” ZONING TEXT
AMENDMENTS (APPLICANT: EPR “FKA” EPT CONCORD II, LLC)**

Supervisor Cellini opened the Combined Public Hearings at 7:30 PM.

Town Clerk, Marilee J. Calhoun read the legal public notices and stated that she had an original affidavit of publication on each one. Notices of said hearings were duly published in the Sullivan County Democrat on January 04, 2013 with same being posted at the Town Hall on January 02, 2013. Confirmation of mailings to all involved and interested agencies was provided and put in the file, which is available in the Town Clerk's Office upon request.

Robert Hantman, Independent Stenographer hired by the developer will prepare a complete transcription of this Public Hearing. The Town will be supplied with a copy of the transcript, which will be available in the Town Clerk's Office upon request.

Supervisor Cellini called upon Town Engineer Richard D. McGoey to explain his findings and recommendation. Engineer McGoey explained that there were several changes, mostly regarding bonding and security for public improvements involving local road maintenance and improvements, which was resolved. The road improvements would be completed and that local roads would be re-evaluated by the Highway

Superintendent and the Planning Board as part of the site plan approval. The changes have all been incorporated into the Findings Statement and he is satisfied.

Attorney Mednick reported that the Town has reviewed through the entire Findings Statement as well as the other documents before the Board today and they are satisfied that it is pretty comprehensive in scope and covers everything and recommended it be accepted.

Steven Vegliante, Attorney for the applicant provided Supervisor Cellini and the Town Board with a written response to the only comment that was received in from Peter J. Wise, Esq. of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP Counselors at Law counsel for Concord Associates, LP dated 01/14/2013.

Attorney Vegliante provided introductions of all the representatives that were present on behalf of the project. He also provided a brief explanation as to the reason for this combined public hearing. He read a brief statement in which he prepared and then turned the presentation over to Tim Lies, Project Executive of EPR Properties.

Mr. Lies thanked the Town Board and the Town Staff for all of their efforts and working together with their team. They feel that this is a phenomenal plan, which is a year-long process to get to this point and look for the Towns approval. They would like to get started on the project soon.

Supervisor Cellini reported on the (14) letters of support including several phone calls that he received in regarding this project. He also reported on a letter of concern that he received in from Peter J. Wise, Esq. of Delbello Donnellan Weingarten Wise & Wiederkehr, LLP Counselors at Law on behalf of Concord Associates, LP dated 01/14/2013, 08/28/2012, 04/03/2012, 02/10/2012 and 01/20/2012. He also received a letter from Adler Consultants in regards to traffic concerns.

Thomas Kelly, Esq. of Gilberti, Stinziano, Heintz, & Smith, P.C. co-counsel for the applicant confirmed receipt of Attorney Vegliante's response to the above mentioned comment from Attorney Wise on behalf of Concord Associates LP.

Attorney Kelly discussed the purpose for the combined public hearings and the proposed action that the Board is planning to take regarding the (3) Resolutions that are before the Board for consideration. He then explained the reasons why the "PRD" Zoning Text Amendments are needed including a statement and support as part of the record. He also explained the reason for the proposed Comprehensive Development Plan (CDP).

The hearing was then turned over to Nicole Emmons of Hart Howerton to provide an overview of the EPT Concord Resort Comprehensive Development Plan (CDP).

Ms. Emmons expressed regards on behalf of Jim Tinson, CEO of Hart Howerton who was unable to attend this evening's meeting since he is experiencing flu related symptoms and was suggested not to attend. She provided a brief explanation on the EPT Concord Resort (CDP), which is a document that has been put together along with the Town and its consultants for viewing and illustrates and organizes the site of the EPT Concord Resort. She reviewed the organization of the document including the plan imagery. They reviewed the existing conditions on the site, looked at the proposed uses and the developmental standards for those uses on those areas of the plan and look at how the uses will be developed and implemented in the government of the plan. She provided a brief computer presentation outlining the concept master plan and overall (CDP).

Supervisor Cellini asked if the Board had any comments. The Board had no comments.

Supervisor Cellini asked if anyone from the public would like to be heard on this matter. Public Comment was made as follows:

Barbara Burton of Monticello stated "For Student of All Ages: Aim for Prevention of Diagnostic Error".

Ira Steingart, Sullivan County District 8 Legislator stated that Alan Sorenson, Sullivan County District 9 Legislator was unable to attend, but would like to express both his support and Legislator Sorenson's support of the EPR project. Mr. Steingart is also the Chairman on the Committees on Economic Development and the IDA. He also served on the Town of Fallsburg Planning Board for over 20 years and also the owner of Steingart Associates a 4th generation commercial printing company. He read a statement in support of the project that he prepared, but did not submit for the record.

Allan Scott, President/CEO of the Sullivan County Partnership for Economic Development read a statement in support of the EPR project in which he prepared, but did not submit for the record. He also acknowledged several other representatives from the Partnership that were also in attendance as a display of support for this project.

After an opportunity for all persons to be heard Supervisor Cellini entertained a motion that the public hearings be closed.

A motion to close the Combined Public Hearings at 8:00 PM was made by Councilman Briggs and seconded by Councilman Jankiewicz.

REGULAR MEETING – CALL TO ORDER

Supervisor Cellini opened the meeting at 8:06 PM with the Pledge to the Flag. He welcomed the Participation in Government Students to the meeting.

APPROVAL OF MINUTES:

On a motion made by Councilman Briggs and seconded by Councilman Jankiewicz the minutes of the January 2nd, 2013 Re-Organizational Town Board Meeting were approved as presented.

Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace
 Nays 0

On a motion made by Councilman Sush and seconded by Councilman Mace the minutes of the January 2nd, 2013 Special Town Board meeting were approved as presented.

Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace
 Nays 0

PUBLIC COMMENT:

There was no public comment given.

CORRESPONDENCE:

Supervisor Cellini reported on correspondence that was sent or received as follows:

- 1) Letter dated 01/03/2013 from Vincent A. Pietrzak, PE of Pietrzak & Pfau Engineering & Surveying, PLLC to Thompson Station, Inc. regarding the Golden Ridge project (Cross Easement).
- 2) Updated List of Volunteer Boards and Terms including Board of Assessment Review, Conservation Advisory Council, Planning Board, and Zoning Board of Appeals.
- 3) Memo dated 01/07/2013 from Toby Boritz to Paula Kay, Deputy Town Attorney, Patrice Chester, Planning Board Chairperson and Members, and Supervisor Anthony Cellini and Town Board regarding Thompson Heights additional zoning and density concerns.
- 4) Spreadsheets listing Sullivan County Percentage of Property Exempt from 2012 Final Assessment Roll as Amended.
- 5) Memo dated 12/20/2012 from Arnold Jones of State of New York, Department of Taxation and Finance, Office of Real Property Tax Services to Sullivan County Assessors regarding Pre-Decisional Collaboration for determining 2013 Level of Assessment (LOA).
- 6) Letter dated 01/04/2013 from Carol McGovern of Bungalow City, Inc. to the Planning Board regarding the Monticello Motor Club noise/sound study. Attached to the letter Ms. McGovern also provided a copy of a letter dated

01/05/2013 from Robert Chuckrow, Ph.D. (Physics) NY University and a copy of a letter dated 01/06/2013 from Karen Subek both also pertaining to the Monticello Motor Club noise/sound study.

- 7) Letter dated 01/08/2013 from Michael B. Mednick, Town Attorney to Michael M. Twergo and Donna Gilberto of the NYS Department of Public Service regarding the Temporary Operator of Melody Lake Waterworks System including a copy of the Certified Resolution adopted by the Town Board on 12/07/2012.
- 8) Copy of Check No. 0000900276 dated 01/08/2013 in the amount of \$5,238.75 from NYSERDA Energy, Innovation, Solutions payable to the Town of Thompson as a result of the U.S. Dept. of Energy-Energy Efficiency and Conservation Block Grant Award for reimbursement of Imaging Equipment – Multi-Function. This is for the new photocopiers in the Comptroller’s Office and Highway Department.

AGENDA ITEMS:

1. ACTION/RESOLUTION: ADOPTING SEQRA FINDINGS IN RELATION TO THE ZONING PETITION AND APPLICATION FOR ESTABLISHMENT OF A COMPREHENSIVE DEVELOPMENT PLAN FILED BY ENTERTAINMENT PROPERTIES TRUST, LLC FOR THE EPT CONCORD RESORT

Town Engineer Richard D. McGoey said that as stated previously he is present to recommend that the Resolution that has been amended and reviewed by Town representatives and their group of professionals over the weekend be adopted.

The Following Resolution Was Duly Adopted: Res. No. 59 of the Year 2013.

At a regular meeting of the Town Board of the Town of Thompson held in the Town of Thompson Town Hall, 4052 Route 42, Monticello, New York on January 15, 2013.

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON ADOPTING SEQRA FINDINGS IN RELATION TO THE ZONING PETITION AND APPLICATION FOR ESTABLISHMENT OF A COMPREHENSIVE DEVELOPMENT PLAN FILED BY EPT CONCORD II, LLC FOR THE EPT CONCORD RESORT

WHEREAS, EPT Concord II, LLC (“Applicant”) (i) submitted to the Town Board a petition to amend the Town of Thompson Zoning Law with respect to the Planned Resort Development (“PRD”) district, (ii) requested establishment of a new Comprehensive Development Plan (“CDP”) for the EPT Concord Resort, (collectively hereinafter referred to as the “Action”); and

WHEREAS, said Petition was appropriately filed along with required environmental assessment forms and all fees paid; and

WHEREAS, on March 8, 2012, the Town Board of the Town of Thompson by resolution accepted the Applicant's petition in connection with the Action, determined the Action to be a Type I Action pursuant to Article 8 State Environmental Quality Review Act ("SEQRA"), identified other involved and interested agencies and declared its intent to serve as Lead Agency and circulated a Notice of Intent to serve as Lead Agency; and

WHEREAS, on April 10, 2012, the Town Board of the Town of Thompson accepted and assumed its position as SEQRA Lead Agency for the Action and determined that the Action may have a significant adverse environmental impact and adopted a Positive Declaration requiring preparation of a Draft Generic Environmental Impact Statement ("DGEIS") and Draft Environmental Impact Statement ("DEIS"); and

WHEREAS, on April 17, 2012, the Town Board of the Town of Thompson accepted and adopted a Final DGEIS and Phase 1 DEIS Scoping Outline and directed the Applicant to prepare a DGEIS and DEIS consistent with the accepted final scoping document; and

WHEREAS, on June 5, 2012, the Town Board of the Town of Thompson accepted an amended petition to amend the zoning code and referred such petition to the Town Planning Board for review and consideration in accordance with Section 250-82 B of the Code of the Town of Thompson and, at the same meeting, the Town Board accepted for consideration the Applicant's CDP and referred it to the Town Planning Board for review and consideration in accordance with Section 250-27.2 C(1)(a) of the Code of the Town of Thompson; and

WHEREAS, the Applicant prepared a DGEIS and DEIS for the Action with several Appendices A–M, consistent with the Scoping Outline adopted on April 17, 2012, and submitted same to the Town Board of the Town of Thompson on July 6, 2012 for review and consideration; and

WHEREAS, the members of the Town Board of the Town of Thompson and its consultants and other advisory technical staff reviewed the DGEIS and DEIS for completeness with respect to the items set forth in the scoping document; and

WHEREAS, the Town Board of the Town of Thompson referred the requested amendment to the zoning code to the Sullivan County Planning Department pursuant to General Municipal Law §§ 239-1 and 239-m and the Town of Thompson Planning Board; and

WHEREAS, on July 24, 2012 following its review of the DGEIS and DEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review and prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS and requested and accepted public comment until September 7, 2012; and

WHEREAS, the Town Board in accordance with Municipal Home Rule Law § 20 a public hearing on the proposed Action for August 28, 2012, and caused a Notice of Public Hearing to be duly published as required by law, and

WHEREAS, on August 28, 2012, pursuant to 6 NYCRR 617.9, the Town Board of the Town of Thompson held a public hearing on the DGEIS and DEIS and received public comment thereon; and

WHEREAS, on August 28, 2012, the Town Board of the Town of Thompson, held public hearings regarding the proposed Action pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, the Town Board of the Town of Thompson continued accepting public comments on the DGEIS and DEIS and on the Action, and the public comment period remained open until September 7, 2012, and

WHEREAS, on November 8, 2012, the Town Board of the Town of Thompson accepted a second amended petition to amend the zoning code and again referred the matter of the requested zone change to the Town Planning Board and Sullivan County Planning Department for review and consideration; and

WHEREAS, a proposed Final Generic Environmental Impact Statement (“FGEIS”) and Final Environmental Impact Statement (“FEIS”) were prepared which incorporated by reference the DGEIS, DEIS, and relevant comments thereto, assembled the relevant and material facts and which appropriately analyzed the potentially significant adverse environmental impacts, evaluated all reasonable alternatives, and which had been written in clear and concise language that can be read and understood by the public; and

WHEREAS, the Town Board of the Town of Thompson placed the Action on the agenda for the regular meeting of the Town Board of the Town of Thompson held on December 18, 2012, wherein the proposed Action was discussed among members of the Town Board of the Town of Thompson, the Town’s professional staff and its consultants and engineer, and the Town Supervisor and the Town Board decided to further consider the proposed FGEIS and FEIS and to hold a special meeting on January 2, 2013 to allow for revisions and further review prior to approval of the same; and

WHEREAS, the FGEIS and FEIS were fully considered by the Town Board of the Town of Thompson in accordance with SEQRA; and

WHEREAS, public hearings regarding the proposed Action are required in connection with (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code;

WHEREAS, members of the Town Board of the Town of Thompson carefully reviewed and thoroughly considered the proposed FGEIS and FEIS, as revised, and the recommendations of the Town engineer with regard to the adequacy and completeness of the FGEIS and FEIS, and

WHEREAS, on January 2, 2013, following its review of the FGEIS and FEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the FGEIS and FEIS were complete and caused to be prepared, filed, and duly published a Notice of Completion of the FGEIS and FEIS, and

WHEREAS, the Town Board of the Town of Thompson requested that comments on the FGEIS and FEIS be provided to it in written form, to be received by the Town Board on or before the close of business January 14, 2013, and

WHEREAS, the Town Board of the Town of Thompson has allowed public consideration of the FGEIS and FEIS to a greater extent necessary than required by law, and

WHEREAS, the Town Board of the Town of Thompson had received additional comments during this public consideration period, which comments have been carefully considered by the Town Board, and

WHEREAS, the Town Board of the Town of Thompson has reviewed and carefully considered the FGEIS and FEIS, as well as all written and oral comments received with respect to (i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, the Town Board of the Town of Thompson was aware of and gave thorough review and consideration to all reasonable and viable alternatives, including the potential proposal made by CALP for a similar resort development, zoning law amendment and CDP which would have included 1,735 acres of development, a casino, harness racetrack, and other like development and amenities, and

WHEREAS, the Town Board of the Town of Thompson already gave full weight and consideration to all impacts associated with the CALP project during a thorough environmental review that culminated in a Findings Statement adopted by the Town of Thompson Town Board in 2006, and

WHEREAS, each segment of the CALP development that is not part of the Applicant's project was fully evaluated and assessed for potential impacts, and

NOW, THEREFORE, BE IT RESOLVED, that in connection with the proposed (i) petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord

Resort, pursuant to Section 250-27 C (1)(b) of the Town Code; the Town of Thompson Town Board has fully considered its impact not only upon the Town of Thompson, but also areas outside the Town and in connection therewith has carefully reconsidered its comprehensive planning objectives for the EPT Concord Resort as well as the surroundings, and hereby determines that the requirements of Part 617, New York Code of Rules and Regulations, Title 6, have been met and hereby adopts the Town Board's Findings Statement (attached hereto as Exhibit A) and authorizes the filing and distribution of the Findings Statement in accordance with the requirements of SEQRA; and

BE IT FURTHER RESOLVED, that consistent with social, economic and other essential considerations from among the reasonable alternatives thereto,(i) the petition to amend the Town of Thompson Zoning Law with respect to the PRD pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, and (ii) the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code, to be approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS and FEIS, and

BE IT FURTHER RESOLVED, that consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the FGEIS and FEIS process will be minimized or avoided to the maximum extent practicable by incorporating as conditions those mitigative measures that were identified as practicable.

BE IT FURTHER RESOLVED, that in making its findings and determinations under SEQRA, the Town Board has relied upon the facts and conclusions in the FGEIS and FEIS and the environmental record upon which it is based and, without intending to limit the foregoing, in particular upon the environmental, social, economic and other factors set forth below, all of which form the basis of the Town Board's Action.

Dated: January 15, 2013

MOVED BY: Councilman Richard Sush
SECONDED BY: Councilman Scott Mace

Approved on Roll Call as follows:

Supervisor Anthony P. Cellini:	Aye
Councilman Richard Sush:	Aye
Councilman Scott Mace:	Aye
Councilman Peter T. Briggs:	Aye
Councilman Sharon Jankiewicz:	Aye

2. ACTION/RESOLUTION: ADOPTING LOCAL LAW NO. 1 OF 2013 AMENDING VARIOUS PROVISIONS OF THE TOWN CODE; PLANNED RESORT DEVELOPMENT ZONING TEXT AMENDMENTS

The Following Resolution Was Duly Adopted: Res. No. 60 of the Year 2013.

At a regular meeting of the Town Board of the
Town of Thompson held in the Town of Thompson
Town Hall, 4052 Route 42, Monticello, New York
on January 15, 2013.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON OF
ADOPTING LOCAL LAW NO. NO.1-2013 (f/k/a Local Law 9-2012) ENTITLED: A Local
Law Amending Various Provisions of the Town of Thompson Town Code Section 250-27.2
– Planned Resort Development**

WHEREAS, on March 8, 2012, EPT Concord II, LLC (the “Applicant”) duly submitted, among other requests, a petition to amend the Town of Thompson Town Code Section 250-27.2 – Planned Resort Development district (the “Action”); and

WHEREAS, on March 8, 2012, the Town Board of the Town of Thompson by resolution accepted the Applicant’s petition in connection with the Action, determined the Action to be a Type I Action pursuant to Article 8 State Environmental Quality Review Act (“SEQRA”), identified other involved and interested agencies and declared its intent to serve as Lead Agency and circulated a Notice of Intent to serve as Lead Agency; and

WHEREAS, on April 10, 2012, the Town Board of the Town of Thompson accepted and assumed its position as SEQRA Lead Agency for the Action and determined that the Action may have a significant adverse environmental impact and adopted a Positive Declaration requiring preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, on April 17, 2012, the Town Board of the Town of Thompson accepted and adopted a Final DGEIS and Phase I DEIS Scoping Outline and directed the Applicant to prepare a DGEIS and DEIS consistent with the accepted final scoping document; and

WHEREAS, on June 5, 2012, the Town Board of the Town of Thompson accepted an amended petition to amend the zoning code and referred such petition to the Town Planning Board for review and consideration in accordance with Section 250-82 B of the Code of the Town of Thompson and to the Sullivan County Division of Planning and Environmental Management pursuant to Section 239-m of the General Municipal Law; and

WHEREAS, the Applicant prepared a DGEIS and DEIS for the Action, consistent with the Scoping Outline adopted on April 17, 2012, and submitted same to the Town Board on July 6, 2012 for review and consideration; and

WHEREAS, the Planning Board of the Town of Thompson duly reviewed the proposed Action at its meeting of June 13, 2012 and approved of same; and

WHEREAS, the Sullivan County Division of Planning and Environmental Management on July 3, 2012 and having determined, pursuant to Section 239-m of the General Municipal Law, that said Division of Planning identified some adverse county-wide or intercommunity impacts and recommended modification of the proposed Local Law, and

WHEREAS, on July 24, 2012 following its review of the DGEIS and DEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review and prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS and requested and accepted public comment until September 7, 2012; and

WHEREAS, on August 28, 2012, the Town Board of the Town of Thompson, pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, held a public hearing regarding the proposed Action; and

WHEREAS, on November 8, 2012, the Town Board of the Town of Thompson accepted a second amended petition to amend the zoning code and again referred such petition to the Town Planning Board and Sullivan County Division of Planning and Environmental Management pursuant to Section 239-m of the General Municipal Law for review and consideration; and

WHEREAS, on November 21, 2012 the Sullivan County Division of Planning having determined pursuant to Section 239-m of the General Municipal Law that said Division of Planning "...feels that the proposed Local Law will have positive county-wide or intercommunity impacts and recommended approval of the proposed Local Law", and

WHEREAS, on January 2, 2013 the Town Board of the Town of Thompson, in its capacity as Lead Agency, accepted and found that the FGEIS and FEIS was complete pursuant to Part 617 of the implementing regulations pertaining to SEQRA and directed publication of Notice of Completion and acceptance of public comments thereon until the close of business on January 14, 2013 in the Environmental Notice Bulletin of the New York State Department of Environmental Conservation on January 2, 2013 regarding, among other things, consideration of said Local Law; and

WHEREAS, it has been determined by the Town Board that the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS and FEIS; and

WHEREAS, a resolution was duly adopted by the Town Board for a public hearing, pursuant to Section 250-82 B of the Town Code and Section 20 of the Municipal Home Rule Law of the State of New York, to be held by said Town Board at the Town Hall, 4052 Route 42,

Monticello, New York at 7:30p.m. on January 15, 2013 to hear all interested parties on a proposed Local Law entitled “A Local Law Amending Various Provisions of the Town of Thompson Town Code Section 250-27.2 – Planned Resort Development,” and

WHEREAS, notice of said public hearing was duly filed with the Clerk of the Village of Monticello and the Clerk of the Town of Fallsburg, and duly advertised in the Sullivan County Democrat, the official newspaper of the Town of Thompson, on January 4, 2013, and posted on the Town Clerk’s signboard on January 4, 2013; and

WHEREAS, said public hearing was duly held at the Town Hall at 7:30p.m. on January 15, 2013, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

WHEREAS, the public was duly given an opportunity to comment on the Action,

NOW, THEREFORE, the Town Board hereby adopts said Local Law, effective upon filing with the New York State Secretary of State, as Local Law No. 1 – 2013 (f/k/a Local Law 9-2012 entitled “A Local Law Amending Various Provisions of the Town of Thompson Town Code Section 250-27.2 – Planned Resort Development,” a copy of which is attached hereto and made a part hereof, and the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Town, and to give due notice of the adoption of said Local Law to the Secretary of State and provide for the due filing of same with the Secretary of State.

Dated: January 15, 2013

MOVED BY: Councilman Scott Mace

SECONDED BY: Councilman Sharon Jankiewicz

Approved on Roll Call as follows:

Supervisor Anthony P. Cellini:	Aye
Councilman Richard Sush:	Aye
Councilman Scott Mace:	Aye
Councilman Peter T. Briggs:	Aye
Councilman Sharon Jankiewicz:	Aye

3. ACTION/RESOLUTION: ADOPTING A NEW COMPREHENSIVE DEVELOPMENT PLAN FOR THE EPT CONCORD RESORT

The Following Resolution Was Duly Adopted: Res. No. 61 of the Year 2013.

At a regular meeting of the Town Board of the Town of Thompson held in the Town of Thompson Town Hall, 4052 Route 42, Monticello, New York on January 15, 2013.

**Town Board Meeting
January 15, 2013
Page 12 of 23**

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON ADOPTING A NEW COMPREHENSIVE DEVELOPMENT PLAN FOR THE EPT CONCORD RESORT

WHEREAS, on March 8, 2012, EPT Concord II, LLC (“Applicant”) duly submitted, among other requests, an application to the Town Board for the establishment of a new Comprehensive Development Plan for the EPT Concord Resort, (“Action”); and

WHEREAS, on March 8, 2012, the Town Board of the Town of Thompson by resolution accepted the Applicant’s application in connection with the Action, determined the Action to be a Type I Action pursuant to Article 8 State Environmental Quality Review Act (“SEQRA”), identified other involved and interested agencies and declared its intent to serve as Lead Agency and circulated a Notice of Intent to serve as Lead Agency; and

WHEREAS, on April 10, 2012, the Town Board of the Town of Thompson accepted and assumed its position as SEQRA Lead Agency for the Action and determined that the Action may have a significant adverse environmental impact and adopted a Positive Declaration requiring preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Draft Environmental Impact Statement (“DEIS”); and

WHEREAS, on April 17, 2012, the Town Board of the Town of Thompson accepted and adopted a Final DGEIS and Phase I DEIS Scoping Outline and directed the Applicant to prepare a DGEIS and DEIS consistent with the accepted final scoping document; and

WHEREAS, on June 5, 2012, the Town Board of the Town of Thompson referred the Applicant’s Application in connection with the Action to the Town Planning Board for review and consideration in accordance with Section 250-27.2 C(1)(a) of the Code of the Town of Thompson; and

WHEREAS, the Applicant prepared a DGEIS and DEIS for the Action, consistent with the Scoping Outline adopted on April 17, 2012, and submitted same to the Town Board of the Town of Thompson on July 6, 2012 for review and consideration; and

WHEREAS, on June 13, 2012 the members of the Planning Board of the Town of Thompson, pursuant to Section 250-27.2(1)(a) of the Town Code reviewed the Application and recommended approval of same; and

WHEREAS, on July 24, 2012 following its review of the DGEIS and DEIS, the Town Board of the Town of Thompson and pursuant to SEQRA regulations set forth in 6 NYCRR 617.9 and 617.10 determined that the DGEIS and DEIS were complete and adequate with respect to scope and content for the purpose of commencing public review and prepared, filed, and duly published a Notice of Completion of the DGEIS and DEIS and requested and accepted public comment until September 7, 2012; and

WHEREAS, on August 28, 2012, the Town Board of the Town of Thompson, held public hearings regarding the proposed Action in connection with the request for the establishment of a new CDP for the EPT Concord Resort, pursuant to Section 250-27 C (1)(b) of the Town Code; and

WHEREAS, on January 2, 2013 the Town Board of the Town of Thompson, in its capacity as Lead Agency, accepted and found that the FGEIS and FEIS was complete pursuant to Part 617 of the implementing regulations pertaining to SEQRA, and directed publication of Notice of Completion and acceptance of public comments thereon until the close of business on January 14, 2013 in the Environmental Notice Bulletin of the New York State Department of Environmental Conservation on January 2, 2013 regarding, among other things, establishment of the new CDP; and

WHEREAS, it has been determined by the Town Board that the Action is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FGEIS and FEIS; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Thompson for a public hearing, pursuant to Section 250-27 C (1)(b) of the Town Code, to be held by said Town Board at the Town Hall, 4052 Route 42, Monticello, New York at 7:30p.m. on January 15, 2013 to hear all interested parties on a proposal for the establishment of a new CDP for the EPT Concord Resort; and

WHEREAS, notice of said public hearing was duly filed with the Clerk of the Village of Monticello and the Clerk of the Town of Fallsburg, and duly advertised in the Sullivan County Democrat, the official newspaper of the Town of Thompson, on January 4, 2013, and posted on the Town Clerk's signboard on January 4, 2013; and

WHEREAS, the public was duly given an opportunity to comment on the Action; and

WHEREAS, the Town Board of the Town of Thompson has determined after diligent and careful review that the proposed application as presented satisfies the PRD Comprehensive Development Plan requirements pursuant to Section 250-27.2 of the Code of the Town of Thompson in that it conceptually shows the general layout and disposition of currently proposed and potential future uses, buildings and structures, the densities of such buildings and structures, parking and loading areas, pedestrian and vehicular rights-of-way, access and circulation, private and public open spaces and public uses, and the proposed phasing of development; shows on-site wetlands, water bodies and watercourses, and other significant topographic and ecological features, generally shows the proposed architectural character and design concepts of all uses and structures; identifies proposed stormwater management techniques and generally shows existing and proposed new sanitary sewer and water facilities; set forth design standards, including but not limited to maximum building heights, minimum required yards and setbacks, buffer and screening requirements, lighting standards, street and roadway widths, and off-street parking and loading requirements; and

The Following Resolution Was Duly Adopted: Res. No. 64 of the Year 2013.

**RESOLUTION OF THE TOWN BOARD OF THE TOWN OF THOMPSON
APPROVING THE FORM OF TAX PLEDGE AND COLLECTION AGREEMENT,
AUTHORIZING THE SUPERVISOR TO TAKE ALL ACTIONS DEEMED
NECESSARY IN CONNECTION WITH EXECUTION AND DELIVERY OF THE
AGREEMENT AND RELATED DOCUMENTS**

WHEREAS, on August 9, 2012, the qualified voters of the Ethelbert B. Crawford Public Library District (the "Library") approved a referendum for a proposition authorizing the issuance of bonds to finance the Library's facility improvement project (the "Library Project"); and

WHEREAS, the proposition also authorized the Library to assign to the Dormitory Authority of the State of New York (the "DASNY") the annual tax levied on the real property located in the Library necessary to pay the debt service on bonds issued by DASNY on behalf of the Library; and

WHEREAS, Public Authorities Law Section 1680(33) (the "PAL §1680") authorizes and permits the Town of Thompson to pay the amount of all taxes levied and collected for Library purposes, including the annual tax approved by the voters to pay debt service on the Library Project, to DASNY or its designee, the Bank of New York Mellon (the "Trustee"); and

WHEREAS, DASNY has requested that the Town Board of the Town of Thompson (the "Town Board") approve the form of Tax Pledge and Collection Agreement (the "Agreement"), attached to this resolution, which effectuates the statutory grant of authority found in PAL §1680; and

WHEREAS, DASNY has further requested that the Town Board authorize the Town Supervisor to take certain other actions deemed necessary in connection with the execution and delivery of the Agreement and related documents;

NOW, THEREFORE BE IT RESOLVED, the Town Board of The Town of Thompson hereby approves the form of Tax Pledge and Collection Agreement (the "Agreement") attached hereto and made a part hereof, among the Town of Thompson, the Ethelbert B. Crawford Public Library, the Town of Forestburgh, the Town of Bethel, DASNY, and the Trustee. Said Agreement, in accordance with Public Authorities Law Section 1680(33), authorizes and permits the Towns of Forestburgh, Bethel and Thompson to pay the amount of all taxes levied and collected for Library purposes, including the annual tax approved by the voters on August 9, 2012, to the Trustee to be used to pay debt service on the bonds issued to finance the Library's facility improvement project; and be it

FURTHER RESOLVED, the Supervisor of the Town, acting on behalf of the Town, is hereby authorized to execute and deliver the final form of the Agreement, such document to be made available for public inspection at the Office of the Town Clerk. The Supervisor is hereby authorized to take any and all other reasonable actions necessary to achieve the purposes

contained in the Agreement and to execute and deliver all other related documents necessary and incidental to the Agreement; and be it

FURTHER RESOLVED, this resolution shall take effect immediately.

Motion by: Town Board member Councilman Sharon Jankiewicz,

Seconded by: Town Board member Councilman Scott Mace,

and adopted upon a roll call vote as follows:

Supervisor ANTHONY P. CELLINI	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SHARON JANKIEWICZ	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman RICHARD SUSH	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman SCOTT MACE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Duly adopted by 5 ayes, 0 nays the 15th day of January, 2013.

REQUEST DISCUSSION: EMPLOYEE CONTRACT NEGOTIATIONS

Highway Department Employee Representatives John Saunderson, Todd Mitchell and Jonathan Meddaugh submitted a request to the Town Board on behalf of the Highway Department Employees (THOMHIDE) with a contract proposal for consideration and negotiation. Supervisor Cellini read the proposal that the employees are presenting for consideration. There were many Town Employees and their families present from the Highway, Water & Sewer and Parks & Recreation Departments. Supervisor Cellini asked if any of the employees would like to explain the proposal. Jonathan Meddaugh a Highway Department Employee provided the Board with a brief explanation as to the reason for their proposal. Robert Taggart Sr. a local resident of the Town and parent of a Town Highway Department Employee acknowledged all the hard work and efforts provided by the Highway Department and how deserving they are of this proposal, which he felt was more than reasonable. The Town Board agreed with Mr. Taggart, but said that contract negotiations are a completely separate issue. This matter will be discussed further in Executive Session before a decision/agreement can be made.

5. REQUEST APPOINTMENT TO THE PLANNING BOARD AS AN ALTERNATE MEMBER: JONATHAN SUNSHINE

Jonathan L. Sunshine a Thompson resident submitted a request to Supervisor Cellini and the Town Board for consideration to fill one of the vacancies as an alternate member of the Town of Thompson Planning Board. The Town Board discussed the request and decided to grant the appointment as follows:

The Following Resolution Was Duly Adopted: Res. No. 65 of the Year 2013.

Resolved, that Jonathan L. Sunshine be appointed to serve as an Alternate Member to the Planning Board with a term to expire December 31, 2013. Appointee shall attend necessary training as required.

Moved by: Councilman Jankiewicz

Seconded by: Councilman Briggs

Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace

Nays 0

6. HUMANE SOCIETY OF MIDDLETOWN: 2013 DOG SHELTER CONTRACT

Received the annual contract between the Town of Thompson and the Humane Society of Middletown for 2013 dog shelter services. The contract is the same as last year's contract. Dog Control Officer Nancy Marinchak is recommending that the Town Board approve the contract. Supervisor Cellini and Councilman Peter T. Briggs, Dog Control Liaison are both recommending that the Town approve this contract. There will be no primary shelter; all three shelters can be used as necessary. According to the NYS Agriculture and Markets a primary is not required when there are multiple contracts.

The Following Resolution Was Duly Adopted: Res. No. 66 of the Year 2013.

Resolved, that the Town Board of the Town of Thompson hereby approve and authorize the execution of the agreement between the Town of Thompson and the Humane Society of Middletown, Inc. for the period beginning January 1st, 2013 through December 31st, 2013 for the purpose of dog kenneling/shelter services. Further Be It Resolved, that a copy of said agreement shall be kept on file in the Town Clerk's Office.

Motion by: Councilman Jankiewicz

Seconded by: Councilman Briggs

Vote: Ayes 5 Cellini, Jankiewicz, Briggs, Sush and Mace

Nays 0

7. RESOLUTION TO APPROVE OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS: MICHAEL B. MEDNICK, ESQ. & MARILEE J. CALHOUN, TOWN CLERK

Town Attorney Michael B. Mednick and Town Clerk Marilee J. Calhoun both explained the reason and requirement for the Resolution to approve the Official Undertaking of Municipal Officers of the Town. Action to approve the Resolution was taken as follows:

The Following Resolution Was Duly Adopted: Res. No. 67 of the Year 2013.

At a Regular Meeting of the Town Board of the
Town of Thompson held at the Town Hall, 4052
Route 42, Monticello, New York on January 15, 2013

RESOLUTION TO APPROVE OFFICIAL UNDERTAKING OF MUNICIPAL OFFICERS

WHEREAS, it is required by law that the Town Board approve the Official Undertaking as to its form and manner of execution and the sufficiency of the insurance; and

WHEREAS, the Town Board of the Town of Thompson hereby requires the Supervisor, Town, Clerk, Receiver of Taxes, Town Justices, Town Comptroller and Highway Superintendent to execute said Official Undertaking as required by said law.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Thompson approve the document entitled "Town of Thompson Official Undertaking of Municipal Officers" as to its form and manner of execution and the sufficiency of the insurance, and

BE IT FURTHER RESOLVED, that said Official Undertaking containing the notarized signatures of those named municipal officials be filed in the Office of the Town Clerk, as well as the original copies of the insurance policies indicating the sufficiency of the sureties to indemnify the Town against losses which may arise from failure of such officials to properly discharge their duties.

Moved by: Councilman Sharon Jankiewicz
Seconded by: Councilman Scott Mace

Adopted the 15th day of January, 2013.

The members of the Town Board voted as follows:

Supervisor ANTHONY P. CELLINI	Yes [X] No []
Councilman PETER T. BRIGGS	Yes [X] No []
Councilman SHARON JANKIEWICZ	Yes [X] No []
Councilman RICHARD SUSH	Yes [X] No []
Councilman SCOTT MACE	Yes [X] No []

8. REQUEST FOR ANNEXATION INTO THE KIAMESHA SEWER DISTRICT: TREE OF LIFE ASSOCIATION

Supervisor Cellini reported on a request he received in from Esther Friedman of Tree of Life Association for annexation into the Kiamesha Sewer District. Water & Sewer Superintendent William D. Culligan said that the property is located along Fraser Road, Kiamesha, SBL # 10.-1-5, consisting of 2.13 acres. He said that the property is contiguous with the existing Kiamesha Sewer District and they have been experiencing trouble with their existing sewer system. Superintendent Culligan is recommending that they annex into the district. Attorney Mednick said that he would prepare a letter to send to the property owner advising of the necessary funds required in escrow prior to proceeding with adoption of the Resolution to order the map, plan and report, which is required in order to move forward with the possible annexation into the sewer district.

The Following Resolution Was Duly Adopted: Res. No. 68 of the Year 2013.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- February 5th: Public Hearing @ 7:30 PM – Proposed Local Law No. 18 of 2012 to Amend Chapter 250-34(E) of the Town Code regarding Bungalow Expansions (One Time Only 15%).
- February 22nd: Monticello Kiwanis Club Fish Fry Dinner, 5PM to 7PM at the Monticello Elks Lodge-\$10.00 per person.

PUBLIC COMMENT:

There was no public comment given.

EXECUTIVE SESSION

On a motion made by Councilman Jankiewicz and seconded by Councilman Briggs the Town Board entered into Executive Session at 8:40 PM with Town Attorney Mednick and Deputy Town Attorney Kay to discuss employee contract negotiations and a personnel matter.

On a motion made by Councilman Jankiewicz and seconded by Councilman Briggs the Town Board returned from Executive Session and reconvened the Town Board meeting at 9:10 PM. No formal action was taken.

MEETING ADJOURNED

On a motion made by Councilman Jankiewicz and seconded by Councilman Mace the meeting was adjourned at 9:11 PM.

Respectfully Submitted By:

Marilee J. Calhoun, Town Clerk