

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 **April 21, 2015.**

ROLL CALL:

Present: Supervisor William J. Rieber, Jr., Presiding
Councilman Richard Sush
Councilman John A. Pavese
Councilman Peter T. Briggs
Councilman Scott Mace

APPROVED

Also Present: Marilee J. Calhoun, Town Clerk
Michael B. Mednick, Attorney for the Town
Paula E. Kay, Deputy Town Attorney
Michael Messenger, Assistant Water & Sewer Superintendent
David Wells, Deputy Highway Superintendent
Logan Morey, Building Department/Code Enforcement Officer
Gary J. Lasher, Town Comptroller
Richard D. McGoey, Town Engineer
Jennie Harris, Adopt-A-Road Program Coordinator

PUBLIC HEARINGS: CREATION OF SPECIAL DISTRICTS FOR ADELAAR RESORT – LIGHTING, DRAINAGE, WATER, & SEWER DISTRICTS

LIGHTING DISTRICT

Supervisor Rieber opened the Public Hearing for the Lighting District at 7:30 PM. Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on April 07, 2015 with same being posted at the Town Hall on April 07, 2015.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. The following public comments were made:

Paul Walsh of Rock Hill asked if the Town had all of the infrastructure available. Supervisor Rieber said to limit this question to the lighting district. He said all of the lighting in this district will be paid for by the developers and also the annual operation and maintenance of the district will be on the developers or eventual owners if the developers sell the property.

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

A motion to close the Public Hearing at 7:39 PM was made by Councilman Briggs and seconded by Councilman Pavese.

DRAINAGE DISTRICT

Supervisor Rieber opened the Public Hearing for the Drainage District at 7:40 PM. Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on April 07, 2015 with same being posted at the Town Hall on April 07, 2015.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber stated again that all costs of this district will be borne by the master developer.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There were no public comments made.

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

A motion to close the Public Hearing at 7:42 PM was made by Councilman Mace and seconded by Councilman Sush.

WATER DISTRICT

Supervisor Rieber opened the Public Hearing for the Water District at 7:43 PM. Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on April 07, 2015 with same being posted at the Town Hall on April 07, 2015.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. There were two public comments made.

Darryl Kaplan of Monticello asked what the anticipated consumption as compared to the Village of Monticello.

Town Engineer Richard D. McGoey responded that he was not sure what the Village's consumption is, but this project is estimated to be 400,000 gallons per day. He guessed that the Village's consumption is around 2 million gallons per day.

Supervisor Rieber stated that it is also in the plans and engineering drawings to develop on site water to supplement. He said that not 100% is coming from the Village and Town Engineer McGoey agreed.

Roger Betters of Monticello asked if Kiamesha Lake was one of the water sources.

Supervisor Rieber replied that Kiamesha Lake is owed by the Village so yes it is.

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

A motion to close the Public Hearing at 7:46 PM was made by Councilman Sush and seconded by Councilman Briggs.

SEWER DISTRICT

Supervisor Rieber opened the Public Hearing for the Sewer District at 7:47 PM. Town Clerk, Marilee J. Calhoun read the legal public notice and stated that she had an original affidavit of publication. Notice of said hearing was duly published in the Sullivan County Democrat on April 07, 2015 with same being posted at the Town Hall on April 07, 2015.

Supervisor Rieber asked if the Board had any comments. There were no comments made by the Board.

Supervisor Rieber asked if anyone from the public would like to be heard on this matter. The following public comments were made:

Darryl Kaplan of Monticello asked what the current capacity of the plant is and if it would be at 100% with this project.

Supervisor Rieber stated that we are permitted for 2 million gallons per day. There are some improvements to the plant that will have to be made in order to accommodate the increased flows. We are only using about 250,000-300,000 gallons per day right now. In the summer, it is ½ million at peak flow.

Darryl Kaplan said that it seems like the plant should be able to handle these flows.

Paul Walsh of Rock Hill stated that it looks like the developers are paying all of the costs so there will be no expenses to the taxpayers for expansion and improvements on the plants.

Supervisor Rieber replied that there shouldn't be any, because all expenses are required to be paid for by the developer. It is going to be a separate district formed that will be contracted with Kiamesha to treat the sewage.

Supervisor Rieber stated that new information came in and this hearing needs to be held open.

Town Attorney Mednick confirmed that new information came forward that need to be addressed, revised and added to the map, plan, and report. He advised to keep this public hearing open so the revisions can be made and move forward at the next Town Board meeting.

Supervisor Rieber stated he would take no action as far as closing this Public Hearing.

A motion was made at 7:49 PM by Councilman Mace and seconded by Councilman Briggs to keep the Public Hearing pertaining to the Sewer District open until the 05/05/2015 Town Board Meeting. The Hearing will be adjourned until the May 05, 2015 Town Board Meeting.

REGULAR MEETING – CALL TO ORDER

Supervisor Rieber opened the meeting at 7:50 PM with the Pledge to the Flag.

APPROVAL OF MINUTES:

On a motion made by Councilman Briggs and seconded by Councilman Pavese the minutes of the April 07, 2015 Regular Town Board Meeting were approved as presented.

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace
 Nays 0

PUBLIC COMMENT:

Darryl Kaplan of Monticello made comment concerning old eyesores and old buildings in the Town of Thompson. The Town of Fallsburg cleaned up many years ago. It is time to clean up all of these many older eyesores and buildings. This will not only make the Town look better, but would enhance the health and safety of others.

Paul Walsh of Rock Hill asked where Water & Sewer Superintendent William Culligan was tonight, and stated that since they are talking about water and sewer issues, maybe he should be here. Supervisor Rieber stated that Michael Messenger, Assistant Water & Sewer Superintendent was here and equally qualified to answer any questions that come up.

Paul Walsh of Rock Hill asked if the Highway Department was here for a question. Deputy Highway Superintendent David Wells was present to answer Highway questions. Mr. Walsh asked about the plan for Holiday Mountain Trail. Mr. Wells stated that the Gradall was coming and new guardrails would be put up. Discussion continued among Paul Walsh, David Wells, and Supervisor Rieber concerning recoverable costs to the taxpayers for damaged guardrails, signs etc.

Helen C. Mauch, Esq. on behalf of EPR thanked the Town Board and staff for cooperation regarding this project. Establishing the Special Districts is a milestone for

this project. She will update the Board at the 05/05/2015 Town Board Meeting and wrap up the Special Districts.

CORRESPONDENCE:

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

- 1) Letter dated 04/15/15 from Town Clerk Calhoun to Jacob R. Billig, Esq. of Billig, Loughlin, & Baer, LLP regarding FOIL request for Thompson Learning Center f/k/a China City Project.
- 2) Letter via e-mail (8 pages) dated 04/02/2015 from Toby L. Boritz to Town Board regarding Thompson Education Center.
- 3) Letter via e-mail (3 pages) dated 04/03/2015 from Laura Coruzzi to Town Board regarding Thompson Education Center.
- 4) Letter dated 04/07/2015 from Freda S. Eisenberg, AICP, Commissioner of Sullivan County Division of Planning and Environmental Management regarding Lead Agency Request – Special Improvement District concerning Adelaar Resort project.
- 5) Notice dated 03/19/2015 from NYS Office of Real Property Tax Services regarding Tentative Telecommunications Ceiling - \$1,370,144 for Citizens Telecom Co. of NY, Inc. and Verizon New York, Inc., public utilities.
- 6) Notice from Sullivan County Legislature regarding 2015 Spring Litter Pluck Program scheduled for April 25, 2015 – May 03, 2015.
- 7) Letter dated 04/09/2015 from Edward McAndrew, P.E. Commissioner of Sullivan County DPW to various municipality representatives advising that the Snow and Ice Watch will end on Friday, April 17, 2015 at 11:59 PM.
- 8) Memo dated 04/06/2015 from Senator John J. Bonacic to Town Supervisors, Highway Superintendents, and Mayors regarding the CHIPS Aid Runs - \$369,185.40 for 2015-2016.
- 9) Letter dated 03/31/2015 from M. Geordie Thompson of Moody's Investor Service to Comptroller Gary J. Lasher advising the Town's Bond Rating is Aa3.
- 10) Email dated 03/24/2015 from Beth Ferguson of Capital Markets Advisors, LLC. to Comptroller Gary J. Lasher regarding Bond Refunding Savings - \$182,358.30.

AGENDA ITEMS:

LEAD AGENCY DECLARATION RESOLUTION: SEQRA REVIEW FOR CREATION OF SPECIAL IMPROVEMENT DISTRICTS

Supervisor Rieber stated that the Town Board has a motion before them to declare themselves lead agency in connection with the EPT/Concord Adelaar Resort Projects Creation of Special Improvement Districts. Everybody that needed to be notified was notified and thirty calendar days have lapsed since the Town Board transmitted notification to the involved/interested parties. The motion is to formerly declare ourselves lead agency in connection with the SEQRA review for the proposed action on the Adelaar Resort Special Improvement Districts.

Tim Lies of EPR Properties thanked the Town Board for all of their support.

The Following Resolution Was Duly Adopted: Res. No. 141 of the Year 2015.

At a regular meeting of the Town Board of the Town of Thompson, Sullivan County, New York, held at the Town Hall, in Monticello, New York, on the 21st day of April, 2015 at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

- William J. Rieber, Jr., Supervisor
- Peter Briggs, Councilman
- Richard Sush, Councilman
- Scott Mace, Councilman
- John A. Pavese, Councilman

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In the Matter
of the Review pursuant to the
New York State Environmental Quality Review Act (SEQRA)
of the Creation of Special Improvement Districts
and the provision of Financial Assistance for the proposed
ADELAAR RESORT
in the Town of Thompson, Sullivan County, New York.

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WHEREAS, EPT Concord II, LLC and its affiliate, EPR Concord II, L.P. (collectively referred herein as the "Master Developer" or "EPR") own approximately 1700 acres of land in the Town of Thompson (the "Site"); and

WHEREAS, the Master Developer has advanced a planned resort development proposal at the Site, known as Adelaar (formerly known as EPT Concord Resort), with a variety of destinations, product types, amenities and experiences, including a Casino and Hotel, Entertainment Village, renovated Monster Golf Course, Indoor Waterpark Lodge and related infrastructure improvements (the "Project"); and

WHEREAS, EPT prepared a Draft and Final Generic Environmental Impact Statement for the Project ("DGEIS/FGEIS"), as well as a site specific Draft and Final Environmental

Impact Statement for the Casino and Hotel and associated infrastructure (the “Initial Phase”); and

WHEREAS, the Town Board, as Lead Agency, under the State Environmental Quality Review Act, Environmental Conservation Law, Section 8-0101, *et. seq.*, and the regulations promulgated thereto, 6 N.Y.C.C.R. Part 617 (“SEQRA”), conducted an extensive environmental review of the Project and the Initial Phase; and

WHEREAS, on January 15, 2013, the Town Board approved and adopted a Findings Statement for the Project and the Initial Phase pursuant to SEQRA; and

WHEREAS, by Resolution adopted January 15, 2013, the Town Board also approved amendments to the Town’s Zoning Law and adopted a new Comprehensive Development Plan for the Site; and

WHEREAS, by Resolution adopted July 10, 2013, the Planning Board of the Town of Thompson approved a final site plan for a casino and associated infrastructure proposed by EPT Concord II, LLC and Monticello Raceway Management, Inc. and

WHEREAS, on December 17, 2014, the New York State Gaming Facility Location Board selected the Montreign Casino at Adelaar to apply for a Gaming License with the New York State Gaming Commission; and

WHEREAS, EPR has applied to the Town of Thompson for the creation of special improvement districts to facilitate the water, sewer, lighting, drainage and road improvements related to the proposed development of the Adelaar Resort, and has also applied to the Sullivan County Funding Corp. for tax exempt bond financing with respect to the proposed public infrastructure improvements (collectively, the “Proposed Action”); and

WHEREAS, the Town Board adopted a Resolution at its March 17, 2015 Meeting, in which it (i) declared its desire to assume Lead Agency status in connection with the SEQRA review of the Proposed Action, and (ii) directed the Town Clerk to transmit Part 1 of the environmental assessment form prepared by the Project sponsor (“EAF”) to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board has exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Proposed Action (“Involved Agencies”); and

WHEREAS, the Town Board has identified the following potential Involved Agencies: the Sullivan County Funding Corp. is an involved agency with respect to the proposed action; and

WHEREAS, the Town Board has identified the following potential Interested Agencies: the Planning Board of the Town of Thompson, the Highway Department of the Town of

Thompson, the Sullivan County Legislature, the Sullivan County Division of Planning and Environmental Management, the New York State Department of Environmental Conservation, the New York State Department of Health, the New York State Department of Transportation, the New York State Department of Parks, Recreation and Historic Preservation, the New York State Gaming Commission, the Delaware River Basin Commission, the United States Fish & Wildlife Service and the United States Army Corps of Engineers; and

WHEREAS, on March 20, 2015, the Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, more than 30 calendar days have elapsed since the Town Board’s transmittal of the aforementioned documentation, and no other Involved Agency has expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Proposed Action;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review for the Proposed Action.

Motion by: Councilman Richard Sush
Seconded by: Councilman John A. Pavese

Adopted the 21st day of April, 2015.

The members of the Town Board voted as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Councilman PETER T. BRIGGS	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"/>
Councilman JOHN A. PAVESE	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Filed in the Office of the Town Clerk of the Town of Thompson on April 21, 2015.

1. PRESENTATION: JENNIE HARRIS, ADOPT-A-ROAD PROGRAM COORDINATOR – FACEBOOK PAGE PROPOSAL

Supervisor Rieber introduced Jennie Harris, Adopt-A-Road Program Coordinator. Ms. Harris provided three initiatives for the Adopt-A-Road Program. There will be no costs associated. She wants to get more people to adopt a road. First, she wants to make a Facebook page and make many friends. Second, she developed a sign to post showing Jennie with a bag of litter. Thirdly, she would like to develop a partnership with some of the different groups such as the Orthodox Community, Sullivan County Chamber of Commerce, Sullivan County Partnership and Sullivan County Renaissance.

She would like to act on behalf of the Town to contact these different groups to see if they will adopt some of the longer roads. Suggestions for contacts were the Monticello Schools, Rotary Club, Kiwanis Club, Students of Government and other Community Service/Civic Organizations. An informational handout was provided for the Boards review. Further discussion ensued and the Board agreed with Coordinator Harris's proposal and action was taken as follows:

The Following Resolution Was Duly Adopted: Res. No. 142 of the Year 2015.

Resolved, that the Adopt-A-Road Coordinator be authorized to initiate and administer a Facebook page for the Adopt-A-Road program with administrator access to the Town.

Moved by: Councilman Pavese Seconded by: Councilman Mace

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

2. REVISE THOMPSON SANITATION CORPORATION CONTRACT TO RUN FROM MARCH 01, 2015 TO FEBRUARY 28, 2016

Supervisor Rieber explained that Thompson Sanitation Corporation did not start picking up the Town's trash until March 1, 2015. It was being picked up by the prior year's garbage carrier, Sullivan County First Recycling, Inc. Since Thompson Sanitation Corporation did not pick up until two months into the contract, it should be extended by two months extending until 02/28/2016.

The Following Resolution Was Duly Adopted: Res. No. 143 of the Year 2015.

Resolved, that the Town of Thompson Town Board hereby authorize the contract for garbage, recycling services and refuse removal with Thompson Sanitation Corporation be extended until 02/28/2016.

Moved by: Councilman Sush Seconded by: Councilman Briggs

Vote: Ayes 4 Rieber, Pavese, Briggs, and Sush

Nays 0

Recused 1 Mace

3. DISCUSSION: WORKPLACE VIOLENCE AND SAFETY TRAINING

Supervisor Rieber stated that the Town needs to obtain two proposals for this type of training and pick the best one that matches the Town's needs. He contacted Partners in Safety, Inc. and they were returning his call, but to Supt. Culligan due to confusion. They informed the Town that they do not do this type of training but they referred another company to Supervisor Rieber, but the other company has not gotten back to him as of yet. He will continue to follow up on. He also has a lead through an insurance company that does do workplace violence coverage so he has another possibility to go through. He will report back at the next meeting.

4. DISCUSSION: INSURANCE QUOTES FOR 05/01/2015 RENEWAL

Comptroller Gary J. Lasher stated that two brokers worked on the Town's insurance. He obtained one from our current insurance provider, Lebaum Agency in the amount of

\$101,388.00 through Trident Insurance and another from the McKane Group in the amount of \$165,000 - \$185,000. Coverages for terrorism and pollution will be addressed separately. Mr. Lebovits will verify the additional costs for terrorism and pollution coverage options.

The Following Resolution Was Duly Adopted: Res. No. 144 of the Year 2015.

Resolved, that the Town renew their Property and Casualty Insurance Coverage in the form of a package policy underwritten by Trident Insurance Company with an effective date of May 1st, 2015 and expiration date of May 1st, 2016 in the amount of \$101,388.00. Further Be It Resolved, that the coverage will be, brokered through the Lebaum Company, Inc. Insurance Specialists.

Moved by: Councilman Briggs Seconded by: Councilman Pavese

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

5. SULLIVAN COUNTY RETIRED SENIOR VOLUNTEER - SENIOR OF THE YEAR NOMINATION

Councilman Briggs provided a recommendation to the Town Board. He will announce the nomination at a future Town Board Meeting once it has been presented.

6. REPORT: TOWN HALL WINDOW REPLACEMENT PROJECT

Supervisor Rieber stated that there were no bids received for this project that were scheduled to be opened on 04/09/2015. Supervisor Rieber does not know why there were no bids. Comptroller Lasher had spoken with Sullivan County Glass and they indicated that there was excessive paperwork and they had two other jobs and could not do the work by the deadline. A discussion took place regarding revising the bid specifications. Revisions will be provided by the Town Engineer at the next Town Board Meeting so that the project could be re-bid. No action was taken at this time.

6. REPORT: MELODY LAKE WWTP PROJECT

Supervisor Rieber stated that the estimated construction cost was determined to be \$420,000 approximately 4-years ago. Two bids were received in; one for \$784,138. and a second for \$875,060. Asst. Supt. Michael Messenger explained some changes that can be made to the bid specifications and will amend the plans to help eliminate expense. The specific costs saving measures were explained. This project is under a very serious time constraint with the NYSDEC. They will discuss it during the next two meetings and put it out for a re-bid. There was no action taken on the current bid at this time.

7. APPROVE & AUTHORIZE EXECUTION OF NYS DEC CONSENT ORDER FOR VARIOUS DISTRICTS

Supervisor Rieber had asked Attorney Mednick to contact the attorney for the NYSDEC, because the consent order states that the Melody Lake WWTP is to be completed by 08/31/2015, which is not possible due to the higher bid figures than originally anticipated. Attorney Mednick spoke to the NYSDEC Attorney asking to amend the

consent order for an additional three months. A lengthy discussion continued among the Town Board, Attorney Mednick, Assistant Water & Sewer Supt. Messenger, and Comptroller Lasher regarding the consent order and fines, which includes (5) Districts.

The Following Resolution Was Duly Adopted: Res. No. 145 of the Year 2015.

Resolved, that the Town of Thompson Town Board ratify the Consent Order and authorize the Town Supervisor to execute the agreement between the Town of Thompson and the NYS DEC contingent upon a three month extension.

Moved by: Councilman Mace Seconded by: Councilman Briggs

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

8. AWARD BIDS: 125 GALLON CRACK SEALER – HIGHWAY DEPARTMENT

Councilman Pavese explained the bid results for the 125 Gallon Crack Sealer, which was provided to the Town Board by Highway Superintendent Benjamin. There was only (1) bidder CrafcO, Inc. for a total cost of \$44,635.11. Highway Superintendent Benjamin recommends that the Town Board award the bid to CrafcO, Inc.

The Following Resolution Was Duly Adopted: Res. No. 146 of the Year 2015.

Resolved, that the bid of CrafcO, Inc. for 125 Gallon Crack Sealer, in the amount of \$44,635.11, be, and the same hereby is, accepted, and the Town Clerk be and hereby is directed to notify the successful bidder of the award thereof.

Moved by: Councilman Pavese Seconded by: Councilman Briggs

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

8. AWARD BIDS: 2016 FREIGHTLINER CHASSIS – HIGHWAY DEPARTMENT

Councilman Pavese explained the bid results for the 2016 Freightliner Model 108SD 4X4 Diesel Chassis, which was provided to the Town Board by Highway Superintendent Benjamin. There was only (1) bidder Campbell Freightliner of Orange County, LLC. for a total cost of \$107,817.00. Highway Superintendent Benjamin recommends that the Town Board award the bid to Campbell Freightliner of Orange County, LLC.

The Following Resolution Was Duly Adopted: Res. No. 147 of the Year 2015.

Resolved, that the bid of Campbell Freightliner of Orange County, LLC. for 2016 Freightliner Model 108SD 4X4 Diesel Chassis, in the amount of \$107,817.00, be, and the same hereby is, accepted, and the Town Clerk be and hereby is directed to notify the successful bidder of the award thereof.

Moved by: Councilman Pavese Seconded by: Councilman Sush

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

Supervisor Rieber noted that the Town Highway Department is purchasing additional items for the Freightliner including:

Plow Equipment \$27,072.00 – Robert Green Truck Division (State Bid)

Hydraulic Equipment \$31,020.00 – Reed Systems LLC (Town of Poughkeepsie Bid)

Combination Truck Body \$32,462.00 – Hudson River Truck (Existing Town Bid)

Total Cost for the Truck is \$198,371.00

9. FINANCING OPTIONS FOR HIGHWAY EQUIPMENT AND

13. REQUEST TO TRANSFER FUNDS FROM THE HIGHWAY EQUIPMENT

RESERVE FUND DA231 TO THE HIGHWAY EQUIPMENT ACCOUNT DA5130.200

Comptroller Gary J. Lasher reported on the financing options for the above Crack Sealer, Freightliner and associated equipment. He stated that he needed to re-adjust the numbers with the banks to get better quotes for the 5-year statutory installments or doing a minimum 5 to 7 year lease purchase agreement. The last quote was based on \$260,000 so the Comptroller has to go back and find the best deal. Comptroller Lasher recommends \$100,000 be transferred out of the reserve account for the three truck bodies at this time since they have already been received.

He is requesting that the Board adopt a resolution authorizing him to transfer \$100,000 from the dedicated Highway DA Reserve Fund (231) to the Highway Equipment Budget Line (5130.200).

The Following Resolution Was Duly Adopted: Res. No. 148 of the Year 2015.

Resolved, that Comptroller Gary J. Lasher hereby be authorized to transfer \$100,000 from the dedicated Highway DA Reserve Fund (231) to the Highway Equipment Budget Line (5130.200).

Motion by: Councilman Pavese

Seconded by: Councilman Briggs

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

10. PROPOSED LOCAL LAW: EMERALD CORPORATE CENTER PLANNED BUSINESS PARK DISTRICT CHANGES

Deputy Town Attorney Paula E. Kay stated that there were some minor changes made by the Planning Board. They were concerned about Adams Road and making a tree line buffer for the two back lots. They require this minor change (land disturbances) can be put into the site plan. There would be no change to the proposed local law. A copy of the Planning Board minutes from the April 8th meeting including the recommendation was provided. A copy of the recommendation will be placed in the local law file.

Attorney Mednick made a recommendation to proceed with the Sullivan County GML-239 Review of the Local Law. The Town Board authorized Attorney Mednick to send the proposed local law out to the Sullivan County Division of Planning and Environmental Management for the GML-239 Review.

The Following Resolution Was Duly Adopted: Res. No. 149 of the Year 2015.

Town Board Meeting

April 21, 2015

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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 April 21, 2015

**RESOLUTION TO AUTHORIZE A PUBLIC HEARING FOR THE ADOPTION OF A
LOCAL LAW**

WHEREAS, there has been introduced at a meeting of the Town Board of the Town of Thompson held on April 21, 2015, a proposed Local Law No. 2 of 2015, entitled "A local law to amend Chapter 250 (Zoning and Planned Unit Development) of the Town of Thompson Code".

NOW, THEREFORE, BE IT RESOLVED, that a public hearing be held on said proposed local law by the Town Board of the Town of Thompson on June 02, 2015 at 7:30 P.M., or as soon thereafter as said public hearing shall be convened, at the Town Hall, 4052 Route 42, Monticello, New York, and at least three (3) days' notice of such public hearing be given by the Town Clerk of the Town of Thompson by due posting thereof on the bulletin board of the Town of Thompson and by publishing such notice at least once in the official newspaper of said Town.

Moved by: Councilman Scott Mace

Seconded by: Councilman Richard Sush

Adopted on Motion April 21, 2015

Supervisor WILLIAM J. RIEBER, JR.	Yes [X]	No []
Councilman PETER T. BRIGGS	Yes [X]	No []
Councilman RICHARD SUSH	Yes [X]	No []
Councilman SCOTT MACE	Yes [X]	No []
Councilman JOHN A. PAVESE	Yes [X]	No []

(Use this form to file a local law with the Secretary of State)

REV699

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

Town of Thompson

Local Law No. ____ of the year 2015

A local law amending Chapter 250 entitled "Zoning and Planned Unit Development" of the Town of Thompson Code

Be it enacted by the Town Board of the

Town of Thompson

1. §250-2 (Definitions) is hereby amended to include:

Light Manufacturing - Manufacturing activity where all processing, fabricating, assembly, or disassembly of items takes place wholly within an enclosed building, utilizing materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot or lighting to a degree that is offensive when measured at the property line of subject property. Typical items for processing, fabricating, assembly, or disassembly under this use include but are not limited to apparel, food, fashion accessories and jewelry, household items and decor, instruments, consumer electronics, medical equipment, and pharmaceutical and cosmetic products.

Flex Space - A building providing its occupants the flexibility of utilizing the space, such as a configuration allowing a changeable amount of office or showroom space in combination with manufacturing, laboratory, warehouse distribution, etc.

2. §250-133 (Permitted Uses) is amended to read:

A. The following uses shall be permitted in the Emerald Corporate Center Planned Business Park District:

- (1) Commercial office uses, such as telemarketing centers, corporate offices, regional offices, general offices, professional offices such as accountants, attorneys, engineers, architects and planners, and such other like compatible uses;
- (2) Business support services, such as printing, binding, mailbox rental, and shipping;
- (3) Research and development office and/or laboratory;
- (4) Medical facility, including doctors' offices, therapist offices, walk-in clinic, ambulatory surgery, medical laboratory and diagnostic services;
- (5) Home healthcare equipment rental;
- (6) Radio, television or film studio, or other media production;
- (7) Light manufacturing, as defined § 250-2.B of this code;
- (8) Art studio and/or gallery;
- (9) Flex-space, as defined § 250-2.B of this code. All activity in a flex-space building in the Emerald Corporate Center Planned Business Park District must qualify as a permitted use under this section, § 250-133, of the Town Code.

B. Front lots

The following uses are permitted in the Emerald Corporate Center Planned Business Park District, provided such uses are located on lots located within 500 feet of the entrance to the business park at the intersection of Emerald Place and Rock Hill Drive, and are sited and

designed so as to provide a continuation of the Rock Hill downtown business area as well as serving the tenants and employees of other enterprises in the Business Park:

- (1) Bank, trust company, or other financial institution;
- (2) Eating and/or drinking establishment, whether or not liquor is sold or consumed, including restaurant, bar, lunchroom, cafeteria and food commissary;
- (3) Personal services, including but not limited to beauty shop, day spa, barber shop, laundry or dry cleaning pick-up establishment, self-service laundry, shoe repair or tailoring shop, or photography studio.

C. Accessory uses.

- (1) Off-street parking, roadways, walkways, installation of utility services and customary accessory buildings and uses, customarily used in connection with the primary uses described in Subsections A and B hereof.
- (2) Wholesale business, only if affiliated with and accessory to, another use or located on the same lot as other non-wholesale uses. Development on any lot in the district shall not be devoted exclusively to wholesale uses.

D. Prohibited Uses

- (1) Outdoor manufacture and assembly
- (2) Outdoor storage

3. §250-134 (Additional performance standards) is amended to read:

In addition to the performance standards generally prescribed for PBP Districts in § 250-27.1. D, the following additional performance standards shall apply to the Emerald Corporate Center Planned Business Park District:

A. On-site signage. The following standards shall apply to on-site signs:

- (1) Each lot is permitted to have one pedestal sign located on the front lawn of the building near its entrance, landscaped with the name and/or logo of the business(es) present. Such pedestal sign shall not be larger than 30 square feet measured five feet by six feet.
- (2) Each principal building on a lot is permitted to have a building sign located on the exterior of the building that is either illuminated or of an architectural sign material with the name and/or logo of the business(es) present. The maximum size of any such building sign shall be one square foot for each foot of horizontal length of the side of the building upon which the building sign will be placed. No box-type signs shall be permitted.
- (3) The primary business on each lot shall be permitted to add their name and/or logo to the Emerald Corporate Center signage at the entrance to the business park.

B. Loading Berths. Loading berths may not be located within the front yard setback.

C. Refuse collection areas. Refuse collection areas shall be enclosed and screened on four sides by constructed walls of durable material not less than six feet in height and one of which walls

shall be gated. All such areas shall have concrete floors and shall be sufficient in size to contain all refuse generated on each lot, but in no event smaller than six feet by eight feet. No refuse collection areas shall be permitted between a street and the front of a building.

D. Performance standards for industrial uses. All uses in the Emerald Corporate Center Business Park shall comply with § 250-23 of this code, which establishes performance standards for noise, atmospheric effluence, glare and heat, industrial wastes, fire and explosion hazards, radioactivity or electromagnetic disturbances, and landscaping.

E. Design Guidelines and Standards.

- (1) Access to and from all lots shall be from the corporate park entrance at the intersection of Emerald Place and Rock Hill Drive. The emergency access to Adams Road shall not be used to mitigate ingress and egress issues.
- (2) All new construction in the business park shall be designed to be visually compatible with the existing office development. The facades of industrial and flex-space buildings shall be designed to have an “office-like” appearance.
- (3) Commercial uses, as permitted by § 250-133. B, shall be designed to fit with the character of the Rock Hill downtown commercial area, which is distinctly local and unique. Formula businesses may be required to depart from their corporate prototypes and to use architectural styles, materials, colors, and signage designed specifically and solely for the Emerald Corporate Park site.
- (4) In accordance with §250-27.1.1(6) of this code, prior to the issuance of a building permit for development in the Emerald Corporate Center Planned Business Park District by the Town of Thompson Building Department, a site plan shall be submitted to and approved by the Town Planning Board.
- (5) In accordance with § 250-27.1. I (5) of this code, applicants for site plan review must demonstrate to the Emerald Corporate Center Economic Development Corporation Board of Directors that the proposed site plan conforms to all duly filed covenants and restrictions for the property. The Declaration of Covenants, Conditions, and Restrictions for the Emerald Corporate Center recorded on July 9, 2003 requires final plans and specifications for property improvements to be reviewed and approved by the Emerald Corporate Center Architectural Review Committee.

4. §250-137 (Declarations of covenants and restrictions) is amended to read:

A declaration of Covenants, Conditions and Restrictions for the Emerald Corporate Center is on file with the office of the Sullivan County Clerk.

5. Except as herein specifically amended, the remainder of Chapter 250 of such Code shall remain in full force and effect.
6. If any clause, sentence, paragraph, subdivision, section or part thereof this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment, decree

or order shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment, decree or order shall have been rendered and the remainder of this local law shall not be affected thereby and shall remain in full force and effect.

7. Except as herein otherwise provided penalties for the violation of this local law, any person committing an offense against any provision of the chapter of the Code of the Town of Thompson shall, upon conviction thereof, be punishable as provided in Chapter 1, General Provisions, Article II, of such Code.
8. This local law shall take effect immediately upon filing with the Secretary of State.

11. DISCUSSION: UPDATING COMPUTER PROGRAM FOR WATER & SEWER DEPARTMENT

Assistant Water & Sewer Superintendent Michael Messenger reported on the current computer system that they have at the Plant. He met with Chet Williams from the Town of Fallsburg to look at their program and received price quotes that are more expensive than the one they have now. The system they have now was installed in 2006 on a server that has only 32G. They are looking into different options, so they are not yet ready for action. The cost to upgrade the current system will be more if they are unable to log in through remote access via internet service. The internet service at the Water & Sewer Department is very poor, which prohibits the company from accessing the computer server through remote access. Supervisor Rieber recommended that the server and computer be re-located to the Town Hall for the time period when the upgrade is being installed. This is an option to be considered, which will be a cost savings to the Town.

12. REPORT: CONCORD ASSOCIATES, LP SEWER AGREEMENT

Supervisor Rieber has the sewer agreement with Concord Associates, LP signed by Louis Cappelli. Mr. Cappelli had a lock on 825,000 gallons per day in sewer flows. It was negotiated down to 350,000 reserve gallons per day as a hold that he has to pay for. They wanted 50,000 gallons per day more, so the Town agreed, but if it is not used within three years it comes back to the Town. The Town is picking up 475,000 gallons in flow. At the end of the five year period, if they have gotten approvals and permits and started construction, the Town will extend the agreement for two more years. A condition is that the assessed value of this land along Concord Road (approximately 142 acres) will go from \$11 million down to \$7 million since he did not get the casino license. It is a \$4 million reduction on the Town's tax assessed value. Attorney Mednick stated that the Town will file a discontinuance of the original matter and there was a provision in the old agreement that said if Mr. Cappelli had put into use this capacity through the end of 2016 that he would have a credit for some of the monies paid. Now with this new agreement that credit has gone away. Supervisor Rieber also mentioned that the old agreement gave Mr. Cappelli some control over projects that came into the Town and this has also gone away with this new agreement.

IDEXX Laboratories **\$7,234.45 Total Cost**

8 Cases WP200I Gamma Irrad Colile @ \$780.00 per case \$6,240.37

8 Cases WV120SBST-200 Vessels @ \$124.26 per case \$ 994.08

Total Cost = \$7,234.45 Plus Shipping

(Note: Laboratory Supplies for Performing Water Testing. Yearly Price Quote-This chemical is dated, Chemicals will be purchased as needed over the year. The purchase is as per the Town Procurement Policy.)

Moved by: Councilman Pavese

Seconded by: Councilman Mace

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace

Nays 0

SUPERVISOR REPORT

Supervisor Rieber reported on the following items:

1. Delaware River Basin Commission violation for the Sackett Lake WWTP was dismissed with all fees and fines being waived. A copy of this was provided to Town Clerk Calhoun for the file.
2. McGoey, Hauser, & Edsall Consulting Engineers company changes.
3. Governmental Insurance Disclosure Statement that was filed with the NYS Department Financial Services for compliance purposes, which will be maintained in the Town's insurance file located with the Town Comptroller.
4. The Green Buildings Regulations matter is being researched by Town Attorney Mednick.
5. Sullivan County Pride Awards Ceremony on 05/03/2015, 11AM-2PM
6. Sullivan County Firemen's Memorial Service @ 2PM
7. Engineering Meeting earlier today concerning the EPT/EPR Adelaar Resort Project Infrastructure and Escrow Agreements.
8. Engineering Meeting earlier today concerning Melody Lake Sewer District and Dillon Farms Sewer District NYS DEC Consent Orders status and issues. A discussion was held regarding both subjects.

COUNCILMEN & DEPARTMENT HEAD REPORTS

Assistant Water & Sewer Supt. Messenger reported on the IDEXX Laboratories invoice received that was just approved.

Councilman Pavese recommended that the cost for water testing be increased. It has been \$20.00 for a long time. Assistant Water & Sewer Supt. Messenger said that some of the other area laboratories are charging \$25.00. The increase will take effect 07/01/2015. Supt. Messenger will post a notice of the increase in the laboratory.

The Following Resolution Was Duly Adopted: Res. No. 158 of the Year 2015.

Resolved, that the Town of Thompson Laboratory Water Testing Cost be increased to \$25.00 effective 07/01/2015.

Motion by: Councilman Sush

Seconded by: Councilman Pavese

Vote: Ayes 5 Rieber, Pavese, Briggs, Sush and Mace
 Nays 0

Councilman Briggs reported that he chose the "The Krispy Apple" for May Business of the Month. He also stated that the Rock Hill Fire Department's Annual Installation Dinner/Dance is 05/16/2015 at "The Sullivan".

Councilman Mace stated that the Tentative Roll was submitted today by Assessor Van B. Krzywicki. He is also working with the Town of Walkkill regarding the Building Department upgrades, digital access and paperless storage.

Councilman Sush reported on the RISE Event, Sullivan Renaissance Award Ceremony, and the Sullivan Chapter of the NAACP Annual Dinner.

OLD BUSINESS:

EPT/EPR ADELAAR RESORT PROJECT: MAP, PLAN, AND REPORT FEES FROM \$5,000 TO \$8,000 FOR WATER & SEWER DISTRICTS

The Following Resolution Was Duly Adopted: Res. No. 159 of the Year 2015.

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 April 21, 2015

RESOLUTION TO AMEND RESOLUTIONS NO. 216/2013 AND 218/2013

WHEREAS, on August 6, 2013 the Town Board adopted Resolution No. 216/2013 entitled "Resolution Pursuant to Town Law for the Proposed Formation of The Concord Resort Sewer District in the Town of Thompson" and Resolution No. 218/2013 entitled "Resolution Pursuant to Town Law for the Proposed Formation of the Concord Resort Water District in the Town of Thompson", which Resolutions set the engineering fees to prepare a general map, plan and report for each proposed District as not to exceed \$5,000.00; and

WHEREAS, because of the size of the proposed Districts and the extensive work involved in preparing the map, plan and report for each District, the engineering fees will exceed \$5,000.00; and

WHEREAS, the developer has been made aware of the increased engineering expense and has agreed to pay to McGoey, Hauser and Edsall Consulting Engineers, P.C. a cost not to exceed \$8,000.00 for the preparation of the map, plan and report for each District.

NOW, THEREFORE, BE IT RESOLVED, that:

The engineering fees to be paid to McGoey, Hauser and Edsall Consulting Engineers, P.C. to prepare a general map, plan and report for the aforementioned proposed Water District and Sewer District is amended to a cost not to exceed \$8,000.00 for each proposed District, with the fees to be paid by the developer.

Adopted the 21st day of April, 2015.

Moved by: Councilman Richard Sush
Seconded by: Councilman Scott Mace

The members of the Town Board voted as follows:

Supervisor WILLIAM J. RIEBER, JR.	Yes [X] No []
Councilman PETER T. BRIGGS	Yes [X] No []
Councilman RICHARD SUSH	Yes [X] No []
Councilman SCOTT MACE	Yes [X] No []
Councilman JOHN A. PAVESE	Yes [X] No []

NEW BUSINESS:

There was no new business reported on.

PUBLIC COMMENT:

Paul Walsh of Rock Hill asked if there were any issues or Consent Orders in the Emerald Green Lake Louise Marie Sewer District. If so would the District be subject to fines like the others are.

Assistant Water & Sewer Superintendent Messenger replied to Mr. Walsh's comments. There is a Consent Order for that District as well and a portion of the fines will apply.

ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION

- April 25th: RISE to the Occasion, 4th Annual Walk-a-Mile in Her Shoes: The international men's march to stop rape, sexual assault and gender violence to be held at the SCCC, Loch Sheldrake at 10AM to Noon (Registration 9AM). The walk benefits Rape Intervention Services and Education for the (RISE) Organization of Sullivan County. For more details contact Councilman Sush.
- April 25th: Sullivan County Chapter of the NAACP Annual Dinner @ 5PM at Mr. Willy's Restaurant, Monticello.
- May 2nd: ThunderBash Event at Monticello Raceway & Racino at 5:30 PM.
- May 5th: Joint Public Hearing with Village of Monticello Board of Trustees @ 6:45 PM at the Village Hall regarding Itzhak Abou Annexation Petitions.
- May 9th: Allyson Whitney Foundation 5K Run/Walk Event, at 10AM in Kauneonga Lake, NY.
- May 31st: 52nd Annual Antique Classic Custom Car Show at the Rock Hill Fire Department Field, 9AM to 3PM.

ADJOURNMENT

On a motion made by Councilman Briggs and seconded by Councilman Sush the meeting was adjourned at 9:37 PM. The meeting was adjourned in Memory of Mrs. Helen M. Calhoun who recently passed away. Mrs. Calhoun was the surviving spouse of the late Henry O. Calhoun and the mother of Russell Calhoun, both former

employees of the Town's Highway Department. She was also the Grandmother of Brad Bastone, Water & Sewer Department employee and Great Aunt of Town Clerk Calhoun.

Respectfully Submitted By:

Marilee J. Calhoun

Marilee J. Calhoun, Town Clerk