

**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 May 05, 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  
William D. Culligan, Water & Sewer Superintendent  
Logan Morey, Building Department/Code Enforcement Officer  
Gary J. Lasher, Town Comptroller  
Richard D. McGoey, Town Engineer

**RECONVENED PUBLIC HEARING: CREATION OF SPECIAL DISTRICT FOR ADELAAR RESORT – SEWER DISTRICT**

Supervisor Rieber re-opened the Public Hearing for the Sewer District at 7:34 PM. Town Clerk, Marilee J. Calhoun provided the original affidavit of publication for the initial Public Hearing that was held on April 21<sup>st</sup>, 2015. 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 said that at the last Town Board Meeting the initial Public Hearing was held and was left open due to some issues with the Map, Plan and Report for the Sewer District. The Public Hearing was left opened so that they can resolve some of the inconsistencies in the Map, Plan and Report and bring things up to date. One of the issues was that the Kiamesha Sewer District Facility needed upgrading to accommodate the inflows that are estimated to be coming in. There were some technical wording changes in the Map, Plan and Report, which have now been resolved as well. Town Clerk Calhoun advised that she has received new revised Map, Plan and Reports for all four of the Special Districts. She also received a redline version of the Sewer Report as well.

Town Engineer Richard D. McGoey briefly explained the sewer report. He said the operators at the Sewage Treatment Plant (STP) identified some issues at the (STP) that needed upgrades. He said that without those upgrades the Town did not feel that the (STP) would be capable of handling the increase in flow from the Adelaar Casino Resort Project. They added \$2 Million Dollars in the report to perform necessary upgrades at the (STP). In addition the Town asks that future evaluations of the flow and waste loads be looked at as the flows start to materialize at the (STP) to make sure that the (STP) continues to be operational and meet its permits. The entire issue is that the Town has

to meet permit at the (STP) with the increased flows and to do so the Town would have to do the upgrades therefore they put that requirement in the bonding.

Supervisor Rieber reported on the redline revision of the Report that was provided. The Town Board was okay with the revised Report.

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 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 7:38 PM was made by Councilman Pavese and seconded by Councilman Sush.

#### **REGULAR MEETING – CALL TO ORDER**

Supervisor Rieber opened the meeting at 7:39 PM with the Pledge to the Flag. He welcomed the Participation in Government students to the meeting.

#### **MAY BUSINESS OF THE MONTH PRESENTATION: THE KRISPY APPLE – DONALD & DOUGLAS APPEL**

Councilman Briggs presented Donald & Douglas Appel, owners of "The Krispy Apple" in Rock Hill with a Plaque and Certificate as the May "Business of the Month". The Town Board thanked both gentlemen for their continued business/service to the community. Town Comptroller Gary J. Lasher took photographs of Donald and Douglas Appel with the Town Board to be displayed in the entrance of the Town Hall. Both gentlemen thanked the Town Board.

#### **SPECIAL PRESENTATION: MONTICELLO CENTRAL SCHOOL DISTRICT PROPOSED BUDGET – TAMMY MANGUS, SCHOOL SUPERINTENDENT**

Monticello Central School District (MCSD) Superintendent Tammy Mangus, School Superintendent gave a special presentation on the 2015-2016 Proposed (MCSD) Budget. She provided an informational summary of the presentation given, which can be found appended to these minutes.<sup>1</sup>

#### **APPROVAL OF MINUTES:**

On a motion made by Councilman Briggs and seconded by Councilman Pavese the minutes of the April 07, 2015 Special Town Board Meeting for the Joint Public Hearing with the Village of Monticello Board of Trustee were approved as presented.

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

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<sup>1</sup> ATTACHMENT: (MCSD) 2015-2016 PROPOSED BUDGET PRESENTATION

On a motion made by Councilman Mace and seconded by Councilman Sush the minutes of the April 21, 2015 Regular Town Board Meeting were approved as presented.

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

**MONTHLY REPORTS FOR APRIL 2015 RECEIVED AND FILED**

Building Department & Code Enforcement Officer's Report  
Dog Control Officer's Report  
Comptroller's Budgetary Report

**PUBLIC COMMENT:**

Sam Romano, an Emerald Green Property Owner commented on the increased rates in the Emerald Green Lake Louise Marie Sewer District.

Supervisor Rieber explained the reasons for the increase and stated that letters will be sent out to all of the users in that district.

**CORRESPONDENCE:**

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

- 1) Memo dated 03/24/2015 from Town Assessor Van B. Krzywicki to Thompson Board of Assessment Review regarding Tentative 2015 Grievance Schedule.
- 2) NYS Liquor License Renewal Application Received 04/10/15 – Atlantis Diner Restaurant, Inc./Blue Horizon Diner.
- 3) Letter dated 04/15/2015 from Town Clerk Calhoun to Dean Sommer, Esq. of Young/Sommer, LLC regarding a (FOIL) request pertaining to Marc Lerner Property Trespass, Vandalism, & Graffiti documents.
- 4) Letter dated 04/17/2015 from Dean Sommer, Esq. of Young/Sommer, LLC to Town Clerk Calhoun regarding a (FOIL) request pertaining to Marc Lerner Property Trespass, Vandalism, & Graffiti documents.
- 5) Letter dated 04/15/2015 from Shohreh Karimipour, P.E., Regional Water Engineer, NYSDEC to Supervisor Rieber and Town Board regarding Adelaar Phase 1 Sanitary Sewer Extension.
- 6) Fax Transmission dated 04/22/2015 from Bryan Zieroff of AKRF Engineering, P.C. regarding NYSDEC Brownfield Cleanup Program Application for Adelaar, Thompson, Sullivan County.
- 7) Letter dated 04/19/2015 from Roger Betters of Hurleyville, to Patrice Chester, Town of Thompson Planning Board Chairwoman regarding the Gan Eden project.

- 8) Email dated 04/22/2015 from Nuchem E. Lebovits of Lebaum Company, Inc. to Supervisor Rieber and Comptroller Lasher regarding the Town's Insurance Policy for Terrorism Coverage, which is included in original premium quoted.
- 9) Letter dated 04/24/2015 from Virginia D. Smith of Montgomery and volunteer caretaker of areas of the St. John Street Cemetery and Bridgeville Cemetery to Town Historian Allan Wolkoff notifying the Town that she is moving out of the area and requesting that signage be maintained or moved and housed in the Town Office or the Sullivan County Historical Society.
- 10) Letter dated 04/30/2015 from Jamie McGee, Accounting Time Warner Cable to Supervisor Rieber enclosing check for the franchise fee payment including the calculation report for the 1st Quarter, 2015 period of January 1<sup>st</sup> – March 31<sup>st</sup>, 2015. Check # 0004312691 dated 04/22/15 made payable to the Town of Thompson in the amount of \$30,023.17. The 1<sup>st</sup> quarter of 2014 franchise fees were \$30,845.42.
- 11) Letter dated 04/30/2015 from Supervisor Rieber to Walter Stein of CACHE requesting that Anthony Valle be seated on the CACHE board to represent the Town of Thompson for the term 04/01/15 to 03/31/18.
- 12) E-mail dated 05/05/2015 from Kelby Linneken of Veria Lifestyles to Supervisor Rieber regarding their Public Hearing and Reception on Monday, May 11<sup>th</sup>.
- 13) Letter dated 04/30/2015 from Melinda Meddaugh to Supervisor Rieber regarding an application from Monticello Greenhouses for inclusion into Sullivan County Agricultural District #4.

**AGENDA ITEMS:**

**1. ACTION: PRELIMINARY APPROVAL OF EPT/EPR ADELAAR RESORT SPECIAL IMPROVEMENT DISTRICTS**

Brad K. Schwartz, Esq. of Zarin & Steinmetz was present on behalf of the Developer to answer any questions that the Town Board or the public might have. Attorney Mednick explained the proposed Resolutions for each of the (4) Districts that have been provided for consideration. Action on all (4) District was taken as follows:

**The Following Resolution Was Duly Adopted: Res. No. 160 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 5th day of May, 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

-----X  
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 the Town Board of the Town of Thompson proposes to create special improvement districts that will provide financial assistance for the infrastructure improvements related to the proposed Adelaar development; and

WHEREAS by resolution dated March 17, 2015, the Town Board determined that: (i) the proposed action is subject to the requirements of New York State Environmental Quality Review Act (SEQRA); (ii) the proposed action does not involve a federal agency; (iii) the proposed action is preliminarily classified as an unlisted action; (iv) the proposed action is not located in an agricultural district; (v) the Sullivan County Funding Corp. is an involved agency with respect to the proposed action; and (vi) the following are interested agencies with respect to the application: 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 Racing and Wagering Board, the New York State Lottery, the Delaware River Basin Commission, the United States Fish & Wildlife Service and the United States Army Corps of Engineers; and (b) declared its intent to be Lead Agency with respect to the proposed action because it has the capability of providing the most thorough environmental assessment of the proposed action; and

WHEREAS the Town board duly notified the involved agencies and interested agencies of its intent to be Lead Agency in accordance with the requirements of SEQRA and received no objection thereto; and

WHEREAS by resolution dated April 21, 2015, the Town Board declared itself to be the Lead Agency under SEQRA with respect to the proposed action; and

WHEREAS the Town Board has received and considered the Short Environmental Assessment Form with respect to the proposal, which incorporates the previous SEQRA findings and negative declaration with respect to the project,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF THOMPSON, as follows:

1. The Town Board finds that the proposed action will not have a significant environmental impact and adopts a negative declaration under SEQRA with respect to the application; and

2. The Town Board adopts a negative declaration under SEQRA with respect to the proposed action.

Motion by: Councilman Richard Sush

Seconded by: Councilman Scott Mace

Adopted the 5<sup>th</sup> day of May, 2015

The members of the Town Board voted as follows:

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

**LIGHTING DISTRICT**

**The Following Resolution Was Duly Adopted: Res. No. 161 of the Year 2015.**

\*\*\*\*\*X

In the Matter of Creation of the ADELAAR RESORT  
LIGHTING DISTRICT of the Town of Thompson,  
Sullivan County, New York.

**NEGATIVE DECLARATION  
UNDER SEQR**

\*\*\*\*\*X

1. The Town Board of the Town of Thompson, by resolution duly adopted at a regular meeting thereof, held on the 5th day of May, 2015 did determine that the creation of the Adelaar Resort Lighting District in the Town of Thompson, will not have a significant effect on the environment.

2. Lead agency for such project is the Town Board of the Town of Thompson, whose address is 4052 Route 42, Monticello, New York 12701, the designation of which was accomplished by resolution duly adopted at a regular meeting of the Town Board held on the 21st day of April, 2015.

3. The person to contact for further information is Supervisor William J. Rieber, Jr., whose address is 4052 Route 42, Monticello, New York 12701, telephone number 845-794-2500.

4. The proposed creation of the Adelaar Resort Lighting District enables property owners within the district to use the lighting facilities of the Adelaar Resort Lighting District, the cost thereof being borne solely by the sole developer/ property owner of the newly created Lighting

District.

5. The basis for the negative declaration is as follows: that the creation and operation and maintenance of the lighting facilities and the use thereof by the property owners within the district will not violate any of the criteria for determining environmental significance as set forth in Part 617 of the Regulations.

6. The Town Board, as Lead Agency in this matter, finds that based on Part I, Part 2 and Part 3 of the Environmental Assessment Form (EAF), and based on the record of this application and for the reasons stated in this resolution, including the analysis of the criteria stated in 617.7(c)(1)(i)-(xii), the proposed action will have no significant adverse environmental impact upon the environment and therefore the Town Board adopts said EAF and this Negative Declaration, and determines that no Draft Environmental Impact Statement is required with regard to this matter.

7. The Town Board further finds, based on Part 3 of the EAF, that it is permissible for the SEQRA review of the realignment of Chalet Road, and the installation of two water storage tanks, to be completed during the site-specific environmental review as part of the Town's site plan review for the proposed Waterpark and Golf Course components of Adelaar, respectively. The environmental review would be no less protective of the environment, and these improvements would not evade environmental review under SEQRA.

Dated: Monticello, New York  
May 05, 2015

TOWN OF THOMPSON  
Town Hall  
4052 Route 42  
Monticello, New York 12701

Motion by: Councilman Richard Sush

Seconded by: Councilman Scott Mace

Adopted the 5<sup>th</sup> day of May, 2015

The members of the Town Board voted as follows:

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

**The Following Resolution Was Duly Adopted: Res. No. 162 of the Year 2015.**

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO PROPOSED CREATION OF THE ADELAAR RESORT LIGHTING DISTRICT, IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed in the office of the Town Clerk of said Town in relation to the proposed creation of the Adelaar Resort Lighting District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, a statement that all costs for improvements will be provided by the developer/property owner, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 21st day of April, 2015, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a. The notice of the aforesaid public hearing was published and posted as required by law and is otherwise sufficient;
- b. All the property and property owners within said proposed district are benefitted thereby;
- c. All the property and property owners benefitted are included within the limits of said proposed district;
- d. The establishment of said proposed district is in the public interest.
- e. That the requirements of the State Environmental Quality Review Act have been complied with.

**Section 2.** This resolution shall take effect immediately.

Motion by: Councilman Scott Mace

Seconded by: Councilman Richard Sush

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**The Following Resolution Was Duly Adopted: Res. No. 163 of the Year 2015.**

A RESOLUTION PRELIMINARILY APPROVING CREATION OF THE ADELAAR RESORT LIGHTING DISTRICT IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, AND FURTHER APPROVING THE CONSTRUCTION OF THE IMPROVEMENTS PROPOSED, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed with the Town Board of said Town in relation to the creation of the Adelaar Resort Lighting District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of the said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying April 21, 2015 at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time

prescribed by Section 209-d of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law; and

WHEREAS, it is now desired to adopt a further resolution pursuant to subdivision 3 of Section 209-e of the Town Law preliminarily approving the establishment of said district and the construction of the improvements proposed, subject to permissive referendum;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Creation of the Adelaar Resort Lighting District in the Town of Thompson, Sullivan County, New York, to be bounded and described as hereinafter set forth, is hereby preliminarily approved and authorized, subject to permissive referendum. The improvement proposed for said Lighting District as created, consisting of providing a means by which property owners within the district may obtain lighting service by becoming part of the said Adelaar Resort Lighting District, is likewise preliminarily approved and authorized. The entire amount to be expended for such improvement, including, but not limited to costs of construction, engineering, administrative and legal fees, shall be borne solely by the sole developer/property owners within the newly created district. Annual charges shall be on a user consumption basis as set forth in the map, plan and report, or such other method as the Town Board of the Town of

Thompson shall determine by resolution.

**Section 2.** Said District shall be bounded and described as more particularly set forth in Schedule "A" annexed hereto and made a part hereof.<sup>2</sup>

**Section 3.** After the adoption of this resolution, the Town Clerk is hereby directed to file certified copies of this resolution, in accordance with and where required by law.

**Section 4.** This resolution is adopted subject to a permissive referendum.

Motion by: Councilman Scott Mace

Seconded by: Councilman Peter T. Briggs

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

**DRAINAGE DISTRICT**

**The Following Resolution Was Duly Adopted: Res. No. 164 of the Year 2015.**

\*\*\*\*\*X

In the Matter of Creation of the ADELAAR RESORT  
DRAINAGE DISTRICT of the Town of Thompson,  
Sullivan County, New York.

**NEGATIVE DECLARATION  
UNDER SEQR**

\*\*\*\*\*X

1. The Town Board of the Town of Thompson, by resolution duly adopted at a regular meeting thereof, held on the 5th day of May, 2015 did determine that the creation of the Adelaar

<sup>2</sup> ATTACHMENT: SCHEDULE "A" NARRATIVE PROPERTY DESCRIPTION ATTACHED.

Resort Drainage District in the Town of Thompson, will not have a significant effect on the environment.

2. Lead agency for such project is the Town Board of the Town of Thompson, whose address is 4052 Route 42, Monticello, New York 12701, the designation of which was accomplished by resolution duly adopted at a regular meeting of the Town Board held on the 21st day of April, 2015.

3. The person to contact for further information is Supervisor William J. Rieber, Jr., whose address is 4052 Route 42, Monticello, New York 12701, telephone number 845-794-2500.

4. The proposed creation of the Adelaar Resort Drainage District enables property owners within the district to use the drainage facilities of the Adelaar Resort Drainage District, the cost thereof being borne solely by the sole developer/ property owner of the newly created Drainage District.

5. The basis for the negative declaration is as follows: that the creation and operation and maintenance of the drainage facilities and the use thereof by the property owners within the district will not violate any of the criteria for determining environmental significance as set forth in Part 617 of the Regulations.

6. The Town Board, as Lead Agency in this matter, finds that based on Part I, Part 2 and Part 3 of the Environmental Assessment Form (EAF), and based on the record of this application and for the reasons stated in this resolution, including the analysis of the criteria stated in 617.7(c)(1)(i)-(xii), the proposed action will have no significant adverse environmental impact upon the environment and therefore the Town Board adopts said EAF and this Negative Declaration, and determines that no Draft Environmental Impact Statement is required with

regard to this matter.

7. The Town Board further finds, based on Part 3 of the EAF, that it is permissible for the SEQRA review of the realignment of Chalet Road, and the installation of two water storage tanks, to be completed during the site-specific environmental review as part of the Town's site plan review for the proposed Waterpark and Golf Course components of Adelaar, respectively. The environmental review would be no less protective of the environment, and these improvements would not evade environmental review under SEQRA.

Dated: Monticello, New York  
May 05, 2015

TOWN OF THOMPSON  
Town Hall  
4052 Route 42  
Monticello, New York 12701

Motion by: Councilman Richard Sush  
Seconded by: Councilman Peter T. Briggs

Adopted the 5<sup>th</sup> day of May, 2015

The members of the Town Board voted as follows:

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

**The Following Resolution Was Duly Adopted: Res. No. 165 of the Year 2015.**

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO PROPOSED CREATION OF THE ADELAAR RESORT DRAINAGE DISTRICT, IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed in the office

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of the Town Clerk of said Town in relation to the proposed creation of the Adelaar Resort Drainage District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, a statement that all costs for improvements will be provided by the developer/property owner, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 21st day of April, 2015, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a. The notice of the aforesaid public hearing was published and posted as required by law and is otherwise sufficient;
- b. All the property and property owners within said proposed district are benefitted thereby;
- c. All the property and property owners benefitted are included within the limits of said proposed district;
- d. The establishment of said proposed district is in the public interest.
- e. That the requirements of the State Environmental Quality Review Act have been complied with.

**Section 2.** This resolution shall take effect immediately.

Motion by: Councilman Scott Mace

Seconded by: Councilman Peter T. Briggs

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

**The Following Resolution Was Duly Adopted: Res. No. 166 of the Year 2015.**

A RESOLUTION PRELIMINARILY APPROVING CREATION OF THE ADELAAR RESORT DRAINAGE DISTRICT IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, AND FURTHER APPROVING THE CONSTRUCTION OF THE IMPROVEMENTS PROPOSED, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed with the Town Board of said Town in relation to the creation of the Adelaar Resort Drainage District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of the said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying April 21, 2015 at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law; and

WHEREAS, it is now desired to adopt a further resolution pursuant to subdivision 3 of Section 209-e of the Town Law preliminarily approving the establishment of said district and the construction of the improvements proposed, subject to permissive referendum;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Creation of the Adelaar Resort Drainage District in the Town of Thompson, Sullivan County, New York, to be bounded and described as hereinafter set forth, is hereby preliminarily approved and authorized, subject to permissive referendum. The improvement proposed for said Drainage District as created, consisting of providing a means by which property owners within the district may obtain road drainage service by becoming part of the said Adelaar Resort Drainage District, is likewise preliminarily approved and authorized. The entire amount to be expended for such improvement, including, but not limited to costs of construction, engineering, administrative and legal fees, shall be borne solely by the sole developer/property owner within the newly created district. Annual charges shall be on a user consumption basis as set forth in the map, plan and report, or such other method as the Town Board of the Town of Thompson shall determine by resolution.

**Section 2.** Said District shall be bounded and described as more particularly set forth in Schedule "A" annexed hereto and made a part hereof.<sup>3</sup>

**Section 3.** After the adoption of this resolution, the Town Clerk is hereby directed to file certified copies of this resolution, in accordance with and where required by law.

**Section 4.** This resolution is adopted subject to a permissive referendum.

Motion by: Councilman Scott Mace

Seconded by: Councilman Richard Sush

The question of the adoption of the foregoing resolution was duly put to a vote on roll

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<sup>3</sup> ATTACHMENT: SCHEDULE "A" NARRATIVE PROPERTY DESCRIPTION ATTACHED.

call, which resulted as follows:

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

**WATER DISTRICT**

**The Following Resolution Was Duly Adopted: Res. No. 167 of the Year 2015.**

\*\*\*\*\*X

In the Matter of Creation of the ADELAAR RESORT  
WATER DISTRICT of the Town of Thompson,  
Sullivan County, New York.

**NEGATIVE DECLARATION  
UNDER SEQR**

\*\*\*\*\*X

1. The Town Board of the Town of Thompson, by resolution duly adopted at a regular meeting thereof, held on the 5th day of May, 2015 did determine that the creation of the Adelaar Resort Water District in the Town of Thompson, will not have a significant effect on the environment.

2. Lead agency for such project is the Town Board of the Town of Thompson, whose address is 4052 Route 42, Monticello, New York 12701, the designation of which was accomplished by resolution duly adopted at a regular meeting of the Town Board held on the 21st day of April, 2015.

3. The person to contact for further information is Supervisor William J. Rieber, Jr., whose address is 4052 Route 42, Monticello, New York 12701, telephone number 845-794-2500.

4. The proposed creation of the Adelaar Resort Water District enables property owners within the district to use the water facilities of the Adelaar Resort Water District, the cost thereof

being borne solely by the sole developer/property owner of the newly created Water District.

5. The basis for the negative declaration is as follows: that the creation and operation and maintenance of the water facilities and the use thereof by the property owners within the district will not violate any of the criteria for determining environmental significance as set forth in Part 617 of the Regulations.

6. The Town Board, as Lead Agency in this matter, finds that based on Part I, Part 2 and Part 3 of the Environmental Assessment Form (EAF), and based on the record of this application and for the reasons stated in this resolution, including the analysis of the criteria stated in 617.7(c)(1)(i)-(xii), the proposed action will have no significant adverse environmental impact upon the environment and therefore the Town Board adopts said EAF and this Negative Declaration, and determines that no Draft Environmental Impact Statement is required with regard to this matter.

7. The Town Board further finds, based on Part 3 of the EAF, that it is permissible for the SEQRA review of the realignment of Chalet Road, and the installation of two water storage tanks, to be completed during the site-specific environmental review as part of the Town's site plan review for the proposed Waterpark and Golf Course components of Adelaar, respectively. The environmental review would be no less protective of the environment, and these improvements would not evade environmental review under SEQRA.

Dated: Monticello, New York  
May 05, 2015

TOWN OF THOMPSON  
Town Hall  
4052 Route 42  
Monticello, New York 12701

**Town Board Meeting  
May 05, 2015  
Page 21 of 49**

Motion by: Councilman Peter T. Briggs  
Seconded by: Councilman John A. Pavese

Adopted the 5<sup>th</sup> day of May, 2015

The members of the Town Board voted as follows:

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

**The Following Resolution Was Duly Adopted: Res. No. 168 of the Year 2015.**

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO PROPOSED CREATION OF THE ADELAAR RESORT WATER DISTRICT, IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed in the office of the Town Clerk of said Town in relation to the proposed creation of the Adelaar Resort Water District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, a statement that all costs for improvements will be provided by the developer/property owner, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 21st day of April, 2015, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a. The notice of the aforesaid public hearing was published and posted as required by law and is otherwise sufficient;
- b. All the property and property owners within said proposed district are benefitted thereby;
- c. All the property and property owners benefitted are included within the limits of said proposed district;
- d. The establishment of said proposed district is in the public interest.
- e. That the requirements of the State Environmental Quality Review Act have been complied with.

**Section 2.** This resolution shall take effect immediately.

Motion by: Councilman Scott Mace

Seconded by: Councilman Peter T. Briggs

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**The Following Resolution Was Duly Adopted: Res. No. 169 of the Year 2015.**

A RESOLUTION PRELIMINARILY APPROVING CREATION OF THE ADELAAR RESORT WATER DISTRICT IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, AND FURTHER APPROVING THE CONSTRUCTION OF THE IMPROVEMENTS PROPOSED, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed with the Town Board of said Town in relation to the creation of the Adelaar Resort Water District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of the said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying April 21, 2015 at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, as the

time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set forth in subdivision 1 of Section 209-e of the Town Law; and

WHEREAS, it is now desired to adopt a further resolution pursuant to subdivision 3 of Section 209-e of the Town Law preliminarily approving the establishment of said district and the construction of the improvements proposed, subject to permissive referendum;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Creation of the Adelaar Resort Water District in the Town of Thompson, Sullivan County, New York, to be bounded and described as hereinafter set forth, is hereby preliminarily approved and authorized, subject to permissive referendum. The improvement proposed for said Water District as created, consisting of providing a means by which property owners within the district may obtain water service by becoming part of the said Adelaar Resort Water District, is likewise preliminarily approved and authorized. The entire amount to be expended for such improvement, including, but not limited to costs of construction, engineering,

administrative and legal fees, shall be borne solely by the sole developer/property owner within the newly created district. Annual charges shall be on a user consumption basis as set forth in the map, plan and report, or such other method as the Town Board of the Town of Thompson shall determine by resolution.

**Section 2.** Said District shall be bounded and described as more particularly set forth in Schedule "A" annexed hereto and made a part hereof.<sup>4</sup>

**Section 3.** After the adoption of this resolution, the Town Clerk is hereby directed to file certified copies of this resolution, in accordance with and where required by law.

**Section 4.** This resolution is adopted subject to a permissive referendum.

Motion by: Councilman John A. Pavese

Seconded by: Councilman Peter T. Briggs

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

**SEWER DISTRICT**

**The Following Resolution Was Duly Adopted: Res. No. 170 of the Year 2015.**

\*\*\*\*\*X

In the Matter of Creation of the ADELAAR RESORT  
SEWER DISTRICT of the Town of Thompson,

**NEGATIVE DECLARATION  
UNDER SEQR**

<sup>4</sup> ATTACHMENT: SCHEDULE "A" NARRATIVE PROPERTY DESCRIPTION ATTACHED.

Sullivan County, New York.

\*\*\*\*\*X

1. The Town Board of the Town of Thompson, by resolution duly adopted at a regular meeting thereof, held on the 5th day of May, 2015 did determine that the creation of the Adelaar Resort Sewer District in the Town of Thompson, will not have a significant effect on the environment.

2. Lead agency for such project is the Town Board of the Town of Thompson, whose address is 4052 Route 42, Monticello, New York 12701, the designation of which was accomplished by resolution duly adopted at a regular meeting of the Town Board held on the 21st day of April, 2015.

3. The person to contact for further information is Supervisor William J. Rieber, Jr., whose address is 4052 Route 42, Monticello, New York 12701, telephone number 845-794-2500.

4. The proposed creation of the Adelaar Resort Sewer District enables property owners within the district to use the facilities of the Adelaar Resort Sewer District for the disposal of their sewage, the cost thereof being borne solely by the sole developer/property owner of the newly created Sewer District.

5. The basis for the negative declaration is as follows: that the creation and operation and maintenance of the water facilities and the use thereof by the property owners within the district will not violate any of the criteria for determining environmental significance as set forth in Part 617 of the Regulations.

6. The Town Board, as Lead Agency in this matter, finds that based on Part I, Part 2 and Part 3 of the Environmental Assessment Form (EAF), and based on the record of this application and for the reasons stated in this resolution, including the analysis of the criteria stated in

617.7(c)(1)(i)-(xii), the proposed action will have no significant adverse environmental impact upon the environment and therefore the Town Board adopts said EAF and this Negative Declaration, and determines that no Draft Environmental Impact Statement is required with regard to this matter.

7. The Town Board further finds, based on Part 3 of the EAF, that it is permissible for the SEQRA review of the realignment of Chalet Road, and the installation of two water storage tanks, to be completed during the site-specific environmental review as part of the Town's site plan review for the proposed Waterpark and Golf Course components of Adelaar, respectively. The environmental review would be no less protective of the environment, and these improvements would not evade environmental review under SEQRA.

Dated: Monticello, New York  
May 05, 2015

TOWN OF THOMPSON  
Town Hall  
4052 Route 42  
Monticello, New York 12701

Motion by: Councilman Richard Sush  
Seconded by: Councilman Peter T. Briggs

Adopted the 5<sup>th</sup> day of May, 2015

The members of the Town Board voted as follows:

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

**The Following Resolution Was Duly Adopted: Res. No. 171 of the Year 2015.**

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO PROPOSED  
**Town Board Meeting**  
**May 05, 2015**  
**Page 28 of 49**

CREATION OF THE ADELAAR RESORT SEWER DISTRICT, IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed in the office of the Town Clerk of said Town in relation to the proposed creation of the Adelaar Resort Sewer District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, a statement that all costs for improvements will be provided by the developer/property owner, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection and specifying the 21st day of April, 2015, at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New

York, as follows:

**Section 1.** Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a. The notice of the aforesaid public hearing was published and posted as required by law and is otherwise sufficient;
- b. All the property and property owners within said proposed district are benefitted thereby;
- c. All the property and property owners benefitted are included within the limits of said proposed district;
- d. The establishment of said proposed district is in the public interest.
- e. That the requirements of the State Environmental Quality Review Act have been complied with.

**Section 2.** This resolution shall take effect immediately.

Motion by: Councilman Richard Sush

Seconded by: Councilman Scott Mace

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**The Following Resolution Was Duly Adopted: Res. No. 172 of the Year 2015.**

A RESOLUTION PRELIMINARILY APPROVING CREATION OF THE ADELAAR RESORT SEWER DISTRICT IN THE TOWN OF THOMPSON, SULLIVAN COUNTY, NEW YORK, AND FURTHER APPROVING THE CONSTRUCTION OF THE IMPROVEMENTS PROPOSED, SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has heretofore duly caused a general map, plan and report to be prepared and filed with the Town Board of said Town in relation to the creation of the Adelaar Resort Sewer District in said Town; and

WHEREAS, an order was duly adopted by said Town Board on March 17, 2015, reciting a description of the boundaries of the said proposed district, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed method of financing to be employed, the fact that said map, plan and report were on file in the Town Clerk's Office for public inspection, and specifying April 21, 2015 at 7:30 o'clock P.M., Prevailing Time, at the Town Hall, 4052 Route 42, Monticello, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, such order was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law and proof of said publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place set forth in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, following said public hearing and based upon the evidence given thereat, said Town Board duly adopted a resolution determining in the affirmative all of the questions set

forth in subdivision 1 of Section 209-e of the Town Law; and

WHEREAS, it is now desired to adopt a further resolution pursuant to subdivision 3 of Section 209-e of the Town Law preliminarily approving the establishment of said district and the construction of the improvements proposed, subject to permissive referendum;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

**Section 1.** Creation of the Adelaar Resort Sewer District in the Town of Thompson, Sullivan County, New York, to be bounded and described as hereinafter set forth, is hereby preliminarily approved and authorized, subject to permissive referendum. The improvement proposed for said Sewer District as created, consisting of providing a means by which property owners within the district may obtain sewer service by becoming part of the said Adelaar Resort Sewer District, is likewise preliminarily approved and authorized. The entire amount to be expended for such improvement, including, but not limited to costs of construction, engineering, administrative and legal fees, shall be borne solely by the sole developer/property owner within the newly created district. Annual charges shall be on a user consumption basis as set forth in the map, plan and report, or such other method as the Town Board of the Town of Thompson shall determine by resolution.

**Section 2.** Said District shall be bounded and described as more particularly set forth in Schedule "A" annexed hereto and made a part hereof.<sup>5</sup>

**Section 3.** After the adoption of this resolution, the Town Clerk is hereby directed to file certified copies of this resolution, in accordance with and where required by law.

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<sup>5</sup> ATTACHMENT: SCHEDULE "A" NARRATIVE PROPERTY DESCRIPTION ATTACHED.

**Section 4.** This resolution is adopted subject to a permissive referendum.

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

William J. Rieber, Jr.	VOTING	Aye
Peter T. Briggs	VOTING	Aye
Richard Sush	VOTING	Aye
Scott Mace	VOTING	Aye
John A. Pavese	VOTING	Aye

The resolution was thereupon declared duly adopted.

Attorney Schwartz thanked the Town Board for their cooperation and support.

## **2. FEES FOR ADELAAR INFRASTRUCTURE CONSTRUCTION PROJECT**

Supervisor Rieber and Deputy Town Attorney Paula E. Kay explained the fees on the infrastructure construction project for the Adelaar Project. Supervisor Rieber said the Town Code requires a fee for inspection of infrastructure to be 4%. Deputy Town Attorney Paula E. Kay said that the Town Code requires an inspection fee of 4%, which pays for inspections and related costs. The Town has had multiple discussions with EPT/EPR and their consultants regarding the Town Engineering Fees and the amount of time that Town Personnel have spent to date and continue to spend working administratively on the project. Rather than have McGoey, Hauser & Edsall Consulting Engineers bill monthly for the inspection fees it was decided that in the best interest of the Town to charge a flat fee. However in the best interest in the Town and the Developer to reduce the 4% flat fee to an amount that is reasonably related to the actual cost of the inspections and the administrative costs combined. They came up with 2 ½ % flat fee, which includes 1 ½ % for the Town Engineer throughout the life of the project. There are (4) bid packages, A, B, C & D included. When the Town receives each bid package the Town will receive prior to the start of construction on each bid package 2 ½ % of the cost of the bid package and 1 ½ % of that fee would be for Engineering fees with 1% for the Towns Administrative fees. There may also be contingencies for each bid package and if greater than 5% of the entire bid package then a future negotiation with the Developer shall take place regarding the possibility of obtaining an additional fee for the difference. This would be on the discretion of the Town Board. This would be effective prior to the start of construction or when the Planning Board executes the final plan.

Attorney Brad K. Schwartz of Zarin & Steinmetz Attorneys at Law who represent the Master Developer thanked the Town Board for all of their work regarding the creation of

the Special Districts and working out the details of the inspection fee issue. He said that Tim was unable to be present, but would be very pleased to hear that the Preliminary approvals were granted. They want to be good citizens of the Town and if any issue continues to come up regarding the Sewer Plant or Inspection Fees, please feel free to contact us or Tim. We are here to continue to work together with this Board and the Town to make this project a success.

Supervisor Rieber said that the Town has had many conversations back and forth and there is a good relationship between all the parties involved.

The EPT/EPR road construction performance bond is approximately \$10 Million. The Developer has indicated that before they commence road construction they will post a bond in the form of a revocable letter of credit for the road improvements. McGoey, Hauser and Edsall Consulting Engineers are currently working on the preparation of the Map, Plan and Report for the Roadway Improvement District. However the Roadway Improvement District cannot be formed without Legislative approval, which the Town is waiting for. The plan is that the Town will be ready to proceed with the creation of the District once the State Legislation has been approved. The State Representatives are currently working on the proposal.

**The Following Resolution Was Duly Adopted: Res. No. 173 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 May 05, 2015

**RESOLUTION TO SET INFRASTRUCTURE CONSTRUCTION INSPECTION FEES FOR ADELAAR CONSTRUCTION PROJECT**

**WHEREAS**, currently plans have been submitted to commence construction of all infrastructure for the Adelaar development project which includes, but is not limited to a casino/hotel and hotel/waterpark; and

**WHEREAS**, prior to the commencement of construction, the parties (developer EPT/EPR and the Town of Thompson) wanted to reach an understanding and agreement on the amount of building and inspection fees that are required for such construction that are payable to the Town by the developer; and

**WHEREAS**, the present Town of Thompson Code requires an inspection fee of four percent (4%) of the total project cost, which includes all Town engineering fees and other related costs; and

**WHEREAS**, the parties, along with their consultants, have engaged in multiple discussions and have agreed to a fee schedule that will encompass all inspections and related costs and is in the best interest of all parties moving forward.

**NOW, THEREFORE, BE IT RESOLVED, that:**

The Town of Thompson does hereby set the infrastructure inspection fees for the Adelaar project as follows: Developer (EPT/EPR) shall pay to the Town a flat fee of two and one-half percent (2.5%) of the construction costs as are delineated in bid packages A, B, C and D for each phase of the infrastructure construction. The Town shall be provided each bid package from the developer prior to the start of construction and 2.5% of the cost of each bid package shall be paid to the Town as the inspection fee.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, that:**

From the 2.5% flat fee, the Town shall apply one and one-half percent (1.5%) of that fee for engineering fees and one percent (1%) for administrative fees.

**NOW, THEREFORE, BE IT FURTHER RESOLVED, that:**

Should contingencies for each bid package increase the general construction costs to an amount greater than five percent (5%) of that specific bid package; the parties agree to conduct further negotiations for additional inspection fees for the increase in construction costs above 5% of the current bid package, at the discretion of the Town Board.

Furthermore, this agreement has been made in the best interest of all parties to reflect a fee amount that is reasonably related to the actual costs of the inspections and the administrative costs combined. This agreement also allows the Town to lock in flat fees for all engineering services provided to the Town for the aforesaid inspections.

Adopted the 5<sup>th</sup> day of May, 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 <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"/>

**3. APPROVE CONTRACT FOR TELEPHONE SERVICE**

Supervisor Rieber said that the current contract with Cornerstone for telephone service is up for renewal. He provided copies of the price quotes obtained. A discussion took place regarding the options to add additional phone lines. The total price quote would be \$1,017.05 per month.





Resolved, that the Town Board hereby settle with the Delaware River Basin Commission regarding the Melody Lake Wastewater Treatment Plant Violation and agree to the \$7,781.00 fine being imposed and payable in (5) installments over a two-year period.

Moved by: Councilman Sush

Seconded by: Councilman Mace

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

Nays 0

#### **7. ACTION: REJECTION OF RFP'S – MELODY LAKE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT**

Supervisor Rieber reported that two bids were received in; one for \$784,138.00 and the second for \$875,060.00, which came in considerably higher than originally estimated. Several changes are being proposed to the original bid specifications to eliminate some expense, but will most likely still come in higher than originally estimated. The bid specifications will be revised to reflect the changes discussed. This project is under a very serious time constraint with the NYSDEC according to the current Consent Order, which has been extended three months to allow additional time for completion of the project. The Town Board took action to reject and rebid the project as follows:

#### **The Following Resolution Was Duly Adopted: Res. No. 179 of the Year 2015.**

Resolved, that the two bids for the Melody Lake Wastewater Treatment Plant Improvement Project that were publicly opened on April 16<sup>th</sup>, 2015 at 2PM hereby be rejected and will be re-advertised and re-bid at a future date, and the Town Clerk is hereby directed to notify all bidders of said rejection.

Moved by: Councilman Sush

Seconded by: Councilman Pavese

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

Nays 0

#### **7. SET DATE FOR BID OPENING MELODY LAKE WASTEWATER TREATMENT PLANT IMPROVEMENT PROJECT – 06/11/2015 @ 2PM**

#### **The Following Resolution Was Duly Adopted: Res. No. 180 of the Year 2015.**

Resolved, that the Town Board of the Town of Thompson advertise for bids for **Melody Lake Wastewater Treatment Improvement Project**, in accordance with specifications prepared therefor, said bids to be opened on Thursday, June 11<sup>th</sup>, 2015, at 2:00 o'clock P.M., Prevailing Time, at the Town Hall, 4052 State Route 42, Monticello, New York, and the Town Clerk be, and she hereby is, directed to advertise for bids in the official newspaper of the Town.

Moved by: Councilman Mace

Seconded by: Councilman Sush

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

Nays 0

#### **PUBLIC HEARING ORDER: MELODY LAKE WWTP IMPROVEMENT PROJECT BONDING REVISION FROM \$500,000.00 TO \$800,000.00**

#### **The Following Resolution Was Duly Adopted: Res. No. 181 of the Year 2015.**

Town Board Meeting

May 05, 2015

Page 38 of 49

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, in said Town, on May 05, 2015, at 7:30 o'clock P.M., Prevailing Time.

PRESENT:

William J. Rieber, Jr.  
Supervisor

Richard Sush  
Councilman

Peter T. Briggs  
Councilman

John A. Pavese  
Councilman

Scott Mace  
Councilman

-----X

In the Matter of the Increase and Improvement  
of the Facilities of the Melody Lake Sewer  
District in the Town of Thompson, Sullivan  
County, New York.

:  
:  
:  
:  
:  
:  
:

ORDER CALLING PUBLIC HEARING

-----X

WHEREAS, the Town Board of the Town of Thompson, Sullivan County, New York, has had under consideration the increase and improvement of the facilities of the Melody Lake Sewer District, in said Town, consisting of the refurbishing and improvement of the Melody Lake Wastewater Treatment Plant in said District, including incidental expenses in connection therewith; and

WHEREAS, the Town Board of said Town has duly caused to be prepared a map, plan and report, including an estimate of cost relating to said increase and improvement of facilities in said District; and

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities was previously determined to be \$500,000; and

WHEREAS, it is now been determined that the estimated maximum cost has increased to \$800,000, an increase of \$300,000; and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, the aforesaid increase and improvement is required by an Order on Consent issued by the Department of Environmental Conservation of the State of New York; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the map, plan and report, including estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Thompson, Sullivan County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Thompson, Sullivan County, New York, shall be held at the Town Hall, in Monticello, New York, in said Town, on June 02, 2015, at 7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, and the map, plan and report, including estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Sullivan County Democrat, a newspaper having general circulation in said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Thompson, Sullivan County, New York, will meet at the Town Hall, in Monticello, New York, in said Town, on June 02, 2015, at

7:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Melody Lake Sewer District (the "District") in said Town, consisting of the refurbishing and improvement of the Melody Lake Wastewater Treatment Plant in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$800,000, an increase of \$300,000 over the previous \$500,000 estimated maximum cost, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned, levied and collected in said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

The map, plan and report, including estimate of cost, relating to this project is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

The aforesaid increase and improvement is required by an Order on Consent issued by the Department of Environmental Conservation of the State of New York.

Dated: Monticello, New York  
May 05, 2015

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF THOMPSON,  
SULLIVAN COUNTY, NEW YORK

\_\_\_\_\_  
Marilee J. Calhoun, Town Clerk

Section 3. This order shall take effect immediately.

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

William J. Rieber, Jr., Supervisor	VOTING	Aye
Richard Sush, Councilman	VOTING	Aye
Peter T. Briggs, Councilman	VOTING	Aye

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John A. Pavese, Councilman	VOTING	Aye
Scott Mace, Councilman	VOTING	Aye

The order was thereupon declared duly adopted.

\* \* \*

### **9. SULLIVAN RENAISSANCE AWARDS**

Supervisor Rieber announced the (15) Sullivan Renaissance Projects in the Town of Thompson that are 2015 Grant Recipients. The information was provided.

### **11. SET DATE FOR BID OPENING TOWN HALL WINDOW REPLACEMENT – 06/11/2015 @ 2PM**

There were no bids originally received on the Town Hall Window Replacement Project, which was bid on 04/09/2015. There were several changes made to the original bid specifications and the project will be re-bid. Further discussion ensued regarding the subject. The Town Board took action to re-bid the project as follows:

### **The Following Resolution Was Duly Adopted: Res. No. 182 of the Year 2015.**

Resolved, that the Town Board of the Town of Thompson advertise for bids for **Town Hall Front Entry & Window Replacement Project**, in accordance with specifications prepared therefor, said bids to be opened on Thursday, June 11<sup>th</sup>, 2015, at 2:00 o'clock P.M., Prevailing Time, at the Town Hall, 4052 State Route 42, Monticello, New York, and the Town Clerk be, and she hereby is, directed to advertise for bids in the official newspaper of the Town.

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese  
Vote: Ayes 5                      Rieber, Pavese, Briggs, Sush and Mace  
      Nays 0

### **10. CONTINUE DISCUSSION: WORKPLACE VIOLENCE AND SAFETY TRAINING**

Supervisor Rieber reported that he has obtained one proposal for the Workplace Violence Safety Training, which seems very high. He is waiting on two additional proposals prior to moving forward with the decision. Councilman Mace will meet with Supervisor Rieber to review and further discuss and will advise the board of their recommendations.

### **12. TAX CERTIORI SETTLEMENT: ANTHOS HOMES, LLC., SBL #'S 52V-3-1, 52V-3-2, 52V-3-13, 52V-3-3, 52V-3-12, 52V-3-5, 52V-3-8, AND 52V-2-3**

Attorney Mednick provided a Resolution on the above named property tax settlement proceeding being presented. Attorney Mednick and Assessor Van B. Krzywicki recommended that the settlement be approved as per the provided Resolution. Attorney Mednick explained the settlement agreement. The Town Board took action on the settlement as follows:

**The Following Resolution Was Duly Adopted: Res. No. 183 of the Year 2015.**

**RESOLUTION AUTHORIZING SETTLEMENT OF A PROCEEDING  
INSTITUTED UNDER ARTICLE 7 OF THE REAL PROPERTY TAX  
LAW AGAINST THE TOWN OF THOMPSON**

WHEREAS, Anthos Homes NY LLC has instituted proceedings under Article 7 of the Real Property Tax Law to review the assessment of Tax Map Parcels 52V-2-3, 52V-3-1, 52V-3-2, 52V-3-13, 52V-3-3, 52V-3-12, 52V-3-5 and 52V-3-8 and which proceedings are pending in the Supreme Court of the State of New York, County of Sullivan, under Index Nos. 1799/14, 1805/14, 1801/14, 1804/14, 1786/14, 1782/14, 1785/14 and 1807/14 respectively; and

WHEREAS, the parties have appeared through counsel, to wit, Michael B. Mednick, Esq. on behalf of respondents, and Drew Davidoff & Edwards Law Offices, LLP by Michael Davidoff, Esq., on behalf of petitioner; and

WHEREAS, negotiations by and between the parties hereto have produced a proposed settlement of the issues and matters in dispute, and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's 2014 assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 52V-3-1, 52V-3-2, 52V-3-13, 52V-3-3, 52V-3-12, 52V-3-5 and 52V-3-8** from \$127,400.00 to \$110,000.00; and

WHEREAS, the proposed settlement will also result in a fair and equitable resolution of the complaint with respect to petitioner's 2014 assessment, to wit, a reduction in the assessment of petitioner's real property, **SBL 52V-2-3** from \$99,000.00 to \$75,500.00.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Thompson as follows:

1. That the settlement of the above referenced proceeding be, and the same hereby is in all respects approved and confirmed.

2. That Michael B. Mednick, Esq., attorney for the Town of Thompson, and Van B. Krzywicki, Assessor, be, and they hereby are authorized, empowered and directed to enter into and execute a formal written stipulation of settlement and to bind the Town thereto, such stipulation to be in form approved by the said attorneys.

3. That said Michael B. Mednick, Esq. and Van B. Krzywicki, Assessor, be, and they hereby authorized and empowered to execute any and all other documents and take such other steps as may be reasonably necessary and incidental to effect and finalize the settlement of the subject proceeding.

Moved by: Councilman Richard Sush





**15. ORDER BILLS PAID**

**The Following Resolution Was Duly Adopted: Res. No. 186 of the Year 2015.**

Resolved, that all regular bills for the course of the month which have been properly audited be approved for payment. A complete list of the regular bills as identified can be found appended to these minutes as per attached.<sup>6</sup>

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese

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

Nays 0

**OLD BUSINESS:**

There was no old business reported on.

**NEW BUSINESS:**

**DECLARE SURPLUS EQUIPMENT – HIGHWAY DEPARTMENT VEHICLE (1988 INTERNATIONAL TANDEM – TRUCK NO. 44) & OLD TRUCK BODIES FROM TRUCK NO.'S 26 & 42**

Highway Department Superintendent Richard L. Benjamin, Jr. submitted a request asking the Town Board to declare the 1988 International Tandem Dump Truck No. 44, VIN No. 2HTTGJXT1JC006014 for the Highway Department as surplus equipment. Supt. Benjamin was not present for the meeting, but submitted the request for consideration. The vehicle will be either scrapped or sold at auction, whichever is in the best interest of the Town financially.

**The Following Resolution Was Duly Adopted: Res. No. 187 of the Year 2015.**

Resolved, that the following equipment from the Highway Department hereby be declared surplus and that the Highway Superintendent be authorized to either sell, bid or scrap said equipment, whichever is best financially. The equipment is listed as follows:

- (1) 1988 INTERNATIONAL TANDEM DUMP TRUCK NO. 44, VIN # 2HTTGJXT1JC006014, which needs more repair than it is worth and will not pass inspection.
- (2) Old Dump Bodies from Truck #'s 26 & 42, which have already been replaced.

Moved by: Councilman Briggs                      Seconded by: Councilman Pavese

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

Nays 0

**WATER/SEWER DEPARTMENT NEW HIRE REQUEST: SUPERINTENDENT WILLIAM D. CULLIGAN**

Water & Sewer Superintendent William D. Culligan is requesting permission to hire a Full-Time Water Operator Trainee off the Sullivan County Civil Service List for his Department. This would allow him to train the employee for the summer season. He said that the funds are budgeted for this position. He is recommending that the Board

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<sup>6</sup> ATTACHMENT: ORDER BILLS PAID



## **SUPERVISOR REPORT**

Supervisor Rieber reported on the following items:

1. Removal of clothing bins in the Thompson Square Mall.
2. Announced reminders listed under For Your Information.
3. Marketing of the former Frontier Insurance Building.

## **COUNCILMEN & DEPARTMENT HEAD REPORTS**

Councilman Pavese reported on the cemetery maintenance issues brought to the Board's attention by Mrs. Virginia Smith. A discussion transpired regarding this continued issue, which requires addressing.

Councilman Briggs reported on the Retired Senior Volunteer Program (RSVP) "Senior of the Year, Mrs. Joan Booth". Mrs. Booth was recommended by Councilman John Pavese. The Town Board agreed with Councilman Pavese's recommendation. They acknowledged many of her efforts and said that she was a wonderful choice. There is a ceremony luncheon on 05/11/2015.

Councilman Sush had nothing new to report on.

Councilman Mace reported on seven items as follows: 1) Assessor taking pictures of properties in the Village to update property files (15% Complete), 2) Consider town-wide re-evaluation project for future, 3) Graffiti Ordinance is necessary (Discussion Ensued), 4) Proposed Local Law for Green Buildings Exemption, 5) Additional Building Department staffing still needed, 6) Shred Day Event Saturday, 05/30/2015, and 6) Town Cleanup Program Saturday, 05/30/2015 – Saturday, 06/13/2015.

## **PUBLIC COMMENT:**

Steven Rivela of Gibber Road, Kiamesha Lake commented on the shopping carts being left all over the roadways throughout the Town. It is theft of private property and looks terrible, however enforcement is an issue.

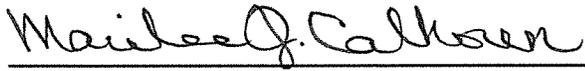
## **ANNOUNCEMENTS, REMINDERS & FOR YOUR INFORMATION**

- May 9<sup>th</sup>: Allyson Whitney Foundation 5K Run/Walk Event, at 10AM in Kauneonga Lake, NY.
- May 31<sup>st</sup>: 52<sup>nd</sup> Annual Antique Classic Custom Car Show at the Rock Hill Fire Department Field, 9AM to 3PM.
- June 2<sup>nd</sup>: Joint Public Hearing with Village of Monticello at Village Hall @ 6:45 PM – Itzhak Abou Annexation Petition.
- June 2<sup>nd</sup>: Public Hearing Proposed Local Law #2 – Emerald Corporate Center Planned Business Park District Changes at Town Hall @ 7:30 PM.
- June 2<sup>nd</sup>: Public Hearing – Bonding Revision from \$500,000 to \$800,000 for the Melody Lake WWTP Improvement Project at Town Hall @ 7:30 PM.

**ADJOURNMENT**

On a motion made by Councilman Briggs and seconded by Councilman Sush the meeting was adjourned at 9:45 PM.

**Respectfully Submitted By:**



**Marilee J. Calhoun, Town Clerk**